EXAMINATION IN PUBLIC OF THE RUNNYMEDE 2030 LOCAL PLAN

HEARING STATEMENT

5 November 2018

MATTER 2, QUESTIONS 2.1-2.3

ELYSIAN RESIDENCES

REPRESENTOR 2006

Introduction

1. It remains our clear conclusion as stated in response to the Pre-Submission Draft Plan, that the Local Plan is flawed in terms of considering both housing need and supply-side factors.

2. We acknowledge and support the use of the 2014 SNPP household projections and the adjustment for suppressed household formation rates contained in the SHMA update and incorporated in the SDLP. However, we contend that additional upward adjustments should be made for market signals and historic under-delivery of housing over the previous plan period. Furthermore, additional allowances should be made to account for increased need for specialist C2 residential accommodation and growing numbers of students in the HMA.

3. This paper does not consider the revised SNPP 2016 mid-year population projections and their impact on OAN and housing targets. Although the Inspector has requested that RBC produce a statement on this, it is submitted that, further to the publication of the Government guidance in October 2018, these figures would not comprise a robust evidence base to underpin the SDLP.

4. Runnymede has a substantial population of older people: in 2018 there were 15,000 people living in the Borough who were aged 65 or older and this number will rise by more than a third to 21,700 by 2040. Even more striking is the rise in the number of those aged 85 or over through the same period, when they will almost double from 2,400 to 4,200.

5. Those in the oldest cohorts will increase as a proportion of the total population at the fastest rate and in absolute numbers through the period to 2040. Those 85 and over will almost double from 2,400 in 2018 to 4,200 by 2040. This trend carries with it a substantial increase in the number of residents whose health status or functional difficulties will generate a need for care and appropriate accommodation.

6. Virginia Water has a more aged population than the Borough as a whole. By 2040, people aged 65 or more will make up a quarter of all those living in Virginia Water. Table Six in Section Two sets out the detail.

7. The following appendices are included:

   Appendix 1 – Home Farm site in context of Virginia Water
   Appendix 2 – Full OAN for Housing 2016 – 2030
   Appendix 3 – 3A Capacity of Care Beds Analysis and 3B Sidmouth Appeal Decision
Question 2.1

8. We consider the following items in detail:

(i) the Runnymede-Spelthorne SHMA 2015 and the 2018 Partial Update and whether these evidence base documents form a robust basis for projecting housing need in the borough; and

(ii) whether the demographic assumptions underpinning the housing growth forecasts adequately consider the plethora of issues that affect the housing market. Items to be analysed include market factors, affordability, Brexit, commuting patterns, employment trends, the role of students and impacts of any major infrastructural investment.

Factors relating to the SHMA

9. It remains our position that the combination of the SHMA 2015 and the Partial Update 2018 does not comprise a robust evidence base to underpin the Local Plan. Whilst we support the definition of the housing market area to incorporate both Runnymede and Spelthorne, we question the robustness of the Partial Update only taking full account of the recent market trends within Runnymede. The update does not take account of the full picture across the defined housing market area, which could lead to significant issues for the wider housing market area being ignored. The Spelthorne Local Plan will be subject to the new methodology for OAN in 2019 and this could mean that a significant amount of housing will end up being delivered in Spelthorne, resulting in a significant imbalance across the housing market area.

10. The July 2018 GL Hearn Local Plan Rebuttal Paper states that analysis of the wider SHMA was undertaken and that Spelthorne BC is satisfied with the findings of this analysis. This may be the case, but if evidence is not publicly available then it cannot be subject to impartial consideration to establish its robustness.

11. We contend that the housing targets in the SHMA do not adequately take account of the full spectrum of issues that impact on housing growth forecasts. In particular, the required adjustments to account for historic shortfall in housing delivery and market signals have not been considered. Furthermore, the approaches regarding student and other specialist accommodation under Use Class C2 have not been fully considered.

Demographic Assumptions and Housing Growth

12. The ONS published the updated mid-2016 sub-national population projections in 2018. These figures have subsequently been challenged by Government and are currently under review. Therefore, it is not reasonable or practicable to use these figures to consider the housing allocations in the emerging Runnymede Local Plan. This is consistent with the consultation published by Government on 26th October 2018 ‘Changes to planning policy and guidance including the standard method for assessing local housing need’, which suggests that councils should continue to use the 2014 SNPP to inform local plans.

13. Policy SD2 of the Draft Local Plan relates to the spatial development strategy and sets out the Council’s intention to make provision for a minimum of 7,629 net additional dwellings over the plan period 2015 to 2030. We submit that the housing numbers are too conservative and have not been adjusted to account for the full range of issues that impact on OAN.
14. Para 5.1 of the draft Local Plan refers to the PPG guidance on the assessment of the ONS, as follows:

‘It advises that the starting point for calculating the need for new homes should be an up-to-date projection of population growth (demographic change), adjusted where necessary to ensure there will be enough housing to accommodate workers to fill the jobs that will be created over the life of the plan, to respond to market signals that indicate supply may have been constrained and to make housing more affordable.”

15. As identified at paragraph 4.1 of the Local Plan, the borough is in the 10% least deprived local authority areas in the country, based on Index of Multiple Deprivation data which measures living conditions across a comprehensive spectrum of domains. The issues of affordability are acute within the borough; this point is accepted at various points in the SHMA Update. Consequently, there is a pressing need for demographic projections to be properly adjusted to positively account for the acute and worsening affordability issues.

16. The table at Appendix 2 provides a critique of the SHMA figures and adjusts the OAN so that it more accurately reflects the specific local conditions in RBC. The figure in the SDLP does not account for the requisite 25% adjustment to reflect market signals.

17. The acknowledged and worsening relationships between incomes and house prices give rise to compelling reasons to justify a 25% adjustment to housing need to account for affordability. This position is consistent with the approach of Inspectors at recent Examinations such as the Vale of Aylesbury.

18. In Aylesbury, the Inspector presented interim findings in August 2018, which looked in detail at the levels of affordability relative to national average. The analysis also took account of further authorities across the country and considered how the adjustment to housing projections has been applied and how it has responded to the level of affordability. At Eastleigh, where the affordability level is only moderately higher than the national average, only a modest increase was applied. It was the Inspector’s contention that where the affordability issues are more pronounced, the adjustment should be higher. As the Inspector stated in the VALP EiP Interim findings:

19. ‘At the time the evidence base was prepared there was no definitive guidance on what level of uplift for affordability is appropriate. Reference is made to professional judgments made by other examining Inspectors such as at Eastleigh and comparisons made between affordability in Eastleigh and affordability in the Central Buckinghamshire Housing Market Area to arrive at a recommendation for the Central Buckinghamshire HMA. Comparisons are also made within the Buckinghamshire HMA to arrive at different recommendations for Aylesbury Vale and for the rest of the HMA.’

20. The Inspector at Vale of Aylesbury suggested that 25% would be more appropriate and the affordability ratio in this district is less than the x10.9 figure applicable to Runnymede.

Housing Supply and Deliverability

21. The issues of housing supply are particularly relevant in Runnymede where the deliverability of many of the council’s proposed allocations are dependent on major infrastructural investment. In terms of highway infrastructure requirements, these are set out in the Runnymede Infrastructure Development Plan (IDP). An IDP Addendum for projects related to the A320 was prepared in January 2018.
22. The 2017 IDP sets out in the project schedules contained in Appendix A, a series of infrastructure projects to enable delivery of the Local Plan including local transport/highway schemes. Included within the schedules is the project for the A320 which is the subject of a funding bid made to government as part of its Housing Infrastructure Fund (HIF). The A320 Corridor Improvements identified in the IDP Addendum dated January 2018 includes details of potential phasing of when things could potentially be in place but it is clear that in the funding section no funding to date has been secured so this puts into question if the schemes will be delivered in the plan period.

23. Detailed design has not been undertaken for proposed mitigation measures and some of the measures require the acquisition of significant amounts of third party land. In such cases, there will be a need for a CPO Inquiry and these can be lengthy depending on the scale of objections and the need for a Public Inquiry through the Highways Act. Timescales could be between 12 to 18 months if there is a Public Inquiry, including the time from scheme orders being sent to receiving Secretary of State approval.

