

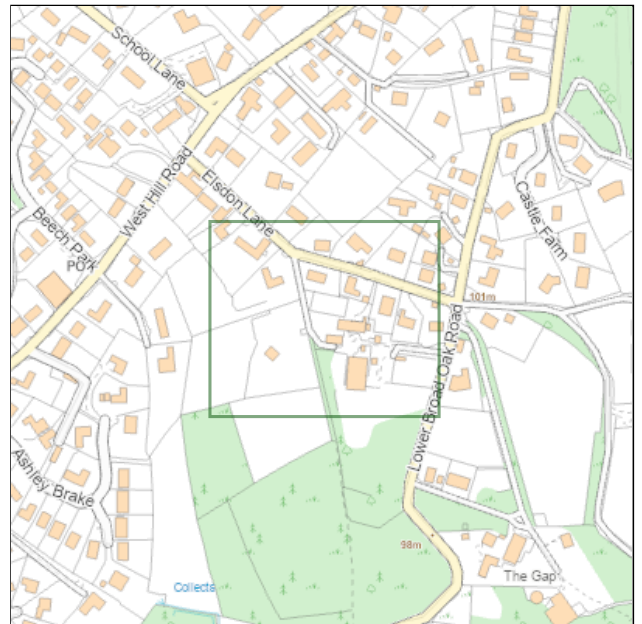
**Ward** West Hill And Aylesbeare

**Reference** 23/1113/FUL

**Applicant** Mr Will Gater

**Location** Elsdon House Land At Orchard Cottage Elsdon Lane West Hill Ottery St Mary

**Proposal** Proposed new detached dwelling with integral garage, new site entrance and parking



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 26.09.2023</b>
<b>West Hill And Aylesbeare (West Hill)</b>	<b>23/1113/FUL</b>	<b>Target Date: 20.07.2023</b>
<b>Applicant:</b>	<b>Mr Will Gater</b>	
<b>Location:</b>	<b>Elsdon House Land At Orchard Cottage</b>	
<b>Proposal:</b>	<b>Proposed new detached dwelling with integral garage, new site entrance and parking</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

This application is before members as the officer recommendation differs from the views of a Local Ward Member.

The application site relates to an area of land that currently forms part of the curtilage associated with Orchard Cottage, West Hill. The application site was formerly occupied by a private tennis court.

The application seeks consent for the construction of a chalet style bungalow, integral garage and new access onto Elsdon Lane. The dwelling would have an 'L' shaped footprint with the exterior finished in facing brick at ground floor, timber clad gable ends and dormers, and a slate roof.

Planning history available to the Local Planning Authority show that a former attempt to secure planning permission for a dwelling on part of the site was refused June 2021 (21/0561/FUL) before outline consent was secured later in the year (21/1565/OUT).

Given that the site is within the Built-up Area where the principle of residential development is supported, the main issues to consider in the determination of this application are whether the development would be compatible with the character and appearance of the area; and whether development would preserve the amenity enjoyed of existing neighbours and future occupants.

Concerns have been raised by the Parish Council and a Local Ward Member with regards to the development's potential impact on the character and appearance of the area. Both parties have stated that they believe the proposals would fail to meet Policy NP26 (West Hill Design) of the Neighbourhood Plan.

**Policy NP26 seeks to ensure that new development reflects the established**

character, density and layout of its surroundings and preserves the key features of the village, including its trees, hedgebanks, spacious gardens and individuality between properties.

Although the effect of plot subdivision on the character and appearance of the area has always been a consideration, the Neighbourhood Plan attributes great weight to the preservation of the characteristics which sets West Hill apart from traditional East Devon villages. Even though density varies between the modern estate developments and the more spacious and verdant surroundings which characterise the bulk of West Hill, the village as a whole maintains a low density informal layout.

In this case, whilst the development would subdivide the curtilage of Orchard Cottage, aerial imagery shows that the subsequent footprint to plot ratio would be similar to existing development that fronts Elsdon Lane. Whilst a couple of properties to the west of the adjacent public right of way tend to be larger dwellings with generous gardens, these are an exception to the prevailing character of the immediate area. The submitted Site Plan demonstrates that there shall be sufficient relief between the exterior walls and the site's boundaries without appearing cramped and whilst providing an acceptable level of outlook and outdoor amenity space.

