

EXMOUTH LITTLEHAM
(Exmouth)

07/0461/MFUL

Target Date: 14.05.2007

Applicant: Pegasus Retirement Homes Plc
Location: 88 – 92 Salterton Road, Exmouth
Proposal: Erection of 2 No. two and a half storey linked buildings comprising 40 sheltered retirement apartments (category 2) with residents lounge, guest suite and estate managers office together with access and parking provisions.

Consultations

County Highway Authority

No objection however the existing footway fronting the site is substandard in width. The footway should be widened to 2.0m across the entire site frontage to improve pedestrian facilities and the nearest pair of bus stops to the development site should be upgraded to include high access kerbing, bus stop highway markings and shelters (if not already provided). Sheltered and secure cycle parking facilities should also be provided for staff and visitors. Amended plans should be submitted addressing these issues.

Natural England

Bat survey of buildings to be demolished

TOWN COUNCIL

Objection on the grounds of over-development, out of character, overlooking, S106 agreement and highway concerns.

11 letters of representation received.

WARD MEMBERS

No comments received.

REPRESENTATIONS

Objections

17 letters received raising the following issues:

- Insufficient car parking space
- Increased traffic on Salterton Road
- Increased pressure on water supplies and drainage system
- Too high density
- Loss of existing houses which conform to the character of the area
- Excess of retirement accommodation on the eastern side of Exmouth
- Lack of amenity space having an adverse impact on neighbours
- Overlooking

- Need more dwellings for young people not elderly
- Inadequate access
- Inappropriate design
- Overshadowing of adjacent properties
- Not a suitable location for elderly accommodation
- Planning in Exmouth should be looked at as a whole
- Overdevelopment of the site
- Building should be set further back on the site
- Siting will amplify road noise and trap air pollution
- Excessive height
- Unattractive access ramp to the front elevation
- Concerns regarding excessive scale and mass
- Materials should be varied and attractive
- Loss of outlook and privacy
- Excessive number of flats is altering the character of the area
- Trees should be retained
- Increased pressure on health and social services
- Out of keeping due to the lack of front garden space

PLANNING POLICIES

Government Guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

Devon County Structure Plan (2001 – 2016)

Policy ST1 – Sustainable Development

Policy ST18 – Affordable Housing

Policy ST18a – Mix and Type of Housing

Policy C06 – Quality of New Development

Policy TR2 – Co-ordination of Land Use/Travel Planning

Policy TR4 – Parking Strategy, Standards and Proposals

Policy TR5 – Hierarchy of Modes and Transport Assessment

East Devon Local Plan (1995 – 2011)

Policy S3 – Development Within Built-up Area Boundaries

Policy D1 – Design and Local Distinctiveness

Policy D1B – Sustainable Construction

Policy H2 – Residential Land Allocation

Policy H2B – Range and Mix of New Housing Development

Policy H3 – Affordable Housing

Policy RE3 – Open Space Provision in New Housing Developments

Policy TA1 – Accessibility of New Development

Policy TA6 – Adequacy of Road Network and Site Access

Policy TA8 – Parking Provision in New Development

SITE LOCATION AND DESCRIPTION

The application site is located on the south side of Salterton Road being the main road leading into Exmouth from the eastern side of the town. The site is 0.46 hectares in area and currently accommodates four houses that are set in large plots with mature gardens. The levels across the site slope gently from north to south while there are a number of mature trees on the site. The front boundary of the site is generally marked by low-level walls with fences above which separate mature front gardens from the footpath.

The site is bordered to the west by Orcombe Court which is a sheltered housing development for the elderly and is also close to the McCarthy and Stone development on the northern side of Salterton Road which is currently under construction.