24. Our previous representations highlighted issues relating to RBC’s projected housing supply, shown in Table 2 of the draft Local Plan. RBC’s minor modifications submitted alongside the Plan identify a 122-dwelling surplus against RBC’s OAN. The level of completions has increased significantly from previous iterations of the plan. The completions and the supply from existing planning permissions being taken into account should be clearly specified and clarification provided as to where the additional completions were previously considered in the supply. Other adjustments have been made resulting from adjusted allocated site capacities. We maintain that the capacity from these sites is significantly less than RBC have identified, and indeed increased in the latest issue of the Plan, and that some capacities have been adjusted without explanation. We consider that the housing supply is flawed and significantly underestimated, especially considering the uncertainty surrounding the A320 works.

Further Considerations on Housing Need Forecasts

25. In 2017 the Ministry of Housing Communities and Local Government published a revised and consistent approach to assessing OAN. Whilst the Government’s new methodology did not form official policy at the time that GL Hearn undertook the interim SHMA, we argue that it did comprise a very clear statement of direction from Government, which should have informed Runnymede and GL Hearn’s thinking in establishing the appropriate methodology to establish future housing needs.

26. The GL Hearn Rebuttal Paper from July 2018 does address the standard methodology and applies higher adjustments for market signals capped at 40%. However, the paper also refers to the 2016 SNPP demographic forecasts.

27. Regarding the impact of the growth in student numbers in Runnymede it is somewhat surprising that the SHMA considers that a significant growth in student numbers could potentially result in a reduction in the OAN. We submit that the forecast growth in student numbers linked to the Royal Holloway expansion plans will create additional pressures on the local housing market, regardless of any plans to deliver specialist student housing.

28. This is consistent with the assumptions underpinning the West Surrey HMA (completed by GL Hearn), which states that 50-60% of students will choose to live in non-specialist accommodation. Any reasonable projections of demand would take
account of the likelihood of c. 50% of students choosing to live in non-specialist student accommodation. We therefore feel that at least some modest upward adjustment to the housing numbers should be applied.
Observations on the GL Hearn rebuttal paper as they refer to older people’s housing and notes arising from further work

29. To say that low supply possibly reflects low local demand is to engage in a closed circle of logic: if there is inadequate or lack of attractive supply demand will be low; people can only buy what is available. (GLH 2.46)

30. We have undertaken a survey to establish vacancy levels in registered Care Homes in Runnymede as an indicator of pressures on the care system within the Borough. This along with other evidence relevant to C2 accommodation is presented at Appendix 3. It shows that of a total of 530 places in Registered Care Homes just 4.43% were available, compared with a national average of 10.60%. Within the industry a vacancy level of 5-10% would be seen as normal to allow movement in and out. We believe this to this to refute GL Hearn’s assertions on this point.

31. The Housing LIN tenure split reflects current provision nationally rather than the local tenure split within the local population of older people. (GLH 2.46)

32. Whilst the established convention, since the publication of “More Choice: Greater Voice” in 2008, has been to take the ratio of provision to the population who are 75 years of age or over as the key metric this does not establish that there is no “need” in the 65-74 age group as GL Hearn assert. Need will be at a lower level and the existing median age for entry into specialised accommodation is certainly in the mid-to late-seventies but, like all averages, it obscures the detail. The offer of more attractive “lifestyle” options will attract a younger cohort to consider specialist accommodation. The motivation to move may have a number of stimuli: bereavement, serious and disabling illness, loneliness and isolation, anxiety about future care needs, or, more positively, a desire for a positive and engaged old age. (GLH 2.47)

33. Because there is no single definition of Extra Care it is a bold statement to say that it is the same as what may be understood by “Enhanced Sheltered Housing” and that it follows that it is all C3. Recent cases have turned on the criteria for admission, the range of facilities and services and the nature of the whole development. The explanation of the difference between Care Homes Registered for Personal Care and those registered for Nursing Care also reflects a partial consideration of these two forms and how they have been impacted by national and local policy considerations. (GLH 2.48)

34. The benefits of more adequate provision for the Health and Social Care economy in this part of Surrey is under-valued in GL Hearn’s exercise.

35. The assertion that “those who down-size do not go directly to one-bedroom accommodation” betrays a limited understanding of the offer made by a scheme such as that proposed by Elysian Residences: there is a whole lifestyle package here. (GLH 2.49)

36. The NPPG says little about how to estimate the need for older people’s accommodation, beyond pointing to various toolkits. The key issue here is the multiplier used to translate population and prevalence of need into a projected number

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1 Undertaken by staff of Contact Consulting on the morning of 5th November 2018 – Appendix 3.
of units and this varies between toolkits. That which we have used has been calibrated to reflect real life experience and national policy aspirations, for example to reflect more closely the tenure balance within the older population and the desire to mitigate the reliance upon Registered Care Home beds. (GLH 2.51)

37. Virginia Water has a higher proportion of older people within its population than the Borough as a whole. The supply of specialised accommodation is concentrated in other areas of the Borough and Virginia Water has the lowest ratio of supply, whilst having an older population.
Conclusion

39. Based on our extensive analysis the proposed housing growth forecasts in the Local Plan are insufficient.

40. The base housing growth projections of 415 dpa are reasonable and we agree with the adjustment regarding repressed household formation rates. However, there is insufficient adjustment to account for historic under delivery; affordability; and market signals.

41. At least a 25% positive adjustment should be applied regarding market signals, which results in significantly higher housing targets for the borough. Using the Standard Methodology approach, adjustment for market signals would be subject to the cap of 40%. The impact of a 40% uplift on OAN is also presented in the table at Appendix 2.

42. There should also be some recognition of historic delivery problems at the DERA site. Failure to deliver housing at DERA in the previous plan period partially explains the worsening affordability ratio in Runnymede and should be accounted for in housing projections. In addition, OAN should also provide for the increased need for housing arising from growing demand from students and for C2 accommodation.

43. Taking tenures together and comparing with the whole population of older people in the Borough of Runnymede, levels of provision of specialised housing for older people are above national averages. However, the supply of specialised accommodation available for older homeowners to buy on a long-lease comes nowhere near reflecting the dominance of owner-occupation among the older population of the Borough – these findings need to be reflected in the emerging Local Plan.

44. Housing at the Home Farm site can be delivered in the immediate-term, including owner-occupied C2 accommodation and has capacity for c. 400 dwellings. It should be seriously considered for inclusion in the Local Plan given the importance of planning to boost housing supply.
MATTER 2 APPENDICES

Appendix 1 - Home Farm site in context of Virginia Water........................................Page 1
Appendix 2 - Full OAN for Housing 2016 – 2030..................................................Page 3
Appendix 3a - Capacity of Care Beds Analysis.......................................................Page 5
Appendix 3b - Sidmouth Appeal Decision..............................................................Page 8
Appendix 1 – Home Farm Site in Context of Virginia Water
Appendix 1 – Home Farm Site in Context of Virginia Water

Site shown as Site A

Source – Arup Green Belt Review – December 2014
## Appendix 2 – Full OAN for Housing 2016 – 2030

<table>
<thead>
<tr>
<th>Stage</th>
<th>Dwellings PA</th>
<th>Total Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demographic Starting Point (2014-based SNPP)</td>
<td>415</td>
<td></td>
</tr>
<tr>
<td>Adjustment for Suppressed Household formation rates</td>
<td>446</td>
<td></td>
</tr>
<tr>
<td>Further Adjustments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment Need</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Market Signals</td>
<td>104</td>
<td>(166)</td>
</tr>
<tr>
<td>+25% (+40%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Backlog</td>
<td>-</td>
<td>779</td>
</tr>
<tr>
<td>Full OAN</td>
<td><strong>575 (637)</strong></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 3 A - Available Capacity of Registered Care Home Beds in Runnymede
Appendix 3 A - Available Capacity of Registered Care Home Beds in Runnymede
Appendix 3 A - Available capacity of Registered Care Home beds in Runnymede

Results of a telephone survey carried out between 09.00 and 11.00 on Monday, 5th November 2018¹

The survey asked about the number of places vacant at the time of call. Two small homes, in the same ownership, did not answer the telephone after six attempts to establish contact.