Further concerns of the Parish Council, the Local Ward Member and a third party relate to the development's impact on neighbouring amenity. However, it is the position of officers that the separation distances between the proposed dwelling and Birchleigh is satisfactory as not to be overly dominant or cause any direct overlooking. Additionally, the presence of the timber boarded fence and substantial laurel hedge that lines the application site's northern boundary provides further screening to mitigate the physical impact of the build and prevent direct overlooking of windows.

As detailed within the main body of the report, in the absence of any identified conflict with planning policy or any significant and demonstrable harm and the minor benefit of an additional open market unit to the district's housing stock, it is the position of officers that the application should be approved subject to conditions listed below.

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council

West Hill Parish Council

Consultee Comments 16th August 2023

23/1113/FUL Elsdon House Land At Orchard Cottage Elsdon Lane

Proposed new detached dwelling with integral garage, new site entrance and parking

This amended application was considered by West Hill Parish Council under Delegated Powers. Councillors added the following to their previous comments:

1. Councillors welcome the fact that the proposed design incorporates environmentally-friendly technology such as PV panels and low energy fittings to reduce energy consumption and minimise the environmental impact.
2. However, the plot is a residential garden infill development, therefore Neighbourhood Plan policy NP3 applies, along with NP26 West Hill Design. The outline permission granted under 21/1565/OUT conditioned that the dwelling should be single storey in order to protect the amenity of neighbouring properties, but the proposed design is for a 2-storey dwelling. The addition of a close-boarded fence on the eastern boundary is not in accord with NP26 which specifies boundary treatments consisting of hedges and Devon banks to preserve the woodland character of the village and facilitate the movement of wildlife.

#### West Hill And Aylesbeare - Cllr Jess Bailey

This application does concern me. I don't agree with cutting a new entrance on to Elsdon Lane. The proposed dwelling is far larger (including taller) than that which was approved previously and I am concerned about the impact on adjoining properties. I live on Elsdon Lane but am not impacted by any changes to this property.

#### Parish/Town Council

This application was considered at the West Hill Parish Council meeting on 6th June 2023.

Councillors noted the previous planning history:

1. 21/0561/FUL - refused - by virtue of the small size of the plot and its narrow width, the proposal would create a cramped form of development which would be out of character with the spacious, low density character of its surroundings. As such the scheme would be contrary to Strategy 6 - Development Within Built-up Area Boundaries and Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 and Policies NP3 - Infill, Backland and Residential Garden Development and NP26 - West Hill Design of the Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill 2017-2031.

2. 21/1565/OUT - Approved with conditions - including, "the development shall take the form of a single storey dwelling (and for the avoidance of doubt a chalet type bungalow is not regarded as a single storey dwelling). (Reason - To reflect what has been applied for, to protect the amenity of neighbouring properties and in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the adopted East Devon Local Plan 2013-2031 and Policy NP3 - Infill, Backland and Residential Garden Development of the Ottery St Mary and West Hill Neighbourhood Plan.)"

Councillors then considered the current application and did not support it for the following reasons:

- a. The two storey building it does not protect the amenity of neighbouring properties and is contrary to the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the adopted East

Devon Local Plan 2013-2031 and Policy NP3 - Infill, Backland and Residential Garden Development of the Ottery St Mary and West Hill Neighbourhood Plan.

b. Access would require the removal of a section of Devon Bank.

### **Technical Consultations**

#### **EDDC Trees**

The submitted arboricultural information demonstrates the proposed development can be carried out without significant impact on the retained trees. It should be noted that even with T2 being reduced, there is likely to be significant shading of the garden from T1 and T2 for parts of the day particularly from midday into late afternoon. However, the garden will be relatively free of any shading during the morning. Concern is also raised over the installation of PV panels on the western aspect of the garage roof and potential for shading from T3 onto the panels and the pressure this could result in for works to T1. However, it is noted that the tree has been previously reduced in the past.

