

Date: 20 February 2013  
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To: Members of the Development Management Committee  
Ward Members (Agenda & Ward applications only)

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**Special Development Management Committee**  
**Friday 1 March 2013**  
**2.00 pm**  
**Council Chamber, Knowle, Sidmouth**

Members of the public are welcome to attend and speak at this meeting. The doors to the civic suite (meeting rooms) will be opened 30 minutes before the start time of the meeting. Councillors are reminded to bring their key fobs to access the area prior to that time.

If you wish to speak on the application, simply add your name to the sheet in the lobby area outside the Council Chamber, under the marked sections to show whether you are a supporter or objector. There is no requirement or facility to record the details of speakers before the day of the meeting.

- The relevant Officer will introduce and outline the item to be discussed. The public will then be able to speak on that matter only.
- All individual contributions will be limited to a period of 3 minutes – **where there is an interested group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.** Extra papers and/or handouts **cannot** be circulated at the meeting. There is a timing clock to assist you.
- The planning application to be considered relates purely to the redevelopment of the Council Offices, Knowle, therefore speakers should restrict their comments to **planning considerations only**. The decision as to whether the Council relocates will be decided at a different meeting at a later date.
- The Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time.
- Speakers are asked not to come to the microphone if their points have already been covered.
- After the public speaking period has finished reports will then be considered and the public will take no further part in the meeting.
- All attendees at the meeting are asked to offer all speakers the courtesy of listening to others' points of view, even if they do not agree with it.
- The Chairman will not tolerate any interruptions from the public and is entitled to exclude people from the meeting if the business of the committee cannot be carried out effectively

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Hannah Whitfield (contact details at the top of the first page of the agenda).

Ward Members are reminded that they are entitled to speak on any application within their own Ward but are not permitted to vote unless a Development Management Committee member.

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

The Committee will break for 15 minutes at approximately 6pm, if required.

## A G E N D A

Page/s

- 1 To appoint an acting Vice Chairman for the meeting (Vice Chairman, Councillor Helen Parr has given her apologies).
- 2 To receive any apologies for absence.
- 3 To receive any declarations of interests relating to items on the agenda.
- 4 To consider any items which in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.  
(Note: such circumstances need to be recorded in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).
- 5 To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which the Officers recommend should be dealt with in this way.

### **Part A Matters for Decision**

To consider the matter to be determined by the Development Management Committee:

	<u>District Ward</u>	<u>Ref.</u>	<u>Location</u>	
6	Sidmouth Town	12/1847/MOUT	Council Offices, Knowle, Sidmouth	5 - 59

**Members please note:**

Plans and all supporting documentation for this application can be viewed via Planning Online by viewing: <http://planning.eastdevon.gov.uk/online-applications>  
Plans will also be displayed electronically at the meeting in the Council Chamber. This presentation can be viewed online with this agenda.

- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.  
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

**Decision making and equality duties**

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

## Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

Please check your local timetable for times.

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users. The doors to the civic suite (meeting rooms) will be opened ½ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time. A hearing loop system will be in operation in the Council Chamber.

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

		<b>Committee Date: 1 March 2013</b>
<b>Sidmouth Town (SIDMOUTH)</b>	<b>12/1847/MOUT</b>	<b>Target Date: 21.11.2012</b>
<b>Applicant:</b>	<b>East Devon District Council</b>	
<b>Location:</b>	<b>Council Offices Knowle</b>	
<b>Proposal:</b>	<b>Outline application proposing demolition of existing buildings (retention of building B) for class D1 non-residential institution and park rangers station (Sui Generis), residential development of up to 50no. dwellings (Class C3 use), 60no. bed graduated care home (Class C2 use) and access (all matters reserved except access)</b>	

**RECOMMENDATION: APPROVE subject to conditions and a Section 106 agreement**

#### **EXECUTIVE SUMMARY**

**Outline planning permission is sought for the erection of a care home and 50 dwellings spread across The Knowle grounds including a small part of the formal gardens and parkland. The development would lead to the loss of some of the current parkland provision in the town which is protected under policy RE1 of the Local Plan, however a recent open space survey has demonstrated that Sidmouth has an over supply of parks and recreation land when considered against standards and thus the proposed loss is not considered to be significant and complies with criteria 3 of the policy. While significant concerns have been raised about the loss of parkland in terms of the historic significance of this space as a potential heritage asset it is considered that the loss is not significantly detrimental while none of the key features which make the space important would be lost. The development would not have a significant impact on the setting of the listed summerhouse or other nearby designated heritage assets.**

**The relocation of the Council's Offices would lead to a significant loss of employment in the town and would cause harm to local businesses. This impact is partially compensated by the proposed development and the economic benefits associated with it. Although there would be a net loss of jobs in the Sidmouth economy arising from this development in the long term the overall economic impact on East Devon would be beneficial.**

**The development has the potential to impact on protected species and their habitats within the site but it is considered that the 3 derogation tests enshrined**

in the Habitat Regulations would be met and that all reasonable measures are being taken to protect these habitats including the retention of part of the original building previously known as Knowle Cottage or provide replacement habitat.

The proposed development would retain the vast majority of trees within the site that are classed as being of high quality, while significant new planting is also indicated. The impact of the development on the local highway network has also been fully assessed and concluded that vehicle movements to and from the site would be significantly reduced overall while the additional traffic flows through the southern section of Knowle Drive would not be significantly harmful.

The development would provide a total of 20 affordable dwellings to meet the needs of local people which in the current economic climate is considered to be a significant benefit while the proposed care home would provide badly needed jobs. Furthermore the council cannot demonstrate that it has a 5 year housing land supply plus the required 20% buffer and the provision of housing on this site in accordance with the 3 dimensions of sustainable development would help to address this shortfall in accordance with the guidance contained within the NPPF.

Taking the benefits of the development and weighing this against the harm that would be caused it is considered that the development is acceptable and that permission should be granted.

## **CONSULTATIONS**

### **Local Consultations**

#### **Sidmouth Town - Cllr S Kerridge**

It is the role of the Council to maintain the social and economic viability of all the towns within East Devon, but if we build on the lower car park at the Knowle, which serves as a park and walk at weekends for Sidmouth Town, it will have a detrimental effect on the town.

#### **Parish/Town Council**

Response to revised Economic Impact Assessment:-

1. Sidmouth Town Council objects most strongly to the loss of any employment in the Sidmouth area.
2. The loss of 71 jobs from the town's major employer, of which many are of a high grade and quality and the resulting significant impact on the economy of Sidmouth is considered highly regrettable.  
(1 additional letter of objection was received)

The Council reiterates its previous position:-

## SPLIT DECISION

SUPPORT development in Zone C subject to development being restricted to the footprint of the existing office buildings and subject to sympathetic and appropriate design in keeping with the character of the area and adjacent properties.

Advisory notes:

- The existing access to Knowle drive from the western edge of 'zone C' should be closed off with all access to zones C being from the main driveway to avoid the creation of a through road.
- All current and proposed Public Rights of Way throughout the site should be maintained.

1. UNABLE TO SUPPORT development in 'zones A, B, D and E'.

Reasons:

- Contrary to Policies RE1/RE4 (Recreational Areas) of the Adopted East Devon Local Plan by reason of development on large areas of open space and recreational parkland designated in the plan as a 'recreational area'.
- Will result in the loss of existing public parking in zones A and B.
- Development is detrimental to an important 'gateway' to Sidmouth and the frontage/street scene of Station road.
- Contrary to National Planning Policy Framework and SN/SC/1096 which stipulates that existing public open space should "not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality".
- Much of the site at present contains no buildings at all and the proposal cannot therefore be considered as development on a 'brown field' site other than zone C. It is development on recreational and publicly enjoyed amenity land.
- Zone D is classified as recreation land and the current use is ancillary to the Council offices as stipulated in the temporary planning permission 08/0850/FUL where the proposed retention of a portacabin was granted for a limited period only.
- Will result in the loss of valued trees.
- Difficulties with the shared pedestrian footpath and vehicular access are envisaged in zone E.

### Ottery St Mary Rural - Cllr C Wright

This application may appear on the face of it to be a Sidmouth issue. However, the proposed loss of public open space and the implications for other major schemes waiting in the wings across the district should this application be approved, are significant.

This is a unique application which has been submitted by EDDC and will be determined by EDDC.

I believe that it is in every EDDC councillor's interest to carefully examine this application and the implications of its approval.

1. Planning policy - The Knowle and its parkland are not allocated for housing in EDDC's adopted Local Plan. It is designated as recreation land under policies RE1/RE4.

So this application is contrary to EDDC adopted Local Plan.

The Knowle and its parkland are not allocated for housing in EDDC's new draft Local Plan.

So if the application is contrary to policies both within the adopted Local Plan and the draft new Local Plan, what is the justification for the significant departure from policy?

Given the huge sums of money that EDDC has spent defending its adopted Local Plan against around half a dozen public inquiry appeals, it is baffling that councillors and officers would advocate seriously undermining the success they have had so far in defending the Local Plan, by submitting and approving a major application contrary to strategic planning policy.

If EDDC is aiming to somehow make this application fit into the draft Local Plan, despite there being no mention of the scheme in it, I would point out the following dangers of this approach:

- If approved, it would be the first housing application approved under the new draft Local Plan policy, prior to the Examination in Public. Given the myriad of major premature planning applications submitted in my ward alone " Ottery St Mary Rural " that have been refused on the grounds that they are contrary to the adopted Local Plan, developers across the district would have grounds to argue for approval of their own schemes.
- a huge amount of public money has been spent on defending appeals at public inquiry, several lasting for almost a week with teams of barristers and planning consultants.
- an approval of this application could mean that tens of thousands of pounds of public money has been wasted.
- An approval would also mean that the planning inspector decisions, which so far, have supported EDDC's position, will have been undermined, with significant implications for past and future decisions.



2. Justification - A major departure from strategic policy needs to be justified. The justification supplied, which is that the Knowle is too expensive to refurbish so it is necessary to move, should not be used as a justification.

The application is scheduled to be determined at the Development Management Committee meeting on 20 November. However, it is clearly not so urgent to move from the Knowle that a determination cannot wait until the draft Local Plan has been adopted next year.

3. Employment land - The planning support information document states that employment land should not be protected long-term, according to the NPPF. But in the adopted Local Plan the Knowle is allocated for recreation not employment. Alexandria Industrial Estate is allocated for employment uses.

But this issue is an absolutely key issue for Sidmouth because by re-allocating Knowle for housing with the loss of over 300 jobs at Sidmouth the case for the highly unpopular proposed 12 acres of employment land at Sidford becomes implicitly stronger, despite that there being no evidence of its need according to independent evidence.

4. Public open space - The parkland associated with the Knowle is demonstrably special to the community, many of the trees are specimen trees, it has public access and for decades people have used the gardens for strolling through, walking their dogs and enjoying the beauty and peace.

This council argues that it owns the building and parkland so therefore, has the right to sell it.

But I would argue that it was taxpayers' money that bought the Knowle and it is taxpayers' money that maintains it. Therefore taxpayers should decide what becomes of it.

The taxpayers have spoken loudly and clearly. They do not wish the parkland at Knowle to be built on.

Building on special public open space is another major departure from policy, given the current designation in the Local Plan of recreation and also the implications of other parks and gardens across the district.

5. Sale of the Knowle - It is impossible to divorce the issue of the sale of the Knowle from the issue of developing it. Because this planning application is submitted solely as a result of a desire to move to Honiton to a brand new building.

I find it unacceptable that this application is being forced through at this stage, which (if approved) is bound to undermine the Local Plan at a critical stage, when there is a huge pressure from developers.

6. Conclusions - There must be solid grounds and evidence to approve a major departure from policy but there are no such grounds in this instance.

Even if there were solid grounds for approval, why is EDDC risking its adopted Local Plan with this application?

Given that the application is already submitted I would urge that it is not brought forward for determination until after the Local Plan Examination in Public next spring.

This approach would mitigate the risk this council is taking in undermining its own strategic planning policies.

If the application is brought forward earlier than this it should be refused to avoid undermining the adopted Local Plan.

The parkland is demonstrably special to the community. It was bought, and is maintained, with taxpayer's money. Any approval to build over it is likely to weaken policies to protect open space across the district.

