

Ward West Hill And Aylesbeare

Reference 24/0352/FUL

Applicant Matt and Kaylee Smith

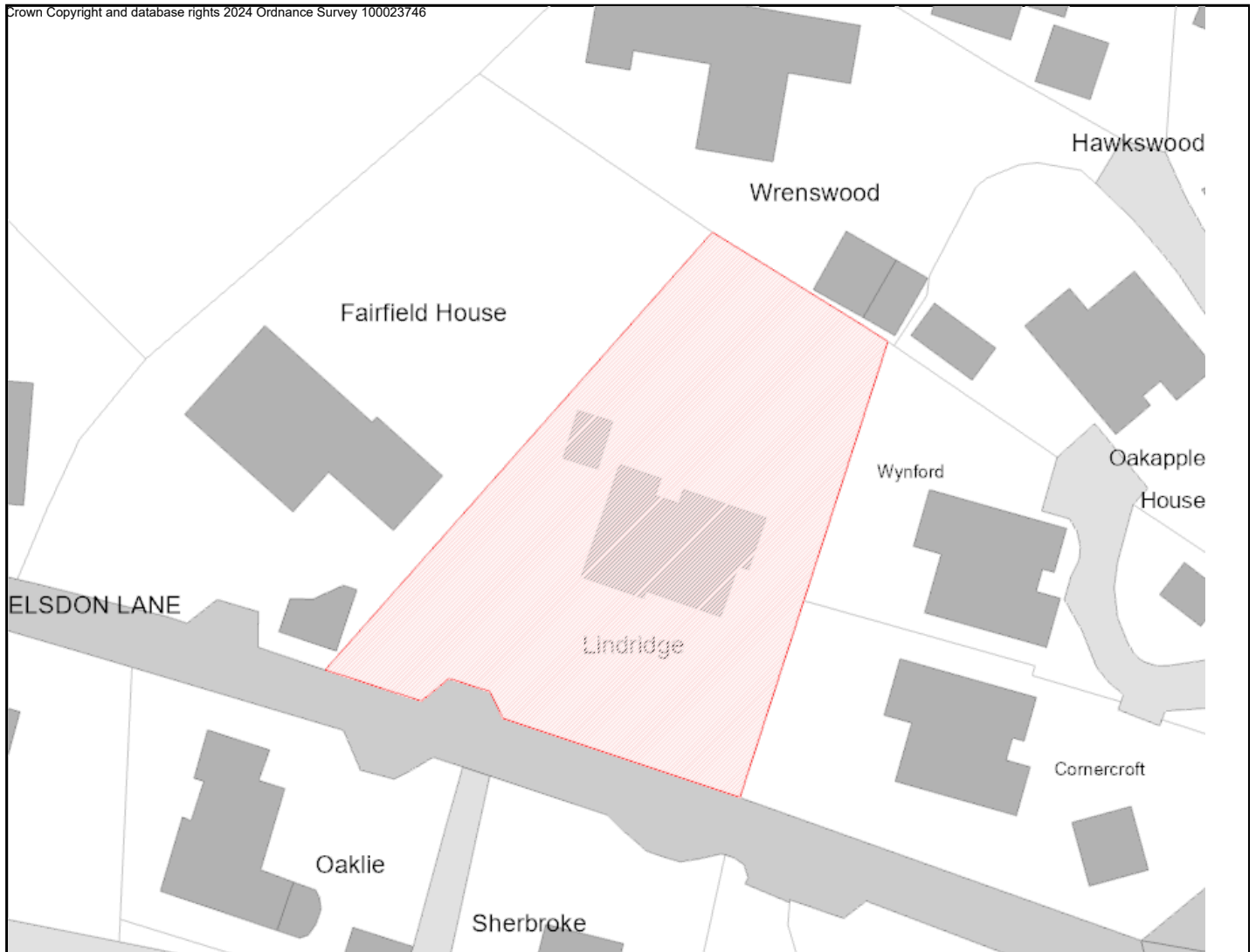
Location Lindridge Elsdon Lane West Hill Devon EX11 1UB

Proposal Demolition of existing bungalow and garage with construction of a replacement house and integral double garage.



