

# **Application Report**

**Strategic Development & Planning**  
**Place Services**  
**North Devon Council**  
**Lynton House, Commercial Road,**  
**Barnstaple, EX31 1DG**



**Application No:** 73430  
**Application Type:** Variation of condition(s)  
**Parish/Ward:** LANDKEY/LANDKEY  
**Location:** Land to the west of the junction of Manor Road and Vicarage Road  
Landkey  
Barnstaple  
Devon  
EX32 0JB  
**Proposal:** Variation of conditions 2 (approved plans) 3 (access improvements) and 4 (Materials) attached to planning permission 65957 (erection of two dwellings (amended access details to those approved by planning permission 64024) (amended plans)) to allow amend house design  
**Agent:** Peregrine Mears  
**Applicant:** Lane Homes Limited  
**Planning Case Officer:** Miss S. May  
**Application Expiry:** 22 October 2021  
**Ext Of Time Expiry:** 22 October 2021  
**Publicity Expiry:** 8 July 2021  
**Departure:** N  
**EIA Development:** N  
**EIA Conclusion:** Development is outside the scope of the Regulations  
**Decision Level/Reason for Report to Committee:** Applicant is a Councillor

## **Site Description**

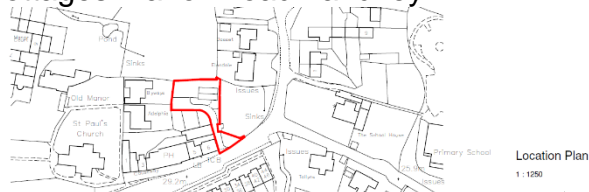
The application site is an unused corner plot of approximately 0.08 hectares situated on land opposite the junction with Manor Road, lying adjacent to Vicarage Road and opposite Church Meadow. Previously the site was surrounded by a hedgerow sat upon a low level stone wall which ran along the entire perimeter, this is no longer present. The site lies within the development boundary for Landkey and within the 'Landkey Town' Conservation area. The site has an elevated aspect facing south/south east with a gently sloping gradient from west to east. There is an existing watercourse (with side walls) which runs north to south through the eastern side of the site before continuing underneath the junction between Church Meadow Road and Vicarage Road.

## **Recommendation**

### **Approved**

Legal Agreement Required: No

## Planning History

Reference	Proposal	Decision	Decision Date
<b>73809</b>	Erection of one dwelling (renewal of planning permission ref: 64254) (amended site plan) - Land to rear of Ring O'Bells Cottages Manor Road Landkey 		
<b>27623</b>	Retrospective application in respect of conversion of malthouse to dwelling, (amendments to plan. Per. 6469) together with proposed erection of fence/wall & formation of parking area - The Malthouse, Manor Road, Landkey	Full Planning Approval	12 October 1999
<b>54820</b>	Listed Building Application for Change of Use & division of public house to provide three dwellings - The Ring O' Bells, Manor Road, Landkey	LB (Execution Works) Approval	11 January 2013
<b>54819</b>	Change of Use & division of public house to provide three dwellings - The Ring O' Bells, Manor Road, Landkey	Withdrawn	15 July 2013
<b>55953</b>	Change of use of public house to form 1 dwelling & alterations to existing dwelling (amended description) - The Ring O' Bells, Manor Road, Landkey	Full Planning Approval	14 August 2013
<b>55954</b>	Listed Building Application for change of use of public house to form 1 dwelling & alterations to existing dwelling (amended description) - The Ring O' Bells, Manor Road, Landkey	LB (Execution Works) Approval	14 August 2013
<b>62536</b>	Erection of one dwelling (amended address) - land adjacent to Byways, Manor Road, Landkey	Full Planning Refusal	6 April 2017
<b>64024</b>	Erection of two dwellings (amended plans) - land at the junction of Manor Road & Vicarage Road, Landkey	Full Planning Approval	27 April 2018
<b>64254</b>	Erection of one dwelling (amended plans) - The Ring O' Bells Cottages, Manor Road, Landkey	Full Planning Approval	16 August 2018
<b>65957</b>	Erection of two dwellings (amended access details to those approved by planning permission 64024) (amended plans) - land at the junction of Manor Road & Vicarage Road, Landkey	Full Planning Approval	14 February 2019