### Other Representations

A total of 1801 letters of objection have been received. The letters raise the following issues:

- Contrary to existing Development Plan – Policy RE1.
- Protect parkland (designated as Public Recreational).
- Loss of weekend parking.
- Loss of trees.
- Increase in traffic noise.
- Loss of jobs and economy to the Town.
- Demolition of historic building – loss of architectural heritage.
- Affect on wildlife. Protected and Established wildlife such as badgers and bats.
- Loss of public amenity.
- Concerns about the authority dealing with its own application.
- Sidmouth does not need more housing.
- Contrary to public opinion.
- Contrary to National Planning Policy Framework & SN/SC/1096.
- Sets a precedent for building on green sites in East Devon.
- Financial cost of moving offices.
- Impact on local services i.e. Doctor surgery etc.
- Design of development.
- Damage to the Worlds first community based arboretum.
- If the Council needs to move then only the Knowle house should be altered – not lower car park and Parkland.
- Negative impact on tourism.
- No need for another care home in Sidmouth.
- Why not refurbishment existing building.
- Overlooking from proposed houses & flats.
- Economic Impact Assessment – full of errors.
- The proposed loss of wildlife would not comply with EU and UK law
- More trees would be lost than with the original proposal

- Three storey development no in-keeping with the character of the area
- The long established footpath through zone c would be lost
- No wheelchair access to the parkland
- EDDC took over The Knowle to prevent it getting into the hands of developers only to now be developing it itself
- Impact on the A375 through Sidbury in terms of extra traffic and impact on Cotford Bridge
- Increased risk of flooding and water damage to homes and businesses in Sidmouth
- The existing building should be converted
- Impact on staff and the public of the Council moving offices
- Waste of money
- Concerns regarding poor management of the submission of the application
- Too many buildings proposed in zone 'c'
- New housing should be going at Cranbrook not at The Knowle
- Why has the Thomas Lister Valuation Report only been published as an extract and not the whole document
- The Thomas Lister report is based on conjecture rather than evidence
- No survey of the badger sett
- The costings for relocation of the Council offices are wrong
- Brownfield sites should be developed prior to greenfield sites
- Concerns regarding the environmental impact of building new council offices
- Health and education services won't be able to cope with the increased demand
- No market research done to ascertain demand for The Knowle
- Problems of vehicles trying to enter and exit the lower part of Knowle Drive would be exacerbated
- Problems of construction traffic using Station Road
- Loss of character of the town with requisite impact on tourism
- Commercialisation of the AONB
- Assessment of the loss of parkland is flawed because the Byes has wrongly been identified as parkland in the open space audit

## **Technical Consultations**

### English Heritage

#### CONTEXT

We have been asked to assess Knowle, (now the East Devon Council Offices), Station Road, and the surrounding landscape garden for designation. The council has announced it will be vacating the site, and there are concerns for its future. The former Knowle Hotel featured on the proposed list for Sidmouth in the mid-C20 at Grade III, however, it was not included in the official listed building greenback volume for Sidmouth which was published in 1973 and which superseded the proposed list. Also in 1973, parts of the grounds around the offices were designated as Public Open Space. Outline planning permission is being sought to develop parts of the site and is due for determination in November.

## HISTORY AND DESCRIPTION KNOWLE

The house was originally known as Knowle Cottage. It was built by Lord le Despencer in 1810. It was an extensive cottage ornée-style house with pointed windows, veranda, thatched roof and Gothic dormers. The walls were of flintwork. From the 1820s/30s to 1861 it was the property of Mr T L Fish, a collector of objects d'art. He made improvements to the house and the picturesque garden, adding exotic flora and fauna. The grounds were opened to the public one day a week. The subsequent owner, Mr Thornton, removed the thatched roof and added an extra storey. In the late C19 it was sold and converted into a large hotel which led to further changes including extensive alterations and internal changes which largely obscured the earlier house. All that remains of the original building are fragments of flint walling. The hotel consisted of a south range running west to east. The east end was originally 'L' shaped. It was extended to a 'U' shape in the 1890s and also extended to the west to form a long adjoining wing. The hotel was in use until the 1970s when it was taken over by the East Devon District Council as their main offices. This most recent occupation has led to further alterations, particularly to the north of the hotel range, with infill additions and extensions which have altered the overall plan. The southern range has been rendered and modern uPVC windows have been inserted. Some features, including the C19 veranda on the south elevation still survive. It is understood that despite more recent adaptation the dimensions of the rooms within the C19 hotel were not greatly altered when the building was converted to office space, although it is likely that various internal alterations were made during the change of use. The building retains some late-C19 decoration including fireplaces with delft tiles, decorated timber door frames, an open-string main staircase, some decorative plaster ceilings, Pugin-style pattern wallpaper and painted columns. However, though these features are attractive additions, they are typical of the late-C19 when advances in manufacturing made such decoration more readily available. The survival of these features is not of sufficient interest to raise the overall significance of the building.

## KNOWLE LANDSCAPE GARDEN

The landscape garden is contemporary with the early-C19 Knowle Cottage, with improvements in the mid-C19 by T L Fish. In 1850 it was recorded as being about 11 acres of ground, divided into lawns, gardens and 'conservatories, containing rare and choice specimens of botany'. It consisted of elaborate planting, terraces, lawns, tree-lined paths and avenues, lodges, fountains, garden buildings and a walled garden to the north west. After the house was converted into a hotel in the late C19, parcels of land were sold off and piecemeal development occurred in the C20 on the south-west and north-west areas of the garden. Car parks were also added in the mid- and late C20 to the south-western and north-eastern sides of the house. Most of the conservatories have now gone, as have many of the fountains and other ornaments. Some garden features, which are attributed to Fish, are listed; these are the Gothic summerhouse to the south of the main house and a grotto in the ground of Knowle Grange, a complex of C20 flats, which was constructed on parts of the former garden. The current remains of the gardens consist of the southern terraces and paths and the open fields to the north-east, as well as some plants and mature trees. The original lodge still marks the entrance to The Knowle. In the late C20 the gardens were declared a public open space by the district council and some of the trees have been granted tree preservation orders

## ASSESSMENT KNOWLE

The Principles of Selection for Listing Buildings (March 2010) state that buildings dating from between 1700 and 1840 and surviving without significant alteration are likely to merit listing. The English Heritage Suburban and Country Houses Selection Guide (April 2011) states that houses built between 1700 and 1840 surviving without substantial alteration will probably warrant listing, although some discretion may be necessary for later, more standard designs. The Commercial and Exchange Building Selection Guide (April 2011) states that selection for designation needs to be very discriminating for buildings that post-date 1840 due to the large numbers which survive and the high degree of standardisation and so a certain amount of selectivity is also needed. When assessing such buildings it is also important to consider the date of the building, rarity, level of alteration (although some amount of internal alteration is expected), signage, authenticity of the surviving fabric, community interest and group value. Knowle, Station Road, Sidmouth is not recommended for listing for the following principal reasons:

**Legibility:** the original early-C19 cottage ornée house has been heavily altered, primarily through the conversion of a hotel, to the extent that only fragments of the original building survive;

**Lack of architectural interest:** though the building retains some attractive internal features and some earlier external building fabric, overall it does not demonstrate the high level of architectural design needed for a hotel building of this date. The earlier parts of the building have later additions of standard office buildings which further detract from this.

**Alteration:** as a late-C19 hotel which has had various alterations in the C20 through its conversion to offices, it does not display the high level of intactness, architectural quality or innovation necessary to meet the selection criteria for a commercial building of this date. While it is expected that commercial buildings will have undergone internal alterations as part of their continuing adaptation, externally the building has also seen a number of changes which have negatively affected the appearance and proportions of the earlier C19 hotel.

## KNOWLE LANDSCAPE, STATION ROAD, SIDMOUTH

The Selection Criteria for Registering Parks and Garden states that sites laid out between 1750 and 1840 are likely to be designated where enough of the layout survives to reflect the original design. Further considerations which may influence selection include: sites which were influential in the development of taste, whether through reputation or reference in literature; sites which are early or representative examples of a style of layout or a type of site, or the work of a designer (amateur or professional) of national importance; sites having an association with significant persons or historic events; and sites with a strong group value with other heritage assets. If a designed landscape has been lost to irreversible development such as housing, then it is unlikely to meet the criteria for inclusion on the Register. The Register is generally concerned with the permanent elements in a landscape such as earthworks, built structures, walks and rides, water features, structural shrubberies, hedges and trees, rather than planting schemes.

The landscape garden at Knowle is not recommended for designation for the following principal reasons:

Alteration: a large part of the original garden has been lost through housing development, particularly on the south, west and north edges of the garden which have led to the loss of large parts of the landscape design;

Lack of survival: the lodge, some mature trees and planting, and some of the garden buildings survive within the grounds, along with parts of the lawns and ground to the east; however, not enough of the original landscape design survives to warrant addition to the national Register.

## CONCLUSION

Knowle, formerly known as Knowle Cottage, with its prominent position overlooking the town of Sidmouth, and the remains of its landscape garden, which is now a public space, have clear local interest. However the house and the grounds have been heavily altered in their successive uses. The alterations that have occurred both to the gardens and the house mean that neither meets the criteria for designation in a national context, though they are evidently highly-valued by the local community.

### Emma Snow Police Architectural Liaison Officer

I write with reference to the above planning application and make comments regarding the impact this development may have on crime and disorder. As this is an outline application dealing with access only, my response will be limited as the illustrative plans included with the application are likely to change.

**Secured by Design** The development should be built to Secured by Design (SBD) standards and should aim to achieve full certification. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive.

Previous research conducted by Secured by Design has proven that SBD developments are half as likely to be burgled, have 2 times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

The following points outline some of the key features of designing out crime that should be considered and incorporated as the design progresses:

- There should be clear definition between public and private space. Private space should not be easily accessible to people who have no right to be there. Where ownership is ambiguous the likelihood of crime and anti social behaviour increases.
- Public footpaths should not create leaking cul de sacs. These can be more vulnerable to crime as privacy is reduced and accessibility increased.
- There should no public footpaths to the rear of homes. This increases the opportunity to access the property via the more vulnerable rear which will be less well overlooked than the front elevation.

- There should be good buffers between public and private space to prevent paths running next to doors and windows.
- All homes should be built to Secured by Design standards.
- The layout should show that consideration has been given to crime prevention through environmental design.
- It is preferred if parking is in curtilage and to the front or side of the property. This increases opportunities for surveillance. The parking of vehicles in rear courtyards is strongly discouraged as these reduce surveillance, provide access to the more vulnerable rear of the dwelling and can provide areas of concealment where anti social behaviour may become an issue.

#### Devon County Archaeologist

The southern part of the proposed development occupies the site of a dwelling, landscaped garden and a possible outbuilding. These buildings are shown on the mid 19th century Tithe Map but appear to have been demolished by the early 20th century. The date of these buildings is unknown but any surviving archaeological or artefactual material associated with them may be exposed and destroyed by the construction of dwellings in this part of the application area.

The proposed development will also have an impact upon the setting of the Grade II listed summerhouse (ref: 1228078) within the grounds of Knowle and I would therefore advise that the Conservation Officer was consulted with regard to any comments they may have on this application.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.' The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason 'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of a staged programme of investigation commencing with the excavation of a series of evaluative trenches in the southern part of the proposed development site to allow for the nature and significance of any archaeological deposits to be understood and the requirement and scope of any further archaeological mitigation to be determined and implemented either in advance of or during construction works. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

#### Devon County – Education

Devon County Council will seek a contribution towards additional education infrastructure at local primary schools that serve the address of the proposed development.

The contribution sought is £119,295.75 (based on the current DfE extension rate for Devon) this will be used to provide education facilities for those living in the development.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

\*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

#### Housing Strategy Officer Paul Lowe

Clarity is required about what is meant by Graduated Care Home C2 use, and depending on what this means may have an impact on the number of affordable housing sought.

As per Planning Policy we expect that a minimum of 40% of the proposed development be affordable homes. All affordable homes to be constructed to Code for Sustainable Homes level 3 and the Homes and Communities Agency Design and Quality standards, be tenure blind, remain affordable in perpetuity where appropriate, and are pepper potted throughout the proposed development. The affordable homes will be transferred to and managed by a Preferred Registered Provider.

In accordance with East Devon Exeter and Torbay Housing Market Assessment 2007 ( revised Sept 2011) we expect to see a tenure mix of 70 / 30% in favour of social rented accommodation, the remaining as shared ownership or a similar affordable housing product as defined in the National Planning Policy Statement . Consideration should also be given to the provision of suitable affordable accommodation for older and disabled people.

We also expect that a nomination agreement be in place that enables the Local Authority or a Preferred Registered Provider to nominate individuals from the Common Housing Register.



### Environmental Health

I have considered the application and do not anticipate any environmental health implications with regards to potential impacts on existing residents. These considerations are noise (not traffic related), dust, smoke, light and contaminated land. We would need to consider whether there are likely to be impacts over and above the existing impacts. Traffic noise is not predicted to increase - and in fact daily journeys are likely to reduce to a level similar to that experienced in the adjacent residential area. We will have requirements relating to the management of the demolition and construction site in due course and would provide suitable conditions if the application is recommended for approval.

### County Highway Authority

The site has been visited by an officer of the County highway authority and all representations received up until the date of making this response have been read and the contents noted.

The planning application is supported by a Transport Statement, the scoping of which was agreed following consultation with the highway authority at an early stage. The content of the Transport Statement is broadly agreed. The proposed development will result in a significant reduction in traffic generation potential when compared to the existing site use as a Council office, but this would also be the case if the site were to be used for general offices, too. There are accesses to the site from Knowle Drive to both the Council Depot and the rear servicing / delivery area. These accesses have the potential to generate similar if not greater numbers of vehicle movements to the proposed residential development served from Knowle Drive. This being the case, the highway authority is satisfied that there is likely to be no overall or minimal increase in traffic generation on Knowle Drive.

There have been few personal injury accidents on the surrounding highway network as reported in the Transport Statement, with none recorded whatsoever in Knowle Drive / Broadway. The reduction in traffic generation potential from the site following the development will reduce the potential for injury accidents in the area generally.

One of the measures identified in the Framework Residential Travel Plan is the promotion of Public Transport. The northbound bus-stop near the site access onto Station Road is not ideal and could usefully be improved to provide a safe pedestrian access and waiting point, although there is insufficient space to accommodate a bus shelter in this location. It is therefore recommended that, at the time detailed plans are submitted for consideration, a suitable improvement scheme is submitted for the approval of the Planning Authority after consultation with the highway authority.

