

29th November 2017

Application No. 17/00910/FULL

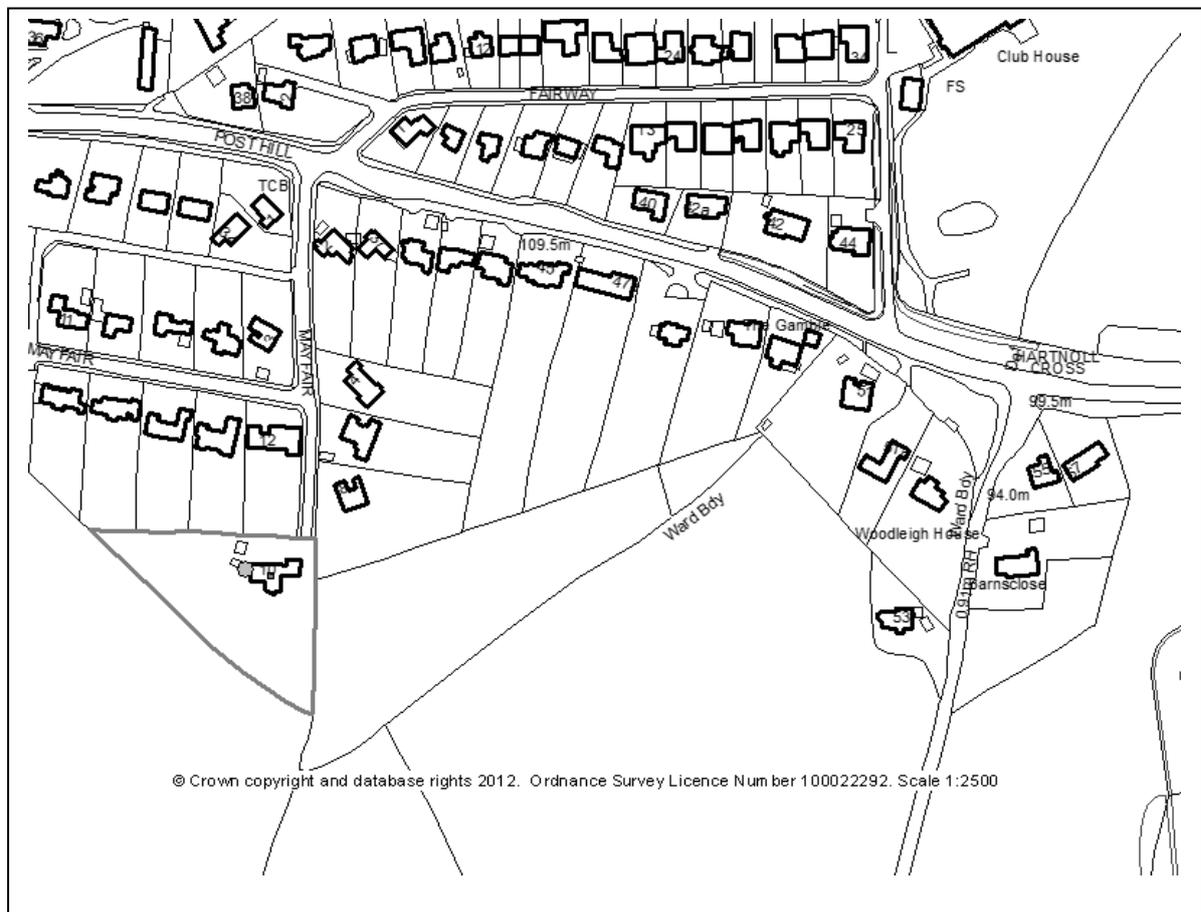
Grid Ref: 298625 : 113083

Applicant: Mr O Leighton-Boyce

Location: 10 Mayfair
Tiverton
Devon
EX16 4NQ

Proposal: Erection of 5 dwellings and alterations to existing bungalow and erection of garage

Date Valid: 14th June 2017



Application No. 17/00910/FULL

PLANNING WORKING GROUP – 15 November 2017

Application 17/00910/FULL – Erection of 5 dwellings and alterations to existing bungalow and the erection of garage – 10 Mayfair, Tiverton

There were 6 Members of Planning Working Group present.

