

Committee Report

Planning, Housing and Health

North Devon Council

**Lynton House, Commercial Road,
Barnstaple, EX31 1DG**

Application No: 78239
Application Type: Full Application
Application Expiry: 26 March 2024
Extension of Time Expiry:
Publicity Expiry: 1 March 2024
Parish/Ward: CHULMLEIGH/CHULMLEIGH
Location: Red Lion Corner
South Molton Street
Chulmleigh
Devon

Proposal: Public realm improvements including the provision of a shelter, planters, seating and a cycle stand. Removal of existing stone plinth and trough and new checkered paving incorporated. A 'tree' wall mural is also indicated

Agent: Mr Kevin Davies

Applicant: Ms S Squire

Planning Case Officer: Mr J. Jackson

Departure: N

EIA Development:

EIA Conclusion: Development is outside the scope of the Regulations.

Decision Level/Reason for Committee –Councillor Davies is the agent.

Report to Committee (If

Applicable):

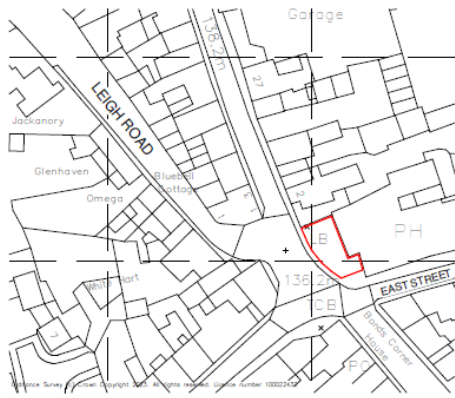
Site Description

The application relates to an existing area of public open space located within Chulmleigh town centre.

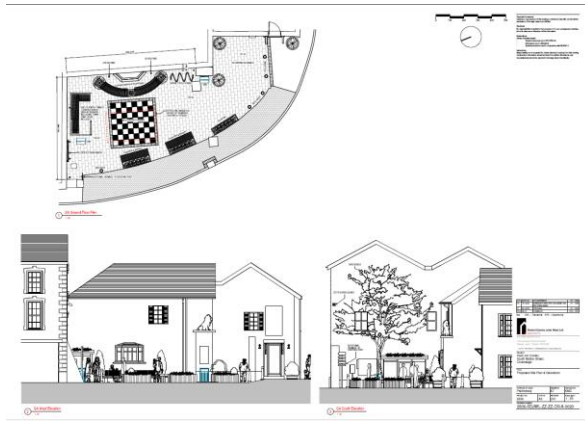
The site is located at the intersection of Fore Street, East Street, South Molton Street, Leigh Road and New Street, and currently accommodates a centrally located stone trough and plinth; three benches; two bins; three barrel planters; a post box; bus stop; road signage; two notice boards; and signage boards relating to the adjacent Red Lion Hotel.

The site is bounded by an existing dwelling to the north, the afore-mentioned Red Lion Hotel to the east, and existing footways and public highways to the south and west. A convenience retail store is located to the west, on the opposite side of the public highway. The immediate surrounding area comprises existing commercial and residential uses.

The adjacent Red Lion Hotel is Grade II listed, as are numerous other buildings within the immediate area. In addition, the site lies within the Chulmleigh Conservation Area.



Site Location Plan



Proposed site plan & elevations



3D View of proposals



Site Photograph

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
18152	LISTED BUILDING APPLICATION PROPOSED INSTALLATION OF 2 NO. CHRISTMAS TREE/HANGING BASKET BRACKETS. at THE RED LION, , EAST STREET, CHULMLEIGH, EX18 7DD	FULL PLANNING APPROVAL	11 January 1994
24825	LISTED BUILDING APPLICATION PROPOSED PARTIAL DEMOLITION OF EXISTING INTERNAL WALL TO CREATE WIDER ACCESS INTO BAR AREA at THE RED LION PUBLIC HOUSE, , EAST STREET, CHULMLEIGH, EX187DD	FULL PLANNING APPROVAL	24 February 1998
25253	LISTED BUILDING APPLICATION PROPOSED FORMATION OF 2 NO. OPENINGS IN EXISTING STUD WALLS TO FORM PASSAGEWAY TO NEW BAR	FULL PLANNING APPROVAL	26 May 1998