It is accepted that the layout plan is for illustrative purposes only at the outline stage and the highway authority is satisfied that the number of units proposed can be physically accommodated on site. Having said that, neither of the culs-de-sac onto Knowle Drive (D and E) have sufficient space shown to accommodate the turning geometry of a refuse vehicle, but this could be accommodated without a redesign of the housing layout shown in both instances.

The gradient of the current access road to the Knowle may also make it difficult to achieve an access to the proposed Graduated Care Home (Zone B) due to the

gradient on the inside of the bend, but yet again, this can be addressed when designed in detail.

Issues raised in representations about the loss of use of the site as a car park at weekends are a matter for the District Council to address as the car parking authority.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

1. The proposed estate roads, improvements to existing bus stop facilities in the vicinity of the site access to Station Road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

3. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

4. When once constructed and provided in accordance with condition number 3 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

REASON: To ensure that these highway provisions remain available.

5. No development shall start until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: In the interest of highway safety.

6. Prior to the commencement of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with the 'Framework Travel Plan' document in the Transport Statement.

And then the approved travel plan shall be implemented before first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: To promote the use of sustainable modes of transport.

## Natural England

### Initial Comments

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### Protected Species - Objection

Natural England objects to the proposed development pending submission of further information. The survey report provided by the applicant indicates that bats are using features that are to be affected by the proposed development. Unfortunately the

information supplied is insufficient for Natural England to provide advice on the likely impact on the species. We advise the council to ask the applicant for the following additional information:

Additional surveys identified in the protected species report should be undertaken and submitted to the LPA for approval prior to the planning application being decided. These surveys will provide further insight into the status of the bat roost identified in Building B and allow full determination of any impacts on this roost as a result of demolition and associated disturbance resulting from the proposed development. They will further inform the best time to undertake demolition of adjacent buildings so as to minimise disturbance of roosting bats and other appropriately required mitigation to ensure that the identified bat population can be sustained. In addition, further details of the mitigation proposals for the site should be provided once the additional surveys have been undertaken - this should include mitigation measures for both direct and indirect impacts.

We would also highlight that the Phase 1 Habitat Report mentioned that a number of mature trees were identified as having roosting features suitable for bats. The arboricultural survey has not provided any indication of which trees, if any, that are scheduled to be removed may be of use to bats. It is recommended that trees that are identified as being of potential roosts for bats are assessed by a suitably licensed ecologist prior to felling.

Bats are a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

We further note that a badger sett has been recorded within the application boundary and it is considered necessary to close the sett. The ecological survey report submitted with the application highlights the need for further badger surveys but these do not appear to have been submitted with this application. These surveys should be submitted by the applicant before determination of this proposal in accordance with Natural England's Standing Advice for Protected Species. Upon submission of the badger survey we recommend you consult the Standing Advice to assess the survey effort and appropriateness of any mitigation measures required.

Landscape - The application is located in close proximity to the East Devon Area of Outstanding Natural Beauty (AONB) and the East Devon Heritage Coast. Natural England considers that this development may affect the landscape character in this locality. We are concerned about the lack of intention to include a landscape and visual impact assessment with this application. We note that the application is an outline application and as such, specific details may not yet be available to inform the landscape and visual impact assessment. However, due to the proximity to sensitive sites, we would recommend that such a survey is undertaken and

submitted to the LPA for approval. Such an assessment should be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment 20021. Landscape character assessment (LCA) provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change, and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Other advice - We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Comments on updated reports and additional survey work:

#### Protected Species

Bat surveys were carried out by Devon Wildlife Consultants and they have identified two buildings they have labelled A and B as supporting bat roosts including a well established maternity roost of lesser horseshoe bats in Building B. I understand the roost is known to bat workers in Devon and has been monitored for several years. All species of bat are a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Please note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer in this case East Devon District Council to decide whether a species licence will be needed.

Your Council has engaged specialist advice in making this decision and it is noted in Devon Wildlife Consultants' report that they have indicated there are impacts upon bats and an EPS licence is needed before this development can proceed. We note also that although Building C did not support a bat roost when it was surveyed, but because it is scheduled for demolition if this proposal is approved, a licence will be needed to demolish it as the work will cause a disturbance to the bats roosting in Building B. The demolition of this building will also alter the access and change the environs of the light sampling area which is an important requirement for horseshoe bats.

The plans for this application does not appear to contain detailed mitigation proposals to maintain the population of bats identified in the bat survey reports. It is clear that the mitigation measures outlined by Devon Wildlife Consultants to maintain favourable conservation status for the bats is dependent on additional surveys and inspections of the buildings. It is Natural England's view that your council needs this information before the application can be determined.

It is also for your council to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England's guidance detailed on our website on how we apply the 3 tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) when considering licence applications. I have spoken recently to a senior specialist in Natural England's Regulation Team and she has confirmed that this application is unlikely to receive an EPS licence without the additional information recommended by your council's consultants.

#### Open Space/Green Infrastructure (GI)

The proposed development impacts on existing open space. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would discourage the loss of GI by this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

#### Local wildlife sites

It should be noted that the proposal lies in close proximity to a local wildlife site. Natural England does not maintain detailed information on local wildlife sites, and for information on the potential impact of this proposal on the wildlife site, you should consult the body responsible for the maintenance of the wildlife site system in your locality. This is likely to be a local records centre, a local planning authority or local Wildlife Trust.

Further comments on Remote Detector Survey (Summer, Autumn and Winter) and Bat Mitigation Requirements to Inform Design Report are awaited.

## EDDC Trees

### Original Comments

As previously mentioned, I have found cross referencing the various drawings time consuming and prone to errors. I suspect that this is a problem that others may also have experienced and this may account for the loose interpretation of "illustrative" when considering the retained trees on the illustrative master plan.

In order for an accurate assessment of the viability of the layout and numbers of units in relation to tree retention and the constraints imposed by these trees, the constraints plan needs to be completed to include the housing development at the southern end of the site. The indicative layout should then be superimposed on the constraints drawing.

To date I have particular concerns over the following.

1. The proposed loss of T 50 Red Oak recorded as B but I consider A to be more appropriate.
2. The lack of consideration concerning above ground constraints not just shading, ie T37, T38, T94, T96, T111, T105.
3. The proximity of development to T73
4. The omission of a mature Horse Chestnut between T37 and T45
5. The loss of A and B trees in zone E along with the inaccurate plotting of retained trees.

This is not an exhaustive list of concerns but an indication that the current indicative layout does not correctly take account of the constraints presented by the important trees on or adjacent to the proposed area for development.

### Amended Comments

While no further written comments have been received from the Tree Officer the layout plan has subsequently been amended to address his above mentioned concerns and he has verbally confirmed that he is content with the proposed indicative layout.

### Environment Agency

Providing development proceeds in accordance with the submitted Flood Risk Assessment dated July 2012, there are no objections to the proposal in principle subject to a detailed surface water management scheme being submitted for approval in due course that accords with the FRA ( and para 5.3 in particular) . Such a scheme could be dealt with by a suitably worded planning condition.

### Devon Gardens Trust

The Devon Gardens Trust has considered the revised planning application documents on your web site and maintains its strong objection to this application by the East Devon District Council.

The Devon Gardens Trust, formed in 1987, is one of the earliest county gardens trusts to have been established and has considerable knowledge, expertise and

experience of developments affecting historic designed landscapes. One of its roles is to help safeguard the heritage of historic landscapes within the County of Devon by advising local planning authorities on statutory and non-statutory parks, gardens and designed landscapes of importance and ensuring that planning policies provide adequate protection for these sites.

The Devon Gardens Trust works in partnership with The Garden History Society to utilise our detailed local knowledge to ensure that your Council, as the local planning authority, receives authoritative specialist advice on planning and conservation matters regarding development affecting historic parks and gardens and their setting.

The Knowle is on the Devon Local Register of Parks and Gardens of Special Historic Interest which means that this historic designed landscape is a heritage asset.

The Government published the final version of the National Planning Policy Framework on the 27th March 2012, to be taken into account by Local Planning Authorities as a material consideration in planning decisions. All previous national Planning Policy Guidance, including PPS 5 Planning for the Historic Environment (published in March 2010), is now superseded. The National Planning Policy Framework states a presumption in favour of sustainable development in both plan making and decision taking, but recognises that there is a need to balance any adverse impacts against the benefits. The NPPF sets out 12 core planning principles that should underpin both plan making and decision making, the 10th of which is that planning should " conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations."

The National Planning Policy Framework, Para 126 states that "heritage assets are an irreplaceable resource...and conserve them in a manner appropriate to their significance.". It reiterates the previous PPS5 advice that LPAs, in determining applications, should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Good conservation practice indicates that where a planning application affects the historic environment, the applicant must demonstrate a clear understanding of the significance of the affected heritage asset, and that the proposed development will not adversely affect its historic significance. We would suggest that the East Devon District Council, as the applicant, has not satisfied this criteria, as there is no meaningful analysis of the historic significance of The Knowle; at the very least we would expect to see early OS Maps and historic photographs of the site. The heritage statement does not provide an analysis of the historic significance of The Knowle ; at the very least we would expect to see early OS Maps and historic photographs of the site. The heritage statement does not even mention that The Knowle is on the Devon Local Register of Historic Parks and Gardens.

The Knowle was once one of the most famous houses in Sidmouth. The once renowned cottage orne was built in 1810 under the personal supervision of Lord L.E. Despenser and subsequently rented to the Marquis of Bute. It was owned by the collector and connoisseur T.L. Fish from 1836 to 1861 who added picturesque improvements. In 1850 it was described as 'the delightful marine villa is an elegant



and tasteful residence surrounded by about 11 acres of ground, divided into lawns, gardens, and conservatories, containing rare and choice specimens of botany, as well as many fine specimens of foreign birds and animals.'

But later rebuilding has not left any of the early features; the office building is rather nondescript and the council car parks are an intrusion into the landscape. The Devon Gardens Trust does not have any objection to the principle of redevelopment on the footprint of the existing Council offices.

The original Lodge still marks the entrance to The Knowle and some garden structures survive in the gardens of the C20 houses in Knowle Drive. A substantial area of the original parkland remains, containing some magnificent trees particular specimens of cedar, Wellingtonia and Monterey pine. These mature trees are covered by a TPO made in 1956 by Sidmouth Urban District Council, which gives protection to the most important trees on the site.

The parkland of The Knowle forms part of the attractive approach to Sidmouh, providing an important contribution to the overall historic character and landscape of the town. In this respect the development proposed would have a significant detrimental effect upon the setting of the conservation area and views into and out of it.

It would appear that the planning application proposes that several of the mature trees which are protected under the blanket TPO of 1956 would in fact be felled as they would be affected by the proposed development.

The Trust is most concerned that the application proposes housing development on areas which are an integral and important part of the existing parkland. Whilst the area round the southern entrance (Zone E) is not planted with mature trees, this is nevertheless part of the original parkland and should not be a site which East Devon District Council considers to be a development opportunity.

The Devon Gardens Trust is surprised that the East Devon District Council, as a responsible local planning authority is proposing that substantial area of the valuable parkland should be developed. We understand that East Devon District Council wish to maximise the development value of the site but would have expected the Council to act in a responsible manner and protect the parkland from development; we understand that The Knowle was given for the benefit of the residents of Sidmouth.

We consider that it would not be acceptable, in terms of the historic designed landscape, to build on any of the existing parkland. We suggest that the East Devon District Council should withdraw this application as, if approved, the proposed development would detract from the character and appearance of the historic designed landscape of The Knowle and the town of Sidmouth.

#### Royal Society for the Protection of Birds

Further to my phone call on Friday, thank you for agreeing to accept comments from the RSPB regarding the Protected Species Report included in the above application.

We are in broad agreement with the steps recommended to protect Biodiversity but are concerned that the Enhancements under 7.2.3 are inadequate due to lack of detail. Our current advice is to follow the guidelines of the Town and Country Planning Association & Wildlife Trusts' recently published "Planning for a healthy environment: good practice for green infrastructure and biodiversity", see: <http://www.tcpa.org.uk/pages/planning-for-a-healthy-environment-good-practice-for-green-infrastructure-and-biodiversity.html>

We have attached an Extract of Biodiversity Requirements from the award winning Exeter Residential Design Special Planning Document (referred to as an example of good practice in Annex C), para 9.28, page 58 and Appendix 2 are particularly relevant regarding integrating nesting places into the fabric of buildings during construction and the numbers required, we would recommend this course of action for building dependant birds in this project.

Our work with BUPA suggests the Health and Wellbeing of residents of Care homes is enhanced by the visible activity of wildlife in general and birds in particular in the vicinity of their accommodation.

Birds such as swifts, house sparrows and starlings prefer locations under the eaves or behind the barge boards of gable ends, small groups of nest bricks or cavities created for swifts will be used by all three species which are included in the most recent list of birds of conservation concern and sufficient numbers should be provided to prevent undue competition, we do not recommend "sparrow hotels" because they are seldom occupied by more than one pair.

Where there are suitable foraging areas, installing double nest cups for house martins under eaves and nest cups/ledges for swallows in open sided buildings is also recommended.

Regarding other species, if there are a sufficient number of mature trees boxes for barn and tawny owls, kestrels, jackdaws and woodpeckers as well "garden birds" may be considered but as they will have a limited life span, may be subject to theft or vandalism and will require constant maintenance.

We would strongly recommend that an ongoing Wildlife Management Plan to include details of the type, quantity and location of the proposed nest boxes be submitted for further consultation.

