FORMER GREEN CLOSE RESIDENTIAL CARE HOME, DRAKES AVENUE, SIDFORD, EX10 9JU

STATEMENT OF COMMON GROUND

NON DETERMINATION APPEAL

BETWEEN

CHURCHILL RETIREMENT LIVING ("the Appellant")
AND
EAST DEVON DISTRICT COUNCIL ("the Council")

Description of the Proposal:

Demolition of former residential care home and construction of 36 sheltered apartments including communal facilities, access, car parking and landscaping

JUNE 2017
Version 4
The contents of this Statement of Common Ground are agreed between the parties:

28/06/2017

Signed: Simon Cater Date
Position: Senior Associate Planner – Planning Issues Limited
On behalf of Churchill Retirement Living

28/6/17

Signed: DARLEN ROBERTS Date
Position: PRINCIPAL PLANNER
On behalf of East Devon District Council
1.0 INTRODUCTION

1.1 This draft Statement of Common Ground relates to an appeal by Churchill Retirement Living (CRL) against the non determination of an application submitted to East Devon District Council for the redevelopment of the site to form 36 sheltered apartments for the elderly including communal facilities, access, car parking and landscaping at the former Green Close residential care home, Drakes Avenue, Sidford EX10 9JU

2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

2.1 The site, which comprises approximately 0.38 hectares, is located on the Drakes Avenue, Sidford Road and South Lawn and is located on the outskirts of the town of Sidford.

2.2 The site currently comprises a two and three storey building. The building has been vacant since 2014.

2.3 The surrounding area is generally sub-urban in nature and its prevailing character is residential.

2.4 The site does not lie within the Sidford Conservation Area.

2.5 The site has excellent access to the shops in Sidford and services within the town centre via local public transport, making it an excellent location for elderly people.

3.0 THE PLANNING HISTORY OF THE APPEAL SITE

3.1 There is no previous planning history on the site that is relevant to the consideration of this appeal.

4.0 DESCRIPTION OF THE APPEAL PROPOSALS

4.1 The proposed development will provide 36 units of private sheltered accommodation for the elderly.
4.2 The proposal includes 23 car parking spaces. This equates to a parking space ratio of 0.63. The site will be served by an access off South Lawn.

4.3 The buildings have been articulated to provide visual interest and to respect the character of the neighbouring buildings. The bulk and mass has been taken from the context of the surrounding properties and the existing buildings.

4.4 Careful consideration has been given to ensure that the proposed development would not result in material harm to the living conditions of adjoining residents. This has been achieved by setting the proposed building away from the site boundary to provide generous separation distances to the surrounding buildings.

4.5 The development will include high quality landscaped amenity areas which will be maintained in perpetuity by the management company.

4.6 The accommodation proposed is for the type known as retirement living or sheltered housing, often described as "Category II" housing. Sheltered housing may be defined as being: "Housing which is purpose-built or converted exclusively for sole to elderly people with a package of estate management services and which consists of group, self-contained accommodation with an emergency alarm system, usually with communal facilities and normally with a warden."

4.7 The apartments are sold with a lease containing an age restriction which ensures that only people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development. Notwithstanding the age restriction, it is found that the average age of the purchasers of Churchill Retirement Living retirement apartment is 80 years and that the typical occupier is a widow. The decision to purchase this type of accommodation is predominantly needs-based.
5.0 PLANS TO BE CONSIDERED IN THE DETERMINATION OF THE APPEAL

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<td>Lower Ground Floor Plan</td>
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<td>Topography Survey</td>
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6.0 RELEVANT PLANNING POLICY AND RELATED STRATEGIES

The Development Plan

Adopted East Devon Local Plan 2013-2031

Strategy 5B – Sustainable Developments
Strategy 6 – Developments within Built
Strategy 26 – Development at Sidmouth
Strategy 32 – Resisting Loss of Employment, Retail and Community Sites and Buildings
Strategy 34 – District Wide Affordable Housing Provision Targets
Strategy 36 – Accessible and Adaptable Homes and Care/Extra Care Homes
Strategy 43 – Open Space Standards
Strategy 47 – Nature Conservation and Geology
Strategy 48 – Local Distinctiveness in the Built Environment
Strategy 50 – Infrastructure Delivery

D1 – Design and Local Distinctiveness
D2 – Landscape Requirements
D3 – Trees and Development Sites
EN5 – Wildlife Habitats and Features
EN9 – Development Affecting a Designated Heritage Asset
EN10 – Conservation Areas
EN19 – Adequacy of Foul Sewers and Adequacy of Sewage Treatment System
EN22 – Surface Run-off Implications of New Developments
TC2 – Accessibility of New Development
TC7 – Adequacy of Road Network and Site Access
TC9 – Parking Provision in New Development

Supplementary Planning Documents/Guidance (SPD/SPG)

Trees and Development SPG

National Policy

National Planning Policy Framework 2012

7.0 THE UNDISPUTED ISSUES

The Principle of Development

7.1 There is no dispute that the principle of the loss of existing buildings is acceptable. The existing buildings are not considered to be of sufficient merit, either architecturally or historically, to warrant protection or for inclusion within the local list.