Also present – the agent, an objector and a representative from the Highways Authority

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider:

- The access
- Whether the proposal was deemed to be overdevelopment of the site
- The design and height of the proposed dwellings
- The impact of the development in relation to existing properties
- Whether the screening proposed was sufficient.

The Area Planning Officer outlined the application, that of the proposal for 5 dwellings at the site of 10 Mayfair, Tiverton, with the bungalow being retained with some changes. She highlighted the existing access, which was proposed to be widened and adopted which would allow bin collection to take place on site rather than at the end of the drive (as previously indicated), the group of trees that would remain and the landscaping proposals. She explained that Cabinet on 26 October 2017 had resolved that subject to acceptable planning impacts, alternative access arrangements into Area B of the Tiverton Eastern Urban Extension may be considered that did not include Mayfair and / or Manley Lane / Post Hill Junction.

The Group moved onto the site, the access to No 8 Mayfair was identified, as was the annex to No 10 which would be demolished (but with retention of the inner hall) to allow for the access into the proposed dwellings the location of which was identified on the plan. Consideration was given to the height of the proposed dwellings in relation to the existing houses in Mayfair. Walking across the lawn the area for plots 4 and 5 were identified (these areas had been marked out). The turning head adjacent to numbers 14 and 16 Mayfair was identified as were the distances between No 14 and Plot 4 being 58.6 metres and No 16 and Plot 5 being 52 metres. The landscaping proposed adjacent to plot 5 and the existing boundaries of 14 and 16 Mayfair were identified. It was suggested at this point that a condition would be added regarding the submission of a landscaping plan. With regard to the height of the proposed dwellings (Plots 4 and 5) and taking account of changes in ground level, Plot 5 would be 2.35 metres higher than 16 Mayfair.

The Group having viewed any impact from the development site moved to No 14 Mayfair, where from the upstairs bedroom they viewed the proposal. The objector stated that her main concerns were that of overlooking and privacy issues, all the bungalows in Mayfair had been built with the living rooms at the back and all residents enjoyed their privacy, the proposed development would be a total change to the way that they lived. To sit either in the garden or on the balcony, you would be looking at 3 dwellings and the side of a 4th. The density of the houses exceeded those already built in Mayfair, particularly because they were proposed for the corner of the garden of 10 Mayfair.

The Group then visited the garden of No 16 Mayfair to consider the proposal.

Returning to the access to the site, the agent addressed the Group and informed them that the Highway Authority had no objection to the proposal, the density proposed was 13.5 dwellings per hectare which reflected the character of Mayfair, this was a lower density than the standard outlined in the Core Strategy and a lot lower than the proposed Area B of the Eastern Urban Extension. With regard to height and design, the proposed dwellings would have a traditional suburban design, Plot 5 would be taller than No 16 however they were 50 metres apart and No 14 was already taller than No 16. He highlighted the 21 metre reserve that planners would use on new developments. With regard

to screening issues, there would be an additional condition with regard to landscaping and the applicant was willing to provide heavier standards trees than the ones proposed.

Members considered the reasons for the site visit and agreed that they had looked at all the issues.

The Area Planning Officer was requested to provide information with regard to density on the site for the next meeting

Members agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

RECOMMENDATION

Grant permission subject to conditions and the signing of a S106 agreement to secure a financial contribution of £7,210 towards off site public open space, grant planning permission subject to conditions.

COUNCILLOR COLIN SLADE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

The number of objection letters received on the application.

PROPOSED DEVELOPMENT

This full planning application is for the construction of five, two storey, dwellings.