### Economic Development Manager

This application is designed to facilitate the creation of alternative uses for land currently occupied by East Devon District Council at the Knowle in Sidmouth. The property was purchased by Sidmouth Urban District Council in anticipation of the structural reform of local government effected on 1<sup>st</sup> April 1974.

East Devon District Council was formed from the merger of the Borough of [Honiton](#) with the [Urban Districts](#) of [Budleigh Salterton](#), [Exmouth](#), [Ottery St. Mary](#), [Seaton](#), [Sidmouth](#) and the Rural Districts of [Axminster](#), [Honiton](#) and parts of St. Thomas (Exeter). In all, the functions and some of the staff of ten predecessor authorities

were absorbed into the creation of the new Council. Prior to this change the Knowle has been used as both a private residence and as a hotel.

Further structural reform of local government has been suggested since 1974, most recently when the Boundary Commission proposed either a single unitary authority for the whole of the current Devon County Council area or alternatively, an Exeter & Exmouth Unitary Council together with a Remainder of Devon Unitary Council. These proposals were abandoned when the present government came to power in May 2010 but the drive towards more cost effective and efficient local government delivery arrangements continues.

Of the Council's current workforce of some 380 full time and part time staff, 102 live in or close to Sidmouth (27%). House prices in the town are among the highest in Devon and this goes some way to explaining why more than 70% of the Council's staff chooses to live elsewhere. The Economic Impact Assessment study (January 2013), addresses the likely effects upon the economy of Sidmouth if the Council were to relocate. Usefully this work not only attempts to consider measurable direct impacts but also, local perceptions of what such a change might bring.

Without doubt, a decision to move the Council's operational headquarters away from Sidmouth would impact upon economic activity and employment in the town. The study points to a possible, worst case loss, of some 71 full time locally resident jobs. However, this impact is unlikely to be immediate but rather the result of longer term natural change as economically active Sidmouth residents employed by the Council find other sources of employment or retire. The Council has indicated that no change in the number or type of its directly employed personnel is planned to be a result of the relocation proposal.

Unfortunately it is difficult to gauge the significance of this potential loss accurately because of the absence of up-to-date information on the size of Sidmouth's workforce overall. As an approximate guide, at the time of the 2001 Census there were a total of 2,685 employees resident in the combined wards of Sidmouth Town, Sidmouth Rural and Sidford. A further 58 residents of the same wards were registered unemployed. What this very approximate guide to Sidmouth's current economically active population suggests, is that although East Devon District Council is without question an important source of local employment, it is by no means the only source. Even if all 380 of the people currently employed by the Council lived in or very close to Sidmouth, they would account for not more than 15% of the town's economically active population.

The study also acknowledges that linked to these possible direct employment impacts (Sidmouth residents who no longer work for the Council), a decision to relocate would also involve the removal of a valuable source of year round spending into the town's economy; the local spending potential of all Council staff and of visitors to the Council's offices. The study usefully estimates the scale and significance of this spending and highlights a fear on the part of the town's small business community that this could result in a reduction of as much as 8% of the turnover they currently enjoy. However, the study concludes that any reduction in local spending by Council staff and visitors to the Knowle is likely to be "closely matched" by the additional spending from new residents and staff accommodated at

the Knowle as a result of the delivery of the new uses proposed for the site. The study argues that the spending potential of residents drawn to the 50 dwellings proposed for construction and the residents, staff of and visitors to the residential care facility proposed, would effectively counter balance the local trading impact of a Council decision to relocate.

I am satisfied that the economic impacts that would stem from a Council decision to relocate its headquarters away from the Knowle to a location elsewhere in the District, have been accurately assessed by the Peter Brett Associates economic impact study (January 2013). I am in no doubt that if the changes proposed are approved and implemented this would have an immediate and lasting impact upon Sidmouth's economy. I am equally satisfied that through the policies and proposals of the Publication Draft of the New East Devon Local Plan, measures will become available to private investors and other stakeholders to ensure that through future business and employment growth, Sidmouth mirrors the reshaping the national economy towards a more balanced relationship between private and public sector employment.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
74/C1098	New Council Offices	Approved	14.01.75
77/C0660	Change of use of west wing from residential to offices	Approved	21.06.77
77/C1475	Extension to existing offices	Approved	22.11.77
78/C1471	Improvements to Members accommodation	Approved	07.03.78

It should be noted that the Council as Local Planning Authority issued a screening opinion under the Environmental Impact Assessment (EIA) Regulations on the 11<sup>th</sup> September 2012 stating that the development does not require an EIA. At the request of the Sid Vale Association this opinion was reviewed by the Department of Communities and Local Government who declined to issue a screening opinion of their own concluding that the Council's screening opinion is comprehensive and valid.

### **POLICIES**

#### Devon Structure Plan Policies

ST1 (Sustainable Development)

ST4 (Infrastructure Provision)

ST15 (Area Centres)

ST18 (Affordable Housing)

ST18A (Mix and Type of Housing)

CO1 (Landscape Character and Local Distinctiveness)

CO3 (Areas of Outstanding Natural Beauty)

CO9 (Biodiversity and Earth Science Diversity)

CO11 (Conserving Energy Resources)

CO13 (Protecting Water Resources and Flood Defence)

TR2 (Co-ordinating Land Use/Travel Planning)  
TR4 (Parking Strategy, Standards and Proposals)  
TR5 (Hierarchy of Modes)  
TR6 (Network Integration)  
TR7 (Walking and Cycling)  
TR9 (Public Transport)

#### East Devon Local Plan Policies

S2 (Built-up Area Boundaries for Area Centres and Local Centres)  
S4 (Development Within Built-up Area Boundaries)  
S7 (Infrastructure Related to New Development)  
D1 (Design and Local Distinctiveness)  
D2 (Sustainable Construction)  
D3 (Access for the Disabled)  
D4 (Landscape Requirements)  
D5 (Trees on Development Sites)  
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)  
EN6 (Wildlife Habitats and Features)  
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)  
EN11 (Preservation and Enhancement of Conservation Areas)  
EN21 (Surface Run-Off Implications of New Development)  
H1 (Residential Land Provision)  
H2 (Residential Land Allocation)  
H3 (Range and Mix of New Housing Development)  
H4 (Affordable Housing)  
RE3 (Open Space Provision in New Housing Developments)  
E2 (Employment Generating Development in Built-up Areas)  
E3 (Safeguarding Employment Land and Premises)  
RE1 (Retention of Land for Sport and Recreation)  
RE3 (Open Space Provision in New Housing Developments)  
TA1 (Accessibility of New Development)  
TA3 (Transport Assessments /Travel Plans)  
TA4 (Footpaths, Bridleways and Cycleways)  
TA7 (Adequacy of Road Network and Site Access)  
TA9 (Parking Provision in New Development)

#### Guidance

National Planning Policy Framework

#### Site Location and Description

The application site comprises The Knowle, currently in use as East Devon District Council's Offices and Streetscene Depot, and part of its grounds including the car parks and some adjoining land as well as part of the parkland adjacent to Knowle Drive. The application site can be split into 5 distinct areas these being:

- A. The lower car park and adjoining parkland
- B. The upper car park
- C. The Council Offices
- D. The Council Depot

## E. The Parkland adjacent to Knowle Drive

Area A consists of a small car parking area surfaced in an early version of grass crete which it is understood was laid in the late 1990's. This area also includes an area of the parkland characterised by undulating grassland which is often very wet. The northern boundary with the driveway includes a number of attractive mature trees as does the eastern boundary with the upper car park which is notable for a large red Oak tree on this boundary. To the north of this area is one of the original gatehouses to the site which is a listed building while to the opposite side of Station Road to the west is the boundary of the Elysian Fields Conservation Area.

Area B consists of a larger two tier car park area covered in tarmac with the upper car park cut into the slope of rising land levels to the east. This area along with the lower car park is bordered by a number of individual dwellings to the north which front onto Broadway with the rear gardens backing onto the site. To the east the upper car park is bordered by properties in Knowle Drive.

Area C consists of the existing Council offices which was originally formed in the mid 1970's from the conversion of the former Knowle Hotel whose origins date back to 1810 when a large cottage was originally constructed on the site and was subsequently substantially altered and extended over the years with the addition of an extra storey and a new roof among other alterations and then later converted in the late 19<sup>th</sup> century to a hotel. The more recent use as the Council's offices led to a number of unsympathetic extensions and alterations in the 1970's and since. To the south of this area but outside the application site is The Summerhouse. This is the remains of an old gothic summerhouse made from flint rubble and incorporating some shell work. This structure is listed for its curiosity value.

Area D comprises the current Council depot which is covered in a series of polytunnels and a small office building with yard. This roughly 'L' shaped area is bordered to the west by properties in Knowle Drive and to the east by a series of mature trees which form a boundary with the parkland.

Area E forms the bottom part of the parkland which borders onto Knowle Drive. There are a large number of mature trees to either side of a footway. While the northern boundary of the site is entirely artificial and is not marked on the ground the site is bordered to the east and west by dwellings in Knowle Drive and to the north east by a large house converted to flats which is accessed from Station Road. The properties to the west of the site on Knowle Drive occupy a significantly elevated position above the site.

### Proposed Development

Outline planning permission is sought to redevelop the areas detailed above through the demolition of the existing buildings with the exception of a part of the main building referred to as building 'B'. This building is to be retained due to its ecological value which will be discussed in more detail later in the report. It is proposed to construct a residential development of 50 dwellings which would be split between areas A, C, D and E. Area B would be used to provide a 60 bed car home.

The application is made in outline only with all matters reserved except for access. This means that the purpose of this application is to establish planning permission for the principle of this proposed development and a means of access to it. If permission were to be granted a further application would have to be made for what is referred to as "Reserved Matters". Such an application would then seek consent for the remaining issues including the scale, layout, appearance and landscaping of the development. Any such application would be subject to full consultation. Despite this the application is accompanied by an indicative layout and parameters for the scale and form of development proposed. These details are only indicative but are an important consideration when considering the potential impacts of the development and whether the site is capable of accommodated the development proposed.

The indicative layout shows the following:

Area A – A small cul-de-sac development of 8 houses accessed off the existing access drive from Station Road. These would form a two storey semi-pair to the left hand side of the access into the plot with a further 6 units forming a terrace of three storey town houses against the western boundary of the plot with the area to the front retained as open space. The large red oak tree to the northwest of the site is shown to be retained.

Area B – Comprises a two storey 60 bed care home sited in a roughly central position within the plot with car parking to the north west and north east corners of the plot adjacent to the access drive.

Area C – This would comprise of three terraces of three storey town houses one forming a long terrace along the southern edge of the site with views to the parkland and sea beyond with a second split terrace in a slight crescent formation to the north west of the site. Building B which forms the former Knowle Cottage would be retained to the east of the site.

Area D – A small cul-de-sac of 8 units positioned around a turning head and accessed from Knowle Drive with car parking to the north east corner of the plot.

Area E – This area forms a further cul-de-sac of 8 houses with 5 sited parallel with the western boundary of the site and a further 3 to the north eastern corner of the plot. A footpath is indicated following roughly the route of the existing footpath through this area leading to the parkland.

## **ANALYSIS**

There are a number of key issues with this proposed development that must be considered. These are:

- The principle of development in this location
- Housing land supply issues
- The loss of employment land
- The loss of the existing buildings
- The loss of part of the parkland

- The impact of the development on nearby heritage assets
- The impact on the existing trees on the site
- The impact on the ecological features of the site
- The potential impact on the amenity of residents of adjacent properties
- The character and appearance of the area
- The access arrangements
- The impact on the wider landscape
- Affordable housing provision
- Flood Risk
- The appropriateness of the indicative layout and details and whether these demonstrate that the development can be accommodated on the site in an acceptable manner.

It is worth noting at this point that while some objectors have commented on the appropriateness of the Council's potential move to Honiton and the cost implications of this, under the legislation it cannot be a consideration of this planning application and will not be discussed in this report.

Taking each of the above issues in turn:

#### The principle of development in this location

The application site falls within the Built-up Area Boundary of Sidmouth which is identified in the East Devon Local Plan as an area centre under policy S2 of the Local Plan. This policy defines area centres as "...focal points for development to meet local needs as well as those of the rural hinterlands". Development within the built-up area boundary is therefore appropriate in principle.

The site is indicated as a proposed site allocation in the latest version of the East Devon Local Plan Review which is due to be submitted to the Secretary of State shortly. It is not however considered that any significant weight can be attributed to this allocation due to the weight of opposition to this allocation which has not yet been considered by the inspector. It is therefore only the adopted Local Plan, Structure Plan and the National Planning Policy Framework that will be considered as relevant policies and guidance in this report. In this respect the application has been advertised as a departure to the adopted Local Plan.

Given the allocation of the site in the emerging Local Plan it is worth considering whether the application should be considered to be premature given that it proposes development on a site identified for development in the emerging Local Plan that is not included for such purposes in the adopted Local Plan. Under government guidance an application can only be refused on prematurity grounds where a proposed development is so substantial or where the cumulative effect of it and other developments would be so significant that granting permission would prejudice the Local Plan by predetermining the scale, location or phasing of new development. It is considered that the scale of development being considered here while not insignificant for Sidmouth would not, even when considered cumulatively with other developments, pre-determine the approach in the emerging Local Plan. Government



guidance confirms this view stating that “ A proposal for development which has an impact on only a small area would rarely come into this category”.

