

THE KNOWLE – PLANNING APPLICATION REF: 12/1847/MOUT.

COMMENTS AND OBJECTIONS FROM SID VALE ASSOCIATION

Derogation Tests, Protected Species and Trees and Bats Survey.

The Derogation Tests document submitted by Bell Cornwall, dated October 2012, sets out the 3 tests, the requirements of which EDDC should take due regard of prior to any grant of planning permission. Bell Cornwall refer to the requirement as set out in Regulation 3(4) 1994 Habitats Regulations. These Regulations have now been superseded by the Conservation of Habitats Regulations 2012. The legal obligation to have due regard to the requirements of the Habitats Directive is set out in Regulation 9(5). The purpose of the 2012 Regulations is “so as to secure compliance with the Habitats Directive” (Reg.9(1)). The tests however remain the same.

Test 1 requires that the proposed development preserves public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Bell Cornwall simply assert that the proposed development will contribute to housing needs and the provision of a care home. No further evidence is provided in respect of this test.

The proposed development clearly makes no contribution to the preservation of either public health or public safety. The question for EDDC is therefore whether the proposed development can be regarded as satisfying an imperative reason of overriding public interest, which has beneficial consequences of primary importance for the environment.

Is the desire of EDDC to relocate an imperative reason, which overrides the public interest? The term imperative suggests that the project should be indispensable. That is clearly not the case here.

The term overriding suggests that the balance of the public interest must clearly outweigh the conservation interests of the European Protected Species present on the site. Conservation interests are long-term, whereas the interests of EDDC

in relocating would appear to be medium term at best. In addition, the proposed development has yet to prove that it will have beneficial consequences of primary importance for the environment. For example, the mitigation and enhancement measures proposed by the Applicant have yet to be approved by the statutory body responsible for biodiversity interests, Natural England.

Test 2 requires that there be no satisfactory alternative to the proposed development. This matter has been addressed previously, and, at the present time, it is clear that the issue of alternatives to the proposed development has by no means been exhausted.

Test 3 is addressed by Devon Wildlife Consultants (DWC), and requires that the action authorised (i.e. the proposed development) will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

DWC have produced 3 further updated reports regarding bats and roosts. Report 12/1882 confirms the presence of one pipistrelle roost and 3 lesser horseshoe bat roosts, one a maternity roost in Building B. Report 12/1906a, Tree Assessment for Roosting Bat Species notes that 7 trees due for removal have a high potential for roosting bats

As a consequence DWC recommend that a number of further surveys be undertaken. These include;

A survey to ascertain important flight lines and foraging routes across the site, to be undertaken between May and September (presumably 2013).

A further internal inspection of Buildings A and B to be undertaken over winter.

A survey to ascertain the main flight paths to and from the lesser horseshoe roost in Building B, to be undertaken between May and September.

Further surveys of trees on the site for the presence of roosts to be undertaken between May and September.

Given this acknowledged lack of data concerning the presence of bats and their roosts, their flight paths and foraging routes, and the likely effects of demolition

and construction works, all of which have relevance for the likely impact of the proposed development on this European Protected Species, it is difficult in the extreme to reasonably conclude, at this stage, as do DWC and Bell Cornwall, that the Derogation Tests can be satisfied.

This lack of relevant information lends additional weight to our previous submission where we questioned the conclusion of the Screening Opinion dated September 2012. Without this information it is not possible to conclude, as did the Screening Opinion, that the proposed development would be unlikely to have any significant effects on the environment.

Planning Support Statement, Bell Cornwall, amended October 2012.

The greater part of the amended report simply reiterates Bell Cornwall's views on the merits of the proposed development with reference to planning policy. These matters have been addressed in our previous objection, and it is not proposed to repeat such here.

Paragraph 2.14 of the Amended Report acknowledges that as the emerging LDF is still at an early stage it will not carry any significant weight in the determination of this application. Nevertheless, Bell Cornwall refer to emerging Policy ED02 in support of this application (see paras. 2.45 and 2.49).

The sections of the Report from para. 2.23 et seq on housing acknowledge that 40% affordable housing has been factored in to the illustrative layout. However, Policy H4 of the adopted Local Plan requires 40% affordable housing subject to the viability of such provision. To date no viability assessment has been undertaken, and failing such, the viability of the proposed development has not been established, and consequently the provisions of Policy H4 remain unmet.