The site lies to the south of Post Hill - a principle route into Tiverton. The northern edge of this triangular site is bounded by 4 properties (No's 12, 14, 16 and 18) forming part of Mayfair. Each dwelling is located within a generous sized plot. No. 14 lies closest to the application boundary but maintains a distance of 38m from it. The remaining boundaries of the site adjoin open countryside. This area of open countryside forms part of the Tiverton Eastern Urban Extension (EUE), the area known as 'Area B'. Area B lies within the settlement limit of Tiverton.

The private drive serving the application site gives access to two further properties (No's 6 and 8 Mayfair). The south eastern corner of the site is occupied by a number of mixed woodland trees. However, these do not form part of the application site.

The application now submitted is for the retention of the existing bungalow and inner hall of the annex and construction of 5 dwellings. The five proposed dwellings are located towards the southern boundary of the site. Access will be retained from the existing private drive. It will sweep into the site terminating in a turning head towards the northern boundary of the site. Each dwelling will have at least 2 dedicated parking spaces.

Revised drawings have been provided throughout the course of the application process. Members of the public have been formally notified of those changes and given the opportunity to comment.

APPLICANT'S SUPPORTING INFORMATION

Preliminary Ecological Appraisal
Covering letter and additional information with Amended Plan (relating to existing dwelling)
Design and Access Statement

PLANNING HISTORY

88/01893/FULL - PERMIT (September 1988) - Conversion of garage and store into granny annexe

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness

COR9 - Access
COR12 - Development Focus
COR13 - Tiverton

Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)

AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM8 - Parking
DM14 - Design of housing

CONSULTATIONS

ENVIRONMENTAL HEALTH (19.06.17): The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Should planning consent be forthcoming, a condition should be attached.

HIGHWAY AUTHORITY (20.07.17): The applicant has submitted an amended plan which remains illustrative only but is sufficient to demonstrate that the access is suitable to serve the 5 dwellings applied for. There will need to be minor amendments to improve alignment and tactile paving, furthermore the drainage details are yet to be submitted and approved all of which are conditional as a pre commencement condition for approval. Therefore the Highway Authority is happy to remove its holding refusal and recommend that consent be granted, subject to conditions.

TIVERTON TOWN COUNCIL (04.07.17): Tiverton Council feels that this proposal is over development on a very narrow lane. We also note that any development above 4 should have included affordable housing, which this application does not seek to do. For these reasons the council cannot support the application and recommends refusal.

ARCHAEOLOGY (04.07.17): The proposed development lies in an area of known archaeological potential. The field just to the south-west of the site has evidence of a Prehistoric or Romano-British field system and the field adjacent to this has recorded a dense scatter of worked flint and a circular feature, also thought to be associated with prehistoric activity, this field is locally listed. In the nearby surrounding landscape, flint artefact scatters and a Palaeolithic hand axe has also been recorded. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity in the vicinity.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should be granted subject to a condition.

REPRESENTATIONS

28 individuals have submitted comments which are summarised as follows:

1. This appears a high density of development to be accessed off a narrow lane.
2. Access from the main highway is already difficult due to un-restricted parking on both sides of the road. An additional 16 car spaces represents a significant increase in traffic.
3. The height of the proposed dwellings does not represent the height of those neighbouring. It is not in keeping.
4. Property deeds (covenant) indicate that no new houses (or any permanent structure) can be built on the plots in Mayfair - to protect the quality of development, character and density of

