

**Grid Ref:** 113321 : 298568

**Applicant:** Mr Nigel Timmis

**Location:** Post Hill Nursing Home 36 Post Hill Tiverton Devon

**Proposal:** Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)

**Date Valid:** 28th April 2014



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**14/00604/MFUL - ERECTION OF CARE HOME AND 12 APARTMENTS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING, FOLLOWING DEMOLITION OF EXISTING HOSPITAL BUILDINGS (REVISED SCHEME) - POST HILL NURSING HOME 36 POST HILL TIVERTON DEVON**

**Reason for Report:**

To determine this planning application.

**RECOMMENDATION(S)**

**Planning Permission granted subject to signing a S106 and conditions as set out in this report.**

**Section 106 to secure:**

- **Transfer of additional 0.5m strip of land from north eastern end of proposed access road and parking area, up to and including the boundary with the adjoining land owned by Waddeton Park Ltd (outlined in blue on the site location plan), from applicants to the Highways Authority at nil cost to the Highway Authority, prior to the commencement of any development on the site, to safeguard the ability to provide a through road through the site to connect to the development of the land to the north;**
- **4 x affordable dwellings (1 x 1 bedroom apartment and 3 x 2 bedroom apartments);**
- **£34,584.5 financial contribution to Devon County Council Education (including legal fees);**
- **£10,625 financial contribution toward the off site provision of public open space;**

**Relationship to Corporate Plan:**

Managing the environment

**Financial Implications:**

The application would be subject to a S106, the details of which are set out in the above recommendation.

Should the application be refused and appeal submitted to the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have behaved unreasonably.

**Legal Implications:**

The application would be subject to a S106 Agreement.

**Risk Assessment:**

None identified

**Consultation carried out with:**

1. Highway Authority
2. Tiverton Town Council
3. Environment Agency
4. Environmental Health
5. Historic Environment Service
6. Natural England
7. Devon and Cornwall Police Authority
8. South West Water
9. Devon County Education

**1.0 Proposed development**

- 1.1 The planning application proposes the erection of a 64 bedroom care home and 12 apartments (4 to be affordable homes) as well as associated highways infrastructure, parking for motor cars, cycles and motor cycles and landscaped gardens following the demolition of the remaining three buildings on site which were formerly the Post Hill hospital complex.
- 1.2 The care home would provide a range of facilities including 64 en-suite bedrooms, residents communal dining and living rooms, visitors cafe and kiosk, residents function room, hair and beauty salon, treatment and therapy room, laundry facilities, drug suite, sluice rooms, commercial kitchen, assisted bathrooms and outside seating areas.
- 1.3 The landscaped garden areas surrounding the care home will include sensory gardens, dementia loop paths, water features, planting, lawns and seating areas to provide both a safe and visually attractive setting for the care home development.
- 1.4 The 12 apartments are a combination of 2 and 1 bedroomed open market properties. The apartments are an overtly contemporary design with a circular courtyard parking at the northern end in order to respect and retain a large oak tree and retain access to the Hospicare premises to the North West.

- 1.5 Vehicular access to the site is from Blundells Road at Post Hill. On site parking and turning is proposed for cars, cycles, motor cycles and service delivery vehicles, emergency services vehicles and refuse collection. The applicants own/control all of the land necessary to provide a road through the site, up to and including the boundary with the Waddeton Park Ltd land to the north/north east. However, there is a 0.5m strip of land within one of the applicants ownership adjacent to the boundary which is required and which has not currently been offered as part of the planning process at nil cost to the Highway Authority. The Local Planning Authority has sought an independent valuation of this 0.5m strip of land and negotiations with the applicants are on-going. If agreement cannot be reached regarding the provision of the 0.5m strip of land, the lack of provision of a connecting road through the site would be contrary to the Tiverton EUE masterplan SPD as this requires a comprehensive and co-ordinated deliver of development and identifies this site as providing the preferred route to the Waddeton Park Ltd land to the north/north east.

## **2.0 APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Extended Phase I Habitat Survey Report  
Bat Survey Report  
Reptile Survey Report  
Travel Plan  
Geotechnical Investigation and Ground Assessment Report  
Pre development tree survey and assessment report  
Transport Statement  
Plans and elevations

## **3.0 TIVERTON EASTERN URBAN EXTENSION MASTERPLANNING PROCESS**

The application forms part of a larger area promoted for development and referred to as the Tiverton Eastern Urban Extension. This area is now subject to a masterplan which is a Supplemental Planning Document and a material consideration when assessing developments within the masterplan area. Spatially, the application site occupies approximately 0.6% of the total area covered by the urban extension masterplan area and 0.8% of the required residential development. The specific site is indicated to be suitable for employment uses and this application would deliver a 64 bedroom care home. The following section of this report provides an overview of the background to the masterplanning process for the Tiverton Eastern Urban Extension.

The role and purpose of a masterplan is a comprehensive plan that acts as a blueprint for the development of an area: setting out principles for the way in which it will come forward, coordinating policy and infrastructure requirements. It is common to utilise this approach for larger scale developments where there are multiple landowners/developers and there is a need to ensure development takes place in a comprehensive way to deliver common infrastructure, coordinate phasing and to resolve often complex planning issues.

Masterplans bridge the gap between planning policy aspiration and implementation in order to achieve a high quality design and create a successful place. They also set out key principles that planning applications will need to have regard to in order to be considered acceptable. It is important to understand that whilst a masterplan sets out guidelines and principles for the development, it does not contain the same level of detail and supporting documentation that would be expected at a planning

application stage. Additionally as masterplans often relate to large strategically important sites that are to be delivered in phases over what may be a long time period, they also need to contain flexibility in order to respond to changing circumstances.

Further details about the process of consultation on the masterplan process and the scope of change from the masterplan as initially drafted to the approved document are set out in the report that was presented to the Cabinet on the 17 April 2014, and subsequently to Council on the 30th April 2014 when it was voted to endorse the masterplan and approve it as a material consideration for the determination of planning applications for new development, including this application.