### Housing Land Supply Issues

The Council is required under government guidance contained in the National Planning Policy Framework (NPPF) to maintain a 5 year supply of housing land to accommodate the needs of the district over the period. To be included in the figures sites have to be available and deliverable and as a result sites either have to benefit from planning permission or be allocated in an adopted development plan to count as part of the 5 year land supply. Even then it has to be demonstrated that they can deliver within the 5 years based on reasonable build out rates.

At a recent appeal in Ottery St Mary the inspector concluded that the Council does not have a 5 year land supply. Furthermore the Inspector concluded that because of a persistent under supply of housing in the district a 20% buffer should be applied leading to a need for a 6 year housing land supply. This requirement is based on further guidance in the NPPF. A report was taken to the Development Management Committee on the 5<sup>th</sup> February stating that an increased supply of 2,114 additional new homes is needed above current predictions over the next 5 years to address this shortfall. This would result in the bringing forward of developments earlier in the plan period to meet the current shortfall rather than increasing overall levels of allocated housing. In Members resolution they noted “....the need to grant planning approval for high quality development proposals in appropriate locations, compatible with the Council’s objectives and strategy of securing sustainable development in accordance with its planning policies”.

The guidance in the NPPF is also clear about how Local Planning Authorities should respond where they cannot demonstrate a 5 year land supply by stating:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*

It is therefore clear that we cannot rely on the housing policies within the adopted East Devon Local Plan and must rely upon the presumption in favour of sustainable development detailed in the NPPF and the detailed policies of the Local Plan by which we assess whether developments are of high quality.

### The loss of employment land

The site is an established employment site which provides employment for 380 staff employed by the Council. While the use of the site by any specific business or body is not a planning consideration its loss as employment land in favour of a largely residential development is a consideration. To this end the applicants have submitted an independent Economic Impact Assessment undertaken by Peter Brett Associates. The report has been amended several times following concerns regarding the reliability of some of the information submitted, the level of detail included and some of the assumptions that appeared to have been made. These

issues have now been addressed and the report is considered to make reasonable assumptions based on the evidence presented.

The report starts with a brief summary of the economy of Sidmouth commenting that it is made up of a strong representation of small established businesses employing more than 10 employees. Retail, accommodation and food services make up the largest sector representing nearly half of all jobs benefiting from spend from EDDC staff as well as residents and tourist trade. The report notes that small businesses are generally more sensitive to change but they are also more adaptable.

The report proceeds to assess the direct impact of job losses from the relocation of the council offices noting that of the 380 staff employed at the Knowle 102 are residents of Sidmouth and Sidbury as defined by the Built-up Area Boundary in the Local Plan. While there is no intention to shed staff in any relocation indeed measures are proposed to help staff to travel to any new site, the report assumes that it is mainly the part-time staff who would choose not to relocate and this would constitute 25% of the total. The report therefore predicts the loss of 26 Sidmouth based residents working for the council in the short term.

The report then attempts to predict the longer term impact (5 to 10 years) by equating the numbers who would commute from Sidmouth to new council offices in Honiton with those that currently commute from Honiton to Sidmouth. Currently 21 members of staff commute from within the Built-up area boundary of Honiton to Sidmouth which is proportionately 5.5% of the total. Therefore if the proportion of Sidmouth residents working for the Council were to drop to an equivalent level then that would be a drop from 27% to 5.5% over a 10 year period leading to a total drop of 81 fewer jobs going to Sidmouth residents.

The report then considers the local spend in the Sidmouth economy derived from EDDC operations. This was based on the Council's procurement over the last two years which led to an average spend of £3.6million per year to local Sidmouth businesses. The vast majority of this was on services such as building and vehicle maintenance purchased through a competitive tender process using best value criteria. The report therefore discounts these purchases on the basis that they would not be affected because of the tender process. It is considered however that the situation is slightly more complicated than is suggested because the relocation of the council offices may lead to Sidmouth businesses being slightly less competitive in tendering for these contracts due to the additional costs associated with their relative location to the Council Offices increasing travelling costs. The remaining local spend amounts to only £5,436 in total per year which would be lost.

The report goes on to consider levels of spend by Council staff in the town as a result of their place of work being in Sidmouth and the impact of the relocation of these staff on local businesses. A survey of staff was carried out to which 57% responded. The results have been factored up to take account of the Council's full compliment of staff based at The Knowle. The results show that approximately £986,000 is spent per annum largely on food, drink, tobacco and transport.

A visitor survey was also carried out. Unfortunately only 25 responses were received, however this was factored up using the council's log count of visitors and it

is considered that from this a reasonable estimate can be made. Approximately £126,000 is spent per year by visitors to the Knowle. Again spend is primarily on food, drink and tobacco with pubs, restaurants, cafes and hotels being the next highest. The report estimates that a total of 9 jobs in the Sidmouth economy are supported by this spend and would potentially be lost as a result of the closure of the Council's offices in Sidmouth. Objectors to the application have noted that the number of visitors is higher than that estimated by the report which only takes account of visitors entered in the visitor book and an estimate of Council Members' attendance. It does not therefore take account of visitors to reception who were not logged in the visitor's book or those visitors attending council meetings. Council meetings are however mainly held in the evenings as are the social events held at The Knowle. The economic impact of linked trips to these would be less as they are less likely to occur in the evening time and many of the businesses in the town would be closed. It is however acknowledged that the number of visitors has been underestimated and so has the loss of spend, however without accurate records of numbers attending meetings and the Council's reception it is difficult to see how a more accurate assessment could have been carried out.

Overall the report estimates that 9 jobs would be lost through indirect spend in the local economy by staff and visitors to the Knowle.

The loss of the car parking facility at the Knowle has also been considered. The car park is made available to the public at weekends and a shuttle bus operates during the summer months. A survey of usage of the car park was carried out and the shuttle bus drivers were also asked over several weekends over the last summer. The results indicate a weekend average usage at any one time of between 27 and 33 cars. Using national data on the length of an average shopping trip, the average number of people per car and the average spend the report estimates the cost of the loss of this facility to the local economy at £73,220 per year equating to a further job in the local economy. It should be noted that while the loss of this facility would be regrettable there are no planning policies within the adopted Local Plan or indeed government guidance that seek to prevent the loss of car parking facilities.

The report also considers the economic impact of the proposed redevelopment on the economy of Sidmouth including the direct spend on the construction works, jobs associated with the proposed care home and an assessment of the spend from the residents who would live on the site.

The construction works would be expected to generate a large number of short term jobs of which about 20% could reasonably be expected to be filled by local residents. Based on safe nurse staffing levels the care home would be expected to employ 12 staff; 80% of which could reasonably be expected to come from Sidmouth. Furthermore the residents of the development can reasonably be estimated to spend over £675,000 in the local economy per year. This spend would then support just over 8 jobs in the local economy. Overall the report predicts that a total of 20 local resident filled jobs would be supported by the redevelopment of the site.

Overall it is estimated that there would be a net loss of 71 Sidmouth resident jobs over the long term. Many of these jobs would be lost gradually through relocated council staff retiring or naturally finding other jobs and being replaced by staff from

closer to the new offices. The impact on Sidmouth businesses is estimated to be neutral since the spend of new staff and residents of the development closely matches that which would be lost. The economy of Sidmouth is made up largely of small service sector businesses with many employees working part-time. Such businesses are generally sensitive to change but are quite adaptable. A survey of businesses in the town carried out by the consultants showed that many are concerned by the proposals with some estimating an 8% loss in turnover as a result, however three quarters considered that they would not need to adjust their business operations. One of the main concerns of the businesses was the loss of the car park.

In conclusion on this point it is clear that the proposed development would lead to the loss of a significant number of jobs from Sidmouth and some loss of spend in the local economy. While some of this is compensated for by jobs and spend created by the proposed development the overall impact is negative. Many businesses seem concerned about the loss of the park and ride facility but in planning terms there is little that can be done to prevent this.

The proposed development would cause a significant harm to business and employment opportunities in the area. Where this is the case Policy E3 of the Local Plan only permits development where a series of criteria are met. The only one of these criteria which is relevant is a requirement that options for the retention of the site or premises for employment uses have been fully explored.

An extract of a report and valuation of the premises by Thomas Lister Ltd was submitted with the latest amended reports which includes a market assessment of demand for the buildings for a variety of employment uses. In relation to office uses the report notes that Sidmouth is not an established office location with any demand being for small office suites within the town centre. Any demand for larger offices would be for the public sector but there is little or no demand due to funding shortages. The report goes on to consider the conversion of the former Knowle Hotel back to a hotel, but concludes that such a re-conversion would not be financially viable and that there is little demand for such a site out of the main town and away from the seafront.

Potential for its re-use as a small business centre is considered but dismissed on the basis that there would be inadequate demand to fill more than a small proportion of the building and as such it would be unviable while the toilet and lift facilities would be unsuitable for multiple occupation. A further option of creating open plan office space within the shell of the existing building was also explored but it is estimated that this would cost in the region of £10.5 – 11 million. Even if half of the space created was occupied (which is considered by the report to be very optimistic) then the return on the investment would still make it unviable.

In terms of Policy E3 therefore while the site has not been marketed to establish if there is a market for the property for employment purposes and this weighs against the application it is however considered that a reasonable argument has been made as to why its reuse for employment purposes would not be viable. While options of demolishing the existing buildings and building a new employment development have not specifically been discussed in the submitted report it is considered that the lack of demand in the area identified would make this option unviable also.

It is also important to give some consideration to the wider impacts of the development since the relocation of the Council's offices to Honiton would have a proportionate benefit for the economy of Honiton. The economic benefit of the Council Offices will not be lost from the economy of East Devon. Indeed overall there would be an economic benefit to the economy of East Devon as a whole since the jobs associated with the Council offices would be retained and the employment and income to the local economy generated by the proposed development would be gained. In many respects this is a unique situation that Policy E3 was not designed to consider, however the loss of any jobs in Sidmouth would be unfortunate particularly in the current economic climate and so this must weigh against the development.

### The Loss of the Existing Buildings

Shortly after this planning application was submitted an application was made by a nearby resident for the Knowle and the surrounding landscaped gardens to be designated as a listed building and registered park and garden respectively. Both requests were considered by English Heritage and were declined. Their report is reproduced earlier in this report for ease of reference. The report concludes by stating that:

"Knowle, formerly known as Knowle Cottage, with its prominent position overlooking the town of Sidmouth, and the remains of its landscape garden, which is now a public space, have clear local interest. However the house and the grounds have been heavily altered in their successive uses. The alterations that have occurred both to the gardens and the house mean that neither meets the criteria for designation in a national context, though they are evidently highly-valued by the local community."

It therefore falls to the Council as Local Planning Authority to consider whether the buildings and/or the parkland warrant consideration as non-designated heritage assets and should be afforded the commensurate level of protection. Non-designated Heritage Assets should usually be identified through a local list but can be picked up through the application process. They are generally heritage assets that are important in a local context rather than a national one. In the case of The Knowle it should be noted that the former Knowle Hotel was featured in a proposed list of grade III or locally listed buildings in the mid 20<sup>th</sup> century, however it has never been formally listed in any form. Clearly at the time it was originally considered it stood as The Knowle Hotel and its form at the time did not include the 1970's extensions that were constructed when it became the Council's offices nor the internal alterations needed to accommodate this change of use. As English Heritage have noted these works have significantly altered the building. While some features remain both internally and externally and are of some value overall the building has been altered so substantially that little of its historic interest or fabric remains.

A standard letter submitted as an objection to the development by many of the objectors refers to the loss of an impressive part of Sidmouth's architectural heritage referring to the "...imposing south facing building, with its fine pillared chamber (wallpaper by Pugin) and other rooms (including rare Dutch tiles)....". While there

are some nice tiled fire places in the old part of the building it is understood that the wall paper in the chamber is not original. The best internal features are in the public areas, however these are relatively few and the public areas make up a very small proportion of the overall building. All that remains of the original house are sections of flint wall which largely form building 'B' which is proposed to be retained. Overall it is not considered that the building has sufficient interest or historic fabric remaining to consider it to be a non-designated heritage asset.

The loss of the buildings is therefore not considered to be significant indeed the demolition of the modern 1970's extensions is considered to be beneficial particularly to the streetscene of Knowle Drive from which these parts of the building are quite prominent and out of place.

#### The loss of part of the parkland

The first issue to consider here is whether the parkland area should be considered to constitute a non-designated heritage asset in light of English Heritage's conclusion that it does not fulfil the selection criteria for Registered Parks and Gardens. It is clear from the report from English Heritage that their decision on this issue was influenced by how a large part of the original garden has been lost through housing development. It is understood that in 1850 the gardens were recorded as being about 11 acres (approximately 4.4ha) in area. Today it consists of about 8.6 acres or 3.5ha. The rest having been lost through the development of many of the houses that now form Knowle Drive. Even more significant than this is that many of the historic features that previously existed such as the conservatories, lodges, fountains and garden buildings have gone. Some of the features remain such as the summerhouse, the southern terraces and paths and the open fields adjacent to Station Road, however the terraces are outside of the application site while the open fields would largely remain. Indeed a number of features of the original gardens lie not only outside of the application site but outside of the Council's ownership such as the listed grotto which is now in the grounds of Knowle Grange which is a complex of 20<sup>th</sup> century flats. The former garden wall still remains along Knowle Drive as well.

