

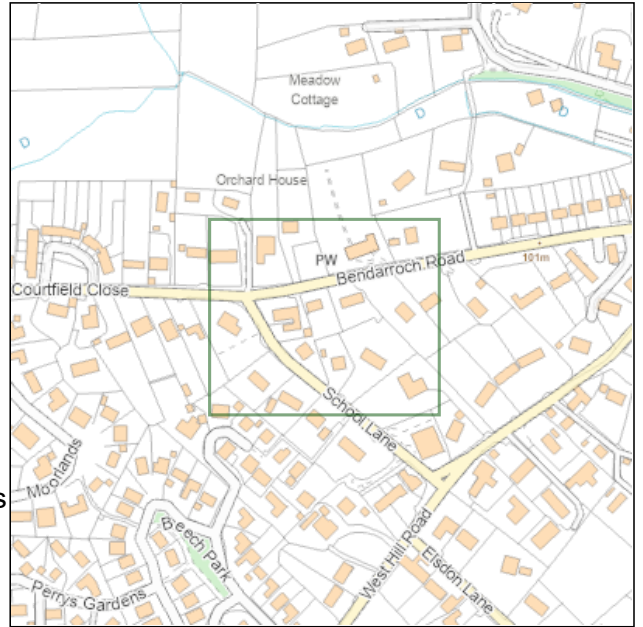
Ward West Hill And Aylesbeare

Reference 23/1973/FUL

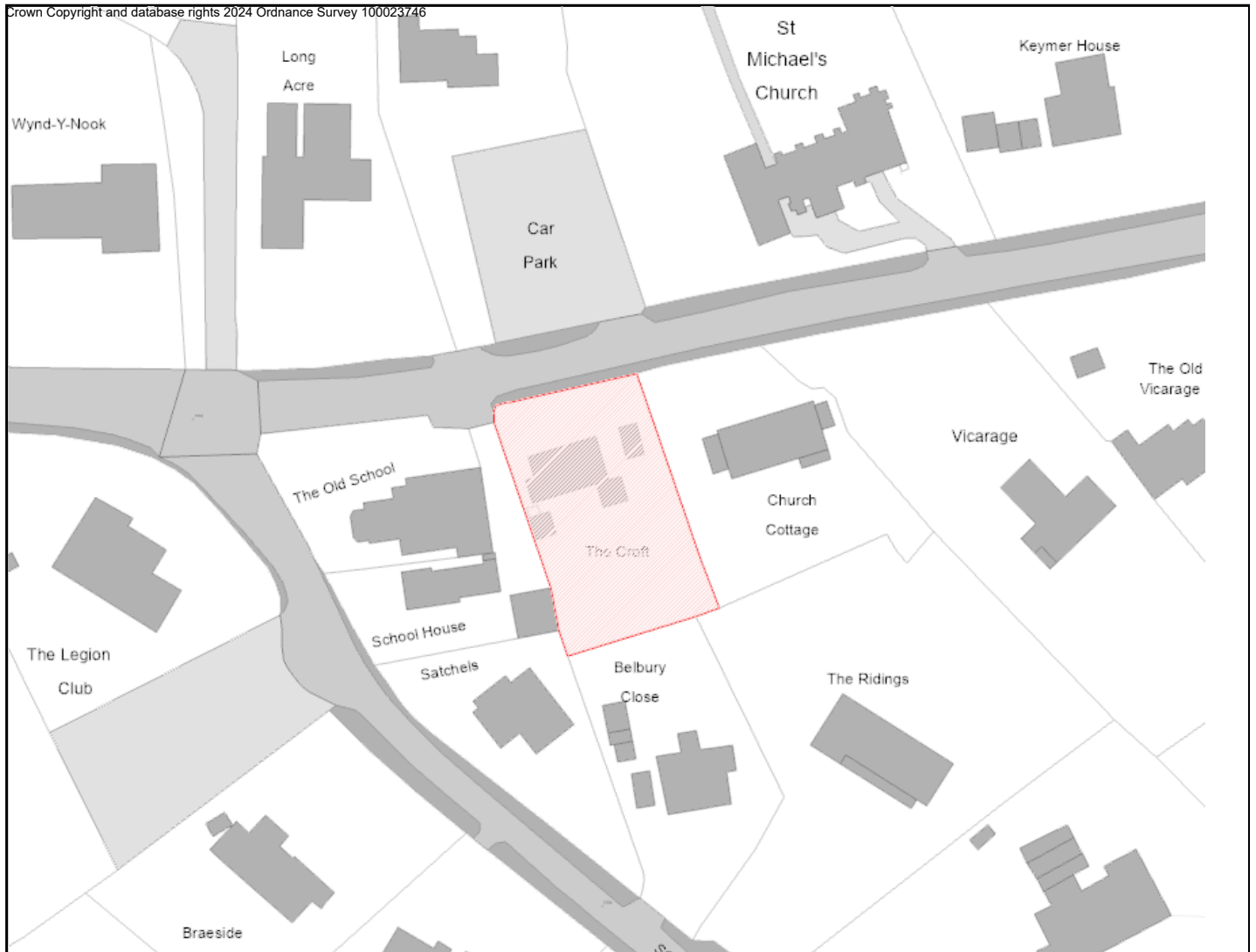
Applicant Miss Kate Boulten

Location The Croft Bendarroch Road West Hill Devon
EX11 1UW

Proposal Replacement dwelling, including the demolition
of the existing dwelling and multiple outbuildings
located within the grounds.



RECOMMENDATION: Approval with conditions



		Committee Date: 21.05.2024
West Hill And Aylesbeare (West Hill)	23/1973/FUL	Target Date: 14.11.2023
Applicant:	Miss Kate Boulton	
Location:	The Croft Bendarroch Road	
Proposal:	Replacement dwelling, including the demolition of the existing dwelling and multiple outbuildings located within the grounds.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application seeks planning permission for the construction of a replacement dwelling at The Croft, Bendarroch Road, West Hill. The existing bungalow is of modest proportions finished in stucco render with a tiled roof. The dwelling displays evidence that it has been unoccupied for a number of years and due to a lack of maintenance has fallen into disrepair.

The proposed replacement dwelling shall be a two storey structure with an integral garage. The four-bedroom dwelling would incorporate forward and rear projecting gables and a single storey wrap-around lean-to roof along the eastern and principal elevation. The build would be finished in vertical boarding, render and brick with slate used on the principal roof. The build also incorporates large areas of glazing on serve the landing area and on the rear for the living area.

The following areas are the main issues for consideration into whether the proposals are acceptable:

- Impact of the development on the character and appearance of the area.**
- The spatial relationship of the proposed dwelling with existing trees.**
- The impact of the proposals on the amenity of adjacent neighbours.**
- Ecological impact of demolishing the existing bungalow and garage.**

The application has received objections from the Parish Council, the Local Ward Member and third parties. Concerns raised primarily concern the development's impact upon the scale of the development, the character of Bendarroch Road and

the amenity of adjacent neighbours. Secondary concerns revolve around the development's spatial relationship with a large oak located to the south of the application site within the curtilage of Belbury Close.