#### **4.0 RELEVANT PLANNING HISTORY**

13/01079/MFUL - Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings – REFUSE – November 2013.

13/01616/MOUT – Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements – Pending (relates to land to north/north east)

#### **5.0 DEVELOPMENT PLAN POLICIES**

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR13 - Tiverton

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/DE/1 - Housing Plan, Monitor and Manage

AL/DE/2 - Overall Affordable Housing Provision

AL/DE/3 - Affordable Housing Site Target

AL/DE/4 - Occupation of Affordable Housing

AL/DE/5 - Inclusive Design and Layout

AL/IN/3 - Public Open Space

AL/IN/6 - Carbon Footprint Reduction

AL/TIV/1 - Eastern Urban Extension

AL/TIV/2 - Eastern Urban Extension

AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure

AL/TIV/4 - Eastern Urban Extension Community Facilities

AL/TIV/5 - Eastern Urban Extension Carbon Reduction & Air Quality

AL/TIV/6 - Eastern Urban Extension Phasing

AL/TIV/7 - Eastern Urban Extension Masterplanning

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM3 - Sustainable Design  
DM6 - Transport and Air Quality  
DM7 - Pollution  
DM8 - Parking  
DM14 - Design of housing  
DM27 - Development affecting heritage assets

Tiverton Eastern Urban Extension Masterplan – Supplementary Planning Document

## 6.0 CONSULTATIONS

HIGHWAY AUTHORITY - 2nd July 2014 - Observations: The Development proposal should be considered in line with the aspirations of the adopted Masterplan for the Tiverton Eastern Urban Extension and as such the carriageway serving the site should be of a design to serve the wider allocation.

The applicant has acknowledged this and submitted plan 3293/32 "Future road Provision", however their proposed layout on drawing 3293/01, their desired construction, falls short of this layout and would require the proposed car parking to be repositioned at a future date by others. This would require land which is outside the current design to be either taken into the control of the Highway Authority or purchased as third party land by the developer building the future road. This would also conflict with the root protection of the group of trees to the west although I am led to believe that these are not as important as previously considered, but this is a matter for the Local Planning Authority to consider. The Local Planning Authority is aware of the highway amendments sought by the Highway Authority and has requested that an amended plan be submitted showing the changes required which may impact on the current design in 3293/01. Such changes include the layout of the lay-by identified for the loading and unloading of deliveries to the care home and its relationship to the terrace, the permanent alignment of the parking areas allowing for the 3.0m footway cycleway over their frontage, the full road construction being shown to the boundary of the site, and provision of the footway to the east at the appropriate width to cater for pedestrians and Wheel chair users and a width of 1.5m is required, this being required to pass the layby to its rear. The current design shown on 3293/01 being the proposal the developer is willing to build does not comply with the aspirations of the masterplan, and drawing 3293/32 while showing the relocation of the parking spaces does not provide detail of the layby for loading and unloading or the required footway width.

In addition to which the application is in full and details of the drainage for the site access and the required road has not been provided to the satisfaction of the Highway Authority. The topography of the site would require some distribution towards the south and some towards the north which would need to drain to the remaining allocation site. As a full application such designs should be submitted for approval and should show the cut off between the two routes and be supported by the relevant design calculations SUDs where appropriate and South West Water approval.

The applicant has submitted a travel plan which in the main is acceptable but does not provide any positive incentives to change travel modes and the provision of such measures as, Buss pass provision or assisted subsidy for such, priority parking for car sharers, and lockers and shower facilities for staff choosing to cycle should be considered.

The amended plan has yet to be forthcoming and the applicant has indicated that they would not take the road fully to their boundary thereby creating a "ransom strip" for the delivery of the distributor road sought by the masterplan give cause for concern that the road is not of sufficient design to cater for the wider allocation and the connectivity sought by the master plan would not be provided contrary to the aspirations of the masterplan. The Highway Authority would therefore recommend refusal of the application based upon insufficient detail of the drainage, and access details and the Local Planning Authority are advised to consider the sites non-compliance with the aspirations of the adopted masterplan. The existing and resolved development to the north, Waddeton Park, has been recommended for approval by the Highway Authority based upon its access from Putson Lane which the Highway Authority has advised is acceptable for the proposal and that a distributor style road be conditioned to the boundary with this application in order to satisfy the masterplans aspiration of access to the Waddeton Park land as a better designed point of access. It is the opinion of the Highway Authority that the Waddeton Park site has an acceptable alternative access arrangement and that any land withheld by this development would not preclude it coming forward and therefore a ransom situation does not arise.

As part of the wider off site infrastructure sought by the masterplan, is the delivery of traffic calming along Post Hill and Blundells road, and directly relating to the care home is the provision of a toucan crossing which would allow the residents and staff of this application access to the community facilities being delivered by the development to the south of Blundells Road. Should planning consent be granted for this application the Highway Authority would consider a contribution of approximately £50,000.00 being appropriate contribution from the hospital site application. Further contributions to the wider masterplan Infrastructure cost will be taken under advisement.

Recommendation: The Local Highway Authority recommends that the permission be refused for the following reasons:-

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of

- (a) access,
  - (b) road layout,
  - (c) road construction,
  - (d) road gradients,
  - (e) surface water drainage,
- contrary to the National Planning Policy Framework.

15th August 2014 - Observations:

The Highway Authority has reviewed the latest layout plan and has the following observations. Drawing 3293/01 rev B is generally acceptable in width alignment, but still fall short of being taken to the boundary of the land coloured blue on the latest site location plan and the Waddeton park land. This is necessary in the provision of the desired route and to comply with the master plan. The above plan while generally acceptable would require some minor detail changes to provide for tactile paving and construction details which can be addressed through the section 38/278 agreement and will not impact on alignment and setting. The current limits of construction would only be acceptable if the remaining land necessary for the delivery of the link were secured at no cost to the Local Authority through a section

106 agreement; such land should include the full width of the adoptable highway and sufficient construction space for its delivery.