Reference Number	Proposal	Decision	Decision Date
	AREA at THE RED LION HOTEL, , EAST STREET, CHULMLEIGH, EX187DD		
25924	PROPOSED FORMATION OF ENTRANCE DOORWAY INTO EXISTING LOUNGE BAR at THE RED LION HOTEL, , EAST STREET, CHULMLEIGH, EX187DD	FULL PLANNING APPROVAL	6 October 1998
25925	LISTED BUILDING APPLICATION PROPOSED FORMATION OF ENTRANCE DOORWAY INTO EXISTING LOUNGE BAR at THE RED LION HOTEL, EAST STREET, CHULMLEIGH, EX187DD	FULL PLANNING APPROVAL	6 October 1998
25897	LISTED BUILDING APPLICATION PROPOSED REMOVAL OF PART OF EXISTING COB BOUNDARY WALL TO SERVE AS SERVICE AND PEDESTRIAN ACCESS TO PROPOSED SMALL SCLE WORKSHOPS AND RETAIL UNITS at RED LION HOTEL, , EAST STREET, CHULMLEIGH, EX187DD	WITHDRAWN	29 June 1999
29843	LISTED BUILDING APPLICATION IN RESPECT OF NEW SLATE ROOF & INTERNAL ALTERATIONS at RED LION HOTEL, EAST STREET, , , CHULMLEIGH, EX187DD	LB (EXECUTION WORKS) APPROVAL	30 November 2000
47533	LISTED BUILDING APPLICATION FOR DEMOLITION TO REAR, INTERNAL ALTERATIONS, PROVISION OF HOLIDAY FLATS, ERECTION OF NEW HOLIDAY ACCOMMODATION, ALTERATIONS TO FLATS WITH SUBDIVISION OF SHOP TO PROVIDE 2 SHOPS at RED LION HOTEL, EAST STREET, CHULMLEIGH, EX187DD	WITHDRAWN	11 December 2008
49571	LISTED BUILDING CONSENT FOR REPLACEMENT OF 3 WINDOWS & 1 NEW WINDOW at THE RED LION HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	WITHDRAWN	19 January 2010
49583	REPLACEMENT OF 3 WINDOWS & INSERTION OF 1 WINDOW TO WEST ELEVATION (AMENDED DESCRIPTION) at THE RED LION HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	WITHDRAWN	19 January 2010
49449	LISTED BUILDING APPLICATION FOR REPLACEMENT OF 3 WINDOWS & INSERTION OF 1 WINDOW TO WEST ELEVATION at RED LION HOTEL, EAST	LB (EXECUTION WORKS) APPROVAL	26 January 2010

Reference Number	Proposal	Decision	Decision Date
	STREET, CHULMLEIGH, DEVON, EX18 7DD		
49574	REPLACEMENT OF 3 WINDOWS & INSERTION OF 1 WINDOW TO WEST ELEVATION at THE RED LION HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	FULL PLANNING APPROVAL	4 March 2010
47848	DEMOLITION OF REAR EXTENSIONS AT REAR OF PROPERTY, INTERNAL ALTERATIONS, PROVISION OF 3 HOLIDAY UNITS IN EXISTING SERVICE BUILDINGS AND ERECTION OF 1 HOLIDAY UNIT AT REAR, ALTERATIONS TO FLATS AT 2 SOUTH MOLTON STREET TO PROVIDE ADDITIONAL FLAT, SUBDIVISION OF SHOP AT GROUND FLOOR OF 2 SOUTH MOLTON STREET TO PROVIDE 2 SHOP UNITS (AMENDED DESCRIPTION) at THE RED LION HOTEL, THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	FULL PLANNING + S106 APPROVAL	21 July 2010
47849	LISTED BUILDING APPLICATION FOR DEMOLITION OF REAR EXTENSIONS AT REAR OF PROPERTY, INTERNAL ALTERATIONS, PROVISION OF 3 HOLIDAY UNITS IN EXISTING SERVICE BUILDINGS AND ERECTION OF 1 HOLIDAY UNIT AT REAR, ALTERATIONS TO FLATS AT 2 SOUTH MOLTON STREET TO PROVIDE ADDITIONAL FLAT, SUBDIVISION OF SHOP AT GROUND FLOOR OF 2 SOUTH MOLTON STREET TO PROVIDE 2 SHOP UNITS (AMENDED DESCRIPTION) at THE RED LION HOTEL, THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	LB (EXECUTION WORKS) APPROVAL	22 July 2010
52781	RETROSPECTIVE APPLICATION FOR SITING OF EIGHT NON-ILLUMINATED WALL MOUNTED SIGNS & THREE STATUES (REVISED APPLICATION) at THE RED LION HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	ADVERT APPROVAL	29 April 2013
52782	RETROSPECTIVE LISTED BUILDING CONSENT FOR SITING OF EIGHT NON-ILLUMINATED WALL MOUNTED SIGNS & THREE STATUES (REVISED APPLICATION) at THE RED LION	LB (EXECUTION WORKS) APPROVAL	29 April 2013

