

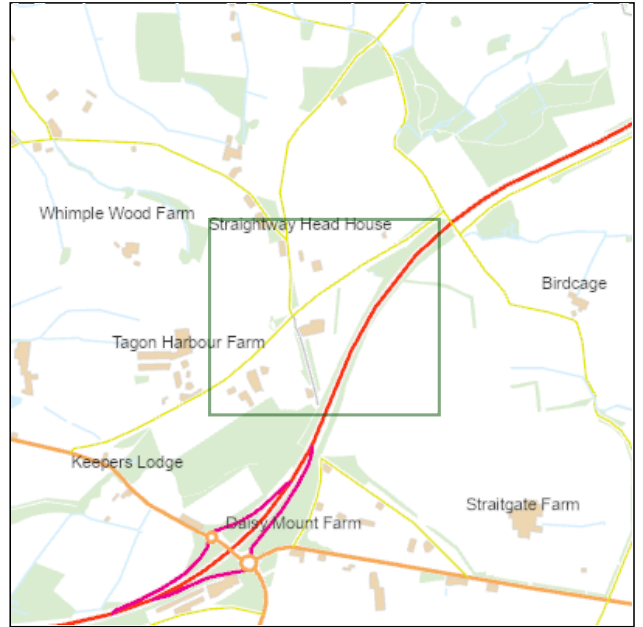
Ward Ottery St Mary

Reference 23/1522/FUL

Applicant Mr D Squires

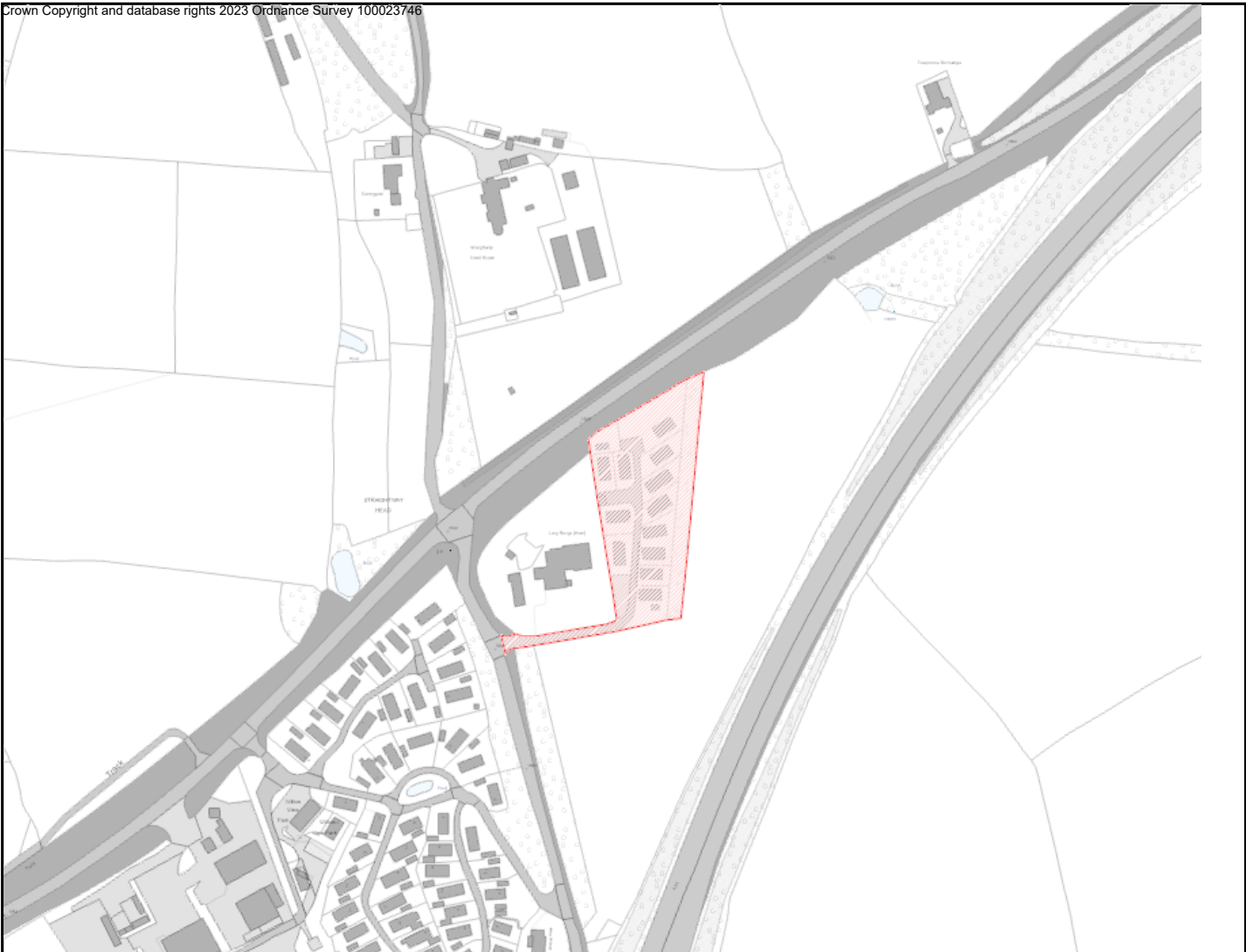
Location Long Range Park Whimble Devon EX5 2QT