Registered care homes providing personal care

<table>
<thead>
<tr>
<th>Name of scheme</th>
<th>Address</th>
<th>Owner</th>
<th>Number of beds</th>
<th>Current Vacancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>55 Amis Avenue</td>
<td>55 Amis Avenue, New Haw, Addlestone, Surrey KT15 3ET</td>
<td>Welmede Housing Association Limited</td>
<td>6</td>
<td>Telephone not answered</td>
</tr>
<tr>
<td>Birchlands</td>
<td>Barley Mow Road, Englefield Green, Surrey TW20 0NP</td>
<td>Anchor</td>
<td>51</td>
<td>1</td>
</tr>
<tr>
<td>Church Farm Bungalow</td>
<td>Guildford Road, Chertsey, Surrey KT16 0PL</td>
<td>Welmede Housing Association Ltd</td>
<td>12</td>
<td>Telephone not answered</td>
</tr>
<tr>
<td>Howards</td>
<td>24 Rowtown, Addlestone, Surrey KT15 1EY</td>
<td>Greydales Ltd</td>
<td>21</td>
<td>2</td>
</tr>
<tr>
<td>St Augustine's Home</td>
<td>Simplemarsh Road, Addlestone, Surrey KT15 2AA</td>
<td>Sisters Hospitallers of the Sacred Heart of Jesus</td>
<td>52</td>
<td>3</td>
</tr>
<tr>
<td>Sunrise of Virginia Water</td>
<td>Christchurch Road, Virginia Water, Surrey GU25 4BE</td>
<td>Sunrise Senior Living</td>
<td>72</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>214</td>
<td>9</td>
</tr>
</tbody>
</table>

Current Occupancy levels within Registered Care Homes offering Personal Care is therefore 95.79%

¹ Survey carried out by David Appleton, Support and Development Manager for Contact Consulting.
Appendix 3 B – Appeal Decision - Sidmouth
Appeal Decision

Inquiry held on 28 - 30 November 2017 and 1 December 2017
Site visit made on 5 December 2017

by Michael Boniface  MSc MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 January 2018

Appeal Ref: APP/U1105/W/17/3177340
The Knowle, Station Road, Sidmouth, Devon, EX10 8HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by PegasusLife against the decision of East Devon District Council.
- The application Ref 16/0872/MFUL, dated 31 March 2016, was refused by notice dated 9 December 2016.
- The development proposed is an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/café, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities; car parking for residents, visitors and staff of the assisted living community; comprehensive landscaping comprising communal and private spaces; and associated groundworks.

Decision

1. The appeal is allowed and planning permission is granted for an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/café, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities; car parking for residents, visitors and staff of the assisted living community; comprehensive landscaping comprising communal and private spaces; and associated groundworks at The Knowle, Station Road, Sidmouth, Devon, EX10 8HL in accordance with the terms of the application, Ref 16/0872/MFUL, dated 31 March 2016, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. During the course of the planning application, the number of extra care units was reduced and amended plans were submitted to the Council. By the time of the appeal, the scheme comprised of 113 units. This is the basis on which the Council considered the proposal and I have done the same in considering the appeal.

3. In advance of the Inquiry, the appellant submitted a Daylight and Sunlight Assessment (30 May 2017) which considered potential impacts of the development on Hillcrest, the closest neighbouring property. Having had regard to this report the Council confirmed that it would not pursue this element of its case, accepting that the development would not unacceptably harm the living conditions of neighbouring occupants at Hillcrest or any other
residential property in respect of light. I have considered the appeal on this basis.

Main Issues

4. The main issues are the effect on the character and appearance of the area; the effect on neighbours’ living conditions, with particular regard to loss of privacy and overbearing impact to Hillcrest and overbearing impact on Blue Hayes and Old Walls; whether the development should be categorised as a C2 (residential institution) or C3 (dwelling houses) use; and the effect on the adjacent grade II listed summerhouse.

Reasons

Character and appearance

5. The site accommodates a series of buildings that make up the existing offices and service depot of the Council. These buildings stand on the highest part of the undulating site with parking areas stepping downwards towards Station Road. Publically accessible sloping gardens and parkland surround the buildings to the south and east, accommodating numerous mature trees and forming a centrepiece for the town’s Arboretum. Residential properties wrap around the site boundary on Knowle Drive and Broadway.

6. The existing buildings on the site would largely be demolished and whilst, with the exception of the modern brown brick extension to the Council Offices, these buildings have some architectural merit, they have been much altered. The Council raises no objection to their removal and indeed the site is allocated for redevelopment in the East Devon Local Plan (28 January 2016) (LP), including the areas of the curtilage that are not currently built upon. Subject to an appropriate scheme being introduced in replacement, I have no reason to take a different view.

7. The Planning, Design and Access Statement (March 2016), including the Revised Section 5 (August 2016) and Addendum (October 2016) set out in extensive detail a thorough consideration of the site context, constraints, opportunities and design rationale for the scheme. There is no attempt to replicate the Regency architecture of the existing seaside town. Instead, an unashamedly contemporary design is proposed that seeks to create its own sense of place and respond to the unique characteristics of the appeal site. A ‘pavilion in the park’ concept is referenced, aiming to introduce a group of buildings within a landscaped setting, opening up views between, towards the surrounding gardens and parkland, as well as the distant coastline.

8. The scheme comprises two distinct groups of buildings, low level timber clad buildings at the Dell (albeit with a taller gateway element) and taller flint based and render faced buildings at the highest point of the site, referred to as the Plateau. Whilst different in their design and appearance, both seek to respond to their surroundings, the Dell seeking to reflect its heavily treed context and the Plateau responding to the scale of existing buildings in this part of the site and opportunities to improve the current arrangement.

9. The scheme was subject of various consultation events with the public and other interested parties and was amended several times during the course of the planning application to respond to feedback. This includes extensive comments from the Devon Design Review Panel, used by the Council to provide
professional advice on design matters. The proposed development has clearly evolved to take such views into account.

10. Notwithstanding that the proposed development was not intended to replicate other buildings in the town, it is right that the development makes reference to local vernacular. This would be achieved through the proposed use of flint, render and hanging tiles, providing some cohesion with the surrounding architecture. It is also notable that pitched roofs were introduced as the scheme evolved to better reflect the surrounding building style. The overall approach to design would achieve a high quality scheme embracing modern architecture. In my view, this is an appropriate approach, having regard to the site’s relatively well contained nature, surrounded by mature landscaping. The scheme would present a positive visual influence that would complement, rather than compete with, the more traditional architecture of the town.

11. Mr Blackshaw noted during the inquiry that some elements of the scheme would not be particularly characteristic of the area, such as the timber clad buildings, but did not question the overall design approach taken by the appellant. Rather, the Council’s concerns related to the scale, height, bulk and massing of the development and its effect on the public gardens and parkland, as well as the street scene on Knowle Drive.

12. Buildings D and E of the proposed scheme would protrude further into the parkland to the south than the existing buildings and they would be taller, although building D would only be around 1.5m above the height of the building to be replaced given the reducing ground levels on which it would be built. The buildings would be large and there is no doubt that they would be prominent in views from the parkland but I do not consider this to be harmful. The existing building is already prominent and I see no reason why any replacement should not be equally prominent, or even more so. The buildings would create a visual focal point incorporating a publically accessible orangery that members of the public might have a desire to visit.

13. Views 4 and 5 of the Computer Generated Images (November 2016) provided by Professor Tavernor, demonstrate that the buildings would be readily incorporated into the surrounding trees and landscaping to be retained on the site and surrounding parkland. Whilst the buildings would be noticeably taller and exceed the height of some of the surrounding trees, they would continue to be effectively screened, particularly during summer months, given the number and density of trees surrounding the development and the topography of the site. In addition, the spaces between the buildings would provide an increased level of visual permeability and openness. I see no reason why the buildings should appear excessive in terms of their scale, height or massing given their spacious context and the use of the site topography to accommodate buildings of various height.

14. With regards to the Knowle Drive street scene, the existing flat roofed modern Council building is currently visible beyond a wall on the corner adjacent to the west boundary of the site. The existing building does not follow the alignment of Knowle Drive and stands as a separate commercial entity. The proposed building would better address the public realm in this area and provide a more active residential elevation that is in keeping with the nature of the street.