RELEVANT PLANNING HISTORY

App. No.	Proposal	Decision	Date
04/2884/MFUL	Erection of 44 retirement apartments	Refused Appeal withdrawn	27.01.05
05/2830/MFUL	Erection of 40 retirement apartments	Appeal against non-determination dismissed	03.05.06
05/2836/MFUL	Erection of 40 retirement apartments	Refused	11/01/06

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of two linked blocks of apartments that would form accommodation for the elderly. The two frontage blocks would be two and half storey's in scale incorporating rooms within the roof space served by dormer windows to the front and rear elevations. The western of block would step down to two storey's in scale where it would stand closest to the boundary with Orcombe Court. The two blocks are typified by gable features to each end of the front elevations while the western block would include a large rear projecting two-storey element. The site would be accessed from Salterton Road via a driveway at the western end of the site that would serve a car parking area while a large garden area would be provided to the rear of the eastern block. The proposed accommodation includes 23 one-bedroom apartments and 17 two-bedroom apartments with an owner's lounge.

CONSIDERATIONS AND ASSESSMENT

Background

This site has been the subject of a series of applications for its development for a retirement home in recent years. The two applications that were made in 2005 were duplicate applications for the same development. One of these applications (05/2836/MFUL) was refused due to concerns regarding the scale and massing of the proposed development, highways safety concerns regarding the design of the proposed access and the provision of affordable housing on the site. The full reasons for refusal are as follows:

1. The proposed development fails to provide any affordable housing on site although the numbers of units exceed the threshold set by Circular 6/98 (Affordable Housing), and policy H3 (Affordable Housing) and the associated Supplementary Planning Guidance (Affordable Housing in East Devon) of the emerging East Devon Local Plan Revised Deposit 2003. There is demonstrative need for affordable housing in Exmouth and the applicant has not provided any evidence why this development for sheltered housing should not provide affordable housing on site. Furthermore the applicant has not demonstrated why this proposal should be exempted from the need to provide 40% units of affordable housing either on site or, with the agreement of the Council, off site to meet the shortfall in supply of affordable housing. For this reason the development would be contrary to Policy ST18 (Affordable Housing) of the Devon Structure Plan 2001 – 2016.
2. The proposed development, by virtue of its bulky design and high density, would constitute an intrusive and incongruous development that would be contrary to the prevalent character and appearance of the area. Furthermore, the proposed development would constitute overdevelopment of the site. The proposal is therefore contrary to Policy CO6 of the Devon Structure Plan 2001-2016, Policies S3 (Development within Built-up Area Boundaries) and D1 (Design and Local Distinctiveness) of the emerging East Devon Local Plan (Revised Deposit) September 2003, and advice contained in PPG3 (Housing) and PPS (Delivering Sustainable Development).
3. The inadequate width and visibility splays associated with the access is likely to cause congestion, with consequent risk of additional danger to all users of the road. In addition the proposal does not make adequate provision for the on-site manoeuvring of vehicles within the site. The development would therefore be contrary to Policy TR10 of the Devon Structure Plan 2001-2016 and Policy TA6 of the emerging East Devon Local Plan (Revised Deposit) September 2003.

The other application (05/2830/MFUL) was the subject of an appeal against the non-determination of the application that was subsequently dismissed in May 2006. With regard to the design concerns raised in the above mentioned reasons for refusal the Inspector allowed the applicants to submit some amended plans to address these concerns during the course of considering the appeal. These amendments reduced the number of apartments to 37 consequently reducing the overall scale and mass of the proposed development. While these amendments were considered to have overcome the Council's concerns the Inspector commented in his decision that the originally submitted plans would have been acceptable in terms of its density, bulk and design. Consequently it is the originally submitted plans that form the basis of this current application.

The amended plans also overcame the highways concerns that were raised with the application and these amendments have subsequently been incorporated into the plans submitted with this current application. It is therefore considered that the design and highways issues have now been adequately addressed and that the only outstanding issue is that of affordable housing provision.

Affordable Housing

Although the size of the site does not in itself fall within the threshold set by policy H3 of the adopted Local Plan with regard to the requirements for affordable housing the proposed number of units is well above the threshold of 15 set by the policy. Policy H3 in accordance with the guidance of PPS3: Housing presumes that such provision be made on site. The current application is accompanied by a

draft Unilateral Undertaking that proposes the payment of £740,000 on the first occupation of 15th of the proposed apartments.