The Devon Garden Trust have written in strong objection to the application stating that the Knowle is on the Devon Local Register of Parks and Gardens of Special Historic Interest and is therefore a heritage asset. The Devon Garden Trust is a charitable organisation which works with The Garden History Society who are the statutory body for the study of garden history and the protection of historic gardens. It is not clear how their local list of parks and gardens of historic interest was formulated and there is no record of any consultation on such a list. It would usually be the role of the Local Planning Authority to keep such a list in the same way as we would a local list of listed buildings, however that has not been the case here and as such it is difficult to determine how much weight should be attached to the list referred to by the trust. What is clear is that had the gardens remained intact and not been developed and sold off in the past the gardens would almost certainly have retained sufficient historic integrity and interest to justify status as a heritage asset. In their current form the situation is considered to be far from clear.

The National Planning Policy Framework gives relatively little guidance that is relevant in this case but states in relation to non-designated heritage assets that "In

weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” In this case the scale of the loss of parkland is considered to be relatively small indeed approximately 22% of the remaining parkland and gardens would be lost. Of that area much of it is very overgrown indeed much of the area to either side of the footpath at the southern part of the gardens is inaccessible and so overgrown that the feeling of openness and of a formal landscaped garden is not present. Similarly to the north the area around the current lower car park is steeply banked between the middle and lower car park while the area to the south of the car park is uneven and often very wet. The significance of these areas to the parkland and gardens is therefore relatively minor. The significant features in the form of the terraces and the summerhouse would remain within the formal gardens while the open fields to the west would largely remain and the proposed development as indicated on the plans would respect the setting of these features. It is therefore considered that whether deemed to be a non-designated heritage asset or not the loss of the parkland in the context of the historic significance of the space is not considered to be sufficient to justify refusal of the application.

### Loss of Open Space

Aside from the loss of the parkland potentially impacting on the historic significance of the gardens the proposal would lead to a loss of open space that could impact on the amenities available to the residents of the town. Policy RE1 of the adopted East Devon Local Plan seeks to retain land for sport and recreation unless either equivalent alternative provision is to be made, facilities can best be retained and enhanced through the development or there is an excess of open space in the area. The Planning Support Statement submitted with the application argues that even with the loss of open space resulting from this development there will be adequate open space provision in Sidmouth. This is based on a recent open space study that was carried out on behalf of the Council and was adopted by the Council last year. The study sets a standard in urban areas of 1ha of parks and recreation grounds per 1000 head of population. For Sidmouth this amounts to a ‘need’ of 13.93ha of parks and recreation grounds. Sidmouth actually has 21.26ha. This is 7.33ha in excess of the adopted standard for urban areas in East Devon. The proposed development involves the loss of approximately 0.8ha of park and recreation ground (if the depot site is excluded as this is not considered to currently form part of the recreation ground). On this basis the proposal is considered to comply with the requirements of Policy RE3 of the adopted Local Plan.

It should be noted that objectors to the application argue that the Council’s Open Space Audit is flawed in relation to Sidmouth because it has shown the Byes as falling within the classification “Parks and Recreation Grounds” whereas it is argued that it should be classified as a “Natural and Semi-Natural Green Space”. The difference of opinion is based on whether the Byes is a managed area or not given that some management and maintenance work is carried out by the Sid Vale Association. Concern has also been expressed regarding the standards used to determine appropriate levels of provision.

It is officer's opinion that while some of the work included within the open space audit involves subjective judgements they have been made by appropriate professionals in undertaking the open space audit who have a wealth of experience of assessing such matters. The Council has accepted the audit as part of the evidence base to the Local Plan and while this may be called into question at the Local Plan examination no clear evidence has been submitted to suggest that the audit is wrong and therefore it is considered that it represents a sound evidence base for decision making.

It should be noted that despite the conclusions of the audit on the issue of parks and recreation grounds Sidmouth is short of provision in other categories of open space specifically childrens play spaces and outdoor sports pitches. The proposed development would place additional demands on these facilities by providing dwellings in the area that would increase the population and therefore demand for services. It is therefore considered appropriate for a financial contribution to be made towards these facilities in the same way that other developers would be expected to do. Since the application is only made in outline it is not possible to calculate exactly how much such a contribution would be since the exact number of bedrooms proposed is not known, however this is expected to be in the region of £200,000. How the money is spent would be the subject of public consultation and the facilities provided would be made available to all. A legal agreement should also be sought to secure the future management of the areas of open space within the application site and also the retained parkland which is also within the applicant's ownership to ensure that it remains available for public use.

#### The Setting of the Summerhouse, Lodge and Elysian Fields Conservation Area

Clearly the setting of the summerhouse as a heritage asset requires further consideration due to its listed status as does the lodge at the current main entrance to the site. The application is accompanied by a statement of significance to assess these impacts. The setting of both structures is particularly important since they were designed to sit within an open parkland setting.

It is considered that the greatest impact would be on the setting of the summerhouse from the southern boundary to Zone C. The plans indicate that this would be a soft planted boundary as opposed to a hard wall or close boarded fence. This would be consistent with the existing setting of the listed summerhouse but care will be needed in the execution of this arrangement. Some sketches included in the Statement of Significance provide some reassurance such that this is not a concern as this stage and is a matter for detailed consideration at the reserved matters stage.

In terms of the listed lodge it is the relationship with plots 1 and 2 as shown on the indicative layout plan which needs careful consideration. There is some concern that as shown on the plans they are indicated as a standard pair of semi-detached houses and therefore care is needed to ensure that they do not appear overly suburban and inappropriate in the context of the site. With careful design and massing these units could follow a concept of a lodge or pavilion structure which would be appropriate in this location and reflect the likely historic setting to the lodge. These are however detailed design issues for consideration at the reserved matters



stage however the principles indicated on the indicative layout plan are in principle acceptable.

Although zone A of the development lies close to the Elysian Fields Conservation Area which lies on the opposite side of Station Road it is considered that the belt of trees that forms the western boundary of Claremont provides a strong visual separation even in the winter months such that the setting of the conservation area would not be compromised by the proposed development.

### The Impact on Existing Trees

The site includes a number of mature and attractive trees which are an important part of the parkland. A Tree Preservation Order was made in 1956 which covers the trees that were on the site at that time. The grant of planning permission which requires the removal of any of those trees would override the TPO.

The application is accompanied by a full tree survey and report, however the original indicative layout would have still led to the loss of a number of important trees within the site. Extensive negotiation and discussion has led to an amended layout which ensures that only 3 category 'A' trees would be removed. These are defined as "Trees of high quality with an estimated life expectancy of at least 40 years". Of these category 'A' trees only 1 has caused the council's tree officer concern which is a Yew tree in the current depot. While the loss of this tree is unfortunate it is positioned behind the houses in Knowle Drive and behind a group of trees along the boundary with the gardens to the east. As a result the tree is not particularly prominent.

The majority of the remaining trees are to be retained notably those alongside the boundary with Station Road and to the south and east side of the current access drive. While a number of trees would be lost from the lower parkland adjacent to Knowle Drive these are lower quality specimens. Their loss in the context of the wider parkland is not considered to be significant given that the more prominent trees are within the upper areas of the gardens outside of the application site.

Overall the impact of the proposed development based on the indicative layout is considered to be acceptable it being clear that the site can accommodate the proposed development in a manner that need not lead to significant harm to or loss of trees.

### The impact on the ecological features of the site

Extensive survey work has been done to identify the ecological features of the site with particular emphasis on protected species and the impact of development on them. Taking each species in turn:

Badgers – Three badger setts were identified along the south western boundary of the site with fresh digging identified at the entrance of one of them. Further survey work is needed prior to any development to establish whether these are active and propose appropriate measures if so.

Birds – A number of bird species were observed including goldfinch, blackbird and chaffinch while the trees within the site would provide potential habitat for nesting birds. Clearly a small number of trees would be lost within the development zones and the provision of bird boxes within these zones is considered appropriate compensation for this loss.

Bats – Extensive survey work has been carried out of the grounds, its trees and the buildings to identify potential bat roosts. A total of 5 trees within the site which are shown to be removed on the indicative layout plan have a high potential to support roosting bat species. A license would therefore be required from Natural England before these trees could be removed and appropriate mitigation such as bat boxes on nearby trees that are to be retained would be necessary.

In terms of the buildings on the site the former hotel (Building A) which forms the main 3 storey element of the building currently supports a non-breeding summer roost for common pipistrelle bats. The application suggests that the provision of bat boxes either on the replacement buildings or trees in the grounds would provide appropriate mitigation for the demolition of this building. Building B which forms the flint walled section previously known as Knowle Cottage supports a large maternity roost for lesser horseshoe bats within the basement or bat cave and a small non-breeding roost for lesser horseshoe bats within the roof space. For this reason it is proposed to retain Building B as part of the redevelopment of the site although clearly care will need to be taken regarding the demolition of adjoining parts of the building and the timing of works. Building C or the modern flat roof element of the building has a low to negligible potential to support roosting bats primarily due to the absence of a roof space although eaves spaces could still be used.

The Ecological reports that have been commented on by Natural England in their comments recommend that a number of further surveys are carried out including bat activity surveys, dawn re-entry surveys and a further internal inspection of the loft spaces in building A. Some of this work has now been carried out and Natural England have been consulted on these reports but have not commented on this extra information at the time of writing. The most recent comments from Natural England were not however an objection but were advisory only indicating that they do not formally object. Their most recent comments seek to ensure that the relevant surveys are carried out before any formal consent is given that would enable development to commence. The situation with the bats and badgers at the site is constantly evolving and an application for a license for the works to Natural England will have to be accompanied by an up to date survey of no more than 18 months old. Therefore further survey work following the issue of a planning permission is often required before a license can be granted. It should also be noted that the granting of this application would only agree to the principle of the development and access thereto and therefore the additional reports need to be carried out when there is more certainty over the layout of the development. To this end it is recommended that if Members are minded to approve the application that these further surveys are required to be submitted with any reserved matters application so that they can be considered alongside a detailed layout for the site.

Because the development will impact on protected species the Council as Local Planning Authority is required under Regulation 3 (4) of the 1994 Habitat Regulations

to consider the 3 derogation tests that are contained in the legislation and would be applied by Natural England when deciding whether to grant a European Protected Species License for the works. In considering the tests it is important to have regard to government circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System and also the Natural England Guidance Note: European Protected Species and the Planning Process. The three tests are as listed below with a commentary of how the proposed development meets the test:

1. The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety including those of a social or economic nature and beneficial consequences of primary importance for the environment – According to the guidance this can also include complying with planning policies and guidance at a national, regional and local level. The main social and economic benefits arising from this development would be provision of much needed housing including affordable housing and a care home to meet the needs of residents of Sidmouth but also wider housing needs arising from the shortfall in supply identified earlier in this report. This development enables these needs to be partially met through the re-use of largely previously developed land within a sustainable location within the built-up area of the town. The proposal therefore meets requirements for social development and the need to comply with national planning policy through meeting requirements in the NPPF to have a 5 year housing land supply and also regional and local planning policies as well as the NPPF to do so in a sustainable manner.
2. There must be no satisfactory alternative – The wider housing needs identified could clearly be met elsewhere within the district, however the current shortfall in housing supply makes it much more difficult to direct development where the Council may ultimately want it to go in favour of a need to address the shortfall in supply as quickly as possible in sustainable locations. Therefore it could be argued that there is some doubt whether sufficient alternative sites will come forward in the short term to meet the shortfall if this site were not to proceed. In any case there is a significant identified housing need in Sidmouth that can only be met in the town. Sidmouth has limited capacity for infill development of this scale within the built-up area boundary other than on the application site. The town is surrounded by an Area of Outstanding Natural Beauty where there is a presumption against development. It is therefore considered reasonable to take the view that other alternative sites for this development within and around Sidmouth would not be satisfactory on this basis. While it could be argued that specific sites should be considered and a site search undertaken such a search has already been undertaken through the Local Plan review process. The Local Plan Review identifies this site and only one other within the built-up area boundary for housing development and it is considered that there are no other appropriate sites based on this evidence. While only limited weight can be attributed to the new Local Plan at this time it is considered that the evidence base used for Sidmouth housing allocations can reasonably be used in the context of this test.
3. Favourable conservation status of the species must be maintained – The proposed development proposes appropriate replacement habitat which can

be secured through condition (given that this an outline application) to ensure that appropriate measures are taken to protect the species concerned.

It is therefore considered that the 3 derogation tests outlined above are met by this development and that the Local Planning Authority's obligations under the habitat regulations would be met by approving this application.

It is becoming increasingly common to need to assess the impact of developments on wider ecological features than just the site itself in light of the Conservation of Habitat and Species Regulations which require an assessment of impact on designated European sites where a development is likely to have a significant effect. In this case the only designated site potentially affected due to proximity to the site is the pebblebed heaths. It is however known from past experience that the significant impact on the heaths is from dog walkers and where an assessment identifies a significant impact a suitable alternative natural greenspace should be provided. In this case it is considered that a formal appropriate assessment under the regulations is not necessary because it is clear that the position of the site adjacent to the retained parkland and gardens means that dog walkers living in the development would be likely to use this space rather than the pebblebed heaths. It should also be noted that Natural England in their consultation response would usually identify the need for the Council to carry out an appropriate assessment and have not done so in this case. It is therefore considered that the proposal would not be likely to have a significant effect in this regard. Reference is made to nearby County Wildlife Sites in Natural England's latest response, however it is considered that the same principle applies as with the pebblebed heaths and as such there is no reason to believe that this development would have a significant impact in this regard.