No details have been provided for the drainage of the site and the highway Authority would still wish to see this detail, however if the local Planning Authority are minded to approve the application without such information the Highway Authority would recommend a Grampian style condition as set out below.

The Local Planning Authority are aware of the concern with regard to the parking provision with the change of status of the apartments to Open market and the mitigation measure discussed to allow the level of parking should be included in the travel plan which should be subject to the section 106 agreement and the Travel plan should be approved in writing and the approved plan appended to the agreement. The Highway Authority would accept a cycle parking provision as discussed with the Local Planning Authority and the Applicant and its design and location are a matter for the Local planning Authority to determine.

With the change in status of the apartments to open market, the residential element of this development warrants that their provision should be considered in the required Allocation infrastructure delivery at a prorated rate and while the provision of the £50,000.00 previously identified would go some way to this the overall package of measures identified by the master plan would attract a greater contribution. The Highway Authority would accept the figure identified by the Local Planning Authority of 0.8% of the total cost. The current overall cost available for Highway infrastructure is £12,400,000.00 and based upon the 0.8% this requires a contribution of £99,200.00, along with any other costs associated with education and other infrastructure identified.

Without the section 106 agreements to secure all the necessary lands, and contributions the Highway Authority would still maintain a recommendation of refusal for its non-compliance with the master plan and without the securing of the travel plan through a section 106 insufficient parking provision would attract a similar recommendation.

Should the Section 106 be agreed, then the following conditions should be imposed.

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:-

#### CONDITIONS FOR RESIDENTIAL ESTATES

1. The proposed estate 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. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
  - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

4. 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 spine 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 spine 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 spine 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 spine 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

5. Within twelve months of the first occupation, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

6. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide details of:
- a) Timetable/programme of works
  - b) Measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles]
  - c) Days and hours of construction and deliveries
  - d) Location of loading, unloading and storage of plant and materials
  - e) Location of contractor compound and facilities
  - f) Provision of boundary fencing/hoarding
  - g) Parking of vehicles of site personnel, operatives and visitors.
  - h) Wheel washing
  - i) Dust control

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents and the local highway network.

7. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority and the Flood Management Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with emerging Flood management act, waters act and Highways act.

8. Before the development is brought into use, cycle/scooter storage shall be provided in accordance with the details which shall be submitted and approved in writing by the Local Planning Authority. The cycle/scooter storage facilities shall be retained for the life of the development.

REASON: To promote sustainable travel in accordance with policy set out in National Planning Policy Framework.

TIVERTON TOWN COUNCIL - 21 May 2014 - Support

ENVIRONMENT AGENCY - Operational development less than 1 ha - within flood zone 1 - no consultation required - see surface water management good practice advice - see standard comment

8th May 2014

The site is under 1ha and in FZ1, therefore our Best Practice Guidance for the Management of Surface Water applies.

ENVIRONMENTAL HEALTH - 20th May 2014 - Contaminated Land - Recommendations in the Ruddlesden report should be applied.

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Licensing - N/A

Food Hygiene - Recommend a wash hand basin is provided to the commercial kitchen otherwise one-half of the double sinks will need to be designated solely for the purpose of washing hands.

Private Water Supplies - N/A

Health and Safety - No objections

HISTORIC ENVIRONMENT SERVICE - 21st May 2014 - The proposed development lies in an area of archaeological potential where evidence of prehistoric activity is demonstrated by the presence of a prehistoric funerary monument to the north and by recent archaeological work undertaken in the wider landscape that has identified prehistoric or Romano-British enclosures as well as possible field systems. Groundworks within the proposed development are a have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity in the immediate vicinity.

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 District 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 the excavation of a series of evaluative trenches to allow the survival and nature of any archaeological deposits to be understood and enable an appropriate programme of archaeological work - if required - to be implemented prior to 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.

#### NATURAL ENGLAND - 9th May 2014

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 2 October 2013.

The proposed amendments to the original application relate largely to design, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

#### Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered.

DEVON & CORNWALL POLICE AUTHORITY - 13th May 2014

I would like to suggest that this be considered suitable for making Secured by design a condition as it is specifically for the most vulnerable in our community. Essentially that means a minimum standard of security for doors and windows (PAS24 2012) alarm spurs being fitted, and appropriate lighting. It would also require consideration of making this a gated community especially between 2200 and 0600. The layout is acceptable for SBD certification.

SOUTH WEST WATER - 21st May 2014 - A plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Development Planning Team to discuss the matter further.

DEVON COUNTY EDUCATION - 4th June 2014 - Following receipt of your list of planning applications I write with regard to the above. A contribution towards education infrastructure via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary schools within the recognised safe walking distance to school are over capacity, we therefore request a contribution towards the provision of the additional education facilities required for the likely number of primary aged pupils expected from this development to the sum of £34,084.50.

The secondary school that serves this development area currently has capacity so we therefore do not require a contribution at this time.

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.

\*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.

## **7.0 REPRESENTATIONS**

Notification letters were sent to 24 residential properties, an A3 site notice was displayed at the front of the site and there was a local paper advertisement regarding the application.

Two objections have been received to the proposed development. These objections raise the following points:

1. The building is too large and out of keeping with the area;
2. The proposal is too close to a residential property;
3. Any works to the trees or hedges surrounding the site will reduce privacy to surrounding neighbours;
4. The proposal will be too prominent in the street scene;
5. The loss of mature trees will have a negative impact on the visual amenity of Post Hill;
6. The inclusion of an access road to the EUE will result in highways safety issues

## **8.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

- Policy/masterplanning/land use
- Highway and access
- Design and impact of the care home and extra care apartments
- Drainage
- Contamination
- Ecology
- Impact on and loss of trees
- Section 106 issues
- Other matters: affordable housing, public open space

### **8.1 Policy/masterplanning/land use issues**

8.1.1 The application site is a former hospital site which has been unused for a number of years. The site forms part of the wider allocation of land for development included in the Tiverton Eastern Urban Extension Masterplan which is now an adopted Supplemental Planning Document (Tiv EUE SPD).