## **Constraints / Planning Policy**

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area	Within constraint
Chivenor Safeguard Zone	Within constraint
Class III Road	
Conservation Area: 35 Landkey Town Adopted 01/09/2012;	Within constraint
Landscape Character is: 1D Estate Wooded Ridges & Hilltops	Within constraint
Unclassified Road	
Within Landkey Development Boundary ST07	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within:, SSSI 5KM Buffer in North Devon,	Within constraint
SSSI Impact Risk Consultation Area	Within constraint

DM01 - Amenity Considerations  
 DM02 - Environmental Protection  
 DM03 - Construction and Environmental Management  
 DM04 - Design Principles  
 DM05 - Highways  
 DM06 - Parking Provision  
 DM07 - Historic Environment  
 DM08 - Biodiversity and Geodiversity  
 LAN - Landkey Spatial Strategy  
 ST01 - Principles of Sustainable Development  
 ST04 - Improving the Quality of Development  
 ST07 - Spatial Development Strategy for Northern Devon's Rural Area  
 ST10 - Transport Strategy  
 ST14 - Enhancing Environmental Assets  
 ST15 - Conserving Heritage Assets

## **Consultees**

<b>Name</b>	<b>Comment</b>
Councillor C Leaver	No response received.
Councillor D Luggar	No response received.
DCC - Development Management Highways	The Highway Authority has considered this application and has no objection.

Name	Comment
Reply Received 11 June 2021	
Heritage & Conservation Officer  Reply Received 25 June 2021	<p>This site occupies a prominent position in the Landkey Town Conservation Area, and forms part of the setting of several listed buildings. When the site was proposed for development a scheme was eventually negotiated and approved (application 64024), which condition the use of traditional materials, appropriate for this sensitive setting. These were natural slate for the roofs, render and random rubble stone for the walls, metal rainwater goods, and timber soffits, fascias, cladding to gables, and windows and doors. The current application now proposes a move away from these traditional, site specific materials towards modern generic materials - concrete roof tiles, manufactured stone facing panels, cement board cladding and PVCu windows and doors.</p> <p>These amendments do not maintain the appropriateness of the negotiated scheme to the historic context, and are a backward step in terms of acceptability. Their use will result in buildings that do not relate as well as the proposed scheme to this setting, and instead reflect more of the character of typical suburban housing estates.</p> <p>I consider that the proposed amendments would cause a degree of less than substantial harm to the significance of the heritage assets, and therefore under the terms of paragraph 196 of the NPPF, the public benefits of the proposal should be taken into account when the decision is made.</p>
Landkey Parish Council  Reply Received 1 July 2021	1/07/2021 08:27 - Recommended APPROVAL
Planning Policy Unit	No response received.

### **Neighbours**

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

### **Considerations**

#### **Proposal Description**

This application seeks full planning permission for the variation of conditions 2 (approved plans), 3 (access improvements) and 4 (materials) attached to planning permission 65957 which was for the erection of two dwellings.

### Condition 2

*(2) The development hereby permitted shall be carried out in accordance both with the plans submitted as part of the application, numbers 1632\_P\_01, 1632\_P\_02, 1632\_P\_03 REV A, 1632\_P\_04 REV A, 1632\_P\_05, 1632\_P\_06 REV B, 1632\_P\_07 REV B and Design & Access Statement received on 4th December 2018 and the amended plans numbers 1632\_P\_09 REV C, 1632\_P\_10 REV C and 1632\_P\_11 B received on 25th January 2019 and the recommendations of Brookside Ecology letter dated the 6th February 2019 ('the approved plans').*

#### *Reason:*

*To confirm the drawings to which the consent relates and to ensure the development accords with the approved plans. The approved plans represent the development in a form that the Local Planning Authority considers acceptable in accordance with Policies DM04 and DM07 of the adopted North Devon & Torridge Local Plan.*