15. In this context, Buildings A and F are orientated so as to turn the corner and their greater height would facilitate an increased sense of street scene
enclosure, despite the much lower ground levels within the site. Again, the buildings would be taller than those existing, but the lower ground levels within the site would hide much of the lower levels from views along Knowle Drive and the upper storeys would not appear excessive in their scale, height or massing from the raised position of Knowle Drive. A series of architectural devices are employed to break up the massing of the building, including changes in roof height and design, and a clear break between Buildings A and F across the upper floors. In my view, these would successfully mitigate the sense of scale and bulk, ensuring that the building would not appear overly dominant or out of scale with the surrounding buildings, despite some being bungalows.

16. Mr Blackshaw suggested in evidence that the users of Knowle Drive and surrounding residents would likely be highly sensitive receptors and that the changes to the surroundings would be significant and adverse. However, when asked, little elaboration was given to justify this level of harm and Mr Blackshaw accepted that his approach did not fully accord with the principles of GLVIA3. The more transparently produced Townscape and Visual Impact Assessment (March 2016) (TVIA), including the Addendum and appendices (August 2016) find a very low magnitude of beneficial change, involving beneficial effects of minor significance on medium sensitivity viewers. In light of the above, and having regard to my own observations, I prefer the appellant’s evidence and do not consider that the development would be visually harmful, either from Knowle Drive or elsewhere.

17. Other large buildings exist in the town, including St John’s School and Powys House, both of which would be seen in context with the proposed development in long views, such as from the coastal path. The collection of buildings proposed, combined with their varied roof designs and height would visually fragment the development in such views so that it would sit comfortably within its heavily landscaped setting. This is effectively demonstrated by the TVIA and associated documents. These documents provide a reasonable representation of the likely views available, having been produced in accordance with GLVIA3. I find them to be more reliable that the images and photomontages provided by interested parties that are not produced in accordance with recognised methodology and in many cases have been zoomed and/or cropped. The site would not appear overdeveloped and the proposed buildings would not be overly prominent or incongruous.

18. The proposed buildings would be visible from a number of other vantage points, including in some areas where built development is currently absent. Again, the TVIA and associated documents consider the visual effects from a range of viewpoints and the Council does not take issue with the methodology or approach to this evidence, including the visualisations or the representativeness of the viewpoints. Mere visibility is not itself harmful. The development would stand within parkland and would be well screened or filtered by existing landscaping. Relatively few trees would be removed as a result of the development and any loss would be compensated by the proposed landscaping proposals. In my view, the development can be accommodated by the site, despite its size and scale.

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https://www.gov.uk/planning-inspectorate
19. The development is much larger in scale than the immediately surrounding residential properties, but the proposed design appears to be a response to site circumstances, particularly the highly irregular topography. I have had regard to the high level of concern raised by interested parties and note that the contemporary approach adopted may not be to everyone’s taste. However, I am satisfied that the appeal proposal has evolved through a thorough analysis of the site circumstances and that the development would, overall, make a positive contribution to the character and appearance of the area.

20. As such, I find no conflict with Strategy 6, Strategy 48 or Policy D1 of the LP, which support development within built-up areas where compatible with the site and its surroundings; seek to reinforce local distinctiveness, including through the use of local materials; and generally require high quality design, amongst other things.

Neighbours’ living conditions

21. The closest residential properties to the site are located on Knowle Drive and the proposal would introduce a form of development quite different to that existing. A modern two storey brick extension of the Council offices currently stands at a low level within the site, relative to Knowle Drive and the closest residential properties, Hillcrest and Old Walls. Whilst it is clearly visible, it is hidden to a large extent from the street level and the flat roofed brown brick faced building is relatively subsumed within the street scene.

22. A three storey building would be introduced, partly under a flat roof and then proceeding into a pitched roof as the building protrudes southwards. The building would be taller than that existing and would occupy some parts of the site that are not currently built upon. The closest property, Hillcrest, is located on significantly higher ground than the appeal site and is set back from the boundary behind a tall brick wall. Building A of the proposed development would incorporate a flat roof at the closest point and is again set away from the boundary, resulting in a separation distance of around 20.5 metres at the closest point.

23. The Council accepts that, as a general rule, this distance is sufficient to avoid overlooking and I consider it to be an appropriate distance in this case. This is particularly so given that the ground floor level of the proposed building is set below the ground level of Hillcrest such that the full extent of the building would not be perceptible.

24. In addition, the north elevation of Building A is angled away from Hillcrest and any windows proposed are small secondary openings where obscure glazing could be secured. Given the number of windows in the south facing elevation of Hillcrest and the orientation of the proposed building towards a private patio area, this would be necessary mitigation but this could be secured by condition. A number of balconies are proposed in the west elevation and, for the same reasons, it would be necessary to require the installation of privacy screens in their north facing side openings towards Hillcrest. Again, this could readily be secured by condition and would mitigate any actual or perceived overlooking to an acceptable level.

25. A number of windows within Hillcrest would face towards Building A, including a living room, dining room and kitchen. The existing Council offices are already visible from these rooms and the increased height of the development would
result in the proposed building being visible to a greater extent, although the flat roofed part of the building would only be around 1.5m higher than the existing building. Again, however, the orientation of the proposed building, its flat roofed design at the closest point, the significantly lower ground levels within the site and the good level of separation are such that the building would not appear dominant or overbearing on the occupants of Hillcrest. Views above and to the side of the proposed building would remain possible. Whilst outlook would be altered, the changed view would not be harmful to living conditions.

26. For the same reasons as above, I do not consider that the development would have any discernible impact on the levels of light received. The appeal is accompanied by a Daylight and Sunlight Assessment (30 May 2017) which supports this conclusion and demonstrates that the property would continue to receive light in accordance with BRE Guidelines. The Council does not dispute this evidence and whilst I note the concerns of the occupants of Hillcrest, I have seen no evidence that leads me to take a different view, particularly given my own observations.

27. The Dell portion of the development would be sited to the rear of Hillcrest, including the five storey Gateway building. According to the Council, this would be around 21.7m from the rear extension of Hillcrest. The Gateway building would again be built at a much lower ground level than Hillcrest and somewhat lower than Building A, to the extent that the lower floors would simply not be visible, much of them being below the ground level of the proposed access road in this part of the site.

28. The upper floors would face directly towards Hillcrest with numerous windows and balconies but, apart from being well separated, a substantial planting screen exists on the boundary at present. Even if this were not the case, the closest part of Hillcrest, contained within a rear extension, is described as a workshop where less privacy might be expected. The nearest habitable room would be further still from the proposed development and no overbearing impact or harmful overlooking would result. That said, the installation of privacy screens on the upper floor balconies would assist in avoiding any perception of overlooking.

29. Old Walls is located on the opposite side of Knowle Drive, at a distance of around 26.5 metres at the closest point (excluding the garage). A tall hedgerow and gates surround the property providing a good level of intervening screening but views of Buildings A and F would be available, particularly when the boundary gates are open. The mass of Buildings A and F is effectively broken by the separation at upper floor levels and views between would remain possible. The buildings would be more prominent than the existing building but the overall scale, mass and height relative to the ground level in Knowle Drive would not appear excessive or overbearing at the distance involved, despite the increased visibility. Given the separation distance, no harmful overlooking would result, including towards roof lights serving the main bedroom of Old Walls, particularly given the orientation and shallow angle of the roof lights.

30. All other properties are further still from the proposal, would have less direct views of the buildings and would have greater intervening space in which to accommodate landscaping, both new and retained, that would filter and soften

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2 Site layout planning for daylight and sunlight: a guide to good practice, Building Research Establishment (2011)
the visual impact of the development. As a result, no overbearing, overlooking or other harm would result to any other neighbouring occupants. This includes the occupants of Blue Hayes, which is additionally contained behind a tall brick boundary wall, and to a large extent behind Old Walls. I do not share the Council’s concerns in respect of this property as any views of the development would be glimpsed only, certainly not overbearing or harmful.

31. Specific concern has been raised by the occupants of the Heathers about the location of the proposed bin store, adjacent to the rear garden boundary. It is likely that servicing the bins would result in a degree of noise and disturbance during collections but I heard that this was likely to be relatively infrequent and in line with other residential waste collections in the area, on a three weekly basis. The scale of the development may lead to a need for additional collections or the movement of waste to the bin store at other times from other parts of the site. However, this is no different to any other flatted residential scheme and need not necessarily be intrusive to neighbouring occupants.