I therefore raise no objection to the works with the following condition:

Prior to commencement of any works on site (including demolition), tree protection measures shall be carried out as detailed within the Tree Protection Plan and Arboricultural Method Statement Plan submitted by Advanced Arboriculture (22/05/2023) within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority

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.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar

size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction 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 New East Devon Local Plan 2013-2031).

#### Other Representations

One third party comment objecting over the following issues;

- Impact on neighbouring amenity through overlooking and overbearing effect.
- Impact on character and appearance of the area.
- Does not conform with the Neighbourhood Plan.

### **PLANNING HISTORY**

**21/0561/FUL** - Construction of a detached bungalow with integral garage. REFUSED

**21/1565/OUT** - Outline planning permission for a proposed single storey detached dwelling (all matters reserved). APPROVED

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Ottery St Mary and West Hill Neighbourhood (Made)

NP3 (Infill, Backland and Residential Garden Development)

NP26 (West Hill Design)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

### **Site Location and Description**

The application site relates to an area of land that currently forms part of the curtilage associated with Orchard Cottage, West Hill. The site is situated within the Built up Area Boundary for West Hill amongst other residential properties.

### **Proposed Development**

The application seeks consent for the construction of a chalet style bungalow, integral garage and new access onto Elsdon Lane. The dwelling would have an 'L' shaped footprint with the exterior finished in facing brick at ground floor, timber clad gable ends and dormers, and a slate roof.

### **Principle of Development**

The application site is located within the development boundary as defined by the adopted Villages Plan. The spatial strategy for development is focused around the seven main towns and larger villages with a built up area boundary, as described by Strategy 27, will form focal points for development. Strategy 6 of the Local Plan sets out criteria against which development within built up area boundaries can be assessed. Therefore the principle of residential development, whilst acceptable in principle, is subject to detailed considerations.

Due to an extant outline consent for a single dwelling at the site (ref: 21/1565/OUT) and given that the site is within the Built-up Area where the principle of residential development is supported, the main issues to consider in the determination of this application are whether the development would be compatible with the character and appearance of the area; and whether development would preserve the amenity enjoyed by existing neighbours and future occupants.

### **Impact on Character and Appearance of the Area**

The Neighbourhood Plan (NP) contains policy that sets various criteria that proposals for infill and residential garden development shall need to meet through

the provisions of NP3 (Infill, Backland and Residential Garden Development). The requirements of NP3 are general design principles that seek to ensure development is sympathetic to the character and appearance of the area whilst ensuring an acceptable level of amenity is provided for prospective occupiers and neighbours. However, for proposals within West Hill specifically, development shall also need to meet the provisions of NP 26 (West Hill Design).

The Neighbourhood Plans says (NP) of West Hill:

*"The special character of the village owes much to the extensive planting of trees and shrubs both within and on the boundaries of plots; and*

*The density of development is low with houses set within spacious plots;"*

Whilst development density varies from area to area, it is fair to say that the character of Elsdon House and its immediate surroundings are well captured by that description. The NP goes on to describe further characteristics of the village, all of which apply to the site and its surroundings.

Policy NP26 seeks to ensure that new development reflects the established character, density and layout of its surroundings and preserves the key features of the village, including its trees, hedgebanks, spacious gardens and individuality between properties.

The Parish Council and a Local Ward Member have expressed concerns regarding the impact of the development on the character and appearance of the area and more explicitly the height of the proposal. Both parties consider there to be conflict with the provisions of Policy NP3 and NP26. The outline planning permission previously granted included a condition stating that the dwelling should not be more than one storey in height. This is a new application that is not bound by the previous conditions but clearly the impact of the added height needs to be considered

Although the effect of plot subdivision on the character and appearance of the area has always been a consideration, the Neighbourhood Plan attributes great weight to the preservation of the characteristics which sets West Hill apart from traditional East Devon villages. Even though density varies between the modern estate developments and the more spacious and verdant surroundings which characterise the bulk of West Hill, the village as a whole maintains a low density informal layout.