#### Impact on the amenity of residents

It is worth noting again at this point that the submitted layout is only indicative and is being used to try and demonstrate that the development proposed can be accommodated on the site in an acceptable manner. One of the considerations relevant to this is whether a layout can be achieved which respects the amenities of neighbouring properties. Taking each plot in turn:

##### Area A

This area has largely been designed around the mature trees along the boundaries of this area and the red oak tree to the western boundary. These are important features of this bottom area of the site and would help to screen the neighbouring properties in Broadway from the development. In any event the main side wall of plot 1 would be sited some 23m from the rear boundary of a property known as Trewyn which is the nearest property in Broadway. Even if this plot included side facing windows that looked towards Trewyn this relationship is considered to be acceptable while the distance involved would prevent any significant loss of light. The other plots within this zone would be sufficiently far from the nearby dwellings to prevent any excessive impact.

##### Area B

The proposed care home being of a more commercial scale has greater potential to impact on the amenities of the neighbouring properties. Despite this at its nearest

points the building would be 18 and 19m respectively from the boundaries with the nearest properties. The footprint of the building leaves plenty of scope for windows to be positioned so that they look away from the nearby properties wherever possible while the proposed two storey scale cut into the existing site would minimise any visual impact given that the neighbouring properties rise in levels to the west quite significantly as they follow the natural contours of the land.

#### Area C

At its nearest point the northern most terrace is shown as being 11m from the boundary with Hillcrest which is a bungalow to the north of the site which has no windows in the roof space facing towards the site and is screened by an established boundary wall. As the terrace curves round to the south it would back onto Knowle Drive permitting some views towards the corner properties particularly the property known as Old Walls, however wall to wall distances of at least 23m are shown on the plans which would prevent an unusually high level of overlooking being created.

The southern terrace would sit further to the south than the current building albeit with a smaller depth. This terrace would align with the rear boundary of a property known as Burgh House. A 6m landscape buffer is indicated between the boundary and the proposed terrace with a 9m separation distance. There is currently a mature hedgerow already along this boundary, however it would be appropriate to avoid side facing windows in this elevation unless obscure glazed to prevent future overlooking. The retained distance and the orientation would prevent excessive overlooking from any north or south facing windows in the proposed terrace.

#### Area D

The awkward shape of this part of the site has led to a slightly cramped layout in the western part of this site, however a significant impact on the amenities of adjacent properties is avoided by virtue of the neighbouring properties being bungalows and the site being set a significantly lower level than the properties in Knowle Drive. The existing mature boundary screening also helps to mitigate the potential impact while further planting to the western boundary is proposed. Indemnity House which lies to the west of the entrance drive includes a rear facing dormer window, however being north facing any loss of light would not be significant while a restriction on windows in the side elevation of plot 1 within this zone so that all windows would be obscure glazed and non-opening below 1.7m above internal floor level would prevent any excessive overlooking. Although plots 7 – 8 would be close to the rear boundary of the property known as The Heathers sited to the east of the access drive the orientation and juxtaposition between the properties would prevent an excessive impact on the amenities of this property.

#### Area E

At this part of the site the ground levels in Knowle Drive rise significantly from the east to the west. This leads to an unusual relationship between the site and the property known as Cedar Mead which lies to the west of this part of the site. Cedar Mead is elevated significantly above the ground level within the site and has understandably orientated many of its windows to the east facing elevation which looks across the parkland, and across the town towards the Salcombe Hill Cliff. Care has therefore been taken to leave a landscaped area adjacent to Knowle Drive with plots 1 and 2 set back into the site with rear gardens adjacent to the boundary with

Cedar Mead. This leads to a wall to wall distance of approximately 16m between plot 1 and Cedar Mead, however the elevated levels of Cedar Mead and its orientation towards the south east would prevent excessive levels of overlooking from plots 1 and 2. As the site widens out to the north it is possible to provide greater separation distances between plots 3 – 5 and the property known as Ashe which faces north east.

The site is further constrained to the east where it adjoins Linstead Court – a block of 3 flats and a maisonette which is accessed from Station Road. These properties have numerous windows on the west facing elevation which are only 3 metres from the boundary of the site. This boundary is currently very well screened by the existing vegetation and it is intended to replant this boundary to help maintain privacy levels. Furthermore the indicated layout shows that these windows would have garages beyond the landscaping to further protect privacy levels. Plot 6 would be orientated so that its rear elevation faces north east rather than towards Linstead Court while plots 7 and 8 are orientated to face towards the communal frontage to Linstead Court used for car parking. To the south is a dormer bungalow known as Garth. Plot 5 would be sited 5 – 6m from the rear boundary of the relatively small garden of this property, however its positioning to the north of the garden would prevent an excessive loss of light while the retained distance to the boundary should prevent an excessive overbearing impact subject to the design of this unit. As long as no clear glazed windows are inserted in this elevation in the south facing elevation of plot 8 it is considered that this relationship is acceptable.

In terms of the properties on the opposite side of Knowle Drive it is clear that their currently open outlook onto the parkland would be lost, however it is not the role of the planning system to protect an individuals view. In any case the proposed houses would be set back into the site with a landscape screen across the frontage which would prevent any significant overlooking or overbearing impact from the proposed dwellings.

### The Character and Appearance of the area

The character of this area of Sidmouth is quite mixed in terms of the form and character of buildings. Specifically the southern part of Knowle Drive comprises a mixture of detached, houses and bungalows with a couple of blocks of 20<sup>th</sup> century flats set within them. The houses proposed in Area E would enclose a currently open end of the parkland, however it has been designed to retain some of the currently open character by virtue of the retention of the open area to the eastern side of the plot and the retention of the footpath. This is considered to respect the existing character. While frontage development onto Knowle Drive across the remainder of the frontage may have been more in-keeping with the character of the drive the relationship with Cedar Mead noted above made this impossible. The landscaped strip alongside Knowle Drive would however help to retain the historic openness of this boundary of the site.

In terms of Area D the majority of this part of the site is tucked behind existing development on Knowle Drive and therefore views would be limited to those obtained from Knowle Drive looking down the access drive into this area. Currently such views are of the Council's Streetscene depot. The end wall of plots 7 and 8

would be visible with the frontage of plot 4 in the background, however they would be set back a significant distance from the road with a landscaped strip in the foreground. If well designed there is no reason why this arrangement should have a detrimental impact on the character and visual amenities of Knowle Drive.

Further to the north along Knowle Drive is a greater consistency of detached houses and dormer bungalows albeit the council offices tend to dominate with a scale and massing that is out of keeping particularly in relation to the 1970's additions to the buildings. The proposed development has sought to take some cues from the existing with the proposed southern terrace adding a form of development not dissimilar in scale and massing from the existing building. It is understood that in terms of design it would take its inspiration from the regency terraces found elsewhere in the town but in a more modern style. While the northern terrace would not specifically reflect existing development in the adjacent section of Knowle Drive it would be more in-keeping with the form of development in Sidmouth than the existing flat roofed offices and could only enhance views into the site from this section of Knowle Drive.

Views from Station Road into the site are very open at present and the layout of area A helps to retain that feel with the large open area to the front of plots 3 – 8. While plots 1 and 2 if carefully designed could reflect the listed gatehouse on the opposite side of the driveway thereby reflecting what would often be the case at the entrance to parklands of a pair of gatehouses at the entrance. The mixture of existing and proposed planting within this area would prevent significant views of the care home from Station Road while its set back appearance would further obscure it. If well designed there is no reason why such a building could not sit quite comfortably within its surroundings.

#### Transport Issues and Access arrangements

The application is accompanied by a detailed Transport Statement carried out by independent consultants on behalf of the Council. The report considers the existing highway network around the site and in the locality as well as current traffic flows. The report estimates that during the am peak time (8.00am to 9.00am) that there would be a net reduction of 88 vehicles travelling to or from the site. In the PM peak hour (5.00pm to 6.00pm) there would be a net loss of 56 vehicles to or from the site. This would clearly lead to a significant reduction in traffic on Station Road. Furthermore the relocation of the Council offices would remove traffic along Knowle Drive and Broadway which comprise the 20 deliveries a day to the offices and vehicle movements to the 12 staff car parking spaces accessed from this route.

In terms of the proposed 16 units that would be accessed from the southern part of Knowle Drive it is considered in the Transport Statement that based on trip generation data these would generate 10 additional movements in the AM peak hour and 8 additional movements in the PM peak hour. The report concludes that these movements would not affect the safety or operation of the southern section of Knowle Drive. Given the number of dwellings served by this section of road the percentage increase is not considered to be significant. Objections regarding the conflict between vehicles entering and exiting the lower part of Knowle Drive at the

same time is noted, however given that the potential for this to happen would only marginally increase it is not considered that this could form a basis for refusal.

The Transport Statement does suggest improving the nearby bus stop on Station Road to enable better pedestrian access to it and an improved waiting area and it is recommended that a financial contribution of £20,000 be made to pay for these improvements and that this be secured via a legal agreement.

The site is located in a sustainable location being within the Built-up Area Boundary of the town within walking distance of the town centre, schools, community and medical facilities. Public transport provision is also readily available. The indicative layout is conducive with modern standards for accommodating cycling and pedestrian movements as well as vehicles within development layouts.

### Impact on the wider landscape

Clearly Sidmouth is located within a highly attractive and important landscape setting being surrounded by Area of Outstanding Natural Beauty (AONB). Indeed the boundary of the AONB lies to the northern side of Broadway just to the north of the application site. It is however worth noting that Sidmouth sits in a bowl created by the sid valley and therefore wider views of the site are limited and seen only in the context of the wider town. Furthermore the development is largely limited to the areas of the site that are already developed or are immediately adjoined by development with the majority of the parkland remaining. It is therefore considered that distant views of the site will not be significantly altered with the parkland still being identifiable from wider view points. It is not therefore considered that there can be any objection to this development based on the wider landscape impact of the proposals.

### Affordable Housing

The development proposes the provision of 40% of the units as affordable housing leading to the provision of 20 affordable units which are badly needed to meet the affordable housing needs of the town. These units would be spread around the development thereby creating a mixed community as encouraged by government guidance. This provision addresses the demands placed on the development by Policy H4 of the adopted Local Plan. In the current economic climate it is proving difficult to achieve 40% provision on development sites because this is often not viable. It is therefore a significant benefit of this development that it would make such a significant contribution to the provision of affordable housing in the town and this must weigh in favour of the development.

Affordable housing cannot be sought from care home facilities where independent dwellings are not be created and so the care home will not contribute to the proposed affordable housing provision. It is however considered appropriate to condition the nature of the use of this building to ensure that it provides communal living rather than separate dwellings where affordable housing provision would be required.



## Flood Risk

The application has been accompanied by a Flood Risk Assessment due to the scale of the proposed works. The site does not however fall within an area at high risk of flooding. The report considers the impact of the development on existing flood defence matters and downstream flood areas as well as the risk of on-site flooding. The report concludes that as well as not being at risk from flooding itself the development would not displace any flood water which could increase flood risk to other properties.

In terms of surface water it is noted that because the site stands on Sandstone and Marls percolation tests are unlikely to show that the site is viable for soakaways, however it does recommend a sustainable drainage system approach which is entirely possible given the layout of the site and the available spaces for such a system to be incorporated. The intention would be to reduce surface water run off from the site into the drainage system by at least 10%.

## Consultations

The application is accompanied by a Statement of Community Involvement which details the consultations that the applicants have carried out with the local community and the responses received. Three consultation events were held in the town back in July at different times of the day. Further consultation has been carried out as a direct result of this planning application and a large number of objections received. The majority of the concerns raised have already been discussed in this report, however the remaining concerns will be addressed specifically below:

Increase in traffic noise: Environmental Health Officers in their response do not anticipate any increase in traffic noise indeed they consider that this will reduce with the reduced number of vehicle movements to and from the site which are envisaged by the Transport Statement.

Authority dealing with its own application: This is actually surprisingly common since the Council owns a significant amount of land around East Devon and regularly makes planning applications to itself. This is not only permitted by the legislation but is actually the correct way to process the Council's own applications with no legislation being in place to allow a different body to take on this responsibility in these circumstances. The Local Planning Authority maintains its independence in terms of the determination of the planning applications and is not influenced by matters other than material planning considerations.

Sidmouth does not need more housing: The Council's housing projections suggest that Sidmouth needs to provide 150 new homes over the new local plan period. While these figures have not been through a Local Plan examination and as such the emerging Local Plan is not being afforded any significant weight, there is a significant evidence base behind the housing numbers. In any case the site lies within the Built-up Area Boundary of the town where under the existing Local Plan infill development is acceptable in principle.

Contrary to public opinion: Part of the planning application process is to consult with affected residents and consider their comments. Part of the function of this report is to consider and respond to those comments. The planning system does not however work on the basis of a public vote whereby applications can be refused because that is what the public want. Planning permission can only be refused where there are sound planning reasons for doing so which are backed up by planning policy and guidance and appropriate evidence. The government introduced a presumption in favour of sustainable development earlier this year and this must also be followed.

Sets a precedent for building on green sites in East Devon: The planning system is premised on the basis that no two developments will ever be identical and therefore no precedent can ever be set because there will always be different issues and factors to take into account. The development of part of the park and gardens at The Knowle would in no way set a precedent for development of open spaces elsewhere.