8.1.2 The masterplan identifies the site as suitable for a care home and the application would deliver this. This use will contribute towards employment floorspace within the urban extension. Provision of the care home would also be in accordance with policy COR4 MDCS which encourages other forms of sustainable employment generating uses. However, the application also includes 12 open market apartments. While a residential use of the site is not explicitly promoted as part of the masterplan SPD, the 12 apartments are considered to be a compatible use bearing in mind the surrounding residential development at Post Hill and the proposed residential development immediately north/north east of the site. The 12 apartments are also designed to create a cohesive form of development when considered alongside the

64 care home. The site would have a mixed use as a result of the proposed development rather than a solely employment use, however, in this instance this is considered to be acceptable as the masterplan aspiration to provide a care home on the site will be achieved.

8.1.3 Part 4.3 of the Tiverton EUE Masterplan SPD identifies a number of new connections and works that will help to link the new masterplan neighbourhood with its surrounding area and in turn the wider Tiverton town. These will reduce the impact of the development. These new connections include enhancement of Putson Lane and Uplowman Road (covered in application 13/01616/MOUT); provision of a link through the NHS site (the preferred route); non vehicular link from land to north east to Fairway (covered in application 13/01616/MOUT) as well as further links and routes from land south of Blundells Road.

8.1.4 The link through the NHS site (former Post Hill hospital) is indicated in the Tiverton EUE masterplan SPD as a preferred vehicular link from Blundells Road to the land to the north east. While the application now includes all the land required to ensure a road link can be made through the site, with a combination of land within the application site itself and a further strip of land within the control of one of the applicants. Negotiations are currently taking place between landowners over this further strip of land. Further information can be provided at the planning committee meeting under Part 2. The application will only be considered to be fully in accordance with the Tiverton EUE masterplan SPD if the through road within the application site and land for the additional part of the road, within control of the applicants, can be agreed and secured through a Section 106. Hence the recommendation to grant planning permission subject to a Section 106 as detailed above. In the absence of provision of the road/or land for the road within the control of one of the applicant's up to the boundary with the Waddeton Park Ltd application site the proposal would not deliver the comprehensive, coordinated approach to the urban extension required by the masterplan SPD.

## 8.2 Highway and access

8.2.1 The main highway and access consideration with regards to the development of this site is the provision of a road through the application site to enable a link to be made to the Waddeton Park Ltd application site to the north/north east.

8.2.2 Although one of the plans submitted indicates an access road through the site, with an annotation of "new access through to neighbouring site" the application does not currently provide a vehicular or pedestrian link through the site to connect to the Waddeton Park Ltd land to the north east. The application site is shown in the Tiverton EUE masterplan as the preferred route for a road connecting to the land beyond. The application was been submitted since the content of the masterplan was publicised. While the application does not currently achieve this provision discussions are on-going regarding this issue. One of the applicants has offered to make their part of the site available for the provision of the through road (as indicated in the masterplan), however the other applicant has not currently indicated that their part of the site will be made available for the road through the site at nil cost. The site location plan now includes all of the land required to form a physical boundary with the Waddeton Park Ltd land to the north/north east in the red and blue edged land. However, no agreement has currently been reached regarding the terms of the provision of the required land. As mentioned in section 8.1, in the absence of provision of the road/or land for the road within the control of one of the applicant's up to the boundary with the Waddeton Park Ltd application site, the proposal would not deliver the comprehensive, coordinated approach to the urban extension required

by the masterplan SPD. A S106 clause is proposed to safeguard the delivery of this road link to the Waddeton Park site to the north east and meet the masterplan SPD requirements.

- 8.2.3 Vehicular and pedestrian access to the care home and apartments would be from Blundells Road at Post Hill.
- 8.2.4 On site parking and turning is proposed for 32 cars, 9 cycles, 2 motor cycles as well as for service delivery vehicles, emergency services vehicles and refuse collection. The parking strategy and provision is justified in the accompanying transport statement as well as the provision of auto track diagrams.
- 8.2.5 Parking for the care home is proposed on both the west and east side of the road running north east/south west through the application site. The parking has been moved back on the western side since the application was submitted in order to allow for a pavement to be provided in front of the spaces. The 2 motorcycle parking spaces have also be relocated to allow for the road and pavement. On the east side of the road there is a visitors car park with 2 designated disabled parking spaces as well as a layby required for delivery vehicles/emergency vehicles. The parking provision is in accordance with the requirements of policy DM8 LP3.
- 8.2.6 Following receipt of a revised site layout plan the Highways Authority have removed their objection to the physical layout of the site although they have retained their concerns regarding the lack of provision of a through road to connect to the Waddeton Park Ltd land to the north. They have also identified that the parking provision is not wholly in accordance with the requirements of policy DM8. However, with the provision of another cycle store (to be required by condition) and a requirement for the applicants to agree a travel plan in order to mitigate against the Local Plan policy under provision of parking, the Highways Authority have indicated that they could not sustain an objection to the application as it is in accordance with the requirements of the NPPF. The parking provision, access and road layout (as far as it is shown), provision of a layby for deliveries and pavement provision are all considered, on balance, to be acceptable and to create a safe place in accordance with policy COR9 MDCS and policies DM2, DM8 and DM14 of LP3.
- 8.2.7 The Highway Authority have identified that the applicants strategic contribution toward the development of the Tiverton EUE masterplan should include the land required to enable a through road to be provided through the site to connect to the Waddeton Park Ltd application site to the north/north east. The applicants should also finance a £50,000 contribution toward a toucan crossing needed to enable pedestrians to access the community facilities proposed on the south side of Blundells Road as well as a further financial contribution of £49,000 toward the wider masterplan infrastructure costs for traffic calming on Blundells Road, provision of a Left In Left Out junction onto the A361 and highways improvement works at Post Hill. These contributions will be secured via S106. Subject to the proposed S106 agreement being reached regarding the provision of a through road the application will be in accordance with the Tiverton EUE Masterplan SPD and policy COR8 MDCS.