RECOMMENDATION: Approval with conditions

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		Committee Date: 21.05.2023
West Hill And Aylesbeare (West Hill)	24/0352/FUL	Target Date: 18.04.2024
Applicant:	Matt and Kaylee Smith	
Location:	Lindridge Elsdon Lane	
Proposal:	Demolition of existing bungalow and garage with construction of a replacement house and integral double garage.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor and the Parish Council.

The application site is 'Lindridge,' a 1950s three bedroom bungalow within the village of West Hill. The site is a spacious relatively level plot enclosed by mature hedges and trees, several of which are protected by tree preservation orders.

The proposal involves the demolition of the existing bungalow and its replacement with a two storey five bedroom dwelling. The proposal also includes an attached double garage with a studio over. The proposed design is a relatively traditional with brick elevations, good quality windows and a slate roof and it is considered the proposed dwelling respects the established character of the village.

The Parish Council has expressed concern about the height, mass and scale of the proposal and the potential harm to neighbours' amenity. The Ward Councillor has concerns that inadequate ecology work has been carried out to evaluate the impact of the development on bats, as well as the potential for overlooking between the application site and the neighbouring properties that front onto Lower Broad Oak Rd given the height differences between the two sites.

In response to comments received, the proposed floor plan has been revised to ensure there are no habitable rooms overlooking neighbouring properties. The proposed dwelling is set a reasonable distance inside the existing boundary and

on this basis, officers do not consider that the proposal would lead to loss of residential amenity or overbearing of the neighbouring properties.

Further information has been received from the ecologist confirming the absence of bats on the site. Two emergence surveys were carried out during the last survey season in 2023 and no bats were seen during the survey. A precautionary approach would be taken to the stripping of the existing roof, and mitigation is proposed by way of a bat box on the proposed dwelling to ensure there is no net loss of habitat.

The proposal has also been accompanied by a detailed arboricultural survey in respect of the protection of the existing trees and hedges on the site, to ensure the protection of these key features.

The proposal respects the characteristics of the area, and complies with policies contained within the East Devon Local Plan and the Ottery St Mary and West Hill Neighbourhood Plan. On this basis the scheme is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to register my OBJECTION to this planning application for the following reasons;

1. I am concerned about the impact on neighbouring properties. The distance between the proposed property and existing dwellings is less than 20 metres which is generally regarded as the minimum acceptable distance between windows in respective properties to protect privacy. I am also concerned there are first floor windows in the proposed development which would overlook the private and secluded back gardens of adjoining properties and impact their amenity. Elsdon Lane falls away quite steeply and the application site is therefore higher than neighbouring properties that front onto Lower Broad Oak Rd. This height difference exacerbates my concerns about overlooking. I note there have been no plans submitted showing the differing levels.
2. Inadequate ecology work has been carried out to evaluate the impact of the development on bats. There is evidence of the presence of bats in the form of droppings. These droppings need to be DNA tested to identify the bat species. Inadequate emergence surveys have been carried out - there need to be at least three surveys spread over a wider time frame - two surveys carried out less than two weeks apart is insufficient. I also believe a Natural England licence will be required.

Parish/Town Council

West Hill Parish Council considered the amended application under delegated powers. Councillors note the response from the applicant's ecologist and welcome the proposed precautionary approach to the works and the installation of an

improved bat box on the south-east gable. However, their previous comments and concerns regarding height, mass, scale and harm to neighbours' amenity still stand.

Parish/Town Council

West Hill Parish Council - additional comments

The Parish Council originally discussed this application at its meeting on 5th March 2024. At that time, there were no comments from neighbours, statutory consultees (except the Tree Officer) or the Ward Member. Since then, comments have been submitted by three neighbours, the District Ecologist and the Ward Member. If this information had been available to the Parish Council on 5th March, its original comments would have been framed differently. Members of the public attended and spoke at the Council's meeting on 2nd April 2024 to make Councillors aware of their concerns and Councillors decided that it was necessary to reconsider their original response to reflect these. Councillors respectfully request that the following additional comments from the Parish Council are taken into consideration.

Councillors noted that replacing old, energy-inefficient housing stock with modern energy-efficient dwellings fit for future living is a positive step.