### Condition 3

*No other part of the development hereby approved shall be commenced until the access improvement works have been completed in accordance with Plan No. 1632\_P\_09 REV C and maintained as such thereafter.*

#### *Reason:*

*To ensure that a suitable access is available for all traffic attracted to the site during the construction period and thereafter, in the interest of the safety of users of the adjoining public highway.*

### Condition 4

*The proposed development shall be constructed in accordance with the following schedule of materials-*

*Roof - Natural Slate*

*Walls - render / random rubble stone*

*Window sills - slate*

*Rainwater goods - Galvanised metal*

*Soffit & Fascia - Timber*

*Windows & Doors - Timber*

#### *Reason:*

*To ensure the materials used in the development are suitable given the historic location and do not result in a detrimental visual impact on the street scene and wider conservation area in accordance with Policy DM04 & DM07 of the adopted North Devon & Torridge Local Plan.*

The plot has now been purchased by Lane Homes Limited who wish to amend the design of the houses.

This application now seeks two detached two storey three bedroom dwellings (previously approved as two semi-detached two storey dwellings). The parking and turning area would be lowered and external appearance amended

The access provision off the lane has been adjusted and lowered slightly.

Due to an increase in costs of building materials the following changes are sought:

- Elevations – render/forticrete (previously render/random rubble stone)
- Roof – Redland mini stonewold grey tiles (previously slate)
- Doors and windows – grey upvc (previously timber)
- Rainwater goods – grey upvc (previously galvanised metal)

### **Planning Considerations Summary**

- Principle and history relating to the site
- Character and appearance
- Highway safety
- Flood risk and drainage
- Amenity
- Ecology

### **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 and history relating to the site**

Application 65957 was approved on 14 February 2019 for the erection of two semi-detached dwellings (with amended access details to those approved by planning permission 64024). Approval 65957 sought to amend the highway vehicular access to the site but was submitted as a full planning application and therefore all material planning considerations were again looked at in detail.

The principle of development was originally established in planning approval 64254 then again in 65957 with the delegated report stating:

*“The site is within the development boundary of Landkey within the North Devon & Torrridge Local Plan. Planning Policy ST07: (Spatial Development Strategy for Northern Devon’s Rural Area) allocated Landkey as a Schedule B: Village. This policy states that development in villages will be enabled in accordance with the local spatial strategy to meet local needs and growth aspirations.*

*The principle of the new residential development in this location is therefore acceptable subject to other material planning considerations”.*

### **Character and appearance**

Planning Policy DM04 (Design Principles) of the North Devon & Torrridge Local Plan (NDTLP) seeks to promote local distinctiveness and patterns of settlement. The site is within the historic core of Landkey and within the ‘Landkey Town’ Conservation area and lies in close proximity to several listed buildings.

The development as previously approved took the form of a pair of two storey semi-detached dwellings. The original application was amended to include stone projecting gables to the east elevation and a net reduction in the size of the bi-fold door and veranda element. These design amendments were agreed by the Conservation and Heritage Officer and the use of traditional materials was considered acceptable in a scheme which would sit comfortably within the street scene.



*Figure 1 - Elevations of extant approval under approval 65957*

The proposal as now submitted would see two detached dwellings which would be separated by a distance of 1.5 metres with 1.8 metre fencing running between the plots.



*Figure 2 – Elevations of proposed development*

Visually the design of the proposed eastern and western elevations would remain the same. The development would see the insertion of an additional window opening on the ground floor on both the north and south elevations.

This application seeks to amend the materials as follows:

- Elevations – render/forticrete (previously render/random rubble stone)
- Roof – Redland mini stonewold grey tiles (previously slate)
- Doors and windows – grey upvc (previously timber)
- Rainwater goods – grey upvc (previously galvanised metal)

Policy DM07: Historic Environment of the NDTLP states that proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight of the conservation of heritage assets.

Paragraph 195 of the National Planning Policy Framework 2021 states that Local Planning Authorities should identify and assess the particular significance of any heritage assets that may be affected by a proposal. They should take this into account when considering the impact of a proposal on a heritage assets, to avoid or minimise any conflict between the heritage asset's conservation and any aspects of the proposal.