### **8.3 Design and impact of the care home and apartments**

- 8.3.1 A contemporary approach has been taken for the design of the care home and apartments. The site has residential development of different ages and architectural styles on three sides. As there is no defined style for development in Post Hill, it is considered acceptable to propose contemporary design that does not repeat architectural approaches previously used in the area. The scale and mass of the

proposed development has however been designed to sit comfortably within the scale of the site itself and not to have an overly dominating impact on the visual amenity of the area.

- 8.3.2 The care home layout is a curved T shape. It has a large footprint but the mass is reduced by the building consisting of three connected, two storey sections. The depth of each section is approximately 13m. The care home is slightly set back into the site and on approach from Tiverton (west) it is the smallest two storey block that forms the entrance to the care home that is visible. At the closest point the care home would be 12m back from the edge of the pavement. The view from this approach angle will be softened by the retention of boundary trees and planting of new trees and lower level landscaping. On approach from Halberton (east) the same smallest block will be visible as well as part of the curved block extending back into the site. This view, post construction and landscaping, would be partially obscured and filtered by retained trees. It is considered that the proposed care home will not have a negative impact on the visual amenity of Post Hill or a detrimental impact on the character of Blundells Road.
- 8.3.3 The care home is two storey, other than the most northerly section which also contains a basement. Due to the difference in levels across the site the smaller entrance block will be lower than the remainder of the building. The entrance section of the building contains a few bedrooms but also a majority of the communal facilities such as reception, residents living room, visitors café/function room, hair salon, therapy and treatment room, offices and drug store. The remaining two blocks which extend to the north consist mainly of ensuite bedrooms interspersed with communal spaces.
- 8.3.4 While the height, scale and mass of the care home reflects the required internal floor space and available developable area, it has been designed with a contemporary approach to assist in concealing the overall mass of the building. The external facades of the building have been broken up with the use of aluminium cladding and some full height timber effect cladding to add contrast and aluminium balcony arrangements at the entrance to provide interest as well as built out and set back window detailing.
- 8.3.5 The external materials of the care home would include:
- Walls: Light grey composite timber effect cladding to first floor and roof. Ground floor walls to be brown timber effect cladding (to provide contrast). Brick to be used below DPC and for cycle/bin store walls.
- Roof: Light grey composite timber effect cladding (same as upper wall cladding)
- Windows and doors: Grey powder coated aluminium
- 8.3.6 Surrounding the care home will be landscaped gardens including sensory areas, looped paths and a terrace. The planting proposals are discussed further in the trees and landscaping section of this report.
- 8.3.7 The care home development will dramatically increase the volume of built development on the site, however, it is considered that the site can accommodate the development as proposed. The care home will be visible from 38 Post Hill and 4 Fairway and partially visible from 2 fairway. From 38 Post Hill the eastern side of the curved wing of the care home will be visible and will be approximately 28m from this dwelling. This property will also have views toward the corner of the rear block of the care home which will be approximately 19m to the north. Number 4 Fairway will also



have views of the care home from the dwelling and garden. The nearest part of the care home to this property is the north eastern corner and it would be approximately 22m to the west. There are only two windows on the east elevation of the rear block of the care home, both provide light to internal corridors. Only the first floor window would be visible and this could be obscure glazed to prevent any overlooking toward 4 and 2 Fairway. It is not considered that the care home will have an overbearing impact on the amenity or result in an unacceptable loss of privacy for the occupiers of the dwellings to the east of the application site.

- 8.3.8 For the reasons described above the design of the care home is considered to be acceptable and in accordance with the high quality design requirements of policy COR2 Mid Devon Core Strategy (LP1), policies DM1, DM2 Local Plan Part 3 (Development Management Policies) and the NPPF.
- 8.3.9 The 12 apartments are proposed in the south west part of the site. They are proposed in one block over three levels. The apartments closest to the single storey (off site) existing development to the north and North West are single storey height. The number of storeys increases to 3 towards the southern end of the block.
- 8.3.10 The external material palette is not dissimilar to that proposed for the care home. While the architectural treatment differs to the care home, it is a more overtly contemporary design, it contains some similar features, such as the protruding bays and horizontal aluminium clad features.
- 8.3.11 The principal elevation of the apartments faces toward the care home with a secondary elevation facing toward Blundells Road. There are limited openings on the west elevation which mainly serve stairs, lobbies and common corridors. The first and second floor windows associated with common corridors have high level windows only. The orientation of the building minimises any loss of privacy through overlooking to the off site properties to the west, it also results in the care home and the apartments addressing each other as part of development of the site as a whole.
- 8.3.12 Part of the apartments building is three storeys high, the highest part of the apartments roof is between 1 and 3m higher than the ridge height of the existing two storey former hospital building currently on this part of the site. The three storey section of the apartment block is not immediately adjacent to the boundary with properties in Post Hill or Pomeroy Road. At the southern end (closest to Blundells Road and Post Hill two storey dwellings) the apartment block is approximately 7m high at a distance of 4m from the boundary of the site. The apartment block then steps away from the western boundary to give a 10m clearance. Moving toward the northern end of the apartment block the height reduces from 3 to 2 to 1 storeys high. The single storey northern end of the site is approximately 2.5m from the site boundary at the closest point.
- 8.3.13 While the outlook from the rear windows and rear gardens of 34 Post Hill and 10 Pomeroy Road will be significantly altered as a result of the proposed development it is not considered that the apartment block will have an either an unacceptable impact on the privacy of occupiers of these properties or be overbearing. The boundary is currently overgrown with a combination of trees, nettles and brambles and in places is quite considerably higher than the brick western boundary wall. The proposed development would retain a number of the trees but remove the overgrowth along the boundary. The retention and planting of additional trees along this boundary will help to soften the impact of the new development.