Replacing a single-storey house with a two-storey house was considered acceptable in principle. However, the design ought to be sensitive to neighbouring properties. Councillors thought that the proposed design did not adequately do this in respect of scale and loss of amenity. Additional information showing the relative building heights, separation distances, shadow path and ground levels would help neighbours and Councillors better understand the impact of the proposed development.

Councillors noted that amended plans had been submitted on 27th March. These show minor changes to the upstairs floorplan in which the family bathroom has been swapped with Bedroom 5, resulting in both windows on the south-east elevation (which overlooks the rear gardens of Wynford and Corner Croft) now being obscure glazed. However, the issue of overlooking from five windows on the north-east elevation still remains.

Councillors noted neighbours' comments that the sloping topography of Elsdon Lane means that the site is as much as 1 metre higher than neighbouring properties to the east. This, added to the red brick construction and additional storey, reinforces the impression of unacceptable height, mass and scale of the proposal. It was also noted that the proposed dwelling will be closer to the eastern boundary hedge than was first apparent.

Councillors were concerned by the District Ecologist's comments about the inadequacy of the ecology survey and the lack of evidence to support the conclusion that there are no roosting bats present in the existing bungalow. The Officer states that "there is evidence of more than incidental bat use". Councillors fully support her objections pending clarification.

In conclusion, Councillors request that Planning Officers look carefully at the proposal, taking into consideration height, mass, scale and overlooking.

Councillors considered this at their meeting on 5th March 2024. They noted that the existing bungalow is in poor condition and is likely to be very energy inefficient and that replacing it would be desirable to enable it to be lived in comfortably by future generations. They also noted that the proposal would replace a bungalow with a considerably more imposing two-storey structure. However, they thought it unlikely that there would be issues with overlooking as the plot is large. The proposal will necessitate the felling of G2 Pittosporum which is adjacent to the west end of the existing bungalow but this can be mitigated by replacement planting in a different part of the garden. The plot is bounded by mature trees and Councillors noted the Tree Officer has commented and has raised no objections. However, Councillors were concerned that the front garden, currently laid to lawn, will be replaced by a wider driveway/parking area. It is therefore important that the surface is permeable.

Councillors noted the findings of the ecology report which states that no bats are currently roosting in the structure, nor was there evidence of nesting birds. However, they felt that as bats can arrive at any time and may enter partially built or renovated building sit is important that the recommendations of the ecology report are implemented fully ie that a bat box will be installed on the completed property and that if bats are discovered during development work, the contractor must stop work and gain advice before proceeding.

With these caveats, Councillors supported the application in principle. If approved, Councillors request that a planning condition be added that the garage is used ancillary to the main dwelling. They also request replacement planting to mitigate the loss of the G2 Pittosporum, and the use of permeable materials for the driveway/parking area. As Elsdon Lane is narrow and a popular walking and riding route, all contractor vehicles should be instructed to park onsite to avoid conflict with other road users. The mitigation measures in the ecology report should also be implemented fully.

Technical Consultations

EDDC Trees – no objection

EDDC District Ecologist- no objection

Other Representations

Three representations of objections have been received. The objections are summarised as follows:

- The proposed ridge would be 2.6 metres higher than the adjacent house.
- Cornercroft is 1.5 metres closer to the boundary than the site plan suggests due to inaccuracies with the Ordnance Survey data used.
- Concerns in respect of overlooking of habitable rooms
- Concerns about height, size and closeness to boundary resulting on loss of amenity and light to living areas and garden.

- Concerns that the proposed south east elevation is moving closer towards the existing boundary, and would impact upon existing windows which are only 7.8 metres away from the existing boundary.

PLANNING HISTORY

There is no planning history for the site.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

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

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP26: West Hill Design

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

Site Location and Description

The application site relates to 'Lindridge', an existing bungalow and detached garage located on the northern side of Elsdon Lane, within the village of West Hill. The existing bungalow sits in the middle of the spacious, level plot, which has an area of 0.16 hectares. Along the boundary with Elsdon Lane are a number of mature trees amongst the laurel and beech hedge, which screen the site. 6 of the trees along the boundary are protected by Tree Preservation Orders.