- the neighbourhood. If the owner of No. 10 has requested the covenant to be lifted, the Mayfair residents have not been consulted.
5. The number of houses proposed is not in keeping with the neighbourhood and is overdevelopment. This proposal would set a precedent
 6. The proposed layout and 'bunching' of properties to one side of the site is as a result of the possibility of an access route into Area B of the Tiverton EUE.
 7. The site is on a prominent ridge when viewed from surrounding countryside and the canal. The principle of low rise, low density bungalow development has been established. Two storey development is not sensitive to the location. Two storey development may be more appropriate further down the hill via development on Area B but with the retention of a green buffer to existing properties.
 8. A sewerage pumping station will be required because the plot slopes away from the main rise in Post Hill. This is not acceptable.
 9. The additional dwellings would represent a 500% increase in traffic movement, noise and pollution along a private lane. This also raises safety concerns with limited visibility from private drives.
 10. Where will surface water be directed?
 11. The development of 5 dwellings creates a loss of privacy for No's 12; 14; 16 & 18. The proposed properties will be overbearing and over shadow existing properties.
 12. The proposal is premature to the adopted EUE Masterplan.
 13. Access to these 5 properties should come from Area B
 14. Mayfair has insufficient community amenities to accommodate these properties until Area A of the Tiverton EUE is developed.
 15. Can it be confirmed that the proposal to put access through No. 10 for future (Area B) development has nothing to do with the sympathetic treatment the developer is receiving?
 16. The private drive has insufficient width to allow two vehicles to pass. It will impede existing users to enter and exit their properties. It is not suitable for the extra traffic from 5 new dwellings or for construction vehicles.
 17. The pre application enquiry identifying access to serve the future development of Area B across this site is alarming and in conflict with the Adopted Planning policy. The WYG report identifies 6 trees for removal. This will have a negative impact on wildlife.
 18. Bungalows would be more in keeping.
 19. Water runoff is a concern as the road way is above front gardens.
 20. No. 8 bounds the private drive to No. 10. The deed title indicates that No. 8 has 'rights for all purposes' along the length of the drive. The proposal presents possible interference with No. 8 and associated legal rights.
 21. This development will set a precedent for Area B of the Tiverton EUE - over development at the detriment of the environment.
 22. The increase in traffic presents a danger at the Mayfair / Post Hill road junction.
 23. The private drive would not be of sufficient size for vehicles associated with the emergency services.
 24. The proposal does not comply with Policy DM1 - understanding the characteristics of the site and its wider context or the principles of the Adopted TIV EUE Masterplan.
 25. Why is no bat survey provided?
 26. Noting the pressure to deliver the Tiverton EUE, it is hoped that a compromise is not reached on this site that facilitates access into Area B over the interests of good sustainable planning.
 27. The applicant intends to retain part of the building, initially proposed for demolition. How will the new access and footpath circumnavigate the retained building?
 28. How can the Inner Hall of the Annexe be retained when the rest of the Annexe is to be demolished?

Following the receipt of revised drawings additional objections have been received:

1. There may be the intention that the private drive serving the proposed 5 dwellings will serve the building of 475 houses on Area B at a future date. The residents of Mayfair are opposed to this and the impact this will have on the existing community.
2. The revised plan concentrates properties to the west of the site, allowing a road to be built for further development. The proposal sets a precedent without any consideration for cycle paths, schools or other amenities.
3. If the proposed development incorporated No 10 there could be a larger buffer zone between

- the proposed development and the existing dwellings.
4. One storey properties would have less impact on existing properties. The design is out of keeping with the character of the area. 2 storey properties are out of keeping. There does not appear to be a reduction in height of 1.5m.
 5. Is there an informal agreement that access into Area B should go through No. 10?
 6. Important to the application is that no access into Area B should be allowed in the future.
 7. The proposal represents over development. The layout is ill conceived. It does not comply with Policy DM1. The green buffer has not been increased.
 8. The proposal would create more traffic and resulting pollution.
 9. The revised plans provide little and superficial change. The concerns of neighbours have not been taken into consideration.
 10. Does access to Area B form part of this application?
 11. The historic hedge boundaries should be retained.
 12. Changes made to the plans are superficial.
 13. Members of the planning committee should visit the application site.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Policy and procedure**
2. **Highway safety**
3. **Detailed design and layout / Amenity of neighbouring residents**
4. **Social Infrastructure and services - affordable housing provision, sewage, water.**
5. **Ecology**
6. **Other Matters**

1. Policy and Procedure - relationship with Area B

It is acknowledged that this site adjoins Area B of the Tiverton EUE and that a period of public consultation has recently closed regarding Area B of the EUE in which the suitability of access through this application site into Area B was considered. However, this is an application for 5 dwellings with vehicular access to serve them. Whilst the wider context of the EUE requires acknowledgement this application requires consideration on the basis by which it has been submitted - an application for 5 dwellings.