Criterion 3 of LP Policy E3 requires that it be established that there is a surplus of employment land in the vicinity (Bell Cornwall para 2.27), where a proposal involves the loss of employment land. No evidence has been produced by the Applicant to prove that there is such a surplus of employment land. Options for retaining the site have not been fully explored, and the requirements of Policy E3 are not met.

In addition, Bell Cornwell at para. 2.27, assert that the proposal does not envisage any loss of employment in terms of Council staff. Para. 3.10 of the same Report acknowledges the potential loss of 55 jobs in the Sidmouth area, with a net loss of 33 jobs being likely.

Para.2.30 of the Report recognises that a “critical part of the proposal” is to ensure that interests of nature conservation importance have been identified and adequately addressed through protection and enhancement. As set out above, it is clear that these interests have not been fully identified, that likely impacts remain uncertain, and measures to ensure protection and enhancement are still far from being secured.

Para 3.12 makes reference to efficiency gains, costs savings and/or a reduction in the local tax burden. There has been no evidence of any such gains, savings or reductions submitted to accompany this application, and consequently, unless such evidence is forthcoming, no weight at all can be given to such vague, unsupported, wishful thinking.

Para 3.27 et seq of the Report addresses concerns relating to the loss of recreational land, seeking to downplay the loss of land of 0.89 Ha, describing it as a “small” area (para.3.32) in relation to the provision of Open Space in Sidmouth. The assertion is made in the Report that “The current open space requirement set out in the East Devon Open Space Study, (EDOSS) sets out the standard for 1Ha/1000 population for Parks and Recreation Grounds in urban Areas. Sidmouth has currently 21.26Ha, (or 1.53Ha /1000 of population) which exceeds the standard by 7.33 Ha... a significant amount more than the town actually needs”

The EDOSS was approved by full Council on 12th June 2012, and the whole report applies, not just those which appear favourable to the applicant. The EDOSS suggests a starting point of 1Ha for Parks and Recreation grounds, (one of 14 classifications), but allows a change in this figure in a number of clauses elsewhere, such as ;-

Para 5.. “The standards that have been proposed are for minimum guidance levels of provision.

“Para 7.5.1.” the starting point of any policy adopted by the Council should be that all open space should be afforded protection unless it can be proved that it is not required”**No such proof has been provided.**

Para 7.5.3 “Policy R1. “decisions related to the protection of open space need to be considered at a local level, and in close consultation with the local community... **The vast majority of expressed local opinion is in favour of maintaining the whole of Knowle Park as an amenity open space, as has been demonstrated by significant numbers of objections to the proposal and public protests.**

7.5.3 Policy R3... “Sites which have nature conservation, historical or cultural value should be afforded protection, even if there is a surplus in quantity, quality or access in that area.” **The Knowle site qualifies for protection in all three categories.**

The Planning Support Statement says that there are 21.26 Ha of Parks and recreation grounds in Sidmouth, including the Byes.. In the 14 definitions of types of open space, the ENOSS defines “parks and recreation grounds” as areas that have been formally laid out for public enjoyment. The Knowle site clearly fits this category”, but the Byes does not. These are more properly defined as “natural and semi-natural open space” Consequently the area stated in the Planning Support Statement, (21.26 Ha of “Parks and Recreation grounds” should be reduced by 13.81 Ha as the Byes are not “Parks and Recreation Grounds. **The PSS is therefore clearly wrong in stating that there is an overprovision of such land in Sidmouth.**

Traffic and Transport Statement by Sands Consultants

Para 8.1.14 says that” Traffic surveys were undertaken on 20th June 2012, to establish the background traffic flows...” Whilst a one day survey was carried out relating to the operation of the EDDC offices, no surveys were carried out on the existing flows on Knowle Drive, particularly at the southern exit onto Station road. No reliance can therefore be made on Sands’ statement that (para 8.1.15), ” the level of vehicle trips is therefore not considered to be detrimental to the operation or safety of the highway network”. Whilst we agree that trips from the existing EDDC development will be reduced, there will be increased traffic on the southern part of Knowle drive, with its exit/entrance to Station Road. This access

is already substandard, with very reduced visibility splays, is tortuous and has no footways. **Without a measure of existing flows here Sands cannot state that there will be no adverse effect.**

Sands state, (para 2.2.8) that the impact of the loss of weekend parking, resulting from the abolition of the EDDC car park spaces will be minimal.. This is based on their assessment of about 30 cars parking in the EDDC car parks at weekends, their counting of over 700 parking spaces in Sidmouth, their assumption of an “unspecified” number of “on road” parking spaces, and their stated belief that a new “Park and Ride” facility at Woolbrook, with 90 spaces will be provided under a Section 106 agreement with Persimmon homes.