The eastern site boundary comprises a mature beech hedge, whilst the western boundary of the site is another mature hedge with a mixture of planting. The rear boundary consists of a cypress and holly hedge with a significant oak tree which is also protected by a TPO.

The existing property is a three bedroom detached bungalow with brick elevations and a plain tile hipped roof. The house has a detached single garage with pitched roof to the west of the bungalow and set back from the house. The driveway extends from the site entrance to the garage, with a turning head between the drive and the western site boundary. The rest of the site is lawned.

Elsdon Lane slopes down towards the east. The neighbouring properties to the east of the site, Cornercroft and Wynford, are relatively recently constructed two storey detached houses, with the rear gardens to these properties being approximately 1.3 metres lower than the Lindridge site. To the west of the site, Fairfield house is another relatively recently constructed two storey property facing Elsdon Lane.

The surrounding housing comprises a mixture of architectural styles ranging from 1950s and 1970s bungalows, more contemporary houses with a mixture of brick and render and slightly older arts and crafts style brick built houses.

The site is within the Built-up Area Boundary of West Hill as defined by the Local Plan.

Proposed Development

The application seeks planning permission for a replacement dwelling on the footprint of the current bungalow. The proposed dwelling is a five bedroom two storey house with a linked double garage and studio over to the south west of the main house.

The gross internal area of the proposed dwelling is 486 square metres, in comparison to the existing gross internal area of 141 square metres.

The footprint of the proposed house is approximately 17 metres wide by 13 metres deep, in comparison to the existing bungalow footprint of 14 metres by 11 metres deep. The floor level of the proposed dwelling would be set 220mm below that of the existing dwelling to provide level access into the house. The existing house has an eaves height of 2.8 metres and a ridge height of 6.2 metres at its highest point. The proposed house has an eaves height of 5.5 metres and a ridge height of 9.0 metres, with a slightly lower ridge height of 8.7 metres to the rear gabled projection.

The proposed dwelling has a relatively traditional appearance to the front / street facing elevation with a more contemporary approach taken to the rear. The proposed front elevation features two projecting bays with gabled roofs over, either side of an open porch with a parapet roof. The proposed walls are in red brickwork with a canted brickwork plinth and soldier course detailing to the window heads and between ground and first floor with the exception of the projecting gables. A more contemporary approach has been taken to the rear of the house, with large areas of glazing at ground floor to enable the principle living spaces to look over the garden. The proposed ground floor playroom is expressed as a single storey extension with a flat parapet roof, containing a lantern roof light. The proposed dwelling has a slate roof with a couple of roof lights to the front and rear elevation over the central stairway.

The proposed house has a relatively symmetrical plan, with the main entrance door leading to a central staircase area with rooms off to either side. To the rear of the house a two storey projection extends 4.5 metres beyond the rear of the existing bungalow, containing a family room to the ground floor and the master bedroom to the first floor. The proposed dining room also extends 1.4 metres beyond the existing

rear bungalow elevation. The first floor contains five bedrooms, a family bathroom and three en-suite bathrooms.

The proposed double garage which also contains a utility area and shower room is attached to the main house by a single storey link containing a boot room and plant room. Above the garage is a studio, which has gabled dormer windows overlooking the front garden and driveway area. In terms of its height, the proposed garage has an eaves height of 4.0 metres and a ridge height of 6.8 metres. The single storey link between the garage and house has an eaves height of 2.8 metres and a ridge height of 4.6 metres.

The existing vehicular entrance to the property would be unchanged. The proposal indicates a parking and turning area in front of the house and garage, and in total 4 car parking spaces would be provided on the drive and within the garage.

Analysis

The main issues for consideration are the principle of development, the design impact on the character of the site and the impact upon residential amenity.

Principle of Development

The site lies within the Built-Up Area Boundary of the village of West Hill as defined by the local plan. The village has a range of accessible services and facilities to meet the needs of local residents and there is access to public transport. The location of the site within the defined BuAB engages the provisions of Strategy 6 which recognises the village as being appropriate through strategic policy to accommodate growth and development, subject to a number of criteria being satisfied, in respect of the compatibility of the rural character of the site, traffic impacts and historic interests.

In strategic policy terms therefore, the principle of replacing the existing dwelling is acceptable subject to the proposal being compatible with the rural character of the site.