8.3.14 The design of the apartments will assist in creating a high quality development that makes an efficient use of part of the site and will contribute positively to the likely development of the area. The 12 apartments will provide 0.8% of the residential development within the masterplan area and will contribute toward the provision of new homes in Tiverton in accordance with policy COR13 MDCS. While there is only limited amenity space associated with the apartments, the location of the apartments within close proximity to the proposed neighbourhood centre/community facilities of the Tiv EUE masterplan should ensure good connections to public open space to be provided in the area and result in the apartments being an accessible place. The design of the apartments is attractive and will sit comfortably alongside the care home proposed on the site. They will not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties or uses. The apartments meet the dwelling sizes required by policy DM15 LP3. Overall the apartments are considered to meet the requirements of policy COR2 MDCS, policies DM2, DM14, DM15 LP3 and the NPPF.

#### **8.4 Drainage**

8.4.1 The Environment Agency has not commented on the application. However, the Highways Authority have indicated that the surface water drainage strategy for the site access and required road is not adequate. Due to the topography of the site, the Highways Authority consider that the drainage would require some distribution to the south and some distribution to the north, with detailed plans and information indicating how this would be achieved. The applicant has been made aware of this requirement and further information has been requested. Although this information is required, following further discussions with the Highways Authority it is considered that a planning condition requiring these details could be adequate. The development can therefore comply with the requirements of policy COR 11 MDCS and policy DM2 LP3 with regards to the management of surface water flooding.

#### **8.5 Contamination**

8.5.1 The geotechnical investigation and contamination assessment report includes a combination of desk study, fieldwork, laboratory testing, geotechnical assessment and contamination assessment. The report concludes that traditional strip or trench-fill foundations are recommended and that the ground is not favourable for the conventional soakaway drainage. It also found elevated levels of lead, total petroleum hydrocarbins, benzo(a)anthracene and benzo(a)pyrene that could be capable of causing harm to human health but not to controlled waters. Proposed remedial measures include a covering of hardstanding at a suitable depth (600mm), capping of inert soil in garden and soft landscaped areas underlain by a geotextile membrane. Radon measures are not necessary on this site.

Environmental Health was consulted on the application and concluded that the development was acceptable as long as the measures set out in the Ruddlesden geotechnical Ltd report are carried out on site. Suitable planning conditions to control the development in accordance with the geotechnical report recommendations will be imposed. The development is therefore considered to be in accordance with policy DM7 LP3.

#### **8.6 Ecology**

8.6.1 The application is supported by an Extended Phase 1 Habitat survey report, Bat survey report and a Reptile survey report. Policy DM2 LP3 (Development Management Policies) and the NPPF indicate that development should have a positive contribution to biodiversity assets through aiming to conserve and enhance biodiversity.

- 8.6.2 The habitat survey indicated that the application site is not within any statutory or non statutory sites of nature conservation importance and there is only one SSSI within 1km of the site. There is a Local Nature Reserve, two County Wildlife Sites and an unconfirmed wildlife site within 2km of the site. The report concludes that the development will not have any direct or indirect impacts on these surrounding areas.
- 8.6.3 Approximately 0.35ha of the site is semi improved species rich grassland, between the buildings and around the car parking area which has a relatively high ecological importance due to range of plant species and potential for reptiles. In addition to semi improved grassland there are areas of scattered and continuous scrub. These mostly comprise of bramble and nettle and are of moderate ecological value.
- 8.6.4 The hedgerow on the southern boundary of the site is considered to be species poor and as such would not qualify as an important hedgerow under the Hedgerow Regulations 1997. The tall mature trees on site, particularly the row of Lime trees on the northern boundary overshadow the ground beneath and have resulted in a woodland flora in these areas.
- 8.6.5 One of the three buildings that remain on site (all to be demolished) contained some old bat droppings indicating use by a bat in the past. No recent wildlife activity found within these buildings.
- 8.6.6 No dormice were found on the site and no badgers were found on the site. However, the current habitats on the site have potential for both dormice and badgers. Therefore conditions are proposed requiring the completion and submission of a dormouse nest tube survey and a badger verification survey prior to the commencement of development of the site.
- 8.6.7 A bat survey was carried out which included two dusk emergence surveys in July 2013. These surveys indicated that Esther Molland House (two storey brick building on site) is used for breeding by common pipistrelles and by brown long eared bats as an occasional roost. The demolition of the building will result in a loss of the current roost and a European Protected Species Licence will be required prior to works commencing. Part of the EPSL assessment includes the satisfaction of three tests set out by Natural England. The first of these seeks information regarding whether there is an overriding public interest including those of a social or economic nature. In this instance the application site forms part of a masterplanned area, the development of which was agreed in principle when the Allocations and Infrastructure Development Plan Document was adopted in 2010. There is therefore an overriding economic benefit in the development of this site and one which has been expected and encouraged by the development of planning policies in the last few years. In this instance it is considered that the loss of bat roost is acceptable and justified and that test one of the Natural England requirements can be met. The bat report also includes mitigation for the loss of the roost within the Conservation Action Statement, which includes avoiding harm to bats during construction works and inclusion of measures to ensure long term provision of alternative bat roosting opportunities within the site.
- 8.6.8 In addition to a bat survey a reptile specific survey was also carried out as the rough grassland and scattered scrub habitats could provide opportunities for sheltering and foraging reptile species. The report recommends that a 2m wide buffer of long grass be retained along the southern boundary.
- 8.6.9 The survey carried out identified a tiny population of slow worms (no more than 2). As a result it is recommended that the grassland areas are mown to a short sward

height during the winter months to reduce the habitat suitability for reptiles and allow them to move toward the periphery. The short grass should be retained until development starts and during construction.

8.6.10 The supporting information and reports accompanying the application have identified the habitats present on the site as well as flora and fauna. The reports do not indicate that the site cannot be developed but do make recommendations for survey work prior to the commencement of development as well as suggestions on how to assist the flora and fauna currently present. The reports do not conclude that the existing habitats will be unacceptably damaged. While the landscape of the site will be altered dramatically during and post construction there are still opportunities through landscaping and retention of habitat features to ensure the site continues to make a contribution to the habitat diversity in the area. On this basis the application is considered to be in accordance with policy DM2 LP3 (Development Management Policies) and the NPPF.