Proposal Stationing of 5no additional holiday lodges



RECOMMENDATION: Approval with conditions

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		Committee Date: 21.11.2023
Ottery St Mary (Ottery St Mary)	23/1522/FUL	Target Date: 14.09.2023
Applicant:	Mr D Squires	
Location:	Long Range Park Whimple	
Proposal:	Stationing of 5no additional holiday lodges	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to a difference of opinion between officers and the commenting ward member.

Long Range Park comprises a relatively recently established mobile home park, comprising 12 holiday accommodation lodges, located within the open countryside to the south of the former A30 Trunk road near to Straightway Head. Neither the site nor the surrounding area form part of any designated landscape.

The application proposal involves the addition of a further 5 units within the existing park area. This would utilise spaces between existing lodges as opposed to any expansion beyond its present boundaries into surrounding countryside.

The provisions of Local Plan Policy E19 (Holiday Accommodation Parks) allow for the extension of existing sites (outside of designated landscape areas) subject to specified criteria. In this case, it is accepted that these would be satisfied.

The objections to the proposal raised by the town council and ward member on the basis that the number of units would extend beyond twelve that were expressly conditioned under the original planning permission for the establishment of the park are acknowledged. However, the reason for this was stated as being 'in the interest of visual amenity' and not in recognition of any specific policy restraint upon numbers.

Given the policy support for expansion set out above together with the view that the additional units proposed would not result in any harm or detriment to visual amenity, not least owing to the level of screening provided by established hedges and trees around the site, it is not thought that objection to the principle of the development could be substantiated.

It is also not considered, given the control that would be available to the Council to require the submission of evidence to demonstrate that the capacity of the present system for dealing with foul drainage or, if necessary, an alternative means of so doing, that concerns raised about the capacity of the existing non-mains drainage system to accommodate additional foul flows from the extra units proposed could reasonably be sustained.

Approval is therefore recommended subject to conditions to restrict occupancy of the additional lodges to holiday accommodation purposes only, in line with similar conditions attached to the previous permissions for the existing 12 units, and to ensure the implementation of measures for the protection of hedges and trees along the site boundaries set out in an arboricultural report accompanying the application. A further condition relating to the submission of details as to the means of foul drainage disposal (both existing and, if required, proposed) is also recommended.

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council Comments:

- a) The Town Council does not support this application on the following basis; Condition 8 in the original application 10/2338/FUL states that no more than 12 units shall be stationed on the application site at any time. This current application will increase the number of units by nearly 50%.
- b) Concerns regarding sewage. Information contained with the original application stated that expected flow from each unit was estimated at approximately 360 litres. The current application states a flow of approximately 150 litres per unit.

Ottery St Mary - Cllr Vicky Johns

This planning application falls within my parish and I object to this application as the original planning application 10/2338/FUL states at condition 8 - 'not more than 12 caravans/mobile homes shall be stationed on the application site at any time', this condition has not been removed and in my opinion should not be due to the constraints of the site. The application states they will be using the existing sewage system but they have neglected to put the environmental permit number on the application, as requested. There are also doubts over the amount of sewage the system can take without the exact figures being shown.

