

		Committee Date: 7th January 2021
Exmouth Brixington (Exmouth)	20/1166/FUL	Target Date: 11.08.2020
Applicant:	Miss J Rhodes	
Location:	Bystock Court Old Bystock Drive Exmouth	
Proposal:	Construction of new Daycare centre	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before committee as the applicant is the partner of a Member of the Council.

Planning permission is sought for the construction of a new day care facility within the grounds of Bystock Court, a Grade II Listed Building.

The proposed building is a single storey structure sited to the north of the extended main property. It has been designed to accommodate a range of care needs, including therapy/treatment rooms, fully accessible bathing facilities in addition to two large day rooms, kitchen and staff accommodation.

There is an identified need for additional care facilities within the Exmouth area, and policy support for the provision of new community facilities on sites that lie within or adjacent to Built-up Area Boundaries (which this site is). Whilst the current arrangements and day care within the main building offer a certain level of support, they are operating within the confines of a listed building. The proposed building would allow the provision of day care on the site to be expanded and offer additional facilities which are not currently provided.

The proposed position of the building will, however, require the removal of 4 trees, 2 of which are large and attractive Oaks. In assessing the proposal the balance between tree removal, impact on the setting of the listed building and the need for the proposed facilities has to be weighed carefully.

A number of alternative locations within the grounds were considered with the application site being identified as being the most appropriate in terms of the operation of the facility, setting of the listed building and landscape impact.

The loss of mature trees is regrettable, however it is considered that benefits arising from the proposed development and the limited impact on the setting of the heritage asset are sufficient to outweigh the harm, and subject to appropriate and additional planting, which can be achieved through conditions, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 06.07.2020

No objection subject to the Listed Building Officer and Tree Officer reports.

Meeting 09.11.2020

No objection to the amended plans subject to the Listed Building Officer and Tree Officer's comments. Members understood from the applicant that they were happy to replant trees to compensate for any that have been lost.

It has subsequently been noted that page 2 of the Arboricultural report recommends that the proposal mitigates the loss of trees T1 -T4 by means of new plantings to the north and north-west of the new structure. The report suggest a total of 4 new field maple standards and 4 new oak standards to offer a 2:1 replanting ratio.

Cllr M Chapman – Exmouth Brixington Ward

I have no objection to the day care centre plans . I have walked the site with the owner , and have seen the work carried out on Bystock house , grade 2 listed .I have also had a conversation with the owner on the tree's on site and in the grounds ,these have been neglected for a great number of years , I'm pleased that the tree officers have been to look at them and work will be on going to keep them safe and healthy .the day care centre will be of benefit to all who need the support ,my hope for the future of this site is it will be a great community hub and help for all who need it .

Technical Consultations

Devon County Highway Authority

The existing turning head in this section of Bystock court will be disrupted by the development of this proposed day care centre, however as the existing private roundabout of Bystock remains, traffic will still be able to leave the county highway network and turn off-carriageway before re-entering the carriageway in a forward facing motion.

I do not believe the development of this daycare centre will produce an unacceptable increase upon the trip generation of Bystock court and therefore the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Addendum 24/11/2020

The CHA has been made aware of amendments to this planning application, however remains satisfied that our stance remains the same.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

EDDC Trees

I realise the importance of the development to the business of Bystock Court, however I am disappointed that in the first instance four trees, two of which are B cat trees are to be lost and second that there is no replanting offered to compensate for the loss

Further comments:

The amended set of plans do not appear to have taken into account my previous comments which still stand

Conservation

CONSULTATION REPLY TO PLANNING WEST TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Bystock Court , Old Bystock Drive, Exmouth

GRADE: II APPLICATION NO: 20/1166/FUL

PROPOSAL: Construction of new Daycare centre

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Bystock Court is a country house built in 1907 to a design by Wimperis and Best, with a multi-phase service wing, partly pre-dating the principal part of the building. The post-1914 additions to the north end are not of special interest.