## **8.7 Carbon Reduction Strategy, Code for Sustainable Homes, BREEAM assessment**

8.7.1 Policy AL/IN/6 AIDPD requires Major developments to make provision for at least 14% of the energy used in the development to come from decentralised on-site renewable or low-carbon sources. In order to demonstrate this a Carbon Reduction Strategy is normally required to be considered alongside a planning application.

8.7.2 In addition to this policy DM3 LP3 (Development management Policies) requires major residential schemes to meet level 3 of the Code for Sustainable Homes (rising to Level 5 from 2016) and major commercial development to achieve BREEAM 'very good' standard from 2013 and 'excellent' from 2016.

8.7.3 A Carbon Reduction Strategy, Code for Sustainable Homes assessment nor a BREEAM assessment have been submitted with the application. However, in this instance the specialist care home has been designed to the latest Care Quality Commission standards. The contemporary design of the care home and apartments is likely to make it considerably easier to meet the requirements of a Carbon Reduction Strategy as well as the Code for Sustainable Homes and BREEAM requirements. The Government has recently indicated that they intend to amalgamate the Code for Sustainable Homes and BREEAM type assessments into the Building Regulations which are then likely to be monitored by Building Control Departments. Bearing this in mind as well as the contemporary design of the development it is considered acceptable in this instance to condition the provision of these documents to meet the current 14% requirements prior to the commencement of development.

## **8.8 Impact on, loss of trees and landscaping**

8.8.1 The application site contains a number of trees and the site is covered by a Tree Preservation Order.

8.8.2 Since the refusal of the original care home application on this site in 2013 further discussions have taken place between the LPA Tree Officer and the applicant's arboriculturalist. It was agreed during these discussions that some of the mature/over mature TPO'd trees could be removed to enable re-siting of the care home (in turn to reduce impact on Blundells Road) if some succession planting could be achieved.

8.8.3 The trees proposed to be removed include: a mature Sweet Chestnut, Copper Beech and Horse Chestnut two of which are centrally located in the site and the Horse

Chestnut being closer to the row of lime trees on the northern boundary. The loss of these trees has enabled the care home to be repositioned on the site and allowed for the access road in the currently proposed location. The height of the care home close to Blundells Road has been reduced which lessens any visual impact of the development from Blundells Road at Post Hill.

- 8.8.4 A number of other good and reasonable condition trees are to be retained including at the site frontage close to the apartments (wild cherry, Western Red Cedar, Sweetgum) and on the eastern side of the access road where a Cappadocian Maple and a group of Ash, Hazel, Birch and Beech are proposed to be retained following some tree works.
- 8.8.5 The proposed landscaping scheme includes the planting of more flowering cherries at the perimeter of the visitor parking area (close to the entrance to the site), and a row of crab apples on the northern side of the care home. In addition to this there is a range of lower level planting proposals along the Blundells Road frontage of the site as well as within and around the care home and apartments development.
- 8.8.6 The large Oak tree close to the entrance to the Hospiscare premises is to be retained. The area around the base of the tree is proposed to be used as car parking for the apartments as well as a circular driveway area to enable vehicles to turn easily in order to leave the site in a forward gear. The LPA Tree Officer has raised no objections to the principle of this proposal.
- 8.8.7 2 x Silver Birch and 1 Erman's Birch will be removed as a result of seeking changes to the road through the site. The parking spaces have been moved west wards which interferes with the location of these trees. While they are not unattractive trees they are indicated as secondary trees to the A grade trees nearby.
- 8.8.8 In addition to this, by including the application site within the Tiverton EUE masterplan and identifying it as the preferred route for access to the land to the north, the LPA should be expecting a number of the tall TPO'd lime trees on the northern boundary of the site to be removed. These trees are considered to be good tree specimens and if it weren't for the required provision for a through route they should be retained. However, at present the number of Lime trees that would need to be removed has not been ascertained although it is likely to be at least 4 to provide for the required road and pavement. Overall, although the loss of trees from the site is regrettable, the economic and social gain from the development and the inclusion of the site within the Tiverton EUE masterplan are considered to outweigh the loss of trees in this instance. The development is therefore considered to be in accordance with policy DM2 LP3.

## **8.9 Section 106 issues**

- 8.9.1 A section 106 agreement will be required to accompany this planning application to secure the following provisions:
- Transfer of additional land from north eastern end of proposed access road and parking area, up to and including the boundary with the adjoining land owned by Waddeton Park Ltd, from applicants to Highways Authority to safeguard the ability to provide a through road through the site to connect to the development of the land to the north;
  - 4 x affordable dwellings (1 x 1 bedroom apartment and 3 x 2 bedroom apartments);
  - £34,584.5 financial contribution to Devon County Council Education (including legal fees);
  - £10,625 financial contribution toward the off site provision of public open space;
  -

8.9.2 This application's strategic contribution to the infrastructure for the Tiverton Eastern Urban Extension is the provision of the land required to enable the 'preferred route' through the site to form a connecting road to the Waddeton Park Ltd land to the north/north east. This comprehensive and co-ordinated approach is required by the adopted masterplan SPD. This application is required to make the necessary land available at nil cost to the Highway Authority. If this cannot be agreed then the application would be considered to be contrary to the Tiverton EUE masterplan SPD.

8.9.3 If a 'preferred route' road link were not required to be provided through the site the applicants would be expected to make the following contributions via a Section 106 agreement:

- £50,000 financial contribution to Devon County Council Highways Authority for provision of a Toucan crossing across Blundells Road at Post Hill;
- £49,000 financial contributions to wider masterplan infrastructure cost such as traffic calming on Blundells Road, highways alterations on Blundells Road at Post Hill, Left In Left Out junction on to the A361;
- A financial contribution toward the provision of community facilities required by the Tiverton EUE masterplan (amount to be confirmed)

8.9.4 The application's contribution towards strategic infrastructure associated with the urban extension are set out in S106 clauses and include the provision of land necessary to provide the completion of the road link at nil cost to the Highway Authority.