32. The area close to where the bin store would be located is currently used as a service depot by the Council and so a degree of noise and disturbance is already likely in this part of the garden. In addition, a further garden area exists to the front of the house that provides private and enclosed space and so occupants’ are not necessarily reliant on sole use of the area that would be closest to the bin store. In this instance, the parties agree that a Refuse Storage Area Management Strategy can be secured by condition and I am satisfied that this would be sufficient to mitigate the impacts of the bin store including in respect of cleanliness, odour and pest attack. A site-wide lighting scheme could also be secured by condition.

33. For these reasons, I conclude that the development would not harm the living conditions of neighbouring occupants. As such, I find no conflict with Policy D1 of the LP, in so far as it seeks to protect the living conditions of neighbouring occupants’.

Use class

34. There is disagreement between the parties as to whether the proposed development falls within use class C2 (residential institution) or C3 (dwelling houses) of the Use Classes Order$, the appellant favouring the former. The use class, in planning terms, is relevant in this case only to the extent that a C3 development would attract a requirement for affordable housing in accordance with Strategy 34 of the LP. It is agreed between the parties that there is no such requirement for C2 uses.

35. In advance of the Inquiry, the Council accepted that the proposed development would not be financially viable if an affordable housing contribution was required. As such, even if I were to determine that the proposed development was a C3 use, no contribution would be sought. However, it was agreed between the parties that an overage clause should form part of a planning obligation so that if the scheme was subsequently found to be capable of supporting a contribution, it would be paid.

36. The Use Classes Order defines a C2 use as “use for the provision of residential accommodation and care to people in need of care (other than a use within

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3 Town and Country Planning (Use Classes) Order 1987 (as amended)

https://www.gov.uk/planning-inspectorate
class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.” Care is defined in the Order as “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder and treatment.” The parties agree that there is no definitive means by which to establish the use class of Extra Care housing units or this specific appeal scheme. Ultimately, this is a matter of fact and degree in each individual case.

37. The RTPI Good Practice Note 8⁴ and Housing LIN⁵ deal specifically with Extra Care Housing and offer some guidance on possible distinctions between C2 and C3 Extra Care accommodation. These principles can be applied to the appeal proposal. Key to the distinction is the extent to which communal services are provided and the extent to which care is available to meet the needs of residents.

38. Both documents define Extra Care in line with the Department of Health’s Extra Care Housing Toolkit, as “purpose built accommodation in which varying amounts of care and support can be offered and where some services are shared.” The Exeter Housing Market Area Strategic Housing Market Assessment (2014/15), East Devon Infrastructure Planning Evidence Base Report (June 2013) and Commissioning Strategy for Extra Care Housing (March 2009) (Commissioning Strategy) provide local definitions. There is no dispute that the development is a form of Extra Care housing.

39. The latter outlines the Devon model and suggests that the optimum size for an Extra Care scheme is 50 apartments but the document is also clear that development should maximise economies of scale i.e. 50 plus units. This is a key argument of the appellant in that a critical number of units is necessary to support the level of care, services and facilities that would be provided by the scheme.

40. Fundamentally, the Commissioning Strategy is focused on delivering Extra Care housing for a very specific part of the community, those aged 75 and over with a limiting long term illness and living alone. The level of need anticipated by the Council is therefore much less than that demonstrated to be necessary in the wider community through the Care Housing Needs Assessment Report (October 2017) provided in support of the appeal, albeit that the report does not specifically look at need within Sidmouth. The Council did not challenge the methodology or findings of the report, which is also much more recent than the documents above, albeit that the Commissioning Strategy was refreshed in 2015⁶. Ultimately, Mr Blackshaw accepted during cross examination that there is a substantial need for Extra Care accommodation and a shortfall in necessary delivery to date.

41. In this case, the development would involve 113 self-contained apartments with their own front doors, private space and facilities. They would, however, be accessed via communal spaces in many cases and would have access to a range of communal areas and facilities such as a restaurant/bar/cafe serving food throughout the day, a well-being suite comprising a gym, treatment

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⁴ RTPI Good Practice Note 8, Extra Care Housing: Development planning, control and management, Royal Town Planning Institute (2007)
⁵ Housing LIN, Planning Use Classes and Extra Care Housing, Housing, Learning and Improvement Network (2011)
⁶ Extra Care Housing, Refresh of the Commissioning Strategy for Extra Care Housing (2009) (August 2015)
rooms and pool and a communal lounge. A staffed and supervised physiotherapy suite and a hydrotherapy pool would provide opportunities for exercise, maintaining fitness and maintaining mobility, as well as the potential for rehabilitation after surgery.

42. All of these facilities would be available to residents and are aimed at supporting independent living in a sociable and safe environment. These facilities would also be available to the general public, encouraging interaction with the outside world and a sociable existence. Importantly, this is also a level of provision that is likely to exceed that expected in other residential environments, though some flatted development might incorporate some facilities.

43. Crucially, in this case, the development would be subject to a planning obligation which restricts occupation of the units so that the primary occupier must be 60 or over and in need of at least 2 hours of personal care per week, established by a health professional. Personal care is defined in the planning obligation and provides for a very broad range of assistance, even to the extent of aiding the use of technology such as the internet or accompanying residents to various on-site activities. There are of course many more traditional means of care however, including assistance with personal hygiene, dressing, feeding and drinking.

44. I do not accept the Council’s criticisms of this range, albeit broad. Whilst many of the activities listed might be taken for granted by most people, every one of them is likely to become more challenging in advancing years. Many residents might only require relatively limited personal care, perhaps the minimum amount of 2 hours per week, but there are also likely to be many who require substantially more than this. Furthermore, the age restriction associated with the development is such that the need for personal care will inevitably increase for many people with age. I accept that not all people will require the same level of care at the same point in their life, but what is important is that care is available to meet their individual needs as and when the time comes. That is what the scheme seeks to provide.

45. Although the minimum age of primary occupant’s is 60, Mrs McNulty confirmed that the average age of residents at other schemes operated by the appellant was 76. There is no reason to believe that the age profile would not be similar in this case and there are obvious implications for the level of care likely to be needed at that age as opposed to the minimum age requirement. Many residents would no doubt be much older than this average.

46. The development would have a full-time Care Manager based on site who would be available to arrange the care needed for each resident. This may vary from time to time and, subject to the minimum care requirement being taken up and paid for through a service charge, the development would offer flexibility to residents so as to meet their individual care needs at any point in time. The larger apartments are designed to accommodate a private sleeping quarters for carers required to stay with residents overnight and there would also be an anteroom attached to the Care Manager’s office to accommodate a carer should they need to stay on-site in other circumstances.

47. There would be no care team, save for the Care Manager, based permanently on the site but it is clear that carers are expected to be able to stay on-site when required. In addition, it is likely that carers, who I heard would be
provided by a registered Care Quality Commission provider, would work in shifts so that a 24 hour provision could be made where necessary, regardless of whether the provider was based on the site. Neither the fact that care would be provided by an agency or that they would not be permanently based on the site weighs against the proposal in my view, nor does it indicate that the scheme is more akin to a dwelling house than a residential institution.

48. Each apartment would include a range of specialised features and adaptations such as wheelchair accessible doors, electric sockets, level threshold showers and a 24 hour emergency alarm system. All of these features are likely to improve the safety and comfort of the intended occupants and would not necessarily be found in other housing stock, albeit that Strategy 34 of the LP requires a small proportion of major housing developments to meet part M4(2) of the Building Regulations.

49. For all of these reasons, it is clear to me that the development is offering much more than a dwelling house. Independent living accommodation is one element of the scheme but that would be provided alongside a range of communal facilities that are inextricably linked to an expected way of life. The scheme is designed to meet the needs of the target occupants and facilitate assisted living as well as social well-being and interaction with the outside world. Care would also be provided, specifically tailored to the needs of the occupant. Whilst some primary occupants of the development might, upon taking up residence, require only the minimum level of personal care there is likely to be a mix of care needs at any one time and those with limited need may well require additional care in the future.