A number of comments have been received referencing Area B - that this proposal is premature to the Adopted Area B Masterplan; that the design and layout is a response to a future need for access into Area B. This site does not form part of the EUE. Whilst the wider context of the EUE is acknowledged, and access into Area B through this site does not form part of adopted policy (including the Adopted Masterplan), this application requires assessment on the basis of the application submitted. A further comment received, seeks access to the 5 properties from Area B. However, as detailed above, the application requires assessment on the basis of the information provided. Area B does not form part of this application site. It lies within the settlement limit of Tiverton. It would be unreasonable to require access to come from Area B if the site can suitably accommodate access for an additional 5 dwellings from Mayfair.

On the basis of the information provided, the proposal is in accordance with Policies COR1 [Sustainable Communities], COR12 [Development Focus] and COR13 [Tiverton] of the Core Strategy and Policy DM1 [Presumption in Favour of Sustainable Development] of the Local Plan Part 3.

2. Highway Safety

The Highway Authority has no objection to the proposal in principle, being satisfied that, subject to the imposition of a condition requiring approval of details, the proposal is able to accommodate the capacity proposed. Concern has been raised through the consultation comments regarding the access from Post Hill, that it is already difficult due to un-restricted parking on both sides of the road. However, the Highway Authority is satisfied that this junction and those with private drives can accommodate the additional traffic associated with 5 dwellings including construction traffic and

emergency vehicles.

Based on the evidence provided, Officers do not consider the proposal will have an unacceptable impact on highway safety. The proposal makes provision of a pedestrian footpath and is therefore considered to be in accordance with Policy DM2d of the Local Plan Part 3 [Development Management Policies] that seeks safe and accessible places that encourage sustainable modes of travel such as walking and also in accordance with the National Planning Policy Framework in this respect.

3. Detailed Design and Layout/Amenity of Neighbouring Residents

Mayfair is characterised by detached buildings that sit comfortably within generous plots. It exhibits a suburban form of layout, with each property built to a consistent building line, with the principle point of access being taken from the main street. Those properties directly north of the application site are characterised by low rise buildings. However, low rise buildings are not the typical form throughout Mayfair with a good number of two storey buildings also being present. The attractive quality of Mayfair is presented through the generous plots that include mature planting [both within the front and rear gardens] and hedge boundaries that present a green streetscape. It is this quality that makes a significant contribution to the character of the area.

The proposal presented is accessed off the main street, by means of a private drive. The proposed dwellings, located to the rear of No's 12, 14, 16 and 18 will not be readily visible from the main street of Mayfair.

The design of the proposed units is traditional in form, exhibiting a limited palette of materials that complement those existing. Two parking spaces are provided with each dwelling in addition to a garage. Each dwelling meets the requirements of the National Space Standards. The proposed layout and design meets appropriate standards of design and amenity for existing and future occupiers in compliance with Policy DM14 [a to h] of Local Plan Part 3 [Development Management Policies]. The retention of the existing building is supported through Policy DM3 [Sustainable Design]. The small woodland on the south eastern edge of the site will be retained. This contributes to the character of the area including in long distance views. The 5 dwellings would be located on the southern boundary of the site, adjacent to the open countryside. This is beneficial in that the units are located the maximum possible distance from the neighbouring properties - limiting the potential for overlooking and loss of privacy.