It is the position of officers that the replacement dwelling would have an acceptable spatial relationship with the two properties either side of application site, Church Cottage (east) and The Old School (west). Concerns raised regarding the outlook of side windows at first floor windows have been addressed by suggested conditions requiring them to be obscured.

The occupants of Belbury Close have raised concerns that the scale of the dwelling coupled with the position of first floor windows would result in the loss of amenity to their property. During the application process amended drawings have reduced the depth of the build and omitted a rear balcony. Having considered the separation distances between the rear elevation of replacement dwelling and the rear windows, conservatory, and garden area of Belbury Close former concerns of the LPA have now been addressed. It is the position of officers that the development would not cause undue harm to the amenity of adjacent neighbours and would accord with the provision of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Policy NP26 (West Hill Design) of the Ottery St Mary and West Hill Neighbourhood Plan contains several provisions that development shall need to meet for development to be considered acceptable. Primarily the policy seeks to ensure that key characteristics that underpin the prevailing character of the village are preserved. Such features include, but are not restricted to, the low-density pattern of development, layout, soft landscaping for boundaries and retention of trees of high arboricultural quality.

Comments have raised concerns regarding the scale of the dwelling being tantamount to overdevelopment of the site and that the proposed materials and removal of a mixed hedge that fronts the application site would harm the character and appearance of Bendarroch Road. Due to differences in scale of the proposals and the existing dwelling, the development shall have a degree of impact on the appearance of the area. However, despite the replacement dwelling being more prominent in views along Bendarroch Road compared to the existing bungalow, the replacement build is of a form and scale that would be sympathetic to the street scene and character of the village. Notwithstanding this, further consideration is required to the exact colour and type of materials to be used, this is recommended to be secured via condition.