50. I can see no justification for disaggregating different elements of the proposal or seeking to separate the individual apartments from the remainder of the scheme. In my view, the situation here is quite different to the Church Commissioners case in which individual retail units were found to be planning units distinct from the shopping centre in which they were located. There is a clear functional relationship between the residential units and the wider assisted living complex and facilities in this case, which are interdependent on one another.

51. The appellant’s unchallenged position is that the service charge associated with the development would be around two and a half times that of a standard retirement development and twice that of a general residential market scheme with concierge. Residents would be paying a premium for this type of accommodation, in no small part because of the associated facilities and care package available. This is likely to deter prospective occupants’ who are not in need of such facilities. The planning obligation would provide certainty in restricting the age of primary occupants and ensuring that a minimum level of care is needed and taken up by future residents.

52. All of this leads me to conclude that the proposed development is properly to be considered a C2 use. As such, no affordable housing requirement exists in policy terms, there is no conflict with Strategy 34 of the LP and there is no requirement for a planning obligation in this respect.

53. A range of appeal decisions are before me where consideration has been given to the appropriate use class for Extra Care housing. I do not consider that any

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7 High Court Judgement: *73 Church Commissioners for England v S.S.E. (14 June 1995)*

https://www.gov.uk/planning-inspectorate
of them directly reflect the circumstances in this case, for example the Southbourne decision\(^8\) involved a very different form of development and accommodation mix, was available to over 55’s and only required 1.5 hours of care per week. In addition, the ultimate operator was unknown and so the detail surrounding the site’s operation is unlikely to have been as comprehensive as in this case, which I have considered on its own merits.

54. I have had regard to the Mayor of London’s Housing Supplementary Planning Guidance (March 2016), which suggests that Extra Care accommodation is normally a C3 use, notwithstanding that the document is not applicable in Devon. This does not alter my conclusions having had regard to the merits of this case.

**Effect on listed summerhouse**

55. A Grade II listed summerhouse stands just beyond the site boundary on a terraced lawn to the south of the proposed development. I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses\(^9\). The National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation.

56. There is agreement between the parties that the development would not alter the fabric of the listed building and so it is its setting that falls to be considered in this case. The significance of the summerhouse was considered in the submitted Heritage and Archaeology Statement (March 2016), the Additional Heritage Information Document (August 2016) and the Note on Development in Relation to Folly (October 2016) during the course of the planning application. Mr Roper-Presdee provides further analysis in support of the appeal and together, the evidence appears to be a thorough and proportionate analysis of the heritage asset and its significance.

57. It is unclear exactly when the summerhouse was built but it is expected that it might have been around the time that the site was occupied by Thomas Fish, who undertook extensive alterations to the house and gardens during the early 19\(^{th}\) Century. The 1840 Tithe Map appears to indicate a structure in a similar position to that of the summerhouse. Whilst the Tithe Map is not intended to show great levels of detail and was primarily produced for land valuation purposes, some features are depicted and the marking adds weight to the view that the structure existed at this time.

58. The Tithe Map also indicates that the land associated with the Knowle was once more extensive and so the Summerhouse would have stood as a curiosity within large landscaped gardens. Concern is raised that the development would protrude over the existing terraced lawns to the south of the Council offices. However, I have seen no evidence that the terraces were formed at the time the summerhouse was built. In fact the illustrations available suggest the contrary, the prospectus of Mr Fish illustrating gently undulating lawns leading downwards towards the summerhouse.

59. Terraces are not shown in any illustrations until the time of Richard Thornton, who occupied the house from 1866 and also carried out extensive remodelling

\(^8\) APP/L3815/A/13/2198103 – Land north of Alfrey Close, Southbourne

\(^9\) S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
of the house and gardens, as well as incorporating additional land. Clearly, the terraces were not part of the originally intended design or setting of the summerhouse and I have seen no evidence that the presence of the terraced lawns contributes to the significance of the summerhouse in any way, even as part of the sites evolution. Furthermore, the terrace on which the summerhouse stands would be retained following the development.

60. Much of the land has subsequently been parcelled off and separated from the remaining site of the Knowle and extensive works during the late 19th Century to create the Knowle Hotel have diminished the relationship between the Summerhouse and the house, as it existed at the time when the summerhouse was built, which was subsumed by the later development. Subsequently, relatively few significant alterations took place until the Council purchased the site and developed the building for its offices in 1969.

61. There is little remaining functional or visual relationship between the summerhouse and the buildings at the Knowle or the former gardens which appear to have been heavily landscaped and hosted a range of exotic animals. Asides from the extensive remodelling of the buildings, what remains of the summerhouse is largely hidden amongst landscaping, including a large Yew tree. In any case there is nothing to suggest that inter-visibility between the Summerhouse and the house with which it was associated was intended or designed.

62. The summerhouse remains within a landscaped setting and despite its now ruinous appearance, maintains a practical function, accommodating a bench allowing views to the south across the parkland towards the coast. It is also one of the last remaining remnants of the Fish era. That would not change as a result of the development and the appellant proposes to provide an interpretation board that might better reveal the history to the asset for users of the parkland and the summerhouse itself. What remains important about the setting of the summerhouse today is its location in landscaped gardens and its original function as a curiosity, as well as a place from which to sit and quietly enjoy the surroundings, including views south towards the coast.

63. Although proposed Building E would be closer to the summerhouse and different in its design, scale, massing and siting than the existing buildings, a separation distance of around 16m would remain and the summerhouse would continue to be seen in its landscaped context, albeit with a much altered backdrop.

64. Having considered all of the above, I conclude that the significance of the heritage asset would not be harmed by the proposal. Thus, the building, its setting and any features of special architectural or historic interest would be preserved. As a result, I find no conflict with Strategy 26 or 48, or Policy EN9 of the LP in so far as they seek the conservation, enhancement and sensitive management of Sidmouth’s heritage, retention of the town’s intrinsic physical built qualities and avoidance of harm to heritage assets, whilst supporting development that better reveal the significance of an asset.

Other matters

65. Strategy 26 of the LP allocates the appeal site for a residential development of 50 homes. Strategy 36 confirms that proposals for Extra Care homes will be acceptable on sites allocated for residential development. The Council accepts
the principle of development. However, the scheme involves 113 Extra Care units against an anticipated provision of 50 units in Sidmouth. I have already considered need to some extent above, but it is also pertinent that the Council itself recognised a need for 83 units in Sidmouth in 2015. This is against the narrow criteria for provision used by the Council and discussed above.

66. Mr Blackshaw accepted during cross examination that the figure of 50 units was not absolute and exceeding the figure would not be grounds for refusal. Nowhere in the development plan is the figure expressed as a minimum and Strategy 36 in fact suggests that specialist housing proposals should be accompanied by a Care Needs Assessment which justifies the proposal’s scale, tenure and accommodation type. That assessment was undertaken for this proposal and has not been challenged by the Council. The evidence available suggests to me that there is a need for Extra Care units both across Devon and in Sidmouth. The Council also accept that efficient use of land is important and in the absence of any harm in respect of the main issues, it is clear that the site is capable of accommodating the number of units proposed. Consequently, I attach little weight to the anticipated number of units being exceeded in this case.

67. The proposed development, by its nature, would not attract young people to the area that might redress the concerns of an ageing population in Sidmouth. However, the Council accept that people moving into the scheme are likely to vacate other housing stock, many of which may be larger family homes. The scheme would, therefore, increase opportunities for younger people to occupy these homes. Many of the people occupying the scheme are likely to come from the local area, given that people tend to prefer to stay within their local community, a point stressed by the Council, and so I see no reason why the development should further increase the age profile of the town or exert undue pressure of local facilities such as healthcare. Indeed, the development may facilitate assisted living for residents that would otherwise require more formal health care.

68. I have had regard to concerns by local residents about the changed distribution of traffic movements but the Transport Assessment (March 2016) (TA) concludes that the development would result in a reduction in vehicle movements compared to the existing use on site and a net benefit in terms of the impact on the local highway network. Adequate parking is also found to be provided within the site and there is no reason to believe that access or manoeuvring facilities for service vehicles would be in any way problematic. Both the Local Highway Authority and the Council accept the conclusions of the TA and I have no reason to take a different view. Whilst the residential nature of the scheme might attract traffic outside the traditional office hours operating at present, the traffic would be distributed throughout the day and the development would not harm the living conditions of neighbouring occupants.