The proposed layout of the scheme is constrained by the retention of the existing building and the triangular nature of the site. The relationship between dwellings, including the inclusion of balconies on the front elevation of units 1 and 3 is acceptable. Amendments to the scheme have ensured that Plot 5 no longer provides a balcony on the front elevation, thus overcoming concerns relating to overlooking and loss of privacy. In addition, the change in property type on Plot 5 has facilitated a deeper landscape buffer of 3.5m [an increase of approx. 1.7m]. The ridge height of No. 5 has also been reduced by 0.85m from 8.8m to 7.95m. Evidence has been provided by means of a height comparison between with existing property [No 14] and the proposed properties. Assuming a common ground level between No's 14 and 16, the ridge height of No 14 is 1.82m higher than No. 16 [No. 16 being the nearest existing property to those proposed]. The evidence submitted indicates that Plot No. 5 will be 1.33m higher than No. 14 [and approx. 3.15m higher than No.16]. However, in acknowledging differences in ground levels the true height difference between No 16 and Plot 5 will be some 2.24m.

Two storey properties are not uncommon within Mayfair although not reflecting those immediately bounding the site. However, the length of the rear gardens adjacent to the proposed properties [No. 16 at 42m and No. 14 at 38m] combined with the proposed layout ensures that the two storey dwellings would not be overbearing. It is noted that the shortest distance between the rear elevation of No. 14 and the front elevation of Plot 4 is some 56m and between the rear elevation of No. 16 and the side elevation of Plot 5 is some 50m. The plots to the proposed dwellings whilst not as generous as those existing make efficient use of land, whilst providing suitably sized gardens to accommodate family living. The density of development is acceptable.

Comments have been received relating to two storey properties being prominent on the ridge line. Long distant views of the site from Manley Lane and West Manley Lane can be achieved. However, in combination with the retained tree group and landscaping [required through a condition should planning consent be granted] the addition of five, two storey dwellings in this location, on the ridge, is not unacceptable. Similarly, glimpsed views from the Grand Western Canal and associated conservation area are not unacceptable.

More recent comments received have made reference to the possibility of the private drive serving the 5 dwellings being used to serve the building of 475 houses on Area B at a future date. A public consultation exercise on Area B of the Tiverton EUE was undertaken during June to July of this year. Consideration of a one way and two way access through Mayfair formed part of that consultation process. Local residents remain concerned that the layout presented through this application is capable of facilitating an access into Area B of the EUE. The triangular nature of the site, the location of the existing access and retention of the existing property has contributed to the layout presented. Whilst the wider context of the EUE is acknowledged, including the possibility of access into Area B through this site not forming part of adopted policy [including the Adopted Masterplan]; this application requires assessment on the basis of the application submitted. Similarly, no assurance can be provided through this application that no access will be provided into Area B through this site.

A number of comments have been received relating to covenants associated with the existing properties. This is a civil matter including any consultation, or lack of, that may have taken place with the local residents. Similarly, existing legal rights associated with access off the private drive are a civil matter.

Officers are satisfied that the proposal complies with Policy DM2 of the Local Plan Part 3 - that the proposal exhibits an understanding of the characteristics of the site and its wider context. Whilst not forming part of the Tiverton EUE, the scheme is not out of keeping with the principles of the Adopted Tiverton EUE Masterplan. Should planning consent be forthcoming it is recommended that a condition requiring full details of the landscaping be submitted for approval. Overall, subject to conditions, it is considered that the proposed development will preserve the street scene and is in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the Local plan Part 3 [Development Management Policies].

4. Social Infrastructure and services - affordable housing provision, sewage & water

A sewerage pumping station is identified within the scheme, adjacent to Plot 1. This will be the basis of discussions with the utility provider should planning consent be forthcoming. As regards to details of surface water it is recommended that a condition requiring full details is submitted for approval.

Concern has been expressed that there are insufficient community facilities to accommodate the proposed units until Area A of the Tiverton EUE is developed. The addition of 5 dwellings will not present an excessive burden on existing facilities including schools. Public transport is easily accessed to medical, shopping and leisure facilities located within the town centre.

A recent change in planning legislation [May 2016] indicates that Local Planning Authorities should only seek affordable housing contributions from developments of more than units. As such, affordable housing cannot be sought for this proposal of 5 units.