These are my views with the information in front me I withhold my right to change my views if other information comes to light.

Technical Consultations

EDDC Trees

No objection subject to condition re. implementation of tree/hedge protection measures (Full consultation response at end of report)

Other Representations

One representation advising 'no objection' to the proposal has been received.

RELEVANT PLANNING HISTORY

12/2444/VAR - Variation of conditions 2 and 7 of 10/2338/FUL to allow independent occupation of holiday accommodation and alternative access arrangements (Full). Approved 13/12/12.

10/2338/FUL - Change of use from agricultural land for the stationing of twelve holiday lodges (Full). Approved 25/2/11.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies

NP1 (Development in the Countryside)

NP2 (Sensitive, High Quality Design)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

ANALYSIS

Site Location and Description

The Long Range Caravan Park at Straightway Head is an existing but relatively new facility, comprising 12 holiday lodges, laid out in 2012. The site is located in the open countryside outside of the built-up area boundary of any recognised settlement and is positioned to the east of a residential property known as Long Range (the former Long Range Hotel). The northern boundary of the park is parallel with the adjacent former A30 Trunk road.

The principal vehicular access to the park is shared with that of Long Range, albeit the park itself is served by a separate driveway that extends alongside the southern

boundary of the curtilage of Long Range. Its northern boundary with the former A30 takes the form of a grass verge and bank. The site is set away from the main 'new' A30 which is situated to the south of the site and at a lower level.

Neither the site nor the surrounding area are the subject of any landscape designations or other material constraints.

Background

Planning permission was granted in 2010 (application 10/2338/FUL refers) for the change of use of agricultural land to the east of the former Long Range Hotel for the stationing of twelve holiday lodges. Each lodge measures 12.0 metres in length by 6.0 metres in width with a height of 3.0 metres (all measurements approx.). These fall within the definition of a caravan, as set out in the 1968 Caravans Act (as amended). One of the main factors underpinning the grant of permission was the benefits of the additional tourist accommodation to the local economy.

The twelve lodges proposed are laid out around a T-shaped access road with parking associated with each unit. The site was conditioned so that the lodges/mobile homes should only be occupied as holiday accommodation under the supervision and management of the owners or occupiers of the Long Range Hotel.

In 2012 application (ref. 12/2444/VAR) was made for the variation of two conditions (nos. 2 and 7) of planning permission 10/2338/FUL. Condition 2 restricted the use of the lodges for holiday accommodation purposes and also tied the management of the site to the owners/occupiers of the Long Range Hotel. The variation to the condition that was sought involved the release of this tie to enable the caravan park to be operated entirely separately from the hotel.

The rewording of the condition was considered acceptable and as a result condition 2 was amended to read as follows:

'The mobile homes hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. A register (including names and main home addresses) of all occupiers of the holiday units shall be collated and maintained by the owners or manager of the site, and this information shall be available at all reasonable times on request by the Local Planning Authority.

(Reason - To ensure that the cabins/chalets hereby permitted are used for holiday purposes only and are not used as a separate dwelling in this open countryside location where new development is restricted in accordance with national and local planning policy and policies TO3 (Tourism Development in Rural Areas) and TO4 (Touring Parks and Camping Sites) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness), S5 (Countryside Protection), and TO4 (Caravan, Chalet and Camping Sites) of the East Devon Local Plan.)'

Both permissions carried a condition expressly restricting the number of caravans/mobile homes to be stationed within the application site to 12; the stated reason for the condition being 'in the interest of visual amenity' and to comply with then Policies D1 (Design and Local Distinctiveness) and TO4 (Caravan, Chalet and Camping Sites) of the adopted Local Plan in force at the time.

Proposed Development

The current application seeks permission for the stationing of an additional five holiday lodges within the park.

These would comprise four twin units and one single unit. One of the twin units and the single unit (plots 15 and 16) would be positioned adjacent to the northern boundary to either side of the end of the internal road that serves the park. A further twin unit (plot 14) would be positioned to the west of a small number of parking spaces nearby, while the remaining two (plots 13 and 17) would be stationed adjacent to further parking areas to either side of the road at the southern end of the park.

