

# Application Report

Strategic Development & Planning

Place Services

North Devon Council

Lynton House, Commercial Road,

Barnstaple, EX31 1DG



<b>Application No:</b>	72536	<b>Application Expiry:</b>	25 January 2021
<b>Application Type:</b>	Full application	<b>Ext Of Time Expiry:</b>	
		<b>Publicity Expiry:</b>	2 March 2021
<b>Parish/Ward:</b>	Ilfracombe/Ilfracombe East		
<b>Location:</b>	Former Ebberley House Avenue Road Ilfracombe Devon EX34 9AT		
<b>Proposal:</b>	Erection of 3 dwellings (amended plans and additional information)		
<b>Agent:</b>	Mr Nigel Gale		
<b>Applicant:</b>	Mr Crabb		
<b>Planning Case Officer:</b>	Mrs M. Pool		
<b>Departure:</b>	N		
<b>EIA Development:</b>		<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee. The applicant is a District Councillor.		

## Site Description

The application site measures approximately 0.09 hectare and currently comprises overgrown derelict land to the rear of properties fronting Avenue Road in the centre of Ilfracombe and within the Conservation Area.

The site slopes down steeply south - north from the public footpath which delineates the southern boundary. To the west side is the Grade 11 listed property Marine Cottage. Vehicular access is obtained from the east side directly onto Avenue Road.

The site lies within the Coast and Estuary Zone and within the Unesco Biosphere Transition Zone.

## Recommendation:

Approved

Legal Agreement Required: Yes

## Planning History

<b>21852</b>	Withdrawn	23 December 1996
Address: Ebberley House, Avenue Road, Ilfracombe, EX34 9AT		
Proposal: Application under Regulation 3 of the T & C P General Regulations 1992 in respect of construction of new private access road and car parking for 20 cars (amendment to 17355)		
<b>46548</b>	Full Planning Approval	16 January 2009
Address: Former Ebberley House Site, Ilfracombe, EX34 9AT		
Proposal: Application under Regulation 4 of the T & C P General Regulations 1992 Notification by North Devon Council for erection of 2 dwellings with integral garages & associated parking/ amenity area (Additional Information)		
<b>61975</b>	Full Planning Approval	10 January 2017
Address: Former Ebberley House Site, Avenue Road, Ilfracombe, Devon,		
Proposal: Erection of two dwellings & associated parking one with integral garage		

## Constraints/Planning Policy

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Conservation Area: 18 Ilfracombe Adopted 08/09/2009;	Within constraint
Critical Drainage Area	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Unclassified Road	
Within Adopted Coast and Estuary Zone	Within constraint
Within adopted Development Boundary: Ilfracombe	Within constraint
Development Boundary ST06	
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within:, SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint

Conservation Area: ILFRACOMBE

- DM01 - Amenity Considerations
- DM02 - Environmental Protection
- DM02 - Environmental Protection
- DM04 - Design Principles
- DM05 - Highways
- DM06 - Parking Provision
- DM07 - Historic Environment
- DM08 - Biodiversity and Geodiversity
- DM08A - Landscape and Seascape Character
- DM10 - Green Infrastructure Provision
- ILF - Ilfracombe Spatial Vision and Development Strategy
- ST01 - Principles of Sustainable Development
- ST03 - Adapting to Climate Change and Strengthening Resilience
- ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres
- ST09 - Coast and Estuary Strategy
- ST14 - Enhancing Environmental Assets
- ST15 - Conserving Heritage Assets

**Consultees**

Name	Comment
Councillor D Turton	No response received.
Councillor J Campbell	No response received.
Councillor P Crabb	The application is required to go to the Planning Committee as the applicant is one of the Ward Members.
DCC - Development Management Highways	No comments received.
DCC - Historic Environment Team  Reply Received 8 January 2021	<p>I refer to the above application and the Written Scheme of Investigation submitted in support of this application. This document sets out the scope of the archaeological work building recording to be undertaken in mitigation for the impact of the proposed development upon the archaeological resource and is acceptable to the Historic Environment Team.</p> <p>I would therefore advise that any consent that may be granted by the Planning Authority should be conditional upon the following worded condition:</p> <p>'The development shall proceed in accordance with the Written</p>