Reference Number	Proposal	Decision	Decision Date
	HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD		
57421	RETROSPECTIVE APPLICATION FOR SITING OF ONE NON-ILLUMINATED FASCIA SIGN at THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	ADVERT APPROVAL	20 June 2014
57422	RETROSPECTIVE LISTED BUILDING APPLICATION FOR SITING OF ONE NON-ILLUMINATED FASCIA SIGN & INSTALLATION OF WINDOW SHUTTERS at THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	LB (EXECUTION OF WORK) REFUSAL	20 June 2014
57991	RETROSPECTIVE LISTED BUILDING APPLICATION FOR THE INSTALLATION OF WINDOW SHUTTERS at THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	LB (EXECUTION WORKS) APPROVAL	13 October 2014
75120	Replacement paving (amended plans) at Red Lion Corner South Molton Street Chulmleigh Devon	Withdrawn	5 January 2024

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Ancient Woodland: DARTRIDGE WOOD Ancient & Semi-Natural Woodland	239.50
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Class II Road	
Conservation Area: 12 Chulmleigh Adopted 13/12/2011;	Within constraint
Landscape Character is: 3A Upper farmed and wooded valley slopes	Within constraint
Listed Building Adjacent: 1121.0 EH Ref 1325765 The Red Lion, East Street, Chulmleigh	Within constraint
Listed Building Adjacent: 1170.0 EH Ref 1152759 No. 1 New Street and former chapel now used as store shed attached at south-west end, New Street, Chulmleigh	18.71
Listed Building Adjacent: 1188.0 EH Ref 1106716 Rogers Chemist, Fore Street (west side), Chulmleigh	8.70
Listed Building Adjacent: 1192.0 EH Ref 1106717 Homeleigh House (Gillons), Fore Street, (west side), Chulmleigh	17.10

Constraint / Local Plan Policy	Distance (Metres)
Listed Building Adjacent: 1193.0 EH Ref 1152710 The Dairy, Fore Street (west side), Chulmleigh	9.72
Listed Building Adjacent: 3592.0 EH Ref 1106668 Telephone kiosk, Red Lion Square, Chulmleigh	11.79
Listed Building Curtilage (Adjacent to)	18.61
Listed Building Curtilage (within)	Within constraint
Listed Building: 1121.0 EH Ref 1325765 The Red Lion, East Street, Chulmleigh	Within constraint
Unclassified Road	
USRN: 27502030 Road Class:B Ownership: Highway Authority	6.37
USRN: 27502032 Road Class:B Ownership: Highway Authority	6.48
USRN: 27502039 Road Class:B Ownership: Highway Authority/Private	5.53
USRN: 27502041 Road Class:R Ownership: Highway Authority	11.62
USRN: 27502045 Road Class:C Ownership: Highway Authority	5.29
Within adopted Development Boundary: Chulmleigh DM04	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Listed Building Grade II	
Conservation Area: CHULMLEIGH	
CHU - Chulmleigh Spatial Strategy DM01 - Amenity Considerations DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity 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 ST22 - Community Services and Facilities	

Consultees

Name	Comment
Chulmleigh Parish Council Reply Received 8 February 2024	Chulmleigh Parish Council wishes to recommend approval of this application with the comment that it has been noted in the consultation responses that a resident of Umberleigh has mentioned about the stone trough and we would advise that the

Name	Comment
	trough is in the ownership of a resident who is expecting it to be returned.
Councillor K Davies Reply Received	No comments received
Heritage & Conservation Officer Reply Received 16 February 2024	I do not consider that this proposal will cause harm to the significance of the surrounding heritage assets through effects on settings.
The Forestry Commission Reply Received	No comments received

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	2	0.00	0.00

Two representations have been received, which raise the following issues:

- Issues with existing shelters in Chulmleigh (maintenance, anti-social behaviour)
- Inappropriate parking
- Money would be better spent
- Stone plinth and trough should be incorporated or relocated in the town

Considerations

Proposal Description

The application seeks detailed planning permission for public realm improvements including the provision of a shelter, planters, seating and a cycle stand. Removal of existing stone plinth and trough and new checkered paving incorporated. A 'tree' wall mural is also indicated.