As such, the principle of development complies with Strategy 6 and Strategy 27 of the local plan.

Design impact on character of site

Policy NP26: West Hill Design of the Ottery St Mary and West Hill Neighbourhood Plans states that *'Proposals for development should reflect the established character and development pattern of their surroundings and should preserve key features of the village, including trees, hedgebanks, spacious gardens and individuality between properties'*. The policy states that new development should look to maintain the low density pattern of development, and should respect the character of the immediate surrounding area.

The proposed dwelling is sited on approximately the same footprint as the existing bungalow, centrally within the plot in order that the existing trees and mature hedges are unaffected. These are discussed in more detail later in the report.

The proposed elevations show a relatively traditional appearance to the entrance elevations of the dwelling, with two storey projecting gables either side of the front door. This is reflected in the appearance of the proposed garage with gabled dormers to the first floor studio. A good quality palette of materials is proposed, including brickwork elevations, polyester powder coated aluminium windows and doors and a natural slate roof. A condition would be imposed upon any approval requiring details of the materials to be used to be confirmed prior to their installation to ensure that the proposed materials are sympathetic to the surrounding site. The proposed dwelling is an individual design which reflects the characteristics of the surrounding dwellings in its form and detailing.

The proposed dwelling occupies more of the site than the current bungalow on the site but is comparable in terms of densities with adjacent sites that have already been redeveloped, such as Fairfield House to the north west of the site and Cornercroft, Wynford and Oakapple House, which were built on the site of one bungalow.

Although it is larger than the dwelling it is proposed as replacing, with a condition in place to ensure the quality of the proposed materials used in the external elevations of the building, the proposal is considered to be in keeping with the character and appearance of the area. As such, the proposal complies with Policy D1 of the local plan and Policy NP26 of the Neighbourhood Plan.

Landscape Impact

The existing access to the property along Elsdon Lane is being retained in its current position to ensure there is no harm to the existing trees or to the existing street scene along Elsdon Lane which is characterised by the existing mature trees along the south western boundary of Lindridge. No gates are proposed to the existing driveway ensuring the character is maintained. The proposal indicates a relatively large turning area to the front of the dwelling. As required by the Neighbourhood Plan this would be in a permeable surface to minimise rain water run off from the drive.

A detailed landscaping scheme for the proposal would be required by way of condition in the event of an approval to ensure that the proposed dwelling is well integrated to its surroundings and setting. The indicative site plan indicates a large expanse of hard paving around the property whereas policies contained within the neighbourhood plan express a preference for permeable surfaces. The applicant has indicated that the landscaping scheme would be considered in more detail and the amount of paving would be given further attention to increase the permeability of the overall scheme.

Given the above and with the required condition in place in order to ensure the quality of the proposed landscaping scheme, the proposal complies with policy D2 of the local plan and NP1 and NP26 of the neighbourhood plan.

Residential / Neighbour Amenity

The scheme has been subject to amendments in respect of comments made by neighbours, the ward councillor and the Parish Council regarding residential amenity and overlooking. The concerns centre around the proximity of the proposed south east elevation of the scheme to the neighbouring properties Cornercroft and Wynford, in respect of potential overlooking and overbearing.

The original scheme had one bedroom to the south east elevation, which would have been only 17.8 metres away from the rear elevation of Wynford opposite, or 14.8 metres away measured diagonally from the projecting gable window to the ground floor of Wynford. This was considered too close, and would have had an adverse impact upon residential amenity, therefore the first floor of the dwelling has been replanned to ensure that all the habitable rooms of the proposed dwelling face either towards Elsdon Lane or to the rear garden of Lindridge. The proposal still contains two first floor windows to the south east elevation which are both bathroom windows, which would be fitted with obscure glazing. A condition would be imposed on any approval to ensure that obscure glazing is retained in perpetuity.

Both the existing houses Cornercroft and Wynford are recessed approximately 1.3 metres below the adjacent ground level to suit the site topography. From Oakapple House, the proposed rear windows would be a minimum of 35 metres away from the existing dwelling so it is not considered that overlooking is an issue in this instance. The parish council also raised concerns about overlooking from the five windows to the north east elevation of the property, but these are set back a minimum of 15 metres from the north east boundary of the site and are at least 30 metres away from the nearest dwelling to the north of the site, so again it is not considered that there would be potential for overlooking given the distances between adjacent dwellings. The potential impact of the development upon Cornercroft and Wynford is discussed in more detail below.