7.2 It is agreed that the site occupies a sustainable location for new housing within the built up area of Sidford and is within an accessible range to the services and facilities that both the town of Sidmouth and Sidford provide.
7.3 It is agreed that the site is located in a predominantly residential area within which provision of additional accommodation would not be out of character.

7.4 The principle of sheltered residential development on the site is acceptable and there is no requirement to justify the loss of the existing use.

7.5 The presumption in favour of sustainable development as set out in paragraph 14 of the National Planning Policy Framework (the Framework) applies where policies are out of date. The Framework states that development proposals should be approved unless any adverse impact of doing so would outweigh the benefits of the proposal.

Proposed Design

7.6 It is agreed that the scheme would realise an opportunity to redevelop the site in a manner that be sensitive to the built context whilst improving upon the existing bland character and appearance of the existing building it would replace.

7.7 It is agreed that the proposed design of the scheme shows greater articulation and visual interest in the form of the depth created by the proposed bay elements and variation in roof height.

7.8 There is no dispute that the proposed scheme is of a greater height than the existing building, however, it is agreed that higher development would not appear unduly dominant within the site in a manner that would be physically or visually disproportionate in the context of its surroundings.

7.9 It is agreed that the form, scale, appearance and footprint of the development would be sympathetic to, and would not detract from, the character and appearance of the street scene or wider area.

Amenity of Neighbouring Residents

7.10 It is agreed that the development would not give rise to any significant loss of amenity in terms of overlooking and overshadowing effects, to the occupiers of the adjacent neighbouring properties.
7.11 It is agreed that the separation distances between the proposed building and neighbouring properties to the east would help to reduce the extent of and impact upon living conditions if the occupiers.

7.12 There is no dispute that although there will be an increase in scale, bulk and massing in relation to the existing, this would be offset by the distance that it would be set back from the site boundary and the proposed scheme would not be materially harmful to the amenities or privacy of occupiers.

7.13 It is agreed that the proposed development would not result in a prejudicial impact on the residential amenities of nearby occupiers.

_Amenity Space_

7.14 It is agreed that there is adequate external amenity space and the proposed landscaping has been designed to a high quality.

_Highways, access and parking_

7.15 It is agreed that the proposed vehicle access arrangements, including the provision of adequate visibility splays, are acceptable and the development would not have a significant impact on the local highway network or adversely affect the safety of pedestrians.

7.16 It is agreed that a service vehicles can turn within the site and that bin collection can therefore take place internally.

7.17 It is agreed that the proposed level of on-site car parking ration of 0.64 is acceptable, and would accommodate the expected car ownership that would be generated from the development.

7.18 It is agreed that the small increase in traffic movements can be adequately accommodated in the existing highway network.

7.19 It is agreed that the provision of 23 parking spaces is acceptable.
7.20 It is agreed that the site is a sustainable location in relation to the town centre where a good range of shops and services are available.

7.21 It is agreed that no public or sustainable transport contribution is required.

Energy

7.22 There is no dispute regarding the provision of renewable energy features within the development, and the Appellant’s proposals are acceptable to the Council.

Ecology

7.23 It is agreed there maybe be potential for Breeding Birds on the site at certain times of year and that this is not a constraint to the granting of planning permission subject to mitigation as laid out within the Ecological Appraisal produced by Ecosa.

7.24 It is agreed that there is potential for pipistrelle and soprano pipistrelle bats on the site and a confirmed bat roost, these are not a constraint to the granting of planning permission subject to mitigation as laid out within the Ecological Appraisal produced by Ecosa.

7.25 It is agreed that mitigation measures for breeding birds will be incorporated in the developments as outlined within the Ecological Appraisal produced by Ecosa.

7.26 It is agreed that any impact upon the aforementioned can protected species can be mitigated.

Trees

7.27 There is no dispute that the scheme would allow for the retention of all but one Category B tree specimen.

7.28 There is no dispute that the trees of particular importance to the character and appearance of the site would be retained.
7.29 It is agreed that the retained trees will be offered protection though the construction process through the use of tree protection fencing and ground protection measures.

7.30 It is agreed that the proposed development is acceptable in terms of the impact upon the existing trees on the site and the proposed landscape strategy.

*Landscaping*

7.31 It is agreed that any landscape impacts from the development can be sufficiently mitigated and managed.

7.32 It is agreed that the proposed landscape strategy is acceptable.

*Drainage*

7.33 It is agreed that details as to the means of disposal of both foul and surface water drainage can be secured via an appropriately worded planning condition.

*Environmental Health Issues*

7.34 There are no objections from Environmental Health regarding noise, vibration, dust, heat, pollution, smells and odour, and therefore no reason to refuse to grant planning permission on grounds relating to those issues.

7.35 It is agreed that a Construction and Environmental Management Plan can be secured via an appropriately worded condition.

*Planning Obligations*

7.36 It is agreed that there shall be a contribution towards affordable housing. The viability appraisal submitted with the application states that the contribution shall be in the form of an off-site contribution and shall be £41,208

7.37 The Council seek to secure the financial contribution of £41,208 towards offsite affordable
housing within the District.

8.0 THE POINTS AT ISSUE

8.1 With respect to the planning application, it is agreed that there is 1 point at issue:

1) The Council set out that an overage clause is required to meet with the Council’s policy. This is disputed by the Appellant.