Paragraph 197 of the framework identifies the desirability of new development making a positive contribution to local character and distinctiveness.

The Heritage and Conservation Officer has been consulted on the application and has commented that the site occupies a prominent position in the Landkey Town Conservation Area, and forms part of the setting of several listed buildings. When the site was proposed for development a scheme was eventually negotiated and approved (application 64024), which conditioned the use of traditional materials, appropriate for this sensitive setting. These were natural slate for the roofs, render and random rubble stone for the walls, metal rainwater goods, and timber soffits, fascias, cladding to gables, and windows and doors. The current application now proposes a move away from these traditional, site specific materials towards modern generic materials - concrete roof tiles, manufactured stone facing panels, cement board cladding and PVCu windows and doors.

The Heritage and Conservation Officer comments that these amendments do not maintain the appropriateness of the negotiated scheme to the historic context, and are a backward step in terms of acceptability. Their use will result in buildings that do not relate as well as the proposed scheme to this setting, and instead reflect more of the character of typical suburban housing estates. She considers that the proposed amendments would cause a degree of less than substantial harm to the significance of the heritage assets, and therefore under the terms of paragraph 202 of the NPPF, The public benefits of the proposal should be taken into account when the decision is made.

The Conservation area at Landkey was formally adopted in September 1987 and has a relatively low number of listed buildings scattered along its length, with no particular



clusters or concentrations. Materials occupy a typically narrow range. Local stone is used and in some cases left as an exposed building material, whilst in other cases it is rendered over. Landkey has come to serve as a commuter village for Barnstaple, with a significant number of residents in the village being employed in Barnstaple, and as such there is demand for housing in the wider area, creating a significant level of pressure for growth

Whilst the comments of the Heritage and Conservation Officer are noted, one has to look at the existing context and streetscene. The dwellings would be seen principally against the backdrop of other residential properties. The application site neighbours more modern residential development to the north in the form of a dormer bungalow (Ellandale which is on Vicarage Road), whilst to the south of the site are modern terraced properties at Church Meadow.



*Figure 3 – Ellandale to north of site*



*Figure 4 - Modern terraced properties to south at Church Meadow*



*Figures 5 and 6 - The Malt House, is the nearest property to the south west of the site with Foeffee Cottage immediately to the south of the Malt House. Neither of these buildings are listed.*

The nearest listed building known as the Ring O'Bells (approx. 36 metres to south west of application site) and the row of 3 cottages to the left of this building (1-3 The Causeway) are all Grade II listed buildings. However the application site is separated by the Malthouse and Foeffee Cottage which are not listed.

Whilst it is acknowledged that traditional materials would be preferable in this locality, the applicant is proposing man made materials due to the rise in building costs. The Local Planning Authority consider it would be difficult however to resist the application purely on the grounds of the materials alone.

In line with statute, policy and case law considerable weight and importance must be given to the presumption against granting planning permission for development that could harm the character or appearance of a conservation area or the setting of a listed building. If less than substantial harm is found of whatever magnitude, the decision maker needs to give considerable weight to the desirability of preserving the setting of the asset.

In this case, there is a lack of identifiable harm to the listed buildings and conservation area and the proposed development as a minimum would 'preserve' the setting of the listed buildings and the character and appearance of the conservation area. However, the overall impact of the proposal needs to take into account the less than substantial harm and this should be weighed against the public benefits of the proposal.

The public benefits of the proposal would comprise:

- The delivery of two new dwellings
- An increase in choice of homes
- Employment opportunities during the construction phase
- Residents would be likely to use the village shop and services making a positive contribution to their vitality and viability

In accordance with the test set out in paragraph 202 of the framework 2021 the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.