The submission of amended plans on the 12.03.24 and 10.04.24 have addressed previous concerns of officers with regards to the spatial relationship of the dwelling with an adjacent oak and the impact of the development on adjacent neighbours. Further comments sought from the District's Ecologist have satisfied concerns raised regarding the contents of the Ecological Appraisal and timing of the emergence surveys. As such, the application is considered acceptable and therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish Council

Agree that in principle, replacing old, energy-inefficient housing stock with modern energy-efficient dwellings fit for future living is positive for the village and the environment. The current bungalow is unsightly and the streetscene would benefit from its replacement. Councillors did not object to the principle of replacing a single-storey house with a two-storey house. 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, neighbours' loss of amenity, and appearance.

Of major concern is the impact on the privacy and amenity of neighbours caused by overlooking from the rear balcony and oriel window. There appears to be no justification for the balcony as the view from the southern elevation is of the neighbouring property Belbury Close.

Councillors were concerned that the single-storey side extension on the eastern elevation containing the boot room, plant room etc, is very close to the boundary hedge.

The choice of external finish with its white/grey colour palette is not in keeping with the red brick properties on either side.

In response to the latest set of amendments they welcome the proposal to replace the south-facing balcony with an east-facing juliet balcony. They also welcome the proposal to replace the low brick wall on the northern boundary with a Devon bank and hedging. However, the Council's remaining concerns still stand.

West Hill And Aylesbeare - Cllr Jess Bailey

Whilst I don't object to the principle of redevelopment I do have the following concerns:

1. Impact on the privacy and amenity of adjoining properties from the numerous first floor windows and balcony particularly given the size and scale of the redevelopment. I also note that there are second floor windows proposed but no second floor plan has been provided.
2. Potential impact on bats - the emergence surveys have been carried out only two weeks, apart which is not in my view sufficiently widely spaced particularly given the features of the building and noted existence of bats in properties close by. Eddc's ecologist views must be formally sought on this application.
3. The hedge bank at the front of the property should be retained in accordance with Neighbourhood Plan policy 26 which states "Access to properties will be designed to minimise harm to Devon banks/hedges and bedesigned to enhance the street scene".

Technical Consultations

EDDC Trees

Subsequent to the amended drawings now support the development subject to retaining the Holly and submission of a Tree Protection Plan prior to commencement of the development.

EDDC Ecologist

The ecologist provides sufficient justification in considering the building as having moderate potential for roosting bats, followed by two dusk emergence surveys undertaken in August of 2023 with at least two weeks between each survey, in accordance with the current guidelines at the time, Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins 2016 3rd edn.).

Two conditions recommended. One to ensure that the works shall be carried out in strict accordance with section 7 and 9 of the Preliminary Ecological Assessment Bat and Bird Survey report (Wills Ecology, September 2023). Prior to first use of the building, a written record shall be submitted to the local planning authority detailing how works proceeded in accordance with the Preliminary Ecological Assessment Bat and Bird Survey report, to include photographs of the installed ecological mitigation and enhancement measures for bats, nesting birds and invertebrates, including the planting of two native species trees.

Under no circumstances should any external lighting be installed without prior consent from the local planning authority. Any lighting design should be fully in accordance with BCT/ILP Guidance Note 08/2023.

Other Representations

Five third party comments have been received, four objecting and a single comment of support.

Of those objecting the following concerns have been raised:

- Scale and mass are out of keeping with neighbouring properties.
- Unsatisfactory relationship with adjacent oak.
- Concerns over low brick wall proposed to the front of the property.
- Loss of neighbouring amenity through physical dominance and overlooking.
- Loss of Devon Bank.
- External materials not appropriate in this area of Bendarroch Road.
- Biodiversity net gain not possible.
- Ecology survey should be examined by independent party.
- Footprint should not exceed that of the existing bungalow.

The comments of support highlighted the following:

- Current structure is not fit for purpose.

- Architectural design will enhance the area.
- Vital for the growth of the area.
- Building style and materials in keeping with character of the area.
- Support for relocating the access.

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)

EN9 (Development Affecting a Designated Heritage Asset).