69. An Ecological Assessment (March 2016), Bat Survey Report and Mitigation Strategy (March 2016) and Additional Ecological Commentary (August 2016) consider the effects of the development on ecology. Subject to conditions securing the recommendations and mitigation measures identified, I am satisfied that the development would not harm ecological interests.

70. The site is located within 10km of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA). The South East
Devon European Site Mitigation Strategy identifies that significant adverse effects are likely as a result of residential occupation within this distance, owing to the potential for recreational use of the SAC/SPA. The mitigation strategy, therefore, requires that financial contributions are sought from relevant schemes so as to mitigate these impacts, partly through the provision of alternative green spaces. East Devon District Council collects such financial contributions through its CIL tariff. A CIL liability does not occur for C2 development but the Council confirmed that contributions collected through its CIL tariff were available and would be used to mitigate the effects of this development in accordance with the mitigation strategy. As such, I am satisfied that the development would not result in significant effects on the SAC or SPA in this case.

71. It is common ground between the parties that a range of public benefits would arise from the development. These include the provision of Extra Care housing to meet the needs for such housing in the district; a number of on and off site jobs; retention and enhancement of Building B; provision of publically accessible facilities; retention and improvement of public access through the site; reduction in existing traffic movement; and the provision of a heritage interpretation board. All of these matters weigh in favour of the development and cumulatively, I attach them moderate weight.

72. There is no evidence to suggest that the development would have any adverse effect on local tourism.

**Planning Obligation**

73. A S106 agreement accompanies the appeal. Having determined that the proposed development falls within use class C2 of the Use Classes Order, only the provisions relevant to that use are relevant and I have had no regard to the provisions relating to a C3 use.

74. The obligation includes the important restrictions on the use of the development for Extra Care housing, including the age restriction and necessity for care discussed above. In addition to these matters, a public access contribution of £12,000 is secured, the cost anticipated by the Council of undertaking off-site improvements to the pedestrian access route from the parkland to the proposed orangery. A monitoring fee is also included. The parties agree that these contributions meet the requirements of CIL Regulation 122 and I am satisfied that this is the case. As such, I have taken the obligations relevant to the C2 use considered into account.

**Conditions**

75. The parties have agreed a number of conditions in the event that planning permission is granted. In addition to the standard time period for commencement of development, I have clarified the approved plans in the interests of certainty. For the same reason, and to ensure appropriate timing with respect to ecological interests, a phasing plan is needed.

76. The site contains numerous trees and landscaping and conditions are necessary to ensure protection of those trees to be retained or relocated and to ensure that the development is suitably landscaped so as to maintain the character of the area. In addition, details for the provision and maintenance of garden furniture are needed. Further, in the interests of character and appearance,
details are secured in relation to proposed materials, climbing plants and various detailed building components.

77. As discussed above, I have secured appropriate ecological mitigation measures, including in respect of the bat colony on site. Specifically, a lighting scheme is required to minimise the impact on bats and to protect the character and appearance of the area. A heritage interpretation board is required as explained above.

78. I have found it necessary to secure obscure glazing for upper floor windows in the north elevation of Building A, along with privacy screens on the north facing elements of the balconies. In addition, privacy screens are needed on the upper floor of the Gateway building. These measures are necessary to protect neighbours’ living conditions. In this respect, and in the interests of appearance, it is also necessary to secure details of the proposed boundary treatment surrounding the parking area to the south of the site.

79. Parking provision for vehicles and cycles should be made for individual units before they are occupied to ensure that vehicles and cycles can be suitably accommodated within the site. A Method of Construction Statement is necessary to minimise the impact on the surrounding area and ensure highway safety. The proposed highway improvement works are secured to facilitate appropriate and safe access to the development and redundant vehicular accesses from Knowle Drive are to be closed to general use. A Travel Plan is required to minimise reliance on private vehicles and promote sustainable modes of travel.

80. A Construction Management Plan and Refuse Storage Area Management Strategy should also be provided to protect the living conditions of neighbouring occupants. The scheme should be implemented in accordance with the submitted foul and surface water drainage details to avoid flooding and pollution.

81. I have altered the wording of the conditions as necessary to improve their precision and otherwise ensure compliance with the tests for conditions contained in the Framework.

Conclusion

82. I have found the development to fall within use class C2 of the Use Classes Order. It would not harm the character and appearance of the area, neighbours’ living conditions or the setting of the adjacent grade II listed summerhouse. The proposal is in accordance with the development plan, taken as a whole, and should be granted planning permission.

83. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface
INSPECTOR
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ned Westaway, Counsel Instructed by East Devon District Council

He called:

Kate Baxter-Hunter Conservation Officer, EDDC
BA(Hons) IHBC

Peter Blackshaw Principal Development Officer, Cornwall Council
BA(Hons) MRTPI

FOR THE APPELLANT:

Simon Bird QC Instructed by Aardvark Planning Law

He called:

Christine McNulty Planning Manager, PegasusLife
BA(Hons) PGDipTP
MRTPI

Nigel Appleton MA Executive Chairman, Contact Consulting Ltd

Robert Tavernor BA Principal, Professor Robert Tavernor Consultancy
DipArch PhD RIBA Ltd

Simon Roper-Pressdee Director, WYG
BSc(Hons) PG Cert PCIfA
IHBC

Matt Shillito BA(Hons) Associate Director, Tibbalds
MSc DipUD MRTPI

INTERESTED PERSONS:

Richard Thurlow Sid Vale Association
Ian Barlow Chairman, Sidmouth Town Council
Kelvin Dent Local resident
Michael Temple Local resident
Peter Atkinson Local resident
Piers Brandling-Harris Local resident
Barry Curwen Local resident
Stephen Matthews Local resident
Peter Nasmyth Local resident
Deirdre Hounsom Chair of Sid Valley Neighbourhood Plan Group
Edward Dolphin Local resident
Robert Whittle Local resident

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Sandra Whittle  Local resident
Gwyrie Mossop  Local resident
Frances Deegan  Local resident
Stephen Jones  Local resident
George Alice  Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

2. Draft S106 agreement
3. Housing in later life, planning ahead for specialist housing for older people (December 2012)
5. Extract from PPG: Housing and economic land availability assessment
6. Extract from PPG: Conserving and enhancing the historic environment
7. Extract from PPG: Housing and economic development needs assessments
9. Drawing 584_P_119 with distances from Old Walls annotated
10. Plan showing relationship of Blue Hayes to Buildings A and F
11. Opening Statement on behalf of the appellant
12. Statement from Peter Atkinson
13. Copy of oral submissions by Kelvin Dent
14. Copy of oral submissions by Piers Brandling-Harris
15. E-mail submissions by Mr & Mrs Davis
16. Copy of oral submissions by Peter Nasmyth
17. Copy of oral submissions by Gwyrie Mossop
18. Copy of oral submissions by Rob Whittle
19. Copy of oral submissions by Edward Dolphin
20. Copy of oral submissions by Michael Temple
21. Copy of oral submissions for Sid Valley Neighbourhood Plan Steering Group
22. Cropped and zoomed P5 images
23. Large scale copy of the Tithe Map with table of apportionments
24. Note on the East Devon Pebblebed Heaths SAC
25. Closing Statement on behalf of the Council
26. Completed S106 agreement
27. Appellant’s Closing Submissions
Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the attached Schedule of Plans.

3) No development (including any demolition and site preparation works) shall take place until a revised phasing plan has been submitted to and agreed in writing. The plan shall detail site set up requirements, a programme for demolition and construction and landscaping works as necessary. It shall demonstrate a full regard for the requirements of the other conditions attached to this planning permission and importantly the ecological constraints on the site. The plan shall be adhered to for the duration of the development unless revisions are previously submitted to and agreed in writing by the Local Planning Authority.

4) Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of construction machinery) a detailed Arboricultural Method Statement (AMS) containing a Tree Protection Scheme and Tree Work Specification based on the submitted report under reference 15378-AA-MW and accompanying plan BT2, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the agreed AMS. The AMS shall include full details of the following:

   a) Implementation, supervision and monitoring of the approved Tree Protection Scheme.

   b) Implementation, supervision and monitoring of the approved Tree Work Specification by a suitably qualified and experienced arboriculturalist.

   c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

   d) Timing and phasing of Arboricultural works in relation to the approved development.

   e) Provision for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures.