	<p>Scheme of Investigation prepared by South West Archaeology (document ref: IEH19WSlv1, dated 13/12/19) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'</p> <p>Reason 'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'</p> <p>I will be happy to discuss this further with you, the applicant or their agent.</p>
<p>Environmental Health Manager</p> <p>Reply Received 10 December 2020</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Land Contamination</p> <p>Housing developments are recognised as having high sensitivity to the presence of any land contamination affecting the site. I therefore recommend the following conditions be included:</p> <p>- Contaminated Land Phase 1 Condition Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with a Phase 1 Preliminary Risk Assessment Report for potential ground contamination. The report shall be prepared by a suitably qualified competent person and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site. Thereafter, depending on the outcome of phase one, a proposal for any phase two (intrusive) survey that may be required shall be presented to and agreed with the planning authority. Where remediation of any part of the site is found to be required, a remediation scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any necessary quality assurance, verification and certification requirements in accordance with established best practice. The construction phase of the development shall be carried out in accordance with the agreed details and, where relevant, verification reports and completion certificates shall be submitted for the written approval of the local planning authority. Reason: To ensure that risks from land contamination to future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems are identified</p>

and, where necessary, remediated in accordance with the National Planning Policy Framework.

- Contaminated Land (Unexpected Contamination) Condition

Should any contamination of ground or groundwater not previously identified be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To ensure that any contamination exposed during development is remediated in accordance with the National Planning Policy Framework

2 Construction Phase Impacts

In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the demolition and construction phase of the development I recommend the following conditions be imposed:

- Construction Management Plan Condition

Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of demolition and construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-

- a) details of measures to prevent mud from vehicles leaving the site
- b) details of control measures for fugitive dust from earthworks and construction activities;
- c) a noise control plan which details hours of operation and proposed mitigation measures;
- d) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- e) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and be monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and to safeguard the amenities of local residents from potential

	<p>impacts whilst site clearance, groundworks and construction is underway.</p> <p>- Construction Hours Condition</p> <p>During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:</p> <p>a) Monday - Friday 08.00 - 18.00,  b) Saturday 08.00 - 13.00  c) nor at any time on Sunday, Bank or Public holidays.</p> <p>Reason: To protect the amenity of local residents</p>
<p>Heritage &amp; Conservation Officer</p> <p>Reply Received 8 January 2021</p>	<p>8/01/2021 15:26 - This site is within the Ilfracombe Conservation Area, and adjacent a grade II listed buildings. The current proposals reflect the character of the surrounding Conservation Area, and will not harm the setting of the listed buildings. Please condition the use of natural slate for the roof, and yellow brick with red brick dressings for the walls. When I spoke to the applicant and agent, it seemed that their intention was to provide a wall between the parking area for the new houses, and the lane to the south. This is not shown on the plans, but would be a useful addition, to provide security for the houses and also to retain the character of the narrow lane.</p>
<p>Heritage &amp; Conservation Officer</p> <p>Reply Received 3 March 2021</p>	<p>3/03/2021 10:55 - No further comments on the design of the houses. I see from the landscaping plan that there is to be a rendered wall with a brick top along the southern boundary of the site. I did comment previously that a wall to enclose the lane would be beneficial, and am pleased to see that this has now been included.</p>
<p>Ilfracombe Town Council</p> <p>Reply Received 22 December 2020</p>	<p>Recommendation - With no adverse comments, this application was moved for Approval and with 5 members in favour and 1 abstention, the motion was carried. Cllr P Crabb declared a pecuniary interest in this application and withdrew from the meeting during discussion and voting.</p>
<p>Open Space Officer</p> <p>Reply Received 2 December 2020</p>	<p>2/12/2020 17:00 - This application generates a requirement for open space and green infrastructure in accordance with policy DM10, calculation attached. If the application is recommended for approval, we can provide details of specific open space schemes, in line with CIL regulations.</p> <p>The off-site contribution sought is £12, 614.  Following a revised calculation the off-site figure sought is £10,080.</p>
<p>Sustainability Officer</p> <p>Reply Received 2 December 2020</p>	<p>2/12/2020 14:18 - The submitted Ecological Impact Assessment (EA) concludes that the existing site is of poor habitat quality and composition and of negligible value to protected species. The EA includes recommendations for building integrated bat and bird boxes and landscaping proposals which are appropriately illustrated on submitted Plans and Elevations.</p>

## **Neighbours**

Comments	No Objection	Object	Petition	No. Signatures
1	<u>0.00</u>	2	<u>0.00</u>	<u>0.00</u>

Support the development of the site in general but concerns expressed about loss of views and reduction in light to the adjacent dance school to the east of the application site.