Considerations/Assessment

The proposal falls to be assessed having regard to the following material issues that are discussed in turn.

Principle of Development

As stated, the park occupies a location within the countryside outside of any Built-up Area Boundary or site-specific allocation shown on the Proposals Map that forms part of the adopted Local Plan. As such, the provisions of Local Plan Strategy 7 (Development in the Countryside) are engaged. These only permit development where it is in accordance with a specific local or neighbourhood plan policy that explicitly permits it and where it would not harm the area's distinctive landscape, amenity and environmental qualities, including land form, settlement patterns and important natural and manmade features and public views that contribute to the distinctive character of the local landscape.

Strategy 33 of the Local Plan supports high quality tourism within the District that promotes a year-round industry that is responsive to changing visitor demands. It requires that tourism growth should be sustainable and should not damage the District's natural assets but aim to attract new tourism-related businesses that can complement the area's high quality environment.

More specifically, Policy E19 (Holiday Accommodation Parks) is a criteria-based policy that permits proposals for new sites as well as extensions of existing sites.

The proposal is assessed against the relevant criteria as follows.

1. The proposal relates sensitively in scale and siting to the surroundings and includes extensive landscaping and visual screening to mitigate against adverse impacts. They do not affect habitats or protected species

The existing park and units are well contained within, and screened by, existing established hedges and trees on all sides. As such, they are barely visible in wider landscape views from outside the site. Moreover, the proposed additional caravans/lodges would be positioned among and adjacent to existing plots and be contained within the present complex. Their provision would not involve any enlargement of the overall area of the park into the surrounding open countryside.

In this context, it is not considered that their addition/introduction to the park would result in any adverse or detrimental impact upon the character or appearance of the landscape or, therefore, that further landscaping/visual screening would be required to mitigate against any such impacts.

2. They are within, or in close proximity to, an existing settlement but would not have an adverse impact on the character or setting of that settlement or the amenities of adjoining residents

Although the park is not within especially close proximity of Ottery St. Mary, West Hill or Whimble, the nearest established settlements to the site, it is nevertheless near to Willow View Park, a residential park home site a short distance to the west, together with a number of other residential properties and business/commercial premises nearby.

Taken in the wider planning balance against the favourable assessment of the proposal against the other Policy E19 criteria, it is not felt that any argument as to the failure to comply with this criterion would weigh against the development.

3. They would not use the best and most versatile agricultural land

As stated above, the proposal would not involve a physical expansion of the area of the present caravan/lodge site and, as such, the accommodation of the additional five units proposed would not encroach onto any surrounding agricultural land.

As such, and taken together with the fact that the park site itself is occupied by the units themselves, their associated gardens and parking spaces, with the additional units intended to occupy 'overspill' areas within the site that are currently put to no use, it is accepted that this criterion would be satisfied.

4. They will be provided with adequate services and utilities

Services and utilities are already provided within the park to serve the existing 12 caravans/lodges. There are not therefore considered to be any constraints in this regard.

5. Traffic generated by the proposal can be accommodated safely on the local highway network and safe highway access to the site can be achieved

The park is served by a shared private driveway off of Straightway Head Road. Although now essentially a cul de sac, prior to the construction of the new A30 Trunk road it was part of a 'B' class highway that connected the 'old' A30 with the B3174 and Ottery St. Mary and West Hill. Furthermore, it has served the former Long Range Hotel and the existing caravan/lodge site without any known issues or problems. Indeed, aside from its closure to through traffic, the levels of traffic generation would have been further reduced as a result of the closure of the hotel and its reversion to a single dwelling.

The road is therefore more than adequate to accommodate the increase in vehicle movements that would be generated by the addition of five further units to the park.

When considered against this policy overall, therefore, it is thought that the proposal is acceptable in principle.

Although the town council and commenting ward member have highlighted, in their respective comments, the limit of 12 caravans/mobile homes within the site imposed by conditions attached to both the original 2011 permission and the subsequent variation approved in 2012, it is not thought that this itself necessarily justifies resistance to the addition of further units; more particularly when the factors set out above are considered in the planning balance.