The existing dwelling is a minimum of 4.9 metres away from the south eastern boundary hedge. The proposed dwelling does not come any closer than this line, with the exception of the proposed living room chimney breast, which is considered a minimal incursion.

The proposal extends 2.1 metres further towards Elsdon Lane and 4.5 metres further towards the north eastern boundary of the site meaning the south east elevation is longer than that of the existing dwelling. However, as a proportion of the overall south east elevation, only 8 metres of the elevation is on the line of the existing bungalow, and the rest of the elevation has been set back further away from the boundary and is a minimum of 5.2 metres away from the boundary hedge. At first floor level, no habitable rooms look in the direction of the neighbouring properties, only over the garden of Lindridge.

The topographical survey indicates that the existing hedge between the Lindridge site and Cornercroft and Wynford is just over 4 metres tall measured from the Lindridge side. On the Cornercroft and Wynford side of the hedge it is slightly taller, owing to the slope of the site down towards the east.

The overall distance between the proposed south east elevation and the nearest ground floor habitable room of Wynford is 15 metres, with the significant beech hedge between the two properties. The two storey rear projection to the proposed dwelling containing the family room at ground level and master bedroom at first floor level has an eaves height of 5.5 metres extending up to a ridge height of 8.7 metres. However, this is set back 5.2 metres inside the existing 4 metre tall hedge boundary therefore it is not considered that there would be an adverse impact to the amenity of the existing occupiers of Wynford as a result of the proposal, or that the proposal would be seen as overbearing.

The rear garden of Cornercroft is principally opposite the proposed parking area and existing trees within the front garden of Lindridge. The proposed dwelling extends 2.2 metres further forward but this forward projection is approximately 6.5 metres away from the Lindridge side of the boundary hedge. At its closest the proposed dwelling is 17 metres away from the ground floor feature gable window to the main living area. Again, given that the proposed dwelling is set back 5 metres inside the existing hedge line it is not considered that the proposal would impact upon residential amenity or would be overbearing upon the garden and ground floor accommodation of Cornercroft.

The proposed ridge height of Lindridge is 113.58 AOD, 2.7 metres taller than the existing ridge line. The proposed ridge line is 2.6m higher than that of Cornercroft, because of the topography of the site and the slight slope downwards towards the east of the site. In relative terms, the proposed ridge is 9.0 metres above ground level, which compares to the 9.2 metre ridge height of Cornercroft, and 9.7 metre ridge to Fairfield House to the west of the site. As such it is not considered that the proposal is excessively tall or out of keeping with the surrounding character.

The existing beech hedge is an important part of the character of the site which helps to give the village its distinctive character. The hedge would be protected during the course of any building works, which will be covered in more detail later in the report.

The proposed double garage and first floor studio is relatively close the existing boundary with Fairfield. The proposed garage has an eaves height of 4.0 metres and a ridge height of 6.8 metres. The proposed garage sits perpendicular to the existing garage of Fairfield House, which has a very similar ridge height of 6.9 metres. There are no rooflights or windows to the rear of the proposed garage, and given the distance between the proposed garage and Fairfield House it is not considered the proposal would lead to any adverse impacts upon the residential amenity of Fairfield House.

As such, the proposal complies with policy D1 of the local plan and Policy NP2 of the neighbourhood plan.

Ecology / biodiversity

The application is supported by a Final Bat Survey Report, which includes the findings of a Preliminary Ecological Appraisal (PEA) undertaken in January 2023.

The site photographs included within the final report, which were taken during January 2023, show several aggregations of bat droppings within the loft space of the existing bungalow. Two emergence surveys were carried out during August 2023 as per the recommendations of the PEA. No bats were recorded emerging from the building during the course of the surveys.

EDDC's ecologist recommended that given that the full details of the proposal were unknown when the ecology report was produced, that the likely impacts on protected species in respect of the demolition of the bungalow be clarified.