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

23/1113/FUL

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)

NP11 (Small Scale Renewable and Low carbon Energy Projects)

NP26 (West Hill Design)

OFFICER REPORT

Site Location and Description

The Croft is a detached bungalow constructed of tile, stucco render and a brick plinth which sits within a modest sized garden. The site is located within the Built-up Area Boundary of West Hill, accessed off Bendarroch Road and is located adjacent to six residential properties: Church Cottage, The Old School, School House, Satchels, Belbury Close and The Ridings. The rear garden consists of several ancillary outbuildings and is enclosed by hedging on all sides.

Proposed Development

The application seeks permission for the demolition of the existing bungalow and construction of a two-storey dwelling with an integral garage. The four-bedroom dwelling would incorporate forward and rear projecting gables and a single storey wrap-around lean-to roof along the eastern and principal elevation. The build is indicated to be finished in vertical boarding and brick with slate used on the principal roof and standing seam for the lean-to. The build also incorporates large areas of glazing on the principal elevation to serve the landing area and on the rear for the living area.

The site is located within the Built-up Area Boundary of West Hill as defined in the adopted Local Plan. As such, the principle of a replacement dwelling at the site is considered to be acceptable subject to the below issues which are considered material to the acceptability of the proposals:

- Impact of the development on the character and appearance of the area.
- The spatial relationship of the proposed dwelling with existing trees.
- The impact of the proposals on the amenity of adjacent neighbours.
- Ecological impact of demolishing the existing bungalow and garage.

Impact on Residential Amenity

The proposals have prompted objections from several adjacent properties with concerns regarding the development's impact on neighbouring amenity through physical dominance and overlooking. These concerns are also reflected within comments made by the Parish Council and Local Ward Member who have also objected to the scheme.

The properties either side are The Old School (west) and Church Cottage (east). The driveway that serves School House, which runs parallel to the application site's western boundary would provide relief between the proposal's western elevation and a number of rooflights and a multi-pane window that serve The Old School. Notwithstanding this, three narrow windows with a westerly outlook are proposed at first floor which serve a dressing room and the master bedroom. If permission is to be granted, these shall be required to be obscured via planning condition.

The dwelling's eastern elevation, which faces Church Cottage, includes a wraparound single storey lean-to element with one window at first floor level serving the family bathroom which would be obscured. The submitted Site Plan which doubles up as the Floor Plans indicates that new planting shall be provided preventing overlooking from the ground floor windows that serve the office and plant room. With appropriate planting and obscuration of first floor windows, it is considered that the dwelling would not cause overlooking of the properties either side of the application site. Furthermore, despite the topography of Bendarroch Road falling away from west to east, the separation distances between the replacement dwelling, Church Cottage and its rear garden is considered acceptable.

The land slightly climbs to the south and therefore the level of Belbury Close and its garden is above the ground floor level of the existing bungalow at The Croft. The submitted elevations indicate that the replacement dwelling would be slightly cut into the site, like the existing bungalow, with a raised garden area to the rear. Notwithstanding this, the first-floor windows on the rear of the dwelling would have outlook towards the rear garden of Belbury Close and whilst the mature oak's crown spread straddles the boundary that separates the two, the height of the canopy is at such a level that it provides no screening. As such, in addition to the relatively low hedgerow, the replacement dwelling would be visible from the rear garden of Belbury Close.

The occupants of Belbury Close have raised concerns on grounds that by virtue of the dwelling's scale and the position of windows would result in loss of amenity to their property. In the opinion of officers, these concerns have been partly addressed by the submission of amended drawings omitting a rear balcony. Whilst their latest set of comments indicate that concerns remain with regards to prospective occupants still building a balcony in the future, these works would require planning permission and would potentially be unacceptable.

The rear elevation of the build would be approximately 14 -15 meters from the southern boundary. The rear elevation of Belbury Close being approximately 17 metres from the same boundary. At these distances it is not thought that the Local Planning Authority could sustain a refusal on grounds that the development would physically dominate their rear windows or garden area. However, it is acknowledged that the full-height window that serves the master bedroom would likely cause a degree of overlooking. However, this impact would be largely concentrated to the northwestern part of the garden and, bearing in mind the separation distances involved, the overall impact would not be significant enough to justify refusal of the application. Despite this, it is considered necessary to secure finished floor levels via planning condition to ensure that the build is sufficiently set down within the plot as not to cause undue harm to the amenity of adjacent neighbours.