### **Highway safety**

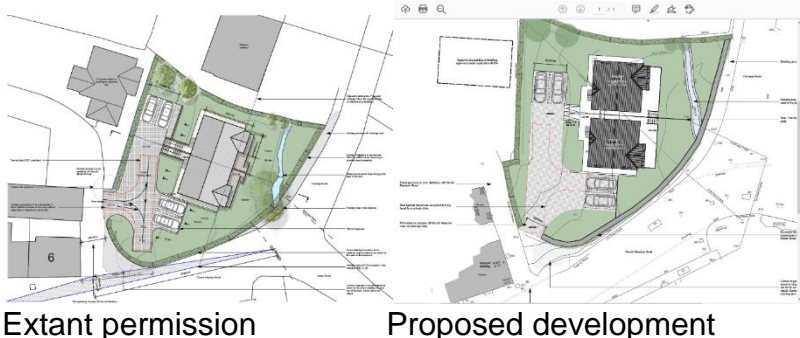
Policy DM05 of the North Devon & Torridge Local Plan only allows development where there is safe access and egress and there is no harm to the functioning of the highway network or character of the locality.

The existing access on to Manor Road is substandard in terms of visibility.

Application 64024 sought to improve visibility by chamfering the corner of the stone wall to the west to allow for improved visibility, with the stone wall being rebuilt so as to

protect the appearance of the conservation area. This solution was the subject of pre-application discussions between the applicant and Highway Authority(HA) and the HA had no objection subject to a condition being imposed on both that the visibility splay work is carried out prior to any further development taking place on the site.

Following the initial approval application 65957 sought to relocate the point of vehicular access to the site slightly south so that the access point is within the application owners. (The previous access point was in third partly land ownership). This allowed this site and the adjacent site which had planning permission at that time for one dwelling (REF 64254) to have vehicular access independent of each other.



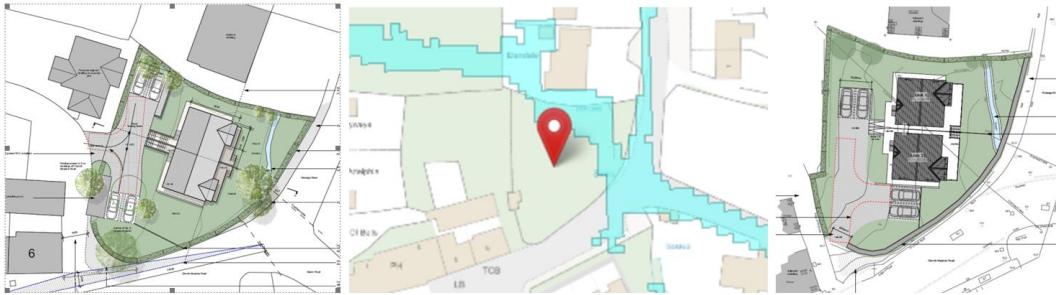
The access off the lane has been adjusted and lowered slightly. The plans indicate that the stone wall would be rebuilt. The Highway Authority has considered the application and raises no objection. A condition to ensure that the access improvements have been completed prior to any other part of the development commencing will be imposed on the grant of planning permission.

Sufficient off-road parking and turning provisions is provided for both dwelling. The proposal is considered to accord with the requirements of Policy DM05 (Highways) and DM06 (Parking Provision) of the NDTLP.

**Flood risk and drainage**

On the previous approval the delegated report commented that foul drainage would be via the nearby mains foul water drainage, with surface water via on site soakaways. Given the location and site area, this was considered an acceptable drainage strategy in accordance with Policies ST03 and ST14 of the North Devon & Torridge Local Plan.

Whilst this was the case it is noted that the delegated report inadvertently referred to the site being within Flood Zone 1, whereas the constraint indicated it was within Flood Zones 2/3.