The proposed site plan shows that a new bus stop shelter incorporating an 'L' shaped timber bench would be sited at the northern end of the site, adjacent to the gable end wall of the existing dwelling that forms the northern site boundary. The existing Parish Council notice board would be relocated further along the gable wall and the 'Town Trail' information board would be incorporated within the shelter. A large checker paved area would be sited within the central part of the site and would replace the existing trough planter and plinth. A curved bench with planters at either end and a spiral cycle stand would be located within close proximity to the wall of the Red Lion Hotel. Three further planters (two with benches incorporated) and five bollards would be introduced at the boundary of the site with the

existing footway and public highways. The existing paving across the site would be retained. No works to the public highway or existing footways are proposed.

Planning Considerations Summary

The material considerations pursuant to the application are:

- Principle of Development
- Design, Character and Appearance
- Heritage and Conservation
- Residential Amenity
- Ecology
- Highways

Planning Considerations

1. Principle of Development

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.

The site is located within the Chulmleigh development boundary. Chulmleigh is designated as a Local Centre at Policy ST07 of the NDTLP. Part (1) of the policy notes that *'Local Centres, defined in Schedule A, will be the primary focus for development in the rural area; development will be supported in accordance with the local spatial strategies, to enhance the sustainability of the locally important service centres and to enable wider than local needs to be met.'*

Policy CHU of the NDTLP sets out the Chulmleigh Spatial Strategy and is worded as follows:

Over the period to 2031, the Local Plan will enable growth of high quality development supported by necessary infrastructure to meet the needs of Chulmleigh. The spatial vision for Chulmleigh will be delivered through:

- (a) the provision of a minimum of 162 new dwellings to meet the range of needs in the community. The supply of housing will be delivered through extant planning consents, dwellings under construction and the allocation of two sites totalling 115 dwellings and a non-strategic housing site;*
- (b) facilitating delivery of development to provide even, continuous growth to enable services and facilities to adapt and develop gradually;*
- (c) supporting additional business development in accordance with the role of the town as a local centre;*
- (d) diversifying the range of town centre services and facilities to meet local needs and support the role of the town; and*
- (e) retention and enhancement of open space and recreation facilities.*

Policy ST22 of the NDTLP addresses community facilities within the district and offers in principle support to improvements to existing facilities that meet the needs of local communities, subject to a number of considerations (character, amenity and highways) which are discussed below in the relevant sections of your Officer's report. The supporting text to the policy, at paragraph 8.3, notes that recreation and amenity spaces are considered to be community facilities.

As noted earlier, the application relates to an existing area of public realm within the town centre. The applicant is Chulmleigh Parish Council, and it is therefore evident that the proposals are locally led. The submitted Design and Access Statement advises that the proposals have been formulated following feedback received during consultations with Parish Councillors and members of the public. It is acknowledged that the site plays an important role within the centre of the town, providing a location for people to meet, socialise and access transport links, and it is therefore considered to be wholly appropriate to seek to improve the quality of the space for the benefit of local residents and other users.

Taking account of the above adopted planning policy context, it is your Officer's view that the principle of development is acceptable.

2. Design, Character and Appearance

Policies ST04 and DM04 of the NDTLP both have a strong design focus and establish the need for development to be appropriate in, and have respect for, its context and setting. Part (1)(g) of Policy DM04 notes that development should '*provide public and private spaces that are well designed, safe, attractive and complement the built form, designed to minimise anti-social and criminal behaviour.*' Policy ST22(1)(a) requires that development will not harm the character of the area.

The submitted Design and Access Statement notes that *'The aim of the proposal is to create a high-quality public environment that enhances the sense of place and reinforces the prominence of its location.'* It is considered that the introduction of the proposed planters and bollards would strengthen the boundary between the public open space and the existing footway, which is an appropriate design response that would create a greater sense of enclosure to the public space than exists currently. In addition, the central area of checkered paving and proposed tree mural would create visual interest within the space and encourage interaction between users. The proposed shelter would provide a covered area for those users waiting for a bus, and the cycle stand would provide a benefit to cyclists. The provision of other benches would encourage people to spend time in the area and the opportunities for soft landscaping within the planters would provide visual interest and soften the appearance of the space within the urban setting.

The Design and Access Statement demonstrates that high quality materials would be adopted, including timber for the proposed seating and planters.

Importantly, the proposals would ensure that the urban character of the space would be retained, reflecting its current use as an area of amenity space within the centre of the town.

