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C/O Agent

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

### **FULL PLANNING PERMISSION GRANTED**

**LOCATION:** Land To North Of Exeter Road ,Topsham, Exeter , EX3 0LX

**PROPOSAL:** Construction of a 72-bed care home and associated parking with vehicular access from Bewick Avenue.

**APPLICATION NUMBER:** 20/0229/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 19th February 2020 (including dwg. nos. 099 Rev B, PL 015 Rev B, PL 016 Rev B, PL 001 Rev B, PL 002 Rev B, PL 003 Rev B, PL 004 Rev B, PL 005 Rev A, PL 010 Rev B, PL 011 Rev B, PL 012 Rev B, PL 100, PL 101, PL 102, PL103, PL 104, PL 105, PL 106, PL 107, PL 108, PL 109 and PL 110) as modified by other conditions of this consent.

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

3) Notwithstanding the materials specified on the drawings hereby approved samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

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

4) Before commencement of construction of the superstructure of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and 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) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall incorporate the provision of integral bat and bird bricks in line with the advice set out in the Council's adopted Residential Design SPD. Thereafter the development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

**Reason for pre-commencement condition:** To enhance the biodiversity of the site and clarify how newly planted areas of the site will be managed so as to maximise their biodiversity value and achieve objectives of ecological mitigation and compensation/enhancement.

6) In the event of failure of any trees or shrubs, planted in accordance with the landscaping scheme approved by the Local Planning Authority as part of this application, 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) No part of the development hereby approved shall be brought into its intended use until a dropped kerb crossing onto Bewick Avenue, vehicular parking spaces and associated turning area as indicated on Drawing Number "FE\_001 Rev P4 Proposed Site Plan" which forms Appendix A of the submitted Travel Plan Ref JP/TP/02/20 and associated visibility splays have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

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

8) 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/02/20 dated January 2020.

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

9) 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.

10) 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.

11) **Pre-commencement condition:** No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

12) Prior to the commencement of the use hereby permitted, the noise attenuation standards set out in ACT Acoustics Ltd.'s Noise Impact Assessment - Land North of Exeter Road, Topsham (date: 17 January 2020, report ref: 200115-020) 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.

13) 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.

14) 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.

**15) Pre-commencement condition:** Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

**Reason for Pre-commencement condition:** 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. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

**16) Pre-commencement condition:** No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy incorporating detailed information on the proposed pump.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the maintenance of the permanent surface water drainage system including the pump unit, and details of the responsible body and maintenance schedule/programme.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

**Reason for Pre-commencement condition:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

## 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  
Director

Date: 10th September 2020

**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.

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.