Financial cost of moving offices: This is not a matter for consideration under this planning application which purely relates to the proposed redevelopment of the Knowle. As to where the Council's Offices move to and the cost of such a move these are decisions for a different committee on another day.

Negative Impact on Tourism: It is unclear how this development would impact harmfully on tourism since The Knowle is not a significant tourist attraction.

No need for another care home in Sidmouth: The planning system does not consider the issue of need when it comes to care homes only for a projected need for new housing to which a care home would contribute. With an ageing population however it is understood that there is an increasing need for these facilities.

Why not refurbish the existing building: Again this is not a material consideration of a planning application and is something for Members to consider when a formal decision on the office move is made at a future date.

Loss of footpath through Zone C – A number of people have raised this concern with the amended plans, however this is not the case the footpath would remain.

No wheelchair access to the parkland – While the proposals do not propose any wheelchair access to the parkland there is no specific provision for wheelchair users at the moment at the proposals would not make this any worse. The levels across the site would make wheelchair access other than to the lower parts of the site extremely difficult.

The Thomas Lister Report – There have been some comments regarding the submission of an extract from a valuation report and why only an extract has been submitted. It is understood that other parts of the report cannot be released because they contain sensitive information. In any case it is for the applicant to submit the documents that are to be considered so long as the Local Planning Authority has sufficient information to make an informed decision and it is considered that it does in this case.

Concerns have also been raised regarding the lack of evidence to back up the report and the costings given by Davis Langdon. As with all valuation reports there is an element of subjectivity involved and a reliance on the professionalism of the author to produce an accurate report. The objectors have had limited access to the building to make their assessment compared with the professionals who have produced the valuation report and therefore it is considered reasonable to give weight to these reports.

### Conclusion

The lack of a 5 year housing land supply means that there is a clear need to bring housing land forward for development where sites are in accordance with the presumption in favour of sustainable development. Taking each of the 3 dimensions of sustainable development in turn:

**Economic** – The proposed development by virtue of the relocation of the Council's offices away from Sidmouth would have a significant detrimental impact on the economy of Sidmouth. This cannot however be separated from the fact that the detrimental impact on the economy of Sidmouth is matched by a proportionate benefit to the economy of Honiton. Furthermore the redevelopment of The Knowle site would generate employment at the proposed care home and during the construction works as well as significant spend in the local economy from future occupants of the development. Therefore the economic benefits of the proposed development on the Knowle site is an overall benefit to the local economy. There is no guidance in the NPPF to indicate whether the economic impacts of a development should be considered on a town basis or a district basis. What is clear is that government guidance is committed to securing sustainable economic growth and for the district as a whole this development would help to achieve this goal. The long term economic impacts on Sidmouth as forecast are unfortunate and clearly weigh against the application but they have to be balanced against the wider benefits.

**Social** – The development would aid the supply of housing both market and affordable helping to aid the growth of the community of Sidmouth including those in need of care facilities. The development would create a high quality environment in which to live with close proximity to required services and infrastructure.

**Environment** – The proposed development includes measures to conserve the biodiversity of the site and looks to retain nearly all of the important trees on the site. The main way in which the development would help to achieve the environmental role of sustainable development is by accommodating 50 houses and a care home primarily on previously developed land within the built-up area boundary of the town thereby protecting the surrounding AONB from development that may otherwise be needed in order to accommodate the development of the town. The loss of parkland and gardens although clearly of great importance to the local community and as such its partial loss is regrettable, the facts of the matter are that the loss is not significant in terms of open space provision in the town or considered to be so significant in terms of any historic significance that the parkland had in the past and may still be considered by some quarters to have today to justify the refusal of this application on this ground alone.

Overall it is therefore considered that the proposed development complies with the three dimensions of sustainable development contained within the NPPF. These issues and the provision of housing to help address the shortfall in housing supply and the significant provision of affordable housing weigh in favour of the development and justify approval of the development overall.

## **RECOMMENDATION**

Approve subject to a legal agreement to secure the proposed affordable Housing, sport and recreation, management of the retained parkland and open space areas within the development, public transport and education contributions and the following conditions:

1. Approval of the details of the layout scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. (Reason - The application is in outline with one or more matters reserved.)
2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. (Reason - The application is in outline with one or more matters reserved.)
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
5. The proposed estate roads, improvements to existing bus stop facilities in the vicinity of the site access to Station Road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals and that appropriate provision is made for all highway users in accordance with policy TR7 (Walking and Cycling) of the Devon Structure Plan and Policies TA1 (Accessibility of New Development), TA4 (Footpaths, Bridleways and Cycleways) and TA7 (Adequacy of the Road Network and Site Access) of the East Devon Local Plan.

6. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing. REASON: To ensure the proper development of the site and co-ordination of the separate elements in accordance with policy D1 (Design and Local Distinctiveness) of the Local Plan.
7. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- A) The road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the road and cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the road and cul-de-sac have been provided and erected.
- REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.
8. When once constructed and provided in accordance with condition number 3 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority. REASON: To ensure that these highway provisions remain available in accordance with the requirements of policy TR7 (Walking and Cycling) of the Devon Structure Plan and Policies TA4 (Footpaths, Bridleways and Cycleways) and TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.
9. No development shall start until a Method of Construction Statement, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period. Reason: In the interest of highway safety in accordance with Policies TA1 (Accessibility of New Development) and TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

10. Prior to the commencement of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with the 'Framework Travel Plan' document in the Transport Statement. And then the approved travel plan shall be implemented before first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority. Reason: To promote the use of sustainable modes of transport in accordance with policy TR5 (Hierarchy of Modes and Transport Assessment) of the Devon Structure Plan and Policy TA3 (Transport Assessments / Travel Plans) of the East Devon Local Plan.
11. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority. (Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy CO8 (Archaeology) of the Devon Structure Plan and Policy EN7 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan.)
12. Any trees to be removed as a part of the proposed development hereby granted shall be replaced with a replacement tree of native species that shall form part of the landscaping details to be submitted with the reserved matters. (Reason: To ensure that the landscaped character of the area is maintained and in accordance with the principles of Policies D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.
13. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in National Joint Utilities Group (NJUG) Publication Number 10 1995.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees,

whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

14. Full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details. (Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)
15. No development shall commence until a fully detailed surface water drainage scheme has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all necessary percolation tests and shall adopt the principles of Sustainable Drainage Systems as endorsed by the Flood and Water Management Act 2010. The development shall thereafter only be constructed with a surface water drainage system in accordance with the approved scheme. (Reason: To ensure that the surface water from the site is disposed of in a manner which does not result in flooding of other land or properties in accordance with policy EN21 (Surface Run-Off Implications of New Development).
16. Prior to the commencement of development full details of any external lighting including street lighting shall be submitted for the written approval of the Local Planning Authority. (Reason: In the interests of the character and appearance of the area and the amenity of nearby residents in accordance with the requirements of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
17. The landscaping scheme to be agreed as part of the reserved matters shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. (Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
18. Paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of completion of construction works.

- (a) No trees, hedges or shrubs which are shown as being retained on the approved plans shall be removed or pruned other than in accordance with the said plans without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998: 1989 (Recommendations for Tree Work)].
- (b) If any trees, hedges or shrubs shown as being retained are removed, replacements of a similar size and species shall be planted at the same locations. The replacements shall be planted at such a time as may be specified in writing by the Local Planning Authority.

(Reason – To ensure the retention of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D5 (Trees on Development Sites) of the East Devon Local Plan.)

- 19. No development shall take place until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include levels plans and cross sections showing existing and proposed levels across the whole site including the relationship of proposed mounding to existing vegetation and surrounding landforms and the proposed buildings and their finished floor levels. Development shall only be carried out in accordance with the approved details prior to the occupation of the development. (Reason - In the interests of preserving and enhancing the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
- 20. The layout and landscaping of the site, submitted in accordance with conditions 1 and 2 above, shall indicate the positions, designs, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwelling hereby granted outline permission is occupied, and shall be retained thereafter without alteration or addition. (Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
- 21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road. (Reason - To retain the open character of the landscaped frontage in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
- 22. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. The proposals shall be carried out as approved for the full duration of the plan. (Reason - In the interests of amenity and to preserve and



enhance the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

23. No demolition works shall commence until a full method statement for the demolition of the building indicated as "Offices to be demolished" on plan number 1135 L.01.02 as received by the Local Planning Authority on 20<sup>th</sup> August 2012. The details shall include a fully detailed methodology for the demolition works in relation to the sections of the building abutting "Building B" as indicated on the plan and shall include full details of the finished north, west and south elevations of building B post demolition. The demolition works shall thereafter only be carried out in accordance with the approved details. (Reason: In the interests of the character and appearance of the building and to protect the amenities of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).
24. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
25. No development shall commence until full details of the surface treatment of all roads, footways and cycleways within the development have been agreed in writing with the Local Planning Authority. Thereafter the development shall only be constructed in accordance with the approved details. (Reason: In the interests of the character and appearance of the area and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
26. No part of the development within Zones D and E as shown on plan No. 1135 L.01.01\_Rev A shall exceed two stories in height and no part of the development within the remaining zones shall exceed three stories in height. (Reason: To respect the character of the area and the amenities of neighbouring properties in accordance with the requirements of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
27. The care home hereby approved shall be used only for purposes within class C2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification, and shall at no time be used to create separate dwellings other than for the provision of accommodation for carers employed at the premises. (Reason: To ensure that the development is used for the proposed purposes and does not form separate dwellings for which a proportion of affordable housing would otherwise be required in order to comply with Policy H4 (Affordable Housing) of the East Devon Local Plan).
28. The proposed development shall only be carried out in accordance with the recommendations of the ecological reports listed below by Devon Wildlife Consultants:
  - Tree Assessment for Roosting Bat Species, Report No. 12/1906a dated October 2012

- Remote Detector Survey (Summer, Autumn & Winter) – Interim Report, Report No. 12/1906b dated October 2012
- Protected Species Survey of Buildings, Bat Emergence & Dawn Re-entry Surveys and Remote Detector Surveys, Report No. 12/1809 date August 2012
- Extended Phase 1 Habitat Survey Report No. 12/1558a Dated June 2012.

The additional surveys recommended by these reports shall be submitted with the any reserved matters for the development of the site.

(Reason: In the interests of protecting the ecological features of the site in accordance with the requirements of policy EN6 of the adopted East Devon Local Plan).

29. The details submitted to accompany the reserved matters for the development hereby permitted shall not include any first floor windows within the south elevations of plots 1, 7 and 8 of Area D and the south facing elevation of plot 8 unless these are obscure glazed and non-opening to a height of 1.7m above the internal floor level. (Reason: To protect the amenities of the residents of adjoining properties in accordance with Policy D1 (Design and Local Distinctiveness of the adopted East Devon Local Plan).

### Reasons for Approval

#### NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

#### Devon Structure Plan Policies

ST1 (Sustainable Development)  
 ST4 (Infrastructure Provision)  
 ST15 (Area Centres)  
 ST18 (Affordable Housing)  
 ST18A (Mix and Type of Housing)  
 CO1 (Landscape Character and Local Distinctiveness)  
 CO3 (Areas of Outstanding Natural Beauty)  
 CO9 (Biodiversity and Earth Science Diversity)  
 CO11 (Conserving Energy Resources)  
 CO13 (Protecting Water Resources and Flood Defence)  
 TR2 (Co-ordinating Land Use/Travel Planning)  
 TR4 (Parking Strategy, Standards and Proposals)  
 TR5 (Hierarchy of Modes)  
 TR6 (Network Integration)  
 TR7 (Walking and Cycling)  
 TR9 (Public Transport)

#### East Devon Local Plan Policies

S2 (Built-up Area Boundaries for Area Centres and Local Centres)  
 S4 (Development Within Built-up Area Boundaries)

S7 (Infrastructure Related to New Development)  
 D1 (Design and Local Distinctiveness)  
 D2 (Sustainable Construction)  
 D3 (Access for the Disabled)  
 D4 (Landscape Requirements)  
 D5 (Trees on Development Sites)  
 EN1 (Developments Affecting Areas of Outstanding Natural Beauty)  
 EN6 (Wildlife Habitats and Features)  
 EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)  
 EN11 (Preservation and Enhancement of Conservation Areas)  
 EN21 (Surface Run-Off Implications of New Development)  
 H1 (Residential Land Provision)  
 H2 (Residential Land Allocation)  
 H3 (Range and Mix of New Housing Development)  
 H4 (Affordable Housing)  
 RE3 (Open Space Provision in New Housing Developments)  
 E2 (Employment Generating Development in Built-up Areas)  
 RE1 (Retention of Land for Sport and Recreation)  
 RE3 (Open Space Provision in New Housing Developments)  
 TA1 (Accessibility of New Development)  
 TA3 (Transport Assessments /Travel Plans)  
 TA4 (Footpaths, Bridleways and Cycleways)  
 TA7 (Adequacy of Road Network and Site Access)  
 TA9 (Parking Provision in New Development)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal is contained within the defined built-up area boundary of the settlement.
5. The access to serve the proposal does not prejudice highway safety.
6. Although the proposed development does not strictly comply with the requirements of Policy E3 (Safeguarding Employment Land and Premises) it is considered that the economic impact on the local economy of Sidmouth is justified by the wider economic benefits of the development for East Devon as a whole.
7. While the loss of part of the parkland and formal gardens is unfortunate given the strong feeling of the local community that these should be retained in their entirety it is considered that the impact on any limited remaining historic interest of these areas would be minor.

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.