## **Considerations**

### **Proposal Description**

This application seeks planning permission for the erection of a terrace of three, three bed houses in a single block measuring 9.72 metres depth x 11.45 metres width. The submitted plans show the accommodation arranged over three floors being two storey to the front (south east elevation) and three storey to the rear (north west elevation). Finished materials will be predominantly render elevations with brick detailing beneath a natural slate roof.

Externally five vehicle parking spaces are shown to the front of the building, and bin storage areas to each side. No alterations are proposed to existing vehicular access arrangements.

A landscaping plan has also been submitted.

### **Planning Considerations Summary**

- Principle of development
- Design
- Amenity
- Conservation Area impact
- Ecology
- Landscape
- Highways
- Flood risk and drainage
- Archaeology
- Off-site contributions

### **Planning Considerations**

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) is a material consideration.

### **Principle of development**

The application site lies within the development boundary of Ilfracombe.

Policy STO6 is relevant and lists Ilfracombe as a Main Centre in that settlement hierarchy. Within them appropriate levels of growth that will increase the towns' capacities to be self-containing will be supported.

The planning history of the site is additionally relevant with approval being granted under reference 46548 in January 2009 for the erection of two x four bedroom dwellings and with a further and more recent consent under reference 61975 in January 2017 for an amended scheme proposing two dwellings.

The principle of residential development of this undeveloped site within the town has therefore long been accepted as policy compliant.

### **Design**

Local Plan policy DMO4 Design Principles is pertinent and requires development proposals to be appropriate and sympathetic to their setting in terms of a number of design matters including scale, density, massing, height, layout appearance, fenestration materials and relationship to adjacent buildings.

Drawing number 19017/L2B Site Plan shows the terrace centrally located on the widest portion of this irregular shaped site. Following pre-application discussion the number of properties has been reduced to three and these are within a terraced form. The scale and density are considered appropriate and in keeping with the high density and terraced form of surrounding dwellings. The massing and heights in relation to neighbouring buildings are illustrated within drawing number 19017/P4C and are below the heights of the adjacent Marine Cottage property to the west and the terrace of properties forming The Avenue to the east. The impact upon the Meeting Hall the immediately adjacent property to the east is discussed further below.

The architectural style of the new building whilst clearly of modern form is nonetheless reflective of architectural detailing in surrounding properties and now includes a more traditional roof at a 30 degree angle. The use of render and slate materials will reflect the predominance of these materials in the neighbouring properties.

The proposal is considered compliant with Policy DMO4 above.

### **Amenity**

Policy DMO1 Amenity Considerations is relevant and confirms that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses.

To the east of the application site is the Meeting Hall a one and a half storey building which is used as a dance studio. The majority of windows including two large high windows will face the proposed east elevation of the new building a separation distance of approximately 5.6 metres. The owner has expressed concern about loss of light to the studio from the proposal.

These concerns were relayed to the agent and a Light Assessment report requested.



In February 2021 a Daylight Assessment report was received from Southwest Environmental Ltd which assessed the above impact in accordance with the recommendations of the Building Research Establishment (BRE) Report "Site Layout Planning for Daylight & Sunlight 1991".

The BRE Guide states that:

"If, for any part of the new development, the angle from the centre of the lowest affected window to the head of the new development is more than 25°, then a more detailed check is needed to find the loss of skylight to the existing buildings."

The BRE Guidelines propose several methods for calculating daylight. The 2 main methods predominantly used are those involving the measurement of the total amount of skylight available in this instance the Vertical sky component (VSC) method was used in the report.

Section 4 of the report details the survey findings from four assessment points on the west facing windows of the Meeting Hall, pre and post development. At all of these positions the impact post development retained between 60 and 80% of former daylight values with impacts judged as varying between Minor and Negligible.

Given these report findings it is not considered the proposal could be refused because of the loss of light to the dance studio.

There are no side windows within the scheme so no loss of privacy could be said to result from the works.

A further concern has been raised by the owner than a rear entrance to the property will no longer be able to be used but the agent has confirmed the proposed development results in no change to the existing rights of way in this regard.

The proposal is considered compliant with Policy DMO1 above.

### **Conservation Area impact.**

Local Plan policy ST15 Conserving Heritage Assets and DMO7 Historic Environment elaborate upon the Section 66 and 72 duties detailed above. Proposals which conserve and enhance heritage assets will be supported.

The site currently presents a dilapidated untidy appearance and does not make a positive contribution to the character and appearance of this part of the Conservation Area.