Although objections from adjacent neighbours, the Parish Council and the Local Ward Member are noted, in light of the latest set of amendments to the drawings, the LPA is satisfied that the development would not cause undue harm to the amenity of adjacent neighbours and would accord with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Impact on Character and Appearance of the Area

The existing bungalow is of modest proportions and subservient to The Old School and Church Cottage, this is particularly evident from public views along Bendarroch Road from the junction with School Lane. These three properties immediately front the adjacent highway and, owing to the topography of the area, are slightly elevated above that of the road. Their orientation within their respective plots and relationship with Bendarroch Road slightly contrasts the character of the immediate area where properties share a much more informal relationship with their respective boundaries and highways. Notwithstanding this, the character of the road changes again to the east where the density and pattern of development, evident from the line of semi-detached properties at Hillside, is much more consistent.

Policy NP26 (West Hill Design) of the Ottery St Mary and West Hill Neighbourhood Plan contains several provisions that development shall need to meet for development to be considered acceptable. Primarily the policy seeks to ensure that key characteristics that underpin the prevailing character of the village are preserved. Such features include, but are not restricted to, the low-density pattern of development, layout, soft landscaping for boundaries and retention of trees of high arboricultural quality.

Submitted DRWG P08 REV D includes a street scene elevation showing the proposed dwelling in context of the dwellings either side. Notwithstanding the height of the chimney stack, the drawing indicates that main central ridge would sit below that of The Old School. Whilst the ridge of the eastern gable end would exceed that of Church Cottage, the difference is slight and due to the level of the road, which falls away as you travel east, the development would not appear unduly prominent or disrupt the rhythm of the street scene. The proposed form of the build to include two forward projecting gables reflects the design of nearby properties and therefore considered features sympathetic to the immediate area.

Concerns have also been raised from the Parish and third parties concerning the size of the overall footprint of the build being out of keeping with the area and being tantamount to overdevelopment in part due to the reduced level of garden space. It is the position of officers that the subsequent relationship of the proposal's external walls, their respective boundaries and neighbouring properties would continue to preserve the pattern of development along this part of Bendarroch Road. It is acknowledged that the proposed depth of the dwelling would reduce the extent of available garden. However, the ratio of built footprint to garden and the relationship of the south elevation with the rear boundary would not be readily visible from public vantage points nor is it not considered to reduce the area of available to such an extent that it would detract from the low density or grain of development that Policy NP26 seeks to preserve.

The position of the integral garage at ground floor would result in the footprint of the build extending slightly further forward (north) than the existing bungalow. This has prompted concerns that have attributed harm to the character and appearance of the area by virtue of the replacement dwelling protruding forward of the established

building line. Despite this being the case, The Croft is already positioned forward of Church Cottage which itself is forward of The Vicarage. The staggering of properties as the level of the lane gently climbs from east to west is a characteristic of the road. The extent of the proposed garage would also be masked by the standing seam roof and oak posts which wrap around the east and north elevation. Alternatively, as demonstrated on plan P 06 REV D, the position of the central forward projecting gable would be in line with the position of the principal elevation of The Croft with the western gable end being slightly set back. As such, whilst it is acknowledged that the development would increase the built form at the site, the replacement dwelling would not appear unduly prominent or an incongruous addition to the street scene of Bendarroch Road.

The submitted elevations communicate the use of vertical timber boarding to be painted white, white render, grey multi stock brick with Spanish slate used on the principal roof and standing seam for the lean to. The build also incorporates large areas of aluminium framed glazing at first floor to serve the landing area and on the rear at ground floor for the living area. The chosen schedule of materials would contrast with the two brick properties either side of the application site. This has prompted concerns from the Parish Council and several third parties.

Notwithstanding this, the wider prevailing character of the immediate area, and West Hill in general, is much more varied where the use of tiles, slate, render, brick, fibre cement, timber and metal roofing all feature, many of which are present along Bendarroch Road. Whilst the use of cladding is less common, the character of the village is underpinned by its woodland setting and therefore the use of natural timber is considered appropriate. Comments received concerning the colour of the render and cladding is acknowledged and a degree of contrast between the two would help break up the dwelling's principal elevation. Nevertheless, this is not a reason alone to refuse the application, final details regarding the schedule of materials, colour and type shall be secured via planning condition prior to their installation.