There are about ninety 30 minute, twenty 60 minute and forty uncontrolled parking spaces in the town. The latter as from mid November will be severely curtailed in any event by Devon County Council.

There are only 299 available long term car park spaces, (ie those whose use is supplemented by the EDDC car parking spaces). These are at the Manor Road car park.

A Park and Ride Facility is NOT being provided, and even when it was planned, it was to be a “Park and Change” facility to enable public transport to Exeter.

Sands’ conclusion, (even based on Sands’ count at the EDDC car park, which is only a snap shot), that impact will be minimal is clearly wrong. A loss of over 10% of available car parking spaces in summer months will dramatically affect traffic flows into town, as drivers seek parking, and will reduce the attractiveness of Sidmouth as a destination.

Conclusion. The Sands Traffic Statement is seriously flawed, with erroneous conclusions and is based on incorrect information. Knowle Drive WILL become more dangerous at the southern end, and the abolition of the EDDC car Parks WILL seriously effect parking in the town and have a long term economic effect. Economic Assessment, Peter Brett Associates.

This document is substantially different to the Econ IA which initially accompanied the application. The new document has clearly taken note of the criticisms from the public, and in particular, the critique submitted by Save Our Sidmouth. As such, it is an improvement and is to be welcomed.

The new conclusion is that the implementation of the application will result in the loss of 33 jobs, rather than a gain of two jobs as previously estimated. This is well short of our prediction of 76 job losses, but is nevertheless a very striking change.

Para 1.2.1: It is stated that the Council Offices are a quarter of a mile from Sidmouth town centre, and that the walking time is therefore fifteen minutes. This would mean that Council staff walk at one mile per hour. We suggest that staff are able to walk at three miles per hour, and the journey time on foot is therefore 5 minutes, not fifteen.

Para 1.2.2: This section includes an important error. The existing use is described as council offices and parkland. This ignores the established use of the car parks as a weekend public car park. This has been in operation for more than ten years, and the EDDC Planning Team have confirmed that the public car park use is an established use, and its loss is a material planning consideration. This is an important error and should be corrected.

Para 3.2.5: There are no grounds for describing the staff job losses as 'theoretical'. On the contrary they are very real. The fact that they will be lost through 'retirement' or 'alternative jobs' is irrelevant: the economic impact will, of course, be the same.

Para 3.2.7: As we have pointed out previously, this paragraph is clearly incorrect. Although companies and individuals are not selected by location, their ability to compete at tender is obviously affected by their proximity to the Council offices. We would expect this to be obvious to anyone conducting an Economic Impact Assessment. So there will be significant job losses arising from this component of relocation. We suggest this obvious error should be conceded and corrected immediately.

Para 3.2.18: This primitive statistical treatment of an 'outlier' is completely unacceptable and arbitrary. We are very surprised that such a technique is being used by a professional organisation, presumably with experience in these matters.

Para 3.2.19: The statistical treatment of this data, and that of Para 3.2.15 is wholly incorrect, and again calls into question the professional competence of the authors of the report. The implications in terms of job losses is small – it is much

more concerning that the authors of the report would appear to be so poorly trained in statistical techniques.

Para 3.2.22: Visitor numbers are based upon logged visits to the main desk. This gives an average number of visitors each day of 18. This is ridiculously low. The true number is much greater, because (a) visitors to the main building are not always logged and (b) the number ignores visitors to the Chamber and other meetings. We also note that Council members are estimated to attend the Knowle on average less than once a week.

Para 3.3.3: The cost of building work is significantly exaggerated. 50 houses, 20 of which will be affordable, are likely to involve construction costs of £150,000 per unit, totalling £7.5 million. The 60 bed care home will involve a cost of approximately £2.5 million. The total cost is therefore about £10 million, and 'permanent jobs' created will therefore be 7.1 not 11.2. We would point out that if construction costs are £15 million, the scheme is completely unviable and undeliverable.