5. Ecology

The proposal included the demolition of the garage and annex. An extended Phase 1 Habitat Survey has been undertaken for the site including an assessment for bats and their roosting. Overall, the Ecological Appraisal outlines that the proposal would have a low to moderate impact on fauna and flora. A recommendation from the appraisal is for an endoscope survey of the weatherboarding on the gable end of the bungalow adjoining the annex building. It is now proposed that the inner hall of the Annex is to be retained. Confirmation received from the Ecologist indicates that as a result of this, additional survey work is not required. Similarly, a European Protected Species Licence is not required.

Concern has been expressed about the loss of five trees as a result of this proposal. In

acknowledging the retention of the larger group on the south eastern boundary and the retention of the hedge bank boundary, their loss is accepted. No breaches of the historic hedge banks are proposed through this application. As such, Officers are satisfied that the proposal complies with Policy DM2 [c] of the Local Plan Part 3 - relating to the contribution of biodiversity assets; the NPPF and Countryside and Wildlife Act.

The erection of five dwellings is in accordance with Policies COR1, COR2 and COR13 of the Core Strategy. Subject to conditions, the development is considered to be acceptable in terms of highway safety and the effect on the visual quality of the street scene and the effect on the amenity of neighbouring residents. The proposal is considered to comply with the relevant policies: COR1, COR2, COR8, COR9 and COR13 of the Mid Devon Core Strategy [LP1], AL/IN/3 and AL/TIV/2 of the Allocations and Infrastructure Development Plan Document [LP2] and DM1, DM2, DM8 and DM14 of the Local Plan Part 3 [Development Management Policies].

6. Other Matters

The applicant has completed a deed under Section 106 of the Planning Acts to provide a contribution of £7,210.00 towards the creation of a new play area garden at Amory Park, Tiverton in accordance with policy AL/IN/3 [Public Open Space].

Each of the properties has a large curtilage and sufficient hardstanding area for bin storage.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
4. Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.
5. The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
6. No part of the development hereby approved shall be commenced until:
 - A] The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B] The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C] The footway on the public highway frontage required by this permission has been

constructed up to base course level

D] A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
8. No development shall begin until details / samples of the materials to be used for all the external surfaces of the building[s] have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
9. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out prior to the occupation of the development [or phases thereof], and any trees or plants which, within a period of five 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. The landscaping scheme shall be retained in accordance with the approved scheme.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning [General Permitted Development] Order 2015 [as amended] [or any Order revoking and re-enacting that Order with or without modification] no development of the types referred to in Classes A, B, C of Part 1 of Schedule 2, relating to the enlargement of a dwelling including an addition or alteration to its roof, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect water quality and minimise flood risk in accordance with Flood Management Act and in accordance with policy DM2 Local Plan Part 3 [Development Management Policies].
4. In the interests of public health and protection of the environment.
5. To ensure that adequate information is available for the proper consideration of the detailed proposals.
6. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
7. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework [2012] and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 [2013], that an appropriate record is made of archaeological evidence that may be affected by the development.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 [Development Management Policies].

9. To ensure the use of materials and detailing appropriate to the character and appearance of the building and boundary treatments in accordance with Mid Devon Core Strategy [Local Plan 1] policy COR2 and Local Plan Part 3: [Development Management Policies] DM2, DM14.
10. To safeguard the residential amenity of neighbouring residents in accordance with policy DM2 Local Plan Part 3 [Development Management Policies].

INFORMATIVE NOTE

1. This permission shall not constitute an approval of the layout plan No. A090871-Sk02 submitted with the application, because it has been treated as being for illustrative purposes only.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The erection of five dwellings is in accordance with adopted planning policies. Subject to conditions, the development is considered to be acceptable in terms of highway safety, effect on the visual quality of the street scene and the effect on the amenity of neighbouring residents. The proposal is considered to comply with policies COR1, COR2, COR8, COR9 and COR13 of the Mid Devon Core Strategy [LP1], AL/IN/3 and AL/TIV/2 of the Allocations and Infrastructure Development Plan Document [LP2] and DM1, DM2, DM3, DM8 and DM14 of the Local Plan Part 3 [Development Management Policies].

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