Further concerns have been expressed with regards to the removal of the mixed species hedge to the front of the property and relocation of the existing access to the west. The submitted arboricultural report identifies the hedge (H2) as being a mix of Holly, Box, Hazel and Rose of 'low quality and unmanaged specimens'. In response to these concerns, the applicant has amended the drawings to propose a Devon Bank with native species which is considered to comply with the provisions of NP26 and provide some minor enhancement to the character of the street scene.

Overall, having considered the development's impact on the character and appearance of the area, the proposals are considered acceptable and, subject to conditions listed at the end of the report, meet the provisions of Policies D1 and D3 of the East Devon Local Plan and Policies NP3 and NP26 of the Neighbourhood Plan.

Impact on Trees

The application was originally submitted without any arboricultural information despite the proximity of the development to a significant oak within the grounds of Belbury

Close. This individual has a large canopy that extends in a northern direction into the development site and is visible from multiple vantage points along School Lane and Bendarroch Road. After initial concerns were raised by the LPA's Tree Officer, the Parish Council and third parties, the Local Authority placed a provisional Tree Protection Order (TPO) on the tree.

Within the Arboricultural Report the Oak (T1) is described as 'an excellent specimen of significant quality' with 'good future potential and safe useful life expectancy exhibited'. Due to the rear facing windows at first floor and the reduced level of garden area to the rear, the potential future pressure to remove or prune the oak is material in assessing whether the development has achieved a satisfactory spatial relationship with the tree.

After an accompanied site visit with the LPA's Tree Officer, amended drawings were submitted reducing the depth of the build and reconfiguring the rear elevation. An existing Holly (T3) is also proposed to be retained. The subsequent spatial relationship is considered acceptable and has since drawn support from the Local Authority's tree officer subject to a pre-commencement condition requiring the submission of an amended Tree Protection Plan. The development is therefore considered in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan.

Impact on Nearby Designated Heritage Assets

St Michael's Church is located approximately 60 metres to the northeast of the application site and is Grade II listed. The heritage asset is set back from and below the level of Bendarroch Road. Due to separation distances involved and the level of mature hedgerow and trees that align the road either side, as you approach the church from Hillside from the east or from the Legion Club to the west, the church and application site are not viewed together. As a result, it is not thought that the development forms part of or would impact the setting of the heritage asset. The development would therefore meet the provisions of Policy EN9 (Development Affecting a Designated Heritage Asset).

Ecological Impact

The proposals include the demolition of the existing bungalow and multiple outbuildings and therefore has the potential to cause harm to and destroy habitats of Protected Species. The application is supported by an Ecological Appraisal that identified some features of the existing bungalow that could support a roost and therefore two emergence surveys were conducted in August 2023. The subsequent results found that the potential for bats was 'negligible'. The report has also proposed several ecological enhancement measures at paragraph 9.0, including the provision on two bird boxes, bat roosting tube and a bee brick, these shall be secured via planning condition.

However, concerns have been raised by the Local Ward Member with regards to the timings of the emergence surveys being too close to one another. In response to these comments the applicant's ecologist has reiterated that the surveys were conducted in accordance with the relevant guidance at the time of submission *Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins 2016 3rd edn.)*. The Local Authority's Ecologist has also reviewed the submitted Ecological Survey and has raised no objections.

Notwithstanding this, the LPA's Ecologist has requested that a written record and photographic evidence is provided to demonstrate that the mitigation measures have been implemented prior to occupation of the dwelling. This shall be included within the requirements of the condition, to be submitted prior to occupation. As the some feeding activity was documented within the garden, an additional condition has also been recommended that details of any external lighting is submitted to and approved in writing by the LPA.

In light of the above, having considered the submitted Ecological Appraisal and comments from the LPA's Ecologist, the development is considered to meet the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

Other Matters

- The development shall provide two off-street parking spaces. One is also annotated within the integral garage.
- Bin storage is proposed in the north western corner of the site.
- A new access is created in the northwestern corner and served by a gate. The submitted Planning Statement suggests that has been influenced by the site's topography, assumedly to provide level access into the site for vehicular traffic exiting or entering the site. The County Highway Authority have not objected to the proposals.