In this case, whilst the development would subdivide the curtilage of Orchard Cottage, aerial imagery shows that the subsequent footprint to plot ratio would be similar to existing development that fronts Elsdon Lane. Whilst a couple of properties to the west of the adjacent public right of way tend to be larger dwellings with generous gardens, these are an exception to the prevailing character of the immediate area. The submitted Site Plan demonstrates that there shall be sufficient relief between the exterior walls and the site's boundaries without appearing cramped and whilst providing an acceptable level of outlook and outdoor amenity space.

The former outline consent (ref:21/1565/OUT) sought to restrict the height of any dwelling to a bungalow, the reasons given for the condition were to ensure that



development was sympathetic to the character and appearance of the area and to protect neighbouring amenity. However the former application was submitted with matters reserved, including layout, scale and design. At the time the LPA was not convinced that a two storey dwelling could be provided on the site that would not appear cramped whilst preserving the amenity enjoyed at Orchard Cottage.

However, the submitted drawings communicate a bungalow-style chalet that, owing to surrounding development that is two storey in height, would not appear as an incongruous addition to the street scene of Elsdon Lane. Therefore, notwithstanding the wording of Condition 6 on the former outline consent, the current application is assessed on its own merits. In this case, despite concerns from the Parish and Ward Member, the submitted drawings demonstrate that a chalet style bungalow can be implemented on site that would accord with the principles of NP3 and NP26 of the Neighbourhood Plan.

Concerns have been raised regarding the provision of a timber fence along the eastern boundary between the application site and Orchard Cottage, and that such a treatment is not sympathetic to the wooded character of the area. However, this particular element of the proposal would not be readily visible from public views and where views into the site are available at the site's access the fence would be largely obscured by the proposed dwelling. Also visible from the site's proposed access would be an existing close boarded fence that runs along the northern boundary of the site to the south of Birchleigh would also be visible. As such, it is not considered that the provision of the timber fence would cause any visual harm.

The proposals include the creation of a new access in the north-western corner of the plot. In order to facilitate its construction, part of the existing Devon bank that encloses the site would be removed and the existing access would be closed through planting of a native species hedging. Concerns expressed by the Local Ward Member are acknowledged regarding the visual impact of losing part of the Devon bank. However, the extent of Devon bank to be removed is small, and the existing access is proposed to be filled in with native hedging. As a result, the subsequent visual harm is considered minor and only attributed limited weight in the overall planning balance.

In terms of the proposed design of the build, West Hill exhibits a mix of architectural types. Whilst a number of older properties tend to exhibit the use of red brick and tiles, and this is evident at Elsdon House, more recent development, such as the construction of Birchleigh, is more contemporary in form and is finished in render. The applicant's design approach to construct a chalet bungalow finished in brick and timber cladding would not appear out of keeping with the area and its modest scale ensures it would sit comfortably in the site.

In light of the above, the proposals are considered to meet the objectives of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and policies NP3 and NP26 of the Neighbourhood Plan.

## **Impact on Neighbouring Amenity**

The dwelling's eastern elevation runs approximately 18 metres parallel to the boundary with Orchard Cottage. The build measures approximately 2.8 metres to eaves and 6.3 metres to ridge. The development would be visible from and have a degree of physical impact on the rear garden of Orchard Cottage. Despite this, provision of the timber fence and orientation of the dwelling ensure that the build is largely screened whilst providing sufficient relief as not to be unduly harmful on the amenity of Orchard Cottage.

A third party comment has raised concerns over the development's impact on the amenity of Birchleigh through overbearing impact and overlooking. The building northern elevation has a projecting gable end that sits 4 metres away from the northern boundary which is characterised by a closed board timber fence and a tall laurel hedge. The dwelling would be visible from first floor windows that serve Birchleigh and the upper part of the projecting gable end maybe visible from their garden, however, this would not alone provide reasonable grounds upon which to refuse the application.