The Inspector in considering the appeal in relation to the development of this site concluded that although there is a need for affordable family homes in Exmouth this form of accommodation is inherently unsuitable to be accommodated on a site for retirement homes due to the nature of the site and management problems. In the Inspectors view however this did not make the site as a whole unsuitable for any form of on-site affordable housing provision. On-site provision is almost always specified where affordable housing is required. There are a number of constraints associated with this site including the management issues already mentioned as well as the need to provide a single access onto Salterton Road and the existence of a Tree Preservation Order on trees to the rear of the site. The Inspector at the appeal considered that these issues were not insurmountable and had been overstated by the developer. At the appeal the appellants suggested the payment of a commuted sum as a contribution towards provision of affordable housing off site however at this time the proposed sum (£200,000) was in dispute. In dismissing the appeal the Inspector stated that:

“...the fact remains that the appeal proposals make no provision at all for the inclusion of any affordable housing on the site itself and there do not seem to me to be any exceptional circumstances why they should not do so. Furthermore, I am not persuaded that the commuted sum offered by the Appellants as an alternative is sufficient to meet the requirements of the policy.”

It is considered therefore that the Inspector did entertain the idea of the payment of a commuted sum and that such a payment could be acceptable provided agreement could be reached over an appropriate sum to be paid. Following the appeal decision extensive discussions have taken place between the developers and officers and it has been demonstrated that on site provision would not be workable in this case and that these exceptional circumstances justify an exception to usual practice. The proposed sum has been the subject of extensive discussions and it is considered in agreement with the Head of Housing and Social Inclusion that the proposed sum is of an appropriate scale to secure a level of affordable housing provision off site proportionate to the scale of the proposed development. Furthermore it would enable the provision of affordable housing that meets the needs of the community rather than an on-site provision that would have to be designed more with the constraints of the site in mind in order to deliver an acceptable form of development. It is therefore considered that the concerns with regard to the provision of affordable housing have been overcome subject to the applicants signing an appropriate unilateral undertaking to secure the payment of the proposed sum.

Highways Issues

The Highway Authority have raised some additional issues with this development with regard to improvements to the footpath to the front of the site and nearby bus stops. It is considered that given the history of the site and the previous acceptance at the above-mentioned appeal that the highway concerns had been overcome it would be unreasonable to now raise additional highway concerns.

Open Space Provision

Policy RE3 of the adopted Local Plan requires new housing development that generates a demand for open space to make appropriate provision and sets standards for the provision of formal playing fields and children's play space that should be met by any housing development either on site or through a commuted payment. It is considered in this case that the nature of the occupation of the

proposed development being for retired persons would not lead to a demand for playing fields or children's play space. The proposed development therefore falls within the exception under the policy for developments where the nature of the dwellings is such that their occupiers will clearly not place demands on a facility. As such the proposal complies with the requirements of policy RE3 of the adopted Local Plan.

Other matters

Objectors to this current application and the Town Council have raised a number of concerns with regard to the design of the development, increased traffic, parking provision as well as the impact on the amenities of local residents and services. While all of these matters are material planning considerations these are matters that have already been considered in relation to this proposed development and have been tested on appeal. It is therefore considered that these concerns could not form sustainable reasons for refusal with regard to this current application as the principle, form and design of the development and its associated impact has already been deemed acceptable by the Planning Inspector at the above mentioned appeal.

CONCLUSIONS

In conclusion it is considered that the proposed affordable housing provision is the main consideration with this current application. The principle of this matter being resolved through the payment of a commuted sum has already been established and it is considered that the sum now proposed by the applicants is proportionate to the development proposed and would lead to the appropriate off-site provision of affordable housing.

RECOMMENDATION

APPROVE subject to the receipt of a signed unilateral undertaking to secure the payment of the proposed commuted sum towards the off-site provision of affordable housing in the locality and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
(Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. Details of all external facing and roof materials, window and door finishes including samples shall be submitted to, and approved by, the Local Planning Authority before development commences.
(Reason: To ensure that the materials are sympathetic to the character and appearance of the area).
3. No works of development shall take place until full details of both hard and soft landscaping, including the nature of proposed boundary treatments have been submitted and approved by the Local Planning Authority.