Conclusion

The proposed scale, form and appearance of the replacement dwelling is considered sympathetic to the character of Bendarroch Road. Whilst comments from the Parish Council are duly acknowledged, the relationship between the development and the oak have now been addressed and, for the reasons identified above, the development's design and impact on the character and appearance of the area is considered to meet the provisions of Policy NP26 of the Neighbourhood Plan.

With regards to neighbouring impact, the development would be visible from windows and external amenity areas at adjacent properties and therefore a degree of impact is

anticipated. However, due to separation distances between the development and orientation of nearby dwellings, the build would not physically dominate any adjacent external amenity areas or existing windows. Whilst a degree of overlooking upon part of the rear garden of Belbury Close is anticipated, due to the separation distances highlighted above, this alone is not thought to significantly adversely affect the amenity of the adjacent property.

Due to the clear differences in scale of the proposals and the existing dwelling, the development shall have a degree of impact on the appearance of the area. However, despite the replacement dwelling being more prominent in views along Bendarroch Road than the existing bungalow, the replacement build is of a form and scale that would be sympathetic to the street scene and character of the village. Notwithstanding this, further consideration is required to the exact colour and type of materials to be used, this shall be secured via condition.

The submission of amended plans on the 12.03.24 and 10.04.24 have addressed previous concerns of officers with regards to the spatial relationship of the dwelling with an adjacent oak and the impact of the development on adjacent neighbours. Further comments sought from the District's Ecologist have satisfied concerns regarding the contents of the Ecological Appraisal and timing of the emergence surveys. As such, the application is considered acceptable and therefore recommended for approval subject to conditions listed below.

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. Notwithstanding the approved plans, no development above foundation level shall take place until 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 and Policy NP26 (West Hill Design of the Ottery St Mary and West Hill Neighbourhood Plan.)

4. Prior to commencement of any works on site (including demolition), a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. Measures shall be carried out as detailed within the approved Tree Protection Plan and Arboricultural Report submitted by Advanced Arboriculture (11/12/2023) 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 is considered prior to the construction phase or any site clearance 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. The condition is a condition precedent to safeguard the existing trees during the development).

5. Prior to the commencement of development details of finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that adequate details of levels are available in the interest of the character and appearance of the locality and the amenity of adjacent dwellings in accordance with Policy D1- Design and Local Distinctiveness of the East Devon Local Plan. The condition should be pre-commencement as it is essential that finished floor levels are considered at an early stage to ensure they are achievable to avoid redesign and to protect the character and appearance of the area and amenity of adjacent neighbours.)

6. 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, B and C for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings and Part 2 Class A for the construction of gates, fences and walls.

(Reason - Such additions could be detrimental to the character and appearance of the area and neighbouring amenity in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

7. Development shall be carried out in accordance with the recommendations and mitigation measures in the Preliminary Ecological Assessment 'Bat and Bird Survey' prepared by Ecological Consultants - Wills Ecology dated September 2023. A written record and photographic evidence demonstrating that the ecological mitigation measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the replacement dwelling hereby approved.

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

8. Notwithstanding the approved plans, prior to occupation of any of the dwelling hereby approved a landscaping scheme shall have 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. 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.)

9. Notwithstanding the approved drawings, the three first floor windows that serve the dressing room and master bedroom on the western elevation and the ensuite on the southern elevation and family bathroom on the eastern elevation as annotated on Floor Plan P 05 REV D and depicted on Proposed Elevations P 07 REV C and P 06 REV D shall be obscured to Pilkington Level 4 or equivalent 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).

10. Prior to their construction, details of the proposed 'private gate' as annotated on Drawing P 05 REV D shall have been 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 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.)

11. 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 Policy NP11 - Small Scale Renewable and Low-carbon Energy Projects).

12. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery

vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031. The condition is a condition precedent to ensure residential amenity and highway safety is safeguarded before any development commences.)

13. 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. No further external lighting shall be provided at any time.
(Reason - To avoid adverse ecological impacts in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan).
14. Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
(Reason: The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed).

NOTE FOR APPLICANT

Informative: Confirmation - CIL Liable

This Informative confirms that this development is liable to a CIL charge.

Any queries regarding CIL please email cil@eastdevon.gov.uk.

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:

PO1	Location Plan	14.09.23
P 05 D	Proposed Floor Plans	10.04.24
P 06 D	Proposed roof plans	10.04.24
P 07 D	Proposed Elevation	10.04.24
P 08 D	Proposed Elevation	10.04.24

List of Background Papers

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

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.