The comments of the Heritage and Conservation Officer are reported above. Following concerns about the poor treatment of the southern boundary an amended plan has been received. This illustrates a 1.5 metre height rendered wall with brick coping to the southern and part of the west boundary.

This represents a more solid and acceptable means of enclosure between the parking/access areas of the new scheme and the public footpath running to the other side on the southern part of the development.

The proposal results in no harm to the adjacent listed building and the does not adversely impact upon the character and appearance of the Conservation Area. The use of traditional materials within the development will be conditioned.

### **Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural

Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Policy DMO8 Biodiversity and Geodiversity is relevant to this matter. It requires that all development should conserve, protect and enhance where possible biodiversity interests over a site commensurate with their status.

The application is accompanied by an Ecological Impact Assessment report prepared by GE Consulting dated November 2020. The Executive summary noted: - 'The Site is approximately 0.08 hectares (ha) and comprised ephemeral/short perennial vegetation, scattered scrub and hard standing. The Site was found to have limited potential to support protected and notable species.

The development will result in the loss of the ephemeral/short perennial vegetation and scattered scrub habitats.'

A number of mitigation measures were proposed including integrated bat and bird boxes which are illustrated on the north east and south west elevations of the building. The Sustainability Officer has confirmed agreement with these biodiversity measures.

### **Landscape**

The application site is located within the adopted Coast and Estuary Zone. Policy STO9 applies which at criteria (7) confirms that development here will be supported where it does not detract from the unspoilt character, appearance and tranquillity of the area and is required because it cannot reasonably be located outside the undeveloped coast and estuary.

Policy DMO8A Landscape and Seascape Character specifies that development should be of an appropriate scale, mass and design that recognises and respects landscape character.

In this case however the site location is within the developed part of Ilfracombe surrounded on all sides by high density housing development. The proposal as stated above on undeveloped land which currently negatively impacts upon the locality because of its derelict and untidy condition.

Given this context the principle of this small scale development here is acceptable and the proposal is accompanied by a detailed hard and soft landscaping plan drawing number 19017/L3A. This details the number, size and density of species to be planted. These include the provision of lengths of native species hedgerows to each side of the access driveway.

This will improve the neglected appearance of the area as well as providing some biodiversity gain.

The proposal is considered to result in no adverse landscape impacts within wider views and is compliant with Policy STO9.

### **Highways**

Local Plan policy DMO5 Highways and DMO6 Parking Provision are relevant. All development must ensure safe and well designed vehicular access and egress and adequate parking layouts which consider the needs of all users.

The access from this development will be via the existing access onto Avenue Road to the east an unclassified road which is one way. Visibility here to the south on exit is adequate to serve the development. The additional 6-8 vehicular movement daily are not considered to adversely impact upon the highway network. No representations have been received from the Local Highway Authority.

The submitted plans show the formation of 5 curtilage parking spaces to the front of the terrace. The plan includes tracking details to show that a vehicle can manoeuvre and leave these spaces in a forward gear.

Given the sustainable location of the development a short distance from the High Street where there are services, facilities and public transport options the level of provision is considered appropriate.

### **Flood Risk and Drainage**

Local Plan policy STO3 requires that development should be located and designed so as to minimise flood risk. In Critical Drainage Areas (CDA) such as this site existing surface water runoff rates should be reduced.

The application site lies within Flood Zone 1 according to the Environment Agency interactive mapping. It is this at the lowest probability of flooding.

The application is accompanied by a Flood Risk and Surface Water Management report dated November 2020. The report confirms that surface water from the development will be dealt with by connection to a soakaway.

In respect of surface water runoff the location within a CDA these should mimic 'greenfield' performance up to a maximum 1 in 10 year discharge with all on-site surface water safely managed up to the 1 in 100 year + allowance for climate change condition.

It is proposed to introduce a soakaway in the rear garden which is based upon an additional impermeable area of 513 square metres. The minimum requirement for this is 52 Aquacell units and the proposed 3 metre x 10 metre storage tank is sufficient to provide for 60 Aquacell units. The location of the facility is as shown on drawing number 19017/L2B.

With the provision of this SUDs facility drainage will be adequately catered for within the site boundaries and there will not be any increased surface water runoff from the site which might increase flood risk in the locality.

### **Archaeology**

Local Plan policies ST15 Conserving Heritage Assets and DMO7 Historic Environment are relevant. The policies require great weight be given to preserving and enhancing northern Devon's historic environment including archaeological features of national and local importance.