Furthermore, the northern facing dormer that serves bedroom 1 and an ensuite is located 12.5 metres from the north-eastern boundary where outlook would be largely obscured by the laurel hedge. Whilst there is likely to be a level of mutual overlooking between the dormer and the first floor windows of Birchleigh, the separation distances involved are in excess of 22 metre. The two first floor windows serve a bathroom and the other is a secondary bedroom window. As such these windows can be obscure glazed to protect the neighbour's amenity whilst still offering a good level of amenity to future occupiers of the development. This can be secured by planning condition

It is also appreciated that a former outline consent granted at the site (21/1565/OUT) limited the scale of the dwelling to single through the requirements of Condition 6. However, this was at a stage where matters relating to scale and layout were reserved for consideration at a later date. At outline stage it was the position of officers that a two storey dwelling would fail to preserve the amenity enjoyed at Orchard Cottage. Notwithstanding this, the submitted drawings demonstrate that a chalet bungalow, without any dormers on the eastern roof pitch, can be achieved without causing undue harm.

As such the development is considered to protect the amenity enjoyed at adjacent properties and therefore meet the provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan.

## **Impact on Trees**

There is only one individual tree within the plot, a Beech tree, annotated as T1 on the submitted Tree Survey. The remainder of the vegetation that characterises the site comprises of four separate sections of hedge that consist of a mix of privet, honeysuckle, beech and holly all of which are deemed Category C features.

There are also two trees within third party ownership on the opposite side of the lane. These comprise of a Beech (T2) and an Oak (T3). Whilst the Beech is considered category C, the oak is a substantial specimen and has high amenity value. However, owing to the proximity of the road, it is not thought that the RPA of this tree extends into the site and therefore the provision of the dwelling and access track would not cause any harm to the health of the oak.

The Local Authority's Tree Officer has reviewed the submitted arboricultural information and is considered that the proposed development can be carried out without significant impact on the retained trees. It should be noted that even with T2 being reduced, there is likely to be significant shading of the garden from T1 and T2 for parts of the day particularly from midday into late afternoon. However, the garden will be relatively free of any shading during the morning.

Overall the application is considered acceptable subject to conditions securing provision of Tree Protective Fencing prior to the construction phase. The development therefore meets the provisions of Policy D3 (Trees and Development Sites) of the Local Plan.

### **Ecological Impact**

A preliminary Ecological Assessment has been undertaken by Devon and Cornwall Ecology to support the application. The development shall result in the loss of short perennial habitat and grassland both of which are considered to have low ecological value. Partial removal of the hedgerow to facilitate access could provide habitat for nesting birds and that prior to removal of any of the hedgerow the potential presence of nesting birds should be reviewed.

The existing small brick building in the southern corner of the site due to crevice features has the potential to support a bat roost. However it is unlikely to support a roost of high conservation status. Notwithstanding this, the development is not considered to jeopardise the building's habitat potential for bats and recommendations set out at Section 5 to ensure that the building is preserved and secured during the construction phase.

Concerns have been expressed by consultees regarding the provision of the timber fence and its potential to reduce permeability of the site for wildlife, particularly hedgehogs. In response to this, the latest Site Plan submitted that demonstrate the fence shall include openings for hedgehog routes. Whilst the proposal would result in the loss of some hedging, a replacement native species hedge shall be planted on the southern boundary.

Any permission shall be conditioned that the development is to be carried out in accordance with the submitted Ecological Appraisal and that the existing outbuilding in the southern corner shall be retained in perpetuity. Subject to these conditions the application would meet the provisions of EN5 (Wildlife Habitats and Features) of the Local Plan.

### **Habitats Regulation Assessment and Appropriate Assessment**

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### **Drainage**

Surface water shall be attenuated via a soakaway, there is considered ample space within the site in order to provide one. With regards to foul sewage, the development shall be connected to the existing main sewer. Both methods are considered to be in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development).

### **Highways/Access**

A new access shall be created in the north-western corner onto the adjacent lane and footpath. The access shall be enclosed by a pair of side hung timber gates attached to a pair of brick pillars. The development provides two parking spaces and turning.

Whilst the lane is single carriageway in width, it's linear in character therefore providing good visibility in either direction for vehicles existing the site.

The development provides an acceptable level of parking and, in the absence of any objections from the County Highway Authority, is not considered detrimental to the local highway network. As such, the development is considered to meet the provisions of policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan.