In response to the ecologist's comments, Orbis Ecology Ltd re-visited the property on the 2nd of April 2024, to establish the likelihood of an active bat roost in the roof void. An addendum to the original report has been submitted by the ecologist which confirms that the appearance of the droppings in the loft is unchanged since the January 2023 photographs were taken. The droppings found in the roof void in April 2024 were not fresh, as apparent by their colour and brittle texture.

The roost is therefore characterised as being inactive due to the lack of new evidence since January 2023 and the fact that no bats emerged from the building during the August 2023 emergence surveys. It would be considered disproportionate to conduct any additional survey based on these findings. The droppings within the loft are characteristic of long-eared bats.

In respect of the proposals to demolish the structure, which was not known at the time the original bat survey report was written, the ecologist recommends a precautionary approach, given that bats are a highly mobile species, and that the building retains features suitable for roosting bats. A soft roof strip of the existing roof covering would be carried out under the supervision of a suitably experienced and licensed ecologist. Crevice features would be investigated with a torch and endoscope prior to the roof strip commencing. Should a bat or evidence of bats be encountered, then work would stop immediately, and the appropriate license sought before work could recommence. To ensure there would be no net loss of roosting habitat for long-eared bats, the ecologist recommends that a Bat Box is installed on the south east gable of the proposed building. The recommendations contained within the updated report in respect of ecological mitigation and enhancement shall be conditioned as part of any approval to ensure compliance with Policy EN5.

As such, the proposal complies with policy EN5 of the local plan.

Trees

An arboricultural report was submitted with the application, detailing the eleven trees and four hedges at the property. The most notable trees are those along the southern roadside boundary, 6 of which are protected by Tree Preservation Orders. The proposal would result in the loss of one tree, a 6.5 metre tall pittosporum which sits between the south east elevation of the existing bungalow and the existing hedge, which has limited quality stems and is said to be of limited arboricultural value.

The proposal would also involve pruning of the northern crown spread of the hedge to the south west corner of the garden to accommodate the link detached garage. The proposed garage would also result in a very slight incursion into the root protection zone of one of the oak trees along the southern boundary. The incursion is estimated at 2% which is deemed to be sustainable. Overall, the proposals allow for the retention of all key trees with a negligible risk of any harm as a consequence of construction activities. The tree report includes a detailed tree protection plan and arboricultural method statement, which shall be conditioned as part of any approval to ensure compliance with the submitted document.

As such, with the recommended condition in place, the proposal complies with policy D3 of the local plan and Policy NP1 of the Neighbourhood Plan.

Drainage

Foul sewage would be dealt with via the existing mains sewer serving the property. Surface water run-off from the existing property is disposed of via a combined sewer. Surface water drainage from the proposed dwelling and garage would be provided by means of soakaways within the site unless an alternative provision is agreed with the local authority. This shall be conditioned as part of any approval to ensure compliance with policy EN22 of the local plan.

Other matters

The proposal indicates the scheme would provide four parking spaces, with two of these being within the proposed garage and two on the proposed driveway. This is one more parking space than the three spaces provided by the current bungalow. Given the proposed vehicular movements from the proposed dwelling would be similar to those of the existing house, it is not considered the proposal would lead to any highways impacts. The site is not within a flood risk zone, and there are no listed properties nearby that could be affected by the proposal.

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 the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as

identified in the submitted Advanced Arboriculture Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) date 15/02/2024 will have been completed:

- a) The tree protection fencing and ground protection shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP shall be strictly followed.
- e) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

(Reason: A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031 and pursuant to section 197 of the Town and Country Planning Act 1990).

- 4. 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. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. 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 to accord with Policy EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan 2013 to 2031).

- 5. The proposed works shall be carried out in strict accordance with the mitigation and enhancement measures within the Update letter (Orbis Ecology, April 2024). A precautionary approach to the works shall be followed, including a soft roof strip of the existing roof covering, to be conducted under ecological supervision. A written record shall be submitted to the local planning authority prior to occupation, demonstrating compliance with the recommendations, to include photographs of the installed enhancement measure for bats.