The application is accompanied by a Written Scheme of Investigation dated December 2019 prepared by South West Archaeology Ltd. Section 4 of the report details a programme of works to investigate and record the archaeological deposits that will be affected by the development commencing with a series of evaluation trenches and continuing with open area excavation or strip, map and recording as necessary. The comments of the Historic Environment Team are provided above confirming acceptance of the Written Scheme of Investigation and recommending an appropriate condition to secure implementation of this work.

### **Off – site contributions**

Policy DM10 Green Infrastructure Provision requires that development provide accessible green infrastructure to meet the quantitative and accessibility standards set out in Table 13.1 of the Local Plan and the Infrastructure Delivery Plan.

The development generates a requirement for an off-site Public Open Space contribution of £10,080.

This will need to be secured via a Section 106 Legal Agreement.

### **Conclusion**

The application is considered to accord with the adopted development plan. It provides for sustainable development with small economic and social benefits in the form of three additional houses in a town centre location and environmentally the proposal facilities improvements in terms of landscaping and biodiversity enhancements over the site. Approval of the application is therefore recommended subject to the imposition of planning conditions and the completion of a Section 106 Agreement.

### **HUMAN RIGHTS ACT 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life  
THE FIRST PROTOCOL – Article 1: Protection of Property

### **Recommendation**

Approved

Legal Agreement Required:- Yes

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

19017/ L2B Location Block Site Proposed received on the 12/02/21

19017/ L3A Landscaping Plan received on the 12/02/21

19017/ P1B Floor Plan 1 of 2 Proposed received on the 26/11/20

19017/ P2B Floor Plans 2 of 2 Proposed received on the 26/11/20

19017/ P3B Elevations Proposed received on the 26/11/20

19017/ P4C Site Elevations received on the 30/11/20

19017/ P5B 3D Views received on the 26/11/20

('the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The proposed development shall be constructed in accordance with the following schedule of materials:-  
Elevations - render and yellow brick with red brick dressing detailing.  
Roof - natural slate.

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason:

To assimilate the development into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

5. Prior to the development hereby approved being brought into use, the biodiversity net gains as indicated on the approved plans, shall be provided in full and retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

6. No part of the development hereby permitted shall be occupied until all roads, footpaths and parking areas for vehicles have been completed in accordance with the approved plans.

Reason:

In the interests of highway safety in accordance with Policies DM04, DM05 and DM06 of the North Devon and Torridge Local Plan.

7. 'The development shall proceed in accordance with the Written Scheme of Investigation prepared by South West Archaeology (document ref: IEH19WSlv1, dated 13/12/19) and submitted in support of this planning application. The development shall be carried out at all times in accordance

with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

8. Prior to the commencement of any site clearance, groundworks or construction, the Local Planning Authority shall be provided with the results of a phase one (desktop) survey for potential ground contamination. The report shall be prepared by a suitably qualified person and sufficient to identify any and all potential sources of ground contamination on any part of the development site. Thereafter, depending on the outcome of phase one, a proposal for any phase two (intrusive) survey that may be required along with any remediation strategy shall be presented to and agreed with the planning authority.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

9. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

10. No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
  - (a) Risk assessment of potentially damaging construction activities
  - (b) Identification of 'biodiversity protection zones'
  - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
  - (d) The location and timing of sensitive works to avoid harm to biodiversity features
  - (e) The times during construction when specialist ecologists need to be present on site to oversee works
  - (f) Responsible persons and lines of communication
  - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

(h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of Highways, Amenity and Ecology in compliance with Policies DM02, DM05, and DM08 of the North Devon and Torridge Local Plan.

11. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:
- a) Monday - Friday 07.00 - 18.00,
  - b) Saturday 09.00 - 13.00
  - c) nor at any time on Sunday, Bank or Public holidays.

Reason: To protect the amenity of local residents in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) any proposal for the construction or alteration of any windows, doors or other openings to the side elevations shall be the subject of a separate application to the Local Planning Authority.

Reason:

To preserve the character and appearance of the building and the contribution it makes to the visual amenities of the area in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

### **Informatives**

1. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or downloaded from the Planning section of the North Devon Council website, [www.northdevon.gov.uk](http://www.northdevon.gov.uk).

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

2. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included submission of a Daylight Assessment report to assess the impact upon the occupiers of the neighbouring property.

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**Appendices**

**Appendix A – Location Plan**

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