### **8.10 Other matters: affordable housing, public open space**

8.10.1 The application would provide 4 affordable dwellings which equates to 33% affordable housing provision. The affordable housing would be secured via a Section 106 agreement. The provision of the affordable housing and there inclusive design is in accordance with policies AL/DE/2, AL/DE/3, AL/DE/4 and AL/DE/5.

8.10.2 A contribution toward the off site provision of public open space is required by virtue of the provision of residential apartments. In this instance the contribution sought is £10,625. This contribution would be in accordance with requirements of policy AL/IN/3.

## **9.0 Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until samples of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority.
4. No hard landscaping works in the areas shown on the approved plans shall begin until details of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.

5. Before the development hereby permitted is first brought into its permitted use the first floor, east elevation window in the northerly block of the care home shall be non-opening, glazed with translucent glass, and be so retained.
6. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan, has been submitted to, and approved in writing by, the Local Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.
7. No development shall begin until there has been submitted to , and approved in writing by the Local Planning Authority, a landscaping scheme for the sensory garden, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
8. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on drawing 1410\_P\_001 shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
9. No development shall begin until a dormouse nest tube survey has been undertaken on the site in accordance with details in the Phase 1 Habitats survey submitted with the application and Natural England standing advice. Once completed the survey and report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved dormouse nest tube survey.
10. No development shall begin until a badger verification survey has been undertaken on the site in accordance with details in the Phase 1 Habitats survey submitted with the application and Natural England standing advice. Once completed the survey and report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved badger verification survey.
11. The development shall be carried out in accordance with the Conservation Management Statement included as Appendix 4 of the Phase 1 Habitat survey submitted with the application.
12. The new road into and through the application site shall be constructed up to and including the north eastern red line boundary of the application site prior to the first use of the care home or first occupation of any of the apartments.
13. The car parking, motorcycle parking, layby and secure cycle storage indicated on the approved plans shall be provided on site prior to the first occupation of

any of the apartments or the first use of the care home. Once provided these parking and storage facilities shall remain permanently available for the parking and manoeuvring of vehicles and storage of bicycles.

14. The development shall be carried out in accordance with the recommendations in the Ruddlesen Geotechnical report submitted with the application.
15. No development shall begin until a Sustainable Urban Drainage Strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Sustainable Urban Drainage Strategy.
16. Two of the 12 apartments hereby approved shall be constructed in accordance with Lifetime Home Standards.
17. No development shall begin until a carbon reduction strategy indicating at least 14% of the energy to be used in the development to come from decentralised on-site renewable or low-carbon sources has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved carbon reduction strategy.
18. No development shall begin until a report indicating that the apartments when constructed will meet level 4 of the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Code for Sustainable Homes report.
19. No development shall begin until a report indicating the BREEAM standard of the care home has been submitted to and approved in writing by the Local Planning Authority. The care home shall reach a standard of 'very good' standard or better. The development shall be carried out in accordance with the approved BREEAM report.
20. No development shall begin until details of how the principles of "Secure by Design" have been incorporated into the care home and apartments hereby approved have been submitted to and approved in writing by the Local Planning Authority.

### **Reasons**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with COR2 Mid Devon Core Strategy and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with COR2 Mid



Devon Core Strategy and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

5. To safeguard the privacy of the occupiers of 2 and 5 Fairway in accordance with policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).
6. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
7. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
8. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
9. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
10. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
11. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
12. To ensure the provision of the road through the site which can be linked to the development of the land to the north/north east as required by the Tiverton Eastern Urban Extension masterplan Supplementary Planning Document.
13. To ensure adequate provision of vehicle parking and cycle storage in accordance with policy DM8 Local Plan Part 3 (Development Management Policies).
14. To protect the occupiers of the care home and apartments from risk from contamination in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).
15. To ensure the provision of a sustainable urban drainage scheme in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and policy COR11 Mid Devon Core Strategy.
16. In accordance with the requirements of policy DM14 Local Plan Part 3 (Development Management Policies).

17. In order to meet the requirements of policy AL/IN/6 Allocations and Infrastructure Development Plan Document.
18. In accordance with the requirements of policy DM3 Local Plan Part 3 (Development Management Policies).
19. In accordance with the requirements of policy DM3 Local Plan Part 3 (Development Management Policies).
20. To ensure the development is designed to be safe and secure for the residents in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

## **10. Summary/reason for approval**

- 10.1 The application for the erection of a 64 bed care home and 12 open market apartments has been considered against national and local planning policy and is considered to be acceptable. The design and siting of the development will not have an adverse impact on the street scene of Blundells Road at Post Hill and will comfortably within the site, in this regard the proposal is in accordance with policy COR2 Mid Devon Core Strategy and policy DM2 Local Plan Part 3 (Development Management Policies). The development will not have an unacceptable adverse effect on the residential amenity of occupiers of neighbouring properties in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and any impacts on the ecology of the site can be satisfactorily mitigated in accordance with Natural England standing advice and policy DM2 Local Plan Part 3 (Development Management Policies) and the NPPF.

The application now includes all of the land required to enable a through road to be provided through the site in order to enable a connection to be made to the Waddeton Park Ltd application site to the north/north east. The provision of the land to ensure this through road can be provided is subject to agreement via a S106 with the applicants and negotiations regarding this are on-going. While the parking provision, access from Blundells Road, delivery/service layby and secure cycle parking are all acceptable and broadly in accordance with policies DM2 and DM8 Local Plan Part 3 (Development Management Policies), if agreement cannot be reached regarding the provision of all the land required to provide the through road then the application would not be in accordance with the comprehensive and coordinated approach to development of the area as required by the Tiverton Eastern Urban Extension masterplan SPD. The application has therefore been recommended for approval subject to conditions and signing of a S106 to secure the provisions set out in the recommendation.

<b>Contact for any more information</b>	Miss Lucy Hodgson – 01884 234905
<b>Background Papers</b>	Tiverton Eastern Urban Extension masterplan SPD
<b>File Reference</b>	14/00604/MFUL
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of Planning Committee