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

6. Prior to their installation details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed bricks, roofing slates, and external doors and windows. The development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and 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 hard landscaped areas including driveway / turning areas and paved / patio area. 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. Before the dwelling hereby permitted is occupied the first floor windows on the south east elevation shall have been glazed with obscure glass to Pilkington level 4 or equivalent standard and the obscure glazing of these windows shall thereafter be retained at all times.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
9. The existing beech hedge marked 'H2' on the Arboricultural Report dated 15th February 2024 shall be retained in perpetuity. Any sections of the hedge which are removed / die or become diseased shall be replaced with hedge planting of a similar species to the satisfaction of the Local Planning Authority. The hedge shall be managed to maintain a height of a minimum of 3m above the existing ground level when measured from the base of the hedge within the application site.
(Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted 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:

23026.BP1	Block Plan	19.02.24
23026.26	Proposed Elevation	19.02.24
23026.24	Proposed Elevation	19.02.24
23026.22A	Proposed Combined Plans	19.02.24
23026 SLP	Location Plan	22.02.24
23026.25-A	Proposed Elevation	27.03.24
23026.23-B	Proposed Combined Plans	27.03.24

List of Background Papers

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

EDDC Trees

No objection to the proposed scheme on arboricultural grounds. Any planning approval should be subject to a condition requiring compliance with the submitted AMS and TPP, a draft condition is provided, as follows:

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Advanced Arboriculture Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) date 15/02/2024 will have been completed:

- a) The tree protection fencing and ground protection shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protection measures identified in the above AMS and TPP will be undertaken:

d) The AMS and TPP shall be strictly followed.

e) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

(Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031 and pursuant to section 197 of the Town and Country Planning Act 1990).

EDDC District Ecologist

The application is supported by a Final Bat Survey report (Orbis Ecology, September 2023), including the findings of a Preliminary Ecological Appraisal (PEA) (Western Ecology, January 2023); the PEA was not submitted with the application.

Extracts from the PEA stated there were two discreet pile of bat droppings in the roof void with scattered bat droppings also noted over the fibreglass insulation. It considered that the building had moderate suitability to support roosting bats.

Photographs of the roof void in the bat survey report include a large quantity of bat droppings indicative of regular bat roosting in the same location, i.e., more than a few discreet scattered droppings. The updated report concludes that the droppings are old and as no bats emerged over two activity surveys, that it was considered that the roost was no longer active. The proposals for the site were also stated to be unknown at the time of writing the report.

Given that there is evidence of more than incidental bat use, i.e., more than one location of discreet piles of bat droppings, and scattered bat droppings, the structure would be considered to have high suitability for use by bats, i.e., has been used regularly by bats. In addition, there was no DNA analysis of the droppings found and there are records of at least three bat licences within 300 m of the site, the nearest within 100 m of the site indicating high levels of bat use in the immediate vicinity.

The bat activity surveys were undertaken 13 nights apart, which is below the recommended minimum two weeks recommended in the previous bat survey guidelines (now extended to minimum three weeks apart and not undertaken in early May for cold springs). No additional internal bat surveys were undertaken, e.g., to check for bats or fresh bat droppings prior to the activity surveys, or consideration made regarding seasonal use, e.g., potential for crevice dwelling species to use the space between the felt and tiles in the earlier maternity period or potential winter use by bats in cavities.

Bat survey guidelines recommends a minimum of three activity surveys for structures considered to have high suitability to support roosting bats. Given that the full details of the proposals were unknown when the ecology report was produced, it is recommended that clarity is provided regarding the demolition of the bungalow and

likely impacts on protected species. This should include classification of the species, using DNA analysis and ensure recommended mitigation and enhancement measures are suitable.

Consideration should also be given to the proposed demolition methods of a building with evidence of bat use, i.e., recommendation for an ecologist being present to ensure no offences to a protected species are committed.

Therefore, I submit a holding objection to the proposals until further clarity is received from the ecologist addressing the above.

Reason:

Further information is required to adequately determine whether the proposed development would have an adverse effect on a European protected species. ODPM Circular 06/2005 states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

Therese Goodwin MA
Ecology Officer

EDDC District Ecologist

19/04/2024 – No need to be formally reconsulted following receipt of additional ecology report. We suggest a condition is imposed to ensure the works are carried out as per the update letter dated April 2024.

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.