These conditions were imposed solely 'in the interests of visual amenity' and not owing to any specific limitation upon numbers of units required by policy. However, as identified above, the addition of the five units proposed would not involve any physical expansion of the existing park area or adversely impact the visual amenity, character or appearance of either the site itself or the surrounding open countryside. It is not considered therefore that any insistence that the 12 units originally applied for, and approved, should represent the extent of the use permitted within the site could reasonably be justified; more especially in view of the absence of any conflict with Policy E19 as demonstrated above.

Drainage

The concerns expressed by the town council and commenting ward member regarding the capacity of the septic tank that serves the park and the estimated total foul flows per day from each of the five additional lodges proposed (150 litres), when compared with those from the twelve lodges originally approved (360 litres) in 2010, are acknowledged.

On this matter, the agent representing the applicant has advised that the estimate of foul flows set out in the foul drainage assessment (FDA) that accompanies the current application has been derived from the current version of British Water's table of loadings for sewage treatment systems, a copy of which has been supplied.

Whilst it is assumed that this would have represented the same source for the calculations undertaken in 2010 (as required by guidance notes forming part of the FDA form), it is not clear as to why the updated flow rate differs so markedly from the original.

However, it is noted that the figures within the British Water table of loadings supplied by the agent are based upon foul flows on a per person/activity/day basis. Whilst it is not known for certain, it is highly possible that the figures specified in 2010 were based upon daily estimated total flows for each of the lodges as opposed to estimated daily flows per person. Indeed, these would reflect average occupancy by between 2 and 3 persons, which would seem realistic.

Nevertheless, it is advised that the existing septic tank has capacity to serve the proposed additional units.

However, no evidence has been provided that demonstrates that this is the case. It is therefore recommended that a condition be attached to any permission granted

requiring the submission for approval of details of this existing system together with evidence that it would be of sufficient capacity to accommodate the increase in foul flows that would result from the addition of the extra lodges that are proposed. In the event that it is considered that this has not been adequately demonstrated, the submission of details of alternative means of discharging foul drainage can be secured by the same condition.

By such means, the Authority would retain control over future drainage arrangements, for which it is considered that there would be an appropriate solution.

In such circumstances, it is not thought that an objection on grounds relating to the inadequacy of drainage provision for the development could reasonably be supported.

Overall therefore it is also accepted, subject to this condition, that the scheme would meet with the objectives of Local Plan policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Water Run-Off Implications of New Development).

Impact on Trees

A combined document containing an arboricultural impact assessment (AIA), tree protection plan (TPP) and arboricultural method statement (AMS) also forms part of the application particulars.

This proposes that tree and hedge protection measures, in the form of braced Heras fencing, be installed along the entirety of the length of the northern boundary of the park adjacent to the two additional lodges proposed within this part of the site (plots 15 and 16), this comprising a mixed native species hedge together with an Oak categorised as a B2 specimen of good quality. Installation of protective fencing is also proposed alongside a group of mixed native species trees, forming part of the hedge along the western boundary, adjacent to plot 14 in addition to stems further south along the same boundary adjacent to plot 13. Further Heras fencing would also be placed alongside a category B1 Oak tree positioned on the southern park boundary adjacent to plot 17 with a short run of fencing also to be installed to the north of the same plot in order to protect a mixed native species group of trees within part of the eastern site boundary.

Since the submission of the application, work has taken place to cut back part of the hedge along the northern boundary so as to create space for the proposed single unit lodge on plot 16. This has prompted the serving of a tree preservation order (no. 23/0043/TPO) on the individual Oak trees on the northern and southern boundaries as well as the entirety of the eastern boundary of the park.

Notwithstanding, there are no objections to the works set out in the combined AIA/TPP/AMS document subject to a condition to ensure their proper implementation and monitoring during the course of development in line with the consultation comments of the Council's Arboricultural Officers.

The development would therefore satisfy the requirements of Local Plan Policy D3 (Trees and Development Sites).

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation 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 Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. 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.

Conclusion

Although the objections to the proposal raised by the town council and ward member are acknowledged, it is thought that the combination of compliance with the provisions of Local Plan Policy E19 and lack of harm to the character or appearance of the locality that would result from the introduction of five additional lodges to the park would weigh in favour of the development.

Additionally, based upon the evidence provided it is not considered that objection could be substantiated on the ground that the existing non-mains drainage system is inadequate for dealing with the additional foul flows that would be generated by the extra units.