On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

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 Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) 2007.

(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.

5) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

6) Full details of the method of construction of hard surfaces in the tree protection areas (identified in the Tree Protection Scheme) of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any development in the relevant phase. The method shall adhere to the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996). The development shall be carried out strictly in accordance with the agreed details.

7) The Ginkgo Biloba (maidenhair tree) identified as T68 on plan reference 15378 – BT2 shall have been fully relocated to an agreed location before development commences in respect of Building E (and for the avoidance of doubt this excludes demolition and site preparation works). The relocation shall be undertaken in accordance with a detailed method statement setting out all preparation works necessary, a prescribed timetable for the works and details of the recipient site including details of its preparation.

All preparation work shall be undertaken in accordance with the agreed method and timetable. For the avoidance of doubt the tree shall be subject of suitable protection as prescribed under Condition 4 until the point of its relocation and subject to any site preparation as identified as necessary.

8) No development (including any demolition and site preparation works) shall take place in any respective phase of development until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority for each respective phase; such a scheme to include:

- Hardworks Layout and specification (and where necessary samples)
- Softworks layout and specification
- Details of finishes to all boundary and retaining walls
- Tree pit and hedge planting details
- Construction detail of no dig zones in root protection area
- Programme of management for all soft works

The landscaping scheme shall be carried out in the first planting season after commencement of the development in the respective phase 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.

9) Details of all garden furniture located outside of the areas that would function as private gardens on plan reference LL532-100-00014 R2 but otherwise identified within the site boundary shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first occupation of the relevant phase of development. The furniture shall be provided in accordance with the agreed details and shall be maintained for the lifetime of the development unless agreement to any variation is first obtained from the Local Planning Authority.

10) No development (including demolition) shall commence until a comprehensive scheme detailing the number, position and type of bat boxes required as mitigation for the temporary loss of bat roost in Building A shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority and has been implemented in accordance with the approved details. The provision shall remain for the lifetime of the development.

In addition and in full conformity with Chapters 5 and 6 of the submitted Bat Survey Report and Mitigation Strategy Update (Final report October 2016 (Issue P15/43 – 2D)) development shall only be undertaken whilst employing all mitigation, compensation and enhancement measures identified and in accordance with a phasing strategy and timetable which shall have been submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development (including any demolition and site preparation works).

11) In full conformity with Chapters 6 and 7 of the submitted Ecological Impact Assessment (Final report March 2016 (Issue P15/43 – 1D)) development shall only be undertaken whilst employing all mitigation, compensation and enhancement measures identified and in accordance with a phasing strategy and timetable which shall have been submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development (including any demolition and site preparation works).

For the avoidance of doubt this shall include the submission of an up to date badger survey (which shall be undertaken within a period of not more than 6 months prior to the date of the commencement of demolition) with all identified and necessary mitigation found with the report also bound by the terms of this condition being necessary to be implemented in full and maintained throughout entirety of the development process.
12) No development (including any demolition and site preparation works) shall commence on site until a fully detailed lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of all means of external illumination, details of luminaries, bollards and all fitting and a resulting lighting plan demonstrating the degree of light spill and illumination. The development shall only take place in accordance with the agreed details and no other means of external illumination shall be installed without the prior written agreement of the Local Planning Authority.

In addition, and to minimise light spill, a scheme of internal lighting with associated specifications shall also be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any of the development. The provision of internal lighting shall follow the scheme.

13) Prior to the first occupation of any apartment in Building E, a detailed scheme for the interpretation of the Folly (Summerhouse) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and design of any structure used for interpretation purposes, the design appearance and layout of information and siting/mounting of any approved structures. The scheme shall be provided in full in accordance with a detailed timetable which shall also be included within the submission.

14) Before development shall be commenced in any particular phase as established by the agreed phasing plan under Condition 3 (and for the avoidance of doubt this excludes demolition and ground preparation works), 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.

15) Prior to the commencement of development in respect of buildings D and E on the plateau area, details of the climbing plants (including evergreen Magnolia and other species) shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include timing and method of application/degree of integration into the built form of the development and the means by which the climbing plants shall be maintained and replaced if necessary. The climbing plants shall be planted in accordance with the agreed details and retained thereafter.

16) Before development shall be commenced in any particular phase as established by the agreed phasing plan under Condition 3 (and for the avoidance of doubt this excludes demolition and ground preparation works), large scale detailed drawings of the following components shall be submitted to and approved in writing by the Local Planning Authority.

- Window and external door details including typical sections through glazing bars mullions and transoms
- Eaves soffit and fascia details
- Balcony detailing
- Timber screens
• Porch canopies
• Junctions between external facing materials
Development shall be carried out in accordance with the approved details.

17) Details of the final position, size and nature of all externally mounted vents, flues and meter boxes shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development for each identified phase. The development shall only be undertaken in accordance with the agreed details.

18) The windows at first floor level and above on the north elevation of Building A (referenced on approved plan 584_P_312 (P)B) shall be fixed shut and obscurely glazed to a minimum height of 1.7m above the internal floor level prior to the first occupation of building A. These opening restrictions and glazing requirements shall be retained for the lifetime of the development.

19) The following elevations of identified balconies shall be fitted with a privacy screen, details for which shall have been submitted to and approved in writing by the Local Planning Authority:
   i) West elevation of both fourth-floor balconies (situated above floor level 57.74AOD) of the Dell development.
   ii) North elevation of the second-floor balcony of Building A (located above parking space 41) of the Plateau development.
   The screens shall be fitted in accordance with the approved details prior to the first use of the apartments which are served by the respective balcony and shall be retained for the lifetime of the development.

20) No parking of any residents’ vehicles shall take place in the designated parking area to the south of the site until details of the means of boundary treatment have been submitted to and approved in writing by the Local Planning Authority and implemented in full.

21) Prior to the first occupation of each individual apartment at least 1 parking space and its associated vehicle access route shall have been properly formed, surfaced and be accessible for use by the respective occupiers. All parking spaces indicated on the approved plans together with the respective vehicle access routes to them shall be formed, finished and available for use prior to the occupation of the 100th apartment.

22) The development hereby permitted shall only take place in full accordance with the agreed foul and surface water drainage details submitted on the 16th November 2016. For the avoidance of doubt this relates to the Drainage Statement Rev K and associated appendices 1-10.

23) Details of covered cycle parking/storage shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development in each phase. The cycle parking storage provision shall be delivered and made available for use prior to the first occupation in the respective phase of development. The provision shall thereafter be retained for that purpose.
24) A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any development (including demolition and site preparation works) commencing on site. The scheme shall be implemented in full and remain in place throughout the development. The CEMP shall include full details of at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

25) No development shall start until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall 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 as detailed in the application.

The development shall be carried out in accordance with the approved statement.

26) Prior to the first occupation of any apartment hereby permitted the proposed 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, shall be constructed and laid out in accordance with the application drawings.

27) Prior to the occupation of any part of the development the existing north-western access from Knowle Drive shall have been closed to motorised vehicles (with the exception of mobility scooters or electrically assisted bicycles) in a manner which shall previously have been approved in writing by the Local Planning Authority.

Prior to the occupation of any part of the development the existing southern access from Knowle Drive shall have been closed to motorised vehicles (with the exception of mobility scooters, electrically assisted bicycles, refuse collection vehicles and emergency vehicles), in a manner which shall previously have been approved in writing by the Local Planning Authority.

28) Prior to the commencement of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared in accordance with the guidance contained in the Planning Practice Guidance and in general conformity with the 'Framework Travel Plan' document in the Transport Statement.
The approved Travel Plan shall be implemented before first occupation and for each and every subsequent occupation of the development and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

29) Prior to the first occupation of any apartment, a Refuse Storage Area Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall address how risks of odour and pest attack shall be addressed and how the storage areas will be kept clean, tidy and secure. The approved strategy shall be implemented and retained for the lifetime of the development unless a variation to it is previously agreed in writing by the Local Planning Authority.
## Schedule of Plans

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