

Mr. Jack Bradley  
Ridge and Partners LLP  
3rd Floor, Regent House  
65 Rodney Road  
Cheltenham  
GL50 1HX

Topsham Care Home Ltd  
C/O Agent

## **Town and Country Planning Act 1990 and its orders**

### **FULL PLANNING PERMISSION GRANTED**

**LOCATION:** Land To The North Of Exeter Road, Exeter Road, Topsham, Devon

**PROPOSAL:** Construction of an 86-bed care home and associated parking with vehicular access from Bewick Avenue (Alternative scheme to approved and extant application for a 72-bed care home application ref 20/0229/FUL).

**APPLICATION NUMBER:** 21/0882/FUL

The Local Planning Authority grants planning permission for the above development subject to the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

**Reason:** To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28th May, 13th August and 2nd September 2021 (including dwg. nos. 099 Rev P1, S-03 Rev C, PL50 Rev C, PL51 Rev C, PL52 Rev C, PL53 Rev A, PL 54 Rev A, PL 55 Rev D, PL56 Rev B, 21016-ARX-XX-00-DR-C-0600 Rev P2, 21016-ARC-XX-00-DR-D-0003 Rev P1, and 21016-ARC-XX-00-DR-D-0500 Rev P1) as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved drawings.

3) The materials to be used in the construction of the development hereby approved shall be in accordance with those specified on submitted drawing nos. PL50 Rev C, PL51 Rev C, PL52 Rev C and the Revised Topsham External Materials Schedule B.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

4) The development hereby approved shall be implemented in accordance with the submitted Topsham Care Home Part L Report ref THC012.v01 dated March 2021 prepared by Keyplan. Within 3 months of practical completion of the development the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

5) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

6) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

7) The development hereby approved shall be implemented in accordance with the provisions and recommendations of the submitted Biodiversity Mitigation and Enhancement Plan prepared by ECOSA report ref 21.0037.0001.F0 dated 19th March 2021 and a landscaping scheme to be approved pursuant to condition 5 of this planning permission.

**Reason:** - To enhance the biodiversity of the site and ensure the scheme is managed so as to maximise biodiversity value and achieve objectives of ecological mitigation and compensation/enhancement.

8) No part of the development hereby approved shall be brought into its intended use until visibility splays at the junction of Exeter Road/Bewick Avenue, as indicated on Drawing Number "S-03 Rev C Site Layout Plan - Hard landscaping" have been provided in accordance with the approved details/plan.

**Reason:** To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.

9) The development hereby approved shall be implemented and managed in accordance with the Travel Plan measures as outlined in the submitted Travel Plan prepared by Jon Pearson Transport and Highway Consultant Ref JP/TP/55/21 dated March 2021 and the Air Quality Assessment report no. 784-B028821 Rev 2 dated 19th July prepared by Tetra Tech.

A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

**Reason:** To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF and mitigates the impact of the scheme on air quality.

10) Prior to the erection of the cycle storage facility shown on drawing no. S-03 Rev C details of its design and security features shall be submitted to, and approved by, the Local Planning Authority. Thereafter the cycle storage facility shall be provided in accordance with the approved details.

**Reason:** - To ensure adequate facilities are provided to encourage sustainable transport choices.

11) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except

between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

12) If during development contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan, and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved.

13) The development hereby approved shall be implemented in accordance with the provisions and recommendations contained within the submitted CEMP prepared by Lancer Scott Rev C dated 12/08/2021.

**Reason:** - To protect the amenity of the locality, especially for people living and/or working nearby.

14) Prior to the commencement of the use hereby permitted, the noise attenuation standards set out in ACT Acoustics Ltd.'s Noise Impact Assessment - Exeter Road Care Home, Topsham - Updated facade design for Topsham Care Home Ltd (date: 24 March 2021, report ref: 210319-1429) shall be implemented in full. The measures shall be maintained thereafter unless alternative noise attenuation measures are implemented in accordance with details submitted to and approved in writing by the Local Planning Authority, which will be maintained thereafter.

**Reason:** In the interests of the residential amenities of the potential occupants of the building.

15) Prior to occupation the specification of the building services plant and kitchen ventilation shall be submitted to and agreed by the Local Planning Authority and be in accordance with the Harniss Ltd document 1704-Topsham-Commercial Ventilation Statement-P2 (date: 18/06/2020). The agreed equipment shall be installed prior to occupation and be maintained as agreed thereafter.

**Reason** - In the interests of residential amenity.

16) The site shall not be used for any purpose other than that hereby approved as a Care Home within Use Class C2 and no other use (including any use within the same Use Class as defined by the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

**Reason:** The use of the building for other uses falling within Use Class C2 other than a Residential Care Home for the elderly could have different impacts to the approved use and would therefore need to be assessed on their individual merits through a separate application.

17) The construction phase of the development hereby approved shall be implemented in accordance with the waste management information submitted to discharge condition 15 of application 20/0229/FUL. Prior to the occupation of the development a further waste management plan relating to the operational phase of the development shall be submitted to and be approved in writing by the Local Planning Authority.

**Reason:** - To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document.

18) The development hereby approved shall be implemented in accordance with the following submitted information -

- 21016-ARC-XX-00-DR-D-0003 Rev P1 Exceedance Plan
- Micro Drainage Calculations Ref 21016 Page 1 to 14 (outputs dated 29.03.21)
- Sustainable Drainage Systems Management Strategy 21 106 dated March 2021
- Construction Environment Management Plan for Land to The North of Exeter Road Topsham

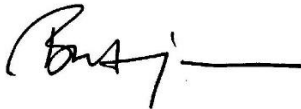
**Reason:** - To ensure that the surface water drainage strategy to serve the development is acceptable.

## **INFORMATIVES**

1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Signed



Bindu Arjoon  
**Exeter City Council**  
**Director**

**Date:** 11th October 2021

**Notification where planning permission refused or granted subject to conditions  
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)  
(England) Order 2015 (as amended)**

**Appeal**

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, please go to the Planning Inspectorate website:

<https://www.gov.uk/government/organisations/planning-inspectorate>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate, Room 3/13, Temple Quay House,  
2 The Square, Temple Quay, Bristol, BS1 6PN

Planning Inspectorate customer support team: 0303 444 5000

[enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice. Please note that if you intend to submit an appeal which you would like examined by inquiry then you must notify us and the Planning Inspectorate at least 10 days before submitting the appeal ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)). Further details are on GOV.UK: <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.