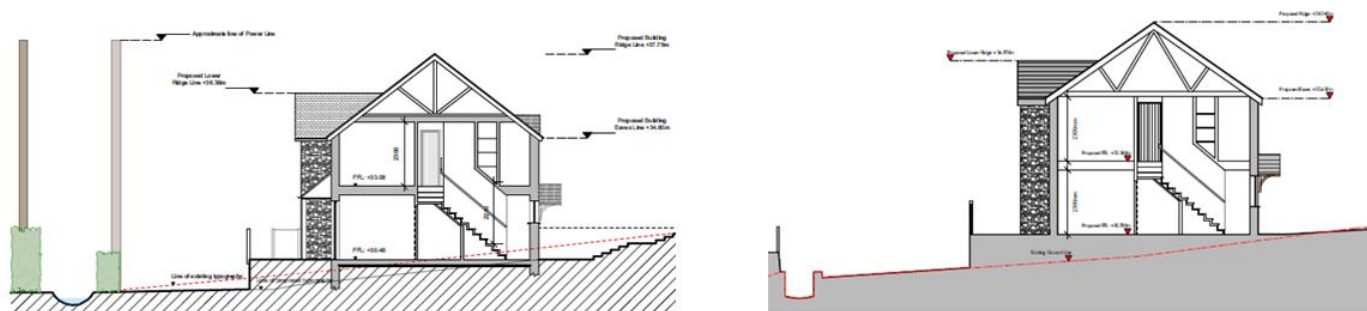
The approved plan (left) shows the water course on the extant permission. The middle view shows that a small section of the northern corner of the site has a constraint identified as being flood zones 2/3, albeit the relationship of the new development to the watercourse is the same (plan on right).

The applicant has been asked to show that the site would not flood via the submission of a Flood Risk Assessment (FRA) as the Environment Agency plan is so schematic that it was hard to work out the west to east drainage route.

The FRA comments that the site has a gently sloping gradient from west to east with the existing watercourse, little more than a running ditch, running north to south through the eastern side of the site, before continuing underneath the junction between Church Meadow Road and Vicarage Road. The ditch has been repaired by the new owner with the construction of the side walls improved, meaning that debris is less likely to be retained and any possible blockages are avoided.

The FRA demonstrates that Flood prevention measures would be in place in a worst case scenario as follows:

### Floor levels



The finished ground floor level (FFL) under the previous approved scheme was 30.48 which is well below the FFL. The proposed FFL under this application would be 30.78 so between 2.6 metres and 1.7 metres that the invert level of the ditch, so above the potential design flood level. The proposed changes forming part of this application would reduce any potential flood risk by virtue of the finished floor levels being 300mm higher than previously approved.

### Access and Evacuation

Access to and from the site is situated to the west side of the site meaning if evacuation due to flooding was required, the evacuation would take place in a manner that draws

people away from the sites source of flooding (the watercourse). The escape route is above the predicted design flood level so residents would not be at risk should evacuation be required.

### Surface water management

The proposals seek to use a permeable finish where hard surfacing is required to allow for surface water to infiltrate and percolate on site. Rainwater falling onto the dwellings roofs will be collected by rainwater goods and discharges into the site via soakaway.

In light of the above the development is considered acceptable in respect of Policy ST02 (Mitigating the impact on Climate Change) and ST03 (Adapting to Climate Change and Strengthening Resilience) of the NDTLP.

### **Amenity**

In terms of amenity considerations, first floor windows to the north of unit 1 and south of unit 2 serve bathrooms, and whilst there is some potential for the northern window to overlook the neighbouring property (Ellandale, Vicarage Road), given this serves a bathroom a condition requiring obscure glazing is considered appropriate.

First floor windows to the west elevation of the proposed development would face obliquely onto the property known as The Malthouse (separation distance of approximately 18 Metres).

It is noted that application 64254 was approved to the west of the site for a chalet bungalow (Land to rear of Ring O'Bells) with rooms in the roof on 16 August 2018. Whilst this permission is no longer extant, a further application is under consideration (73809) for the renewal of this planning permission. The site plan submitted with the application indicates that at its closest point unit 1 would have a separation distance of 12.7 metres from the blank gable end of the proposed chalet bungalow under consideration with the area fronting the dwelling being used for parking and turning of vehicles.

Given the separation distance, and spatial relationship between dwellings and blank gable end of the proposed chalet bungalow to the west of the site, the impact on amenity due to overlooking is not considered so significant as to warrant a robust reason for refusal.