Hard details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure of unbuilt open areas, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and artifacts and structures (e.g. Furniture, refuse or other storage units, signage, lighting, external services, manholes etc). Soft landscaping details shall include planting plans, specifications (including cultivation and other operations associated

with plant establishment), schedules of plants, noting species, planting sizes and proposed densities where appropriate, and a proposed timetable for planting and layout of hard surfaces.
(Reason: In the interests of the visual amenities of the locality)

4. Hard and soft landscaping works shall be fully carried in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

Any trees or plants which, within a period of five years after planting, are removed, die or become, in the opinion of the council, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Council gives its written consent to any variation.

(Reason: In the interests of the visual amenities of the locality)

5. A landscape management plan, including a maintenance schedule and a written undertaking including proposals for the long term management of landscape areas, other than small, privately occupied, domestic garden areas, shall be submitted to and approved by the Council prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

(Reason: In the interests of the visual amenities of the locality)

6. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expirations of one year from the first occupation of any building to be erected on the site.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

(Reason: To ensure the appropriate protection of the important trees on the site for the benefit of the visual amenities of the locality)

7. The building shall not be occupied until vehicle parking spaces have been constructed, surfaced and marked out in accordance with approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.

(Reason: To ensure that appropriate parking provisions are provided in the interests of highways safety).

8. Prior to the commencement of the development hereby approved full details of the proposed external lighting shall be submitted for the written approval of the Local Planning Authority. The submitted details shall include details of all external luminaries, their full specification, visual

appearance, location (inc. mounting heights) and lamp specification and wattage's. The building shall thereafter only be externally lit in accordance with the approved details.

(Reason: To ensure that the amenities of neighbouring residents in the area is protected and that energy use/pollution is minimised through good design).

9. Prior to the commencement of the development hereby approved full detailed drawings at a scale of 1:20 and in accordance with the schedule set out below shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed such plans and detailing shall be implemented in accordance with the general arrangement drawings and no variation shall be permitted without the prior written consent of the Local Planning Authority.

Below is a list of the required detailed design drawings including a brief description:

- a) Typical eaves detail/half timber work to Salterton Road
- b) Typical dormer to Salterton Road
- c) Typical window to Salterton Road
- d) Typical eaves detail to Salterton Road
- e) Typical bay to Salterton Road
- f) Typical boundary wall/capping/railing detail
- g) Substation/refuse store
- h) Typical ground/wall detail
- i) Electric buggy store
- j) Single storey link building
- k) Typical balcony detail
- l) Typical eaves/fascia detail

10. No external air conditioning units, extraction systems or service boxes shall be sited in positions such that they may be visible from the public realm. Full details of all plant and its position shall be submitted and agreed in writing by the Local Planning Authority before installation is commenced.

(Reason - In the interests of the visual amenities of the locality).

Any other conditions to be delegated to the Head of Planning and Countryside Services.

Reasons for approval

1. The proposal complies with the Devon Structure Plan: 2001 – 2016 Policies ST1 – Sustainable Development, ST18 – Affordable Housing, ST18a – Mix and Type of Housing, C06 – Quality of New Development, TR2 – Co-ordination of Land Use/Travel Planning, TR4 – Parking Strategy, Standards and Proposals and TR5 – Hierarchy of Modes and Transport Assessment.
2. The proposal complies with the adopted East Devon Local Plan 1995 – 2011 policies S3 – Development Within Built-up Area Boundaries, D1 – Design and Local Distinctiveness, D1B – Sustainable Construction, H2 – Residential Land Allocation, H2B – Range and Mix of New Housing Development, H3 – Affordable Housing, RE3 – Open Space Provision in New Housing Developments, TA1 – Accessibility of New Development, TA6 – Adequacy of Road Network and Site Access and TA8 - Parking Provision in New Development.
3. The proposed development would not significantly adversely affect the privacy and amenity of neighbouring properties.
4. The design and external appearance of the proposal would not significantly harm the visual amenities of the site and its surrounding area.
5. The proposal is contained within the defined built up area boundary of the settlement.
6. The proposal would make use of previously developed land.

Approved Plans

0434 P11 Rev A, 0434 P12 Rev A, 5613/01, 3541-200, 0434 P10 Rev A

List of Background Papers

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