The 1838 tithe map indicates that the house then stood within 172 acres of garden, orchard and woodland, as well as farmland, the full estate being considerably larger; this area was extended to 223 acres by the time of the 1905 sale. The land to the south and west of the house is now mainly built over, but extensive areas of woodland remain to the north, largely keeping the names they have had since the time of the 1889 OS map, or earlier. Major improvements were made to the gardens and pleasure grounds by John Bryce in the 1870s and 1880s, including the erection of a number of

garden structures, and the planting of specimen trees, a number of which remain. The most remarkable work of this phase was the construction in circa 1880 of a large 'rockery', to the west of the house by the German landscape gardener, F W Meyer, employed by Robert Veitch, the prominent Exeter nurseryman. The rockery, fed by a series of ponds which may have earlier origins as fishponds, was described in the contemporary gardening press as being of exceptional size, including a 12-foot cascade and a large cavern studded with stalactites and stalagmites. Now in a ruinous condition, elements of the original design may still be identified. An overgrown rectangular yew enclosure, located to the east of the ponds, dates from the early years of the C20. The pleasure grounds in general are now much overgrown and altered, and a number of new functional buildings have been erected. The former kitchen gardens, to the east of the house, have been built over. Of the three lodges built by Edward Divett in the C19 - one marking the eastern entrance to the estate, and two at the south entrance - the eastern lodge is listed, whilst one of those to the south was de-listed having been moved, and the other is thought to be considerably altered.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

This application relates to the construction of relatively large single storey building to provide complimentary care facilities for elderly people. This is expected to cater for residents from outside of Bystock Court and to work in conjunction with the main house, by providing additional facilities.

The new single storey building is to be located to the north of the existing listed building within a woodland setting. The new structure is separated from the existing buildings by an existing tarmac access road and the more recent extension to Bystock Court. The approach to the proposed site is screened from the existing building through planting and trees and a significant rise in level. As a result the site is not immediately obvious when approaching Bystock Court from the south and is not necessarily read in conjunction with the listed building, but the current character and setting is woodland.

There seem to be two areas of concern relating to the impact of the proposed new centre on the designated heritage assets. Firstly, the visual impact on the setting of Bystock Court and secondly, the impact on the contribution that the setting makes to the significance and understanding and interpretation of the heritage asset.

The Statement of Significance submitted with the application refers to the visual impact and concludes that the impact is minimal, see p3 & 4. Whilst it is appreciated that the use of materials is an important factor and the existence of other structures in this area, no proper justification is given for locating the centre in this area or whether other options were discussed or discounted. There is certainly merit in grouping a number of structures in one location as opposed to dispersed development across the site and this will help to minimise the impact on the setting of the listed building and the associated grounds.

However, there does not appear to be any assessment of the grounds or wider estate and how this contributes to the setting and significance of the principal building. These are referred to in the listing description and particular reference is given to the

'extensive areas of woodland remain to the north, largely keeping the names they have had since the time of the 1889 OS map, or earlier'. This needs further consideration and an assessment of the land and setting associated with Bystock Court needs to accompany any revised proposals. This will give a better understanding of the setting to enable an informed decision and to justify the proposed location.

Other areas of concern relate to the overall design of the new centre and include the size of the footprint, proximity to the listed building, too big, too wide?, its juxtaposition with the northern end of Bystock Court, setting aside the post-1914 additions being of less interest, but based on spatial (proximity) and context issues. If this is the right location, should it be set back further? What impact does this have on the woodland setting? Should the access be moved to the side? Where is the drop off point for visitors? These aspects need further consideration, but may well require amendment following the assessment of the setting, see above.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

DATE: 31/07/20

INITIALS: KBH

Further comments: Conservation Area Status

It is noted that there have been several objections to this application and that this has again raised the question of a proposed Conservation Area.

Conservation Areas are areas of special architectural or historic interest whose character or appearance should be preserved or enhanced. There are now more than 8,000 throughout the country. They may vary in character, form and size, from a small group of buildings to a major part of a town, but all are worthy of protection as areas of special merit. Some buildings within conservation areas are usually 'listed', but not always. Each area is unique with its own 'sense of place', providing a variety of open spaces, buildings, trees, and features which give the area its special character.

Conservation Areas are defined in the Planning (Listed Buildings and Conservation Areas) Act 1990, and government advice can be found in the National Planning Policy Framework. Any new designation would normally be based on a detailed appraisal of an area to identify its special interest to support the designation. Such appraisal would help to identify what is positive and negative, and identifies opportunities for beneficial change or the need for additional protection and restraint. It is important to bear in mind that designation in itself will not protect an area from incremental change which can erode its character. The main control would be over substantial demolition of unlisted buildings, works to trees, limits on the display of advertisements and some restrictions on development which can be carried out without the need for planning permission.

Whilst the area around Bystock Court and Drive certainly possesses some local interest, and Bystock Court has recently been listed Grade II in 2012, it is considered that the surrounding area is unlikely to be of sufficient quality to merit designation. The original estate buildings have now been separated from the main building, both in

ownership and use and appear to have undergone a number of alterations and changes over the years. Although they are certainly an important part of the social and architectural history of Exmouth, the benefits of Conservation Area designation would be very limited and unfortunately in the current climate, there are no budgets for management or enhancement schemes.

It is also worth bearing in mind that the area is outside the built-up area boundary for Exmouth and that there are a considerable number of existing Tree Preservation Orders within the Bystock area which offer considerable protection.

The Exmouth Neighbourhood Plan has identified the area as being of local historic importance and specifically refers to Bystock Estate/Bystock Village.

Further comments:

Revised Heritage Assessment, amended layout and plans received 3rd November 2020:

The Heritage Statement is a vast improvement and now includes a proper assessment of the grounds and their significance. This has given a much better understanding of the setting to enable an informed decision and to justify the proposed location of the proposed Daycare Centre.

This has led to some changes to the actual design and again these are an improvement including moving it slightly further away from the Listed Building.

South elevation: the vertical rainscreen has been extended along the whole length creating a more 'screened' elevation;

West elevation: now set back further from the north end elevation of Bystock Court, minimising the impact on the listed building;

North elevation: again the vertical rainscreen has been extended along the whole length creating a more 'screened' elevation;

East elevation: again this elevation is now set back further from the north end elevation of Bystock Court, minimising the impact on the listed building;

Ground floor: although the internal layout has been amended the overall building does not appear to have been set back as shown in elevation?

Conclusion: no further objections, subject to the above.

Other Representations

A total of seven representations have been received, 5 raising objections, 1 in support and one neutral. The issues raised are summarised below:

Objections

- The application site lies outside the Built-up Area Boundary in the local plan

- The site is in conflict with with the Exmouth Neighbourhood Plan
- The building is not in keeping with the character of the historic nature of the area, and potential future conservation area
- Potential to act as precedent for further development outside the built-up area
- The scale and design is out keeping with neighbouring properties
- Additional noise and disturbance
- Potential use of the alternative access
- Proposal will erode protection from development of “Bystock Village”
- The development will not meet any specific Local Plan Policy
- The proposal does not represent ‘minor development’ and will undermine the local and neighbourhood planning policies.
- Removal of large trees is not justified

Support

- The building is attractive and not visible from other local properties
- Site was previously used as a plant area with large polytunnel
- Minor works may be supported outside the Built-up Area Boundary
- The use of the site will benefit the health and well-being of people with learning difficulties
- There is a need to expand mental health services

Neutral

- Support the provision of the facility
- Consider the design awful in the context of the listed building
- More sympathetic design of further planting to reduce impact of building

PLANNING HISTORY

Reference	Description	Decision	Date
20/1167/LBC	Construction of new day care centre	Withdrawn	08.07.2020
19/0590/LBC	Internal and external alterations to create 9 no. assisted living units. External works to include: 1 no. new external door on front elevation. Internal works to include: creation of new internal party walls and alteration to staircase	Approved	24.06.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)
Strategy 7 (Development in the Countryside)
Strategy 22 (Development at Exmouth)
Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development Affecting a Designated Heritage Asset)
EN22 (Surface Run-Off Implications of New Development)

RC5 (Community Buildings)
RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)
National Planning Practice Guidance

Exmouth Neighbourhood Plan Policies

EN1
CF1

Site Location and Description

The application site comprises a piece of land within the curtilage of Bystock Court, a large Grade II Listed Country House set within spacious landscaped grounds. The site accessed from Old Bystock Drive, by a long driveway leading to the main house. It is located on the northern fringe of Exmouth around 3.5km from the town centre.

At the present time Bystock Court is occupied partly as a private dwelling, together with a day care facility.

The proposed location is within an area of the grounds which has been generally cleared from vegetation, although there are many trees in the vicinity, with part of the site occupying the position of former buildings.

Proposed Development

Planning permission is sought for the construction of a day care centre on the northern side and within the grounds of Bystock Court. The proposed building is a single shallow pitched roof structure located to the north of the main extended house. The building has an irregular plan form, with external angled timber supports to the

overhanging roof of the east elevation and parts of the south and north-west elevations.

Internally the accommodation comprises 2 large day rooms, with therapy rooms, bathroom and supporting staff and kitchen facilities.

ANALYSIS

The main issues to be considered in the determination of this application related to the policy context and principle of the development; design and impact on the character and appearance of the area; heritage impact; and any impact on trees; highway safety; residential amenity; and ecology.

Policy Context and Principle of the Proposed Development

Planning law requires that applications for planning permission be determined in accordance with the development plan, including local and neighbourhood plans, unless material considerations indicate otherwise.

The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight.

Exmouth Neighbourhood Plan 2018-2031 has been adopted and the policies within it are a material consideration in the determination of this application.

The presumption in favour of sustainable development lies at the heart of the planning process with planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst other criteria, would 'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs'

Paragraph 92 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities, including meeting places, and other local services and to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

When considering the impact of a proposed development on the significance of a designated heritage asset Paragraph 193 requires great weight to be given to the assets conservation.

The application site lies outside the Built-up Area Boundary (BUAB) of Exmouth, and therefore in planning terms is located in the countryside where Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan

policy that explicitly permits such development and where it would not hard the distinctive landscape, amenity and environmental qualities within which it is located.

Policy D1 (Design and Local Distinctiveness) requires development to respect the key characteristics and special qualities of the area and to ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Policy RC5 (Community Buildings) states that new community facilities and buildings will be accommodate on sites that lie within or adjacent to Built-up Area Boundaries. The site being at located adjacent to the BUAB.

There is an objective within the Neighbourhood Plan to enhance and develop Health and Wellbeing services in Exmouth to serve the needs of the whole community, and that all existing healthcare facilities/buildings are retained and used to their full potential to provide integrated health, social care, wellbeing and health promotion for the Exmouth community of all ages.

Policy CF1 states that development that contributes to enhancement of health and well-being facilities within Exmouth will be supported.

Whilst the application site lies outside the BUAB for Exmouth, it is adjacent to it and the proposed new facility will be providing an enhanced service to that existing on the site. The new building would enable a wider range of facilities to be offered, and allow more residents to be able to access the services, which at the present time are constrained by the layout and limitations of the existing building. In this respect it is considered that the benefits of the improved facilities for the users of the service and the community benefits offered would, in terms of principle, accord with the provisions of Local Plan Policy RC5 and Neighbourhood Plan, and those of the NPPF.

Design and Impact on the Character and Appearance of the Area

The design of the proposed building is somewhat unusual, with the external wooden supports, it is of a high quality and should meets its aim of helping to assimilate the building into its setting. The building has a relatively large footprint, although the simple shallow pitched roof form is considered to help to reduce its visual impact.

The siting adjacent to other existing structures and on the site of a former building has been arrived at following the consideration of alternative positions within the curtilage of the main house, and represents a balance between the functional needs of the facility and the impact on the listed building. It is located away from the main facades of the building and adjacent to the more modern extensions on the northern part of the building.

Whilst, inevitably, the new building will be visible, its design and position are considered to be acceptable within its context. There are no public views of the building, being contained well within the private grounds of the building and it is considered that any impact will be limited and localised.

Heritage Impact

Bystock Court is a Grade II Listed Building identified within the listing description as being a country house constructed in the early part of the 20th Century. Large extensions have been added to the north of the main house, adjacent to the application site.

When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires that great weight should be given to the assets conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Further development within the grounds of Bystock Court has the potential to affect the setting of this heritage asset, and special regard has therefore to be had in assessing the impact of the proposal as part of the heritage consideration of the application.

With this in mind the siting and design of the day care centre is fundamental to the success of the application. The scale of the development is considered to be proportionate to this setting, and the chosen location is such that its visual impact is minimised. There would be limited vantage points from which the new building would be viewed in conjunction with the listed building and the proposed development will inevitably have some impact on the woodland within which it is proposed and therefore the setting of the listed building. However the design is relatively modest, and the use of traditional materials, albeit incorporating modern design principles is not considered to have a detrimental impact on the setting of the main building.

Overall the proposals, whilst recognising that they will have some impact to the listed building's setting are considered to result in 'less than substantial harm' in terms of NPPF paragraph 196, and that subject to ensuring appropriate detailing, screening and lighting the proposals will not have a negative impact on the historic heritage setting.

However, under the above paragraph this harm to a designated heritage asset also has to be balanced against the public benefits of the proposal. The public benefits here relate to the provision of additional purpose-built community day care facilities which are understood to be much needed within the area. The centre will support the local population and allow the expansion of the existing care provided on the site by offering a wider range of services within appropriate accommodation.

The benefits to the local community and economy are considered to weigh heavily in support of the proposal and subject to appropriate landscaping and detailing it is concluded that the public benefits of the proposed facilities outweigh the limited harm to the buildings setting, which results in a less than substantial impact to its significance.

Trees

There are many trees within the Bystock Estate, with a tree preservation order covering some of the larger trees to the front of the house. The order does not extend to the application site or the majority of the estate.

Four trees would need to be felled as a result of the proposed development, including 2 large Oak trees (one a Turkey Oak) and the application is accompanied by an arboricultural report detailing the works required to accommodate the building.

Whilst the comments received from the Councils Arboricultural Officer are appreciated, the supporting information makes it clear that new planting is proposed to provide some compensation for the loss of existing trees. The Arboricultural Report recommends the mitigation of the loss of trees T1 through T4 by means of new plantings to the north and north-west of the new building. It is suggested that these comprises four new Field Maple standards and four new Oak Standards.

The loss of any trees is regrettable, particularly established specimens, however it is considered that the wider community benefits provided by the proposed development would, in this instance justify the loss of the trees and that subject to appropriate new planting to mitigate for this loss the proposed development is acceptable from an arboricultural perspective.

Highway Safety

The proposal will result in an increase in vehicular movements due to the additional visitors being able to be accommodated within the facility, although the nature of the traffic is likely to be similar, with many of the visitors being brought to the centre in shared transport. With this in mind the proposal has been considered by the Highways Authority who do not consider that additional traffic arising from the proposal will be such that any detriment to highway safety would arise.

There is a relatively large parking area to the front of the main building and sufficient parking on site to accommodate any additional parking demand arising.

Residential Amenity

The nearest properties which are not associated with Bystock Court are at the entrance to the grounds and within Bystock Drive to the east of the site. These are some distance from the application site and screened by the substantial planting within the grounds. There may be some additional traffic movements, as mentioned above, which have the potential to create noise and disturbance, however it is not considered that this would be so significant to result in any material loss of residential amenity.

Ecology

Bystock Court is set within extensive landscaped grounds, with significant areas of established woodland which support a wide variety of wildlife. A preliminary ecological appraisal for the site was undertaken which, in addition to nesting birds identified potential roosting sites for bats. In addition the site is also located within an East Devon Great Crested Newt Consultation Zone, and a nest characteristic of dormice was located.

As a result further survey work has been undertaken in respect of the identified protected species. The results of the survey work and appropriate monitoring and protection measures have been identified within the submitted information, and subject

the findings of these being adhered to there is the potential for the proposed development to result in a net bio-diversity gain. It is considered that subject to appropriate conditions to ensure the protection and mitigation measures identified in the various reports, the proposal will be acceptable from an ecological perspective.

CONCLUSIONS

There is an identified need for additional care facilities within the Exmouth area, and proposed building would allow the provision of day care on the site to be expanded and offer additional facilities which are not currently provided.

The loss of mature trees is regrettable, however it is considered that benefits arising from the proposed development and the limited impact on the setting of the heritage asset are sufficient to outweigh this harm, and subject to appropriate and additional planting, and other conditions to ensure that the development can be undertaken without detriment the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

4. Full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

5. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include 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.

(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

6. Before development above foundation level is commenced, 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.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

7. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping 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.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
8. The development hereby permitted shall be carried out in accordance with the Arboricultural Appraisal dated 9 March 2020 prepared by Advanced Arboriculture, including the replanting of replacement trees as identified within the report in the planting season following completion of the development, unless otherwise agreed in writing by the Local Planning Authority.
(Reason: In the interests of nature conservation and to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)
9. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures set out in the Preliminary Ecological Appraisal & Phase 2 Bat Emergence Survey report dated June 2020 prepared by Devon & Cornwall Ecology unless otherwise agreed in writing by the Local Planning Authority.
(Reason: In the interests of nature conservation and to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)
10. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures set out in the Dormouse Survey Report dated June 2020 prepared by GE Consulting, and Addendum letter dated 3 December 2020 unless otherwise agreed in writing by the Local Planning Authority.
(Reason: In the interests of nature conservation and to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)
11. The development hereby permitted shall be carried out in accordance with the details set out in the Non-licenced Great Crested Newt Method Statement report dated June 2020 prepared by Devon & Cornwall Ecology unless otherwise agreed in writing by the Local Planning Authority.
(Reason: In the interests of nature conservation and to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

7904-LP Rev D	Location Plan	16.06.20
7904-100 REV C	Combined Plans	03.11.20
7904-101 REV B	Combined Plans	03.11.20
7904-110 REV C	Proposed Combined Plans	03.11.20
7904-111 REV C	Proposed Elevation	03.11.20
7904-112 REV A	Proposed Elevation	03.11.20

List of Background Papers

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