Sufficient private outdoor amenity area is proposed for both dwellings and the proposal is considered to accord with Policy DM01 (Amenity Considerations) of the NDTLP.

### **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).

An updated Ecological Report was requested during the course of extant planning application 65957 due to the Preliminary Ecological Assessment report being dated the 22nd June 2016. A site visit was undertaken by Brookside Ecology on the 30th January 2019 to revisit the site and to assess the small stone outbuilding to be demolished. The external and internal inspection of the building revealed no evidence of protected species thus concurring with the 2016 assessment of the building and site. This building has since been demolished. This application does not require the submission of any further ecological information but on the grant of approval a condition will be imposed securing net gains in respect of a bat and bird box of each dwelling. The development is therefore considered in accordance with Policies ST14 and DM08 of the NDTLP.

### **Conclusion**

In this instance the application is considered on balance to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

### **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: No

### **Conditions**

1. The development to which this permission relates must be begun not later than the 14 February 2022.

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. This variation of condition application cannot alter the time period for implementation which is the expiration of three years beginning with the date on which planning permission 65957 was granted.

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

2110 P 06 A Section Proposed received on the 10/05/21

2110 P 07 A Boundary Section Proposed received on the 10/05/21

2110 P 08 B Visibility Splay received on the 10/05/21

2110\_P\_03 A Floor and Roof Proposed received on the 23/09/21  
2110\_P\_05B Proposed Elevations received on the 23/09/21  
2110\_P\_02 C Site Plan Proposed received on the 23/09/21  
2110\_P\_04 A - Proposed Elevations 1.pdf received on the 23/09/21  
1632\_P\_01A Location Plan received on the 04/12/18  
(‘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/forticrete random rubble stone  
Roof - Redland mini stonewold grey tiles  
Window cills - Slate  
Rainwater goods - Grey UPVC  
Soffit and Fascia - Grey UPVC  
Window and doors - UPVC in anthracite grey  
Ballustrade - Timber and glazing

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. The first floor window to the north of unit 1 and south of unit 2 hereby approved shall be of obscure glazing prior to first occupation and maintained as such thereafter.

Reason:

To safeguard the privacy of the adjoining properties in accordance with Policy DM01 of the adopted North Devon & Torridge Local Plan.

5. The boundary treatments as shown on drawing no. 2110\_P\_02 C and received on 23 September 2021 shall be constructed prior to occupation of each of the units and maintained and retained in perpetuity.

Reason:

To safeguard the privacy of the adjoining properties in accordance with Policies DM01 and DM04 of the adopted North Devon & Torridge Local Plan.

6. Prior to the building hereby approved being brought into first use, a bat and bird box shall be sited on either the south or west elevation of the building hereby approved and shall be retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan and paragraph 174 of the National Planning Policy Framework.

7. No other part of the development hereby approved shall be commenced until the access improvement works have been completed in accordance with drawing no. 2110 P08 Rev B and maintained as such thereafter.

Reason:

To ensure that a suitable access is available for all traffic attracted to the site during the construction period and thereafter, in the interest of the safety of users of the adjoining public highway in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

8. The car parking spaces and turning area shall be provided for use by the development as shown on drawing no. 2110\_P\_02 C prior to occupation of the dwellings hereby approved and once provided shall not be used for any purpose other than the parking of vehicles.

Reason:

To ensure adequate provision of parking to serve the development in the interest of highway safety in accordance with policies DM05 and DM06 of the North Devon and Torridge Local Plan.

9. During the construction phase of the development, no machinery shall be operated and no noisy processes shall be undertaken outside the following times:

- a) Monday - Friday 08.00-18.00
- b) Saturday 08.00-13.00
- c) nor at any time on Sunday, Bank or Public Holidays

Reason:

To protect the amenity of neighbouring residents in accordance with policies DM01 and DM02 of the North Devon and Torridge Local Plan.

### **Informatives**

1. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
2. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.



3. 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 the submission of further information in the form of a Flood Risk Assessment to ensure that the site would not flood and that in a worst case scenario flood prevention measures would be in place.