Para 4.3.1: The report does not say how many 'stakeholders' and 'key businesses' were consulted, but our enquiries indicate that the total number was 3. EDDC/Peter Brett Associates have refused to reveal the number despite repeated requests. We do not regard 3 as an adequate representation of stakeholder/business opinion. In particular, we understand that the Sidmouth Hospitality Association, a very important local employer association employing a high percentage of the local workforce, were not invited to participate. Only 3 respondents means that references to 'the majority of respondents' and 'most respondents' are disingenuous. The entire section, whilst including some interesting comments, is effectively rendered meaningless by the sample size. Again, we have to question the professional competence of the authors of the report. Indeed, the poor quality of the report, and the ludicrously small sample size makes this section of the report wholly unrealistic.

Para 5.3.3: Given the fact that the original Peter Brett Associates report has been amended substantially to reflect the fact that numerous unprofessional errors have been discovered, we find references to the apparent stupidity and tendency to over-react of the 'stakeholders' both offensive and patronising.

Para 5.3.6: We respectfully remind the authors of the report that no viability study of the move has yet been undertaken, so this paragraph is nonsense.

The above comments should be seen in addition to those already made in respect of the first Econ IA, all of which we consider to be still valid. The amended Econ IA is an improvement on the first attempt, but remains amateurish in presentation, riddled with error, and routinely displays statistical incompetence and naivety.

Heritage Statement, Kensington Taylor.

Kensington Taylor (KT) have chosen to interpret 'heritage asset' in the narrowest of terms, as simply those buildings listed by English Heritage within the setting of the Conservation Areas of Sidmouth.

KT devote most of their statement of 12 pages to an analysis of how the Outline Planning Application will affect one fragment of the heritage on the site, namely the listed Summerhouse, which KT considers the only 'heritage asset' of any 'significance'. They have diminished the larger historical, architectural and artistic context.

The report claims that the buildings and grounds are 'much altered' and that 'the setting of the listed Summerhouse is already much compromised and divorced from the original integrity of the extended grounds.' This understanding of the setting is in much dispute, as has been made clear by the submissions from established bodies including the Devon Gardens Trust and SAVE Britain's Heritage.

Firstly, it is clear that the arboreal heritage immediately surrounding the Summerhouse is of significance, with most of the specimen trees over fifty years of age; the substantial parkland and gardens in fact enjoy much of their 'original integrity', offering a setting both for the listed Summerhouse and the other heritage assets.

It is very clear, however, that the only concern KH consider valid is the 'immediate setting' to the listed Summerhouse. The 'formal terraced gardens' will be 'protected' only in so far as they impinge upon this specific heritage asset and

will, therefore, spared from the proposed 'built development'. However, nowhere else in the report is concern or interest shown for the integrity of the 'gardens', whether the formal terracing which dominates the upper section or the current soft boundary planting in the lower parts.

Extraordinarily, KT actually propose that new 'soft boundary planting' would mean that 'impact on views to the Summerhouse from the south will be minimized', not considering that the razing of most of the formal terraced gardens and the wider setting will mean that the impact on views from any direction will be noticeably maximized.

The other 'constraints' which are 'highlighted as significant' are, again, simply those heritage assets which 'need to be addressed', and no more, in which case, KT refer only briefly to the 'Lodge' – although there are in fact two listed lodges to the Victorian Knowle Hotel – and the Grotto – which the report actually refers to as having been listed in 1951, the date when the Hotel itself was originally listed. The report closes with a cursory consideration of the adjacent Conservation Area. Because the trees 'running alongside the eastern side of Station Road' are not to be felled, it is considered that 'views into and out of the Conservation Area will not therefore be affected'. And yet it is clear that the construction of the proposed care home on the current weekend tourist grasscrete car park, immediately adjacent to the Lodge and the exit to Station Road, would have considerable impact on 'views into and out of the Conservation Area'.

This Heritage Statement is disappointing in its scope. Its distorted perspective precludes a full appreciation of the heritage value and its limited parameters render it not only inadequate but call into question any conclusions reached, in which case this report cannot be accepted in its current form.