In summary, it is considered that the proposals represent the improvement of the existing area of public open space in design terms, and incorporate elements that would add greater visual interest within the town centre, whilst at the same time offering practical interventions that would likely benefit a range of users, and would retain the urban character of the space. It is therefore concluded that on balance the proposals meet the requirements of Policies ST04, DM04 and ST22 of the NDTLP.

3. Heritage and Conservation

Policies ST15 and DM07 of the NDTLP seek to ensure the conservation and enhancement of the historic environment.

As noted earlier, the site is bounded on its eastern side by the Grade II listed Red Lion Hotel. A number of other listed buildings are also located within close proximity to the site. The site is also located within the Chulmleigh Conservation Area.

The Heritage and Conservation Officer has been consulted and has provided the following comments:

I do not consider that this proposal will cause harm to the significance of the surrounding heritage assets through effects on settings.

As noted within the submitted Design and Access Statement, the proposals represent a relatively modest intervention at the site and it is therefore agreed that the proposals would not result in harm being caused to the heritage assets within the surrounding area.

Accordingly, taking account of the above, it is your Officer's view that the proposals accord with Policies ST15 and DM07.

4. Residential Amenity

Policy DM01 of the NDTLP seeks to ensure the protection of the amenities of the neighbouring occupiers of the site, as well as future occupiers of the development. Policies DM04(1)(i) and ST22(1)(a) adopts a similar policy approach.

No objections have been received that raise concerns in respect of the impact of the proposals on residential amenity.

The public open space would retain its existing use as a result of the proposals. In addition, the submitted drawings do not show any proposals that would likely cause significant harm to the amenities of the occupiers of surrounding premises.

On balance, the proposals are considered to accord with Policies DM01, DM04(1)(i) and ST22(1)(a) of the NDTLP.

5. 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 (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations 2019). Policies ST14 and DM08 of the NDTLP require that development ensures the protection and enhancement of biodiversity.

A Wildlife Trigger List has been submitted, which does not trigger the need for an Ecology Survey.

Bird boxes would be installed on the gable wall that forms the northern site boundary, as part of the proposed tree mural. This is considered to be a creative way of accommodating nesting boxes within the site. In addition, a sedum roof is proposed to the proposed shelter, which would likely deliver further biodiversity enhancement.

Taking account of the above, it is considered that the proposals accord with the above-mentioned policies and legislation.

6. Highways

Policies ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development. Policy ST22(1)(b) notes that community facilities should, where possible, be well related to public transport infrastructure

and accessible by walking or cycling. Part (1)(c) of the same policy notes that community facilities need to be accessed without generating unacceptable levels of traffic on the local road network and / or reducing highway safety.

As noted earlier, the application relates to an existing community facility. The area of public open space currently accommodates a bus timetable, and this would remain as a result of the proposals. The proposals have been discussed with the Highway Authority, who have confirmed that the proposals would not preclude buses stopping on the public highway adjacent to the site, as is currently the case. In addition, the proposals include the provision of a cycle stand and do not encroach on the footway adjacent to the site.

An objection received from a member of the public suggests that the pavement adjacent to the site is already used as a parking area for vehicles and that the proposals would exacerbate this issue. However, it is considered that the proposals would not likely result in a significant increase in traffic movements in this part of the town and it is noted that the footway adjacent to the site is not within the red line site boundary.

For the reasons set out above, it is your Officer's view that the proposals accord with the highways related policies set out above.

7. Other Matters

A representation received raises concern in relation to the removal of the existing stone trough and plinth from the site, and queries if they are of historic value and whether they could be incorporated into the proposals. The Parish Council has advised that the trough is owned by a resident, and that it would be returned to them once removed.

8. Conclusion

The application is considered 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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public

Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

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:

2836-RDJWL-XX-XX-DR-A-0015C01 Location Plan received on the 30/01/24
2836-RDJWL-ZZ-ZZ-DR-A-0020C01 Proposed Site Plan & Elevations received on the 30/01/24
(‘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 development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

Benches and Planters: Timber and metal
Shelter Roof: Sedum
Checker Paving: Stonework

Once installed, the materials shall be retained as such thereafter.

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 and / or seeding in respect of the approved planters and sedum shelter roof 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. 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 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 local residents in accordance with Policy DM01 and DM02 of the North Devon and Torridge Local Plan.

6. The bird boxes shown on the approved drawings shall be installed prior to the substantial completion of the development hereby permitted, and shall be retained as such thereafter.

Reason:

In the interests of biodiversity enhancement, as required by Policies DM08 and ST14 of the North Devon and Torridge Local Plan.

Informatives

1. **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 conditions to secure appropriate materials and to deliver biodiversity net gain.
2. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>