A condition could be attached to the grant of permission to require the submission for approval of details of the septic tank system and its capacity should Members consider it necessary so as to provide further reassurance on this issue.

The impacts of the proposed development on protected habitats has been considered under the appropriate assessment and due to the secured mitigation it is concluded that it would not give rise to likely significant effects.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED 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. The mobile homes hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. A register (including names and main home addresses) of all occupiers of the holiday units shall be collated and maintained by the owners or manager of the site, and this information shall be available at all reasonable times on request by the Local Planning Authority.
(Reason - To ensure that the lodges hereby permitted are used for holiday purposes only and are not used as separate dwellings in this open countryside location where new development is restricted in accordance with Strategy 7 (Development in the Countryside) and Policy E19 (Holiday Accommodation Parks) of the adopted East Devon Local Plan 2013-2023 and guidance as set out in the National Planning Policy Framework (2023).)
4. Prior to commencement of any works on site (including demolition), the tree and hedge protection measures (including site monitoring and supervision) shall be carried out as detailed within the Tree Protection Plan and Arboricultural Method Statement dated 13th July 2023 prepared by Advanced Arboriculture. All works shall adhere to the principles embodied in B.S. 5837:2012 and shall remain in place until all works are completed; no changes shall be made without first gaining written approval from the Local Planning Authority.
 - a) No operations shall be undertaken on site in connection with the development hereby approved (including any tree or hedge felling, tree or hedge pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - b) No burning shall take place in a position where flames could extend to within 5 metres of any part of any tree or hedge to be retained.
 - c) 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.
 - d) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

e) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

f) 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 East Devon Local Plan 2013-2031).

5. None of the additional lodges hereby permitted shall be stationed within the site until details of the existing means of disposal of foul drainage, together with evidence to demonstrate that there is adequate capacity within the system to accommodate the additional foul flows that would result from the development, have been submitted to and approved in writing by the Local Planning Authority. In the event that this cannot be demonstrated to the satisfaction of the Local Planning Authority, details as to an alternative means of foul drainage disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved alternative scheme shall be carried out in accordance with the approved details before any of the approved additional lodges are first occupied.

(Reason - In the interests of avoiding pollution of the environment in accordance with the requirements of Policy EN14 (Control of Pollution) and EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

JOB 2259	Proposed Site Plan	19.07.23
	Location Plan	13.07.23

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

APPENDIX – Technical Consultations - Full consultation comments

EDDC Trees

Please see comments below. Due to concerns over tree and ground works on site the team will be making a tree preservation order on a number of trees to ensure appropriate long-term management.

It is noted that works on site including the removal of T3 (Apple, U category), and cutting back of H1 (mixed Sycamore, Oak Hazel, C category) has already taken place. Furthermore, grounds works are currently being undertaken within the RPA of H1 and T2 (Oak, B2 category described as having 'future potential'). The works have damaged and exposed roots to both T2 and H1. Furthermore recent pruning has taken place to A1(mixed species of Beech, Ash Scots Pine, C2 - stated as historically topped stems) which is of poor arboricultural practice and does not meet any current British Standards.

In theory, the proposal could be acceptable as hard standing is already in situ for the majority of plots (bar plot 16, for which a no dig concrete base is recommended). However, the proximity of new holiday lodges at plots 17 and 13 is likely to result in pressure to prune or remove nearby trees (T1, Oak) and G1 (Cypress, C2) due to safety concerns, debris fall and shading. In the long-term as T2 grows this will cause similar issues. It is noted that plot 17 has been set back so that it is outside of the crown spread of T1 to try to limit these issues.

However, overall no objection is raised subject to the making of a tree preservation order to ensure the trees on site are appropriately managed and to prevent further poor works that are evident. All ground works currently taking place need to stop immediately to prevent further damage occurring.

I recommend the following condition be put in place to ensure the retained trees are afforded protection during construction.

a) Prior to commencement of any works on site (including demolition), the Tree Protection measures including site monitoring and supervision shall be carried out as detailed within the Tree Protection Plan and Arboricultural Method Statement submitted by Advanced Arboriculture 13th July 2023. All works 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.

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

d) 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.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

g) 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).