### **Conclusion**

Concerns expressed by the Parish Council and Local Ward Member with regards to the development's impact on the character and appearance of the area are noted

and it is acknowledged that residential development within West Hill should conserve key characteristics that are unique to West Hill. In particular, the preservation of features that contribute to the verdant setting of the village, such as notable trees and hedgerows are a requirement of Policy NP3 of the Neighbourhood Plan. However the minor loss of Devon bank is not thought amount to significant visual harm to warrant refusal of the application. Additionally the loss of the hedge shall be mitigated through replanting at the existing access to the south and this planting shall be secured via condition.

As already highlighted within the main body of the report, the proposed subdivision of Orchard Cottage's garden is considered to broadly reflect the established pattern of development within the immediate area. As a result, it is the position of officers that the proposals would meet the provisions of NP3.

Also a material consideration is the Local Authority's position with regards to housing supply as a five year housing land supply cannot currently be demonstrated

Under government policy if an authority cannot demonstrate a 5 year housing land supply then the presumption in favour of sustainable development will apply as set out in paragraph 11d of the National Planning policy Framework. This states:

*(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

In the absence of any identified conflict with planning policy or any significant and demonstrable harm and the minor benefit of an additional open market unit to the district's housing stock, it is the position of officers that the application should be approved subject to conditions listed below.

## **RECOMMENDATION**

1. Adopt the Appropriate Assessment
2. 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. Notwithstanding the approved plans, prior to occupation of the dwelling hereby approved 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 of hardstanding.

The scheme shall also give details of any proposed walls, fences and other boundary treatment and details of the replacement Devon hedgebank.

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 and in the interests of biodiversity)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A (enlargement, improvement or other alteration of a dwellinghouse) and B (additions etc to the roof of a dwellinghouse).

(Reason : In the interest of neighbour amenity and the character of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

5. Prior to commencement of any works on site (including demolition), tree protection measures shall be carried out as detailed within the Tree Protection Plan and Arboricultural Method Statement Plan submitted by Advanced Arboriculture (22/05/2023) within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority

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.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason – A pre-commencement condition is necessary in this instance to ensure retention and protection of trees on the site prior to and during the construction phase 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 New East Devon Local Plan 2013-2031).

6. Development shall be carried out in accordance with the recommendations and mitigation measures in the Ecological Survey prepared by Devon and Cornwall Ecology dated October 2022.

(Reason - In the interests of wildlife protection in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.).

7. Prior to their installation, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

(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.)

8. In accordance with the submitted application details surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 45% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning

Authority prior to installation. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 of the East Devon Local Plan and the guidance contained in the NPPF.)

9. Prior to first occupation of the dwelling hereby approved, details of any external lighting required shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - To avoid adverse ecological impacts in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan).

10. Prior to occupation of the dwelling hereby approved, details of the solar panels, including location, manufacture details and number shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the solar panels shall be installed prior to occupation of the dwellings.

(Reason - To minimise the use of non-renewable energy resources in accordance with Strategy 38 - Sustainable Design and Construction of the East Devon Local Plan).

11. The existing outbuilding, as shown at Photograph 3 on Page 15 of the submitted Ecological Appraisal prepared by Devon and Cornwall Ecology, dated October 2022, shall be retained in perpetuity.

(Reason - In the interests of wildlife protection in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan.).

12. Notwithstanding the approved drawings, the two first floor windows that serve the north-eastern facing dormer for Bedroom 1, as annotated on Floor Plans 8558-04 M, shall be obscured prior to occupation of the dwelling and remain so in perpetuity.

(To protect the amenity of adjacent neighbours in accordance with Policy D1 - Design and Local Distinctiveness 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:

8558-LP B	Location Plan	25.05.23
8558-03 P	Proposed Site Plan	03.08.23
8558-04 M : floor/roof	Proposed Combined Plans	03.08.23
8558-05 M	Proposed Elevation	03.08.23
8558-06 M : site	Proposed Elevation	03.08.23

List of Background Papers

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

**Statement on Human Rights and Equalities Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation