

Committee Date: 28/10/2019

APPLICATION NO: 19/0360/FUL

APPLICANT: Mr Nigel Radbourne

PROPOSAL: Demolition of existing garages and construction of 1 building to form 5 new apartments and associated landscaping

LOCATION: Land adjacent to 17 New North Road, Exeter

REGISTRATATION DATE: 29/04/2019

HISTORY OF SITE

There is no relevant history associated with this site.

DESCRIPTION OF SITE/PROPOSAL

The site is located to the northern side of New North Road and has an area of approximately 400 square metres. The site currently accommodates a flat roofed garage block built in the 20th-century. This is an infill plot between two 19th-century residential terraces which are grade 11 listed. The site is located within Exeter St James Neighbourhood Plan area and St Davids Conservation Area. The site has a road frontage of approximately 13 metres and the land slopes up away from the road.

The application proposes the demolition of existing garages and construction of a new building to form 5 new apartments together with associated landscaping. The proposed development would be car free and retains the two beech trees along the site frontage. The development would be five storeys high, with the lowest floor level being situated below the current ground level.

Revised plans have been submitted that reduce the scale, massing and footprint of the proposed development and amend the design and materials.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The following documents were submitted in support of the application:

- Daylight and Sunlight Assessment
- Design and Access Statement
- Heritage Statement
- Bat and protected Species Survey
- Arboriculture Assessment
- Landscape and Visual Impact Assessment
- Land Contamination Assessment

REPRESENTATIONS

24 objections (including from Exeter Civic Society and Bury Meadows Residents Association) were received to the original scheme raising the following issues:

- Inappropriate scale, mass, size, depth and height
- Design – ugly, inappropriate, out-of-place, without architectural merit, wrong materials
- Adverse impact on Conservation Area
- Adverse impact on setting of Listed Buildings
- Impact on amenities of neighbours – overbearing, overshadowing (loss of light), overlooking
- Highways concerns – lack of parking, more on street parking
- Concern that this is student accommodation
- Concerns regarding drainage and the potential for flooding

4 comments in support were received to the original scheme raising the following issues:

- Makes use of a messy/scruffy under used site
- Contemporary design fits well / sympathetic to adjoining listed buildings
- Living space suited to younger couples
- Car free encourages health, wellbeing, and minimises traffic

As a result of re-consultation on the amended proposals 6 residents and Bury Meadows Residents Association re-affirmed their objections. A 'Review of Planning Application' was also submitted raising the following additional points:

- Missing north elevation (since submitted)
- Lack of communal/private amenity space
- No disabled parking or delivery space

CONSULTATIONS

Country Head of Planning, Transportation and Environment:

New North Road is classified road with double yellow lines on one side of the road and restricted parking areas on the other. As the site is situated in an existing residents parking area where there is high demand for on street spaces, additional on street resident parking permits will **not** be issued to serve this development. However, there are a number of pay and display parking bays situated nearby on Queen Street/Queens Terrace. Therefore, a car free development is acceptable in this city centre location, subject to reinstatement of kerb (this will provide consistency along New North Road where there are limited dropped kerb access points) and the provision of cycle parking spaces as shown on the plans. Conditions are suggested to cover these requirements.

South West Water:

Applicant/agent is advised to contact South West Water if they are unable to comply with requirements regarding asset protection, clean potable water, foul sewerage services and surface water services. A condition is suggested to ensure foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.

Environmental Health:

No objections subject to conditions requiring a Construction and Environmental Management Plan and a Contamination Assessment.

Principal Project Manager (Heritage Assets):

- There is some potential for buried remains to be present (as Roman remains were found nearby when the prison was built), but the necessary archaeological work to identify and record these can be secured by condition (C57 / A38)
- When the two adjoining listed terraces were built the present site was left vacant as it included the access to the nurseries behind. It is now occupied by some undistinguished garages. As such there is no issue in principle with a new building being erected within this gap.
- The two main issues or tests are i) whether the proposed new development is considered to preserve the setting of the adjoining listed buildings and whether it causes harm to their significance, in terms of their setting, and ii) whether it is considered to preserve or enhance the character or appearance of, or whether it causes harm to, the conservation area.
- In this case, as in many others, the most important parts of a building's immediate setting are the spaces in front of its principal elevations, front and rear. In this case, because the listed buildings are in the form of two terraces, then how they are viewed as a whole and in relation to each other is also important. The proposed building, which has now been reduced in height and footprint so that it is more in keeping with the existing building lines, obviously, by its very presence and irrespective of design and appearance, will change the setting of the adjacent listed buildings and by definition does not "preserve" the status quo.
- In terms of height and footprint the revised design is now similar to that of the adjoining listed buildings. The design and appearance/finishes of new builds is often a matter of opinion and a subjective area. In this case making the finish of the shell similar in colour to the neighbouring terraces, and the reduction in height, can be said to make it fit better with its surroundings, whilst still being distinctively modern and clearly different from the adjoining listed buildings. Generally, development within the settings of listed buildings does not have to mimic the latter, and high quality and distinctively modern architecture that respects and does not harm the settings of the latter is to be preferred.
- In terms of the character or appearance of the conservation area, the addition of well-designed modern buildings in the right places and of the right height and overall massing and finish/appearance is to be encouraged, and there are other similar examples in St Leonards conservation area for instance. Overall it is my view that the development, with the finishes and appearance as now proposed, does not harm the conservation area, though there will inevitably be varied views on whether it is considered to enhance it.
- Therefore on balance, given the premise that a distinctive modern design is preferable to a pastiche of the existing terraces, then I do not feel that the building, as now proposed,

harms the setting of the adjoining listed buildings or the character or appearance of the conservation area.

Principal Project Manager (Place Making):

- The footprint at the rear of the proposed building (which is significantly reduced from the original proposal) together with the proposed reduction in height, to a large extent, would address concerns about the potential impact on the adjoining properties.
- The proposed colour and material of the 'exoskeleton' of the building (which are entirely different from the original proposal) maintains its contemporary distinctiveness and individuality whilst complementing the existing terraced dwellings. A condition will be required providing full details of the proposed material, cladding details, construction of the 'exoskeleton' and in particular the slim, vertical elements featured on the north and south elevations.

Exeter St James Forum:

Original Plans -

Exeter St James Forum (ESJF) object to the proposed development and consider the proposed development does not comply with the St James Plan in a number of material factors.

In particular:

- Policy EN4 (Gardens) - it is considered there will be an adverse ecological impact
- Policy D1 (Good Quality Design) – the proposals do not provide for a “complimentary palette of materials that responds to adjacent properties”.
- Policy SD3 (Infill/Windfall Sites) – It is considered that the proposed development is not complementary to surrounding buildings and appropriate provisions have not been made for parking. It does not and it is not clear as to whether DCC would refuse permits.
- Policy SD4 (Adapting to Climate Change) – objectives of this policy are achieved subject only to failing to take the opportunity to make provision for electric cars and charging points.
- Policy H1 (Heritage) - the surrounding buildings are listed and have an elegance typical of the properties of this era. What is needed is a modern design that will be elegant and sympathetic – not a building that sets out to be in total contrast and wholly unsympathetic in design and materials used. It is submitted that these proposals fail to meet policy H1.

Revised Plans -

Exeter St James Forum *'acknowledge the efforts made by the developers to work within the confines of the Neighbourhood Plan. Whilst the objections of local residents remain as set out in the letters of objection on the ECC Planning portal it is to be hoped that the developer will again examine those plans to see if further steps can be taken to improve matters for local residents.'*

The Forum were pleased that the developer had responded to concerns regarding policy D1 (Good Quality Design) and consider that whilst the revised building will stand out as being very modern, there is an acknowledgment of the more historic palette in adjoining properties.

The Forum also welcomed clarification that this development is for council tax paying residential development, were pleased to note change to the plans to acknowledge the importance of policy EN4 (Gardens), and are pleased that more provision has been made for waste storage. However, they remain concerned *'that this is an overdevelopment of the site and that perhaps a 5 bedroom development is too big and that the loss of amenity to other local residents has not been taken sufficiently into account'*.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF) – with particular regard to sections

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Exeter Local Development Framework Core Strategy 2012

- CP1 – The Spatial Approach
- CP3 – Housing Distribution
- CP4 – Density
- CP5 – Meeting Housing Needs
- CP9 – Transport
- CP11 – Pollution and Air Quality
- CP14 – Renewable and Low Carbon Energy in New Development
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure, Landscape and Biodiversity
- CP17 – Design and Local Distinctiveness
- CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 Saved Policies

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- H1 – Search Sequence
- H2 – Location Priorities
- H5 – Diversity of Housing
- T1 – Hierarchy of Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- T5 – Cycle Route Network
- T10 – Car Parking Standards
- C1 – Conservation Area
- C2 – Listed Buildings
- C5 – Archaeology

EN2 – Contaminated Land
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG4 – Residential Layout and Amenity
DG6 – Vehicle Circulation and Car Parking in Residential Development
DG7 – Crime Prevention and Safety

St James Neighbourhood Plan

D1 – Good quality design
SD3 – Infill/Windfall Sites
SD4 – Adapting to Climate Change
H1 – Heritage
T2 – Sustainable Transport
EN4 - Gardens
EN5 - Trees
EN6 - Biodiversity

Development Delivery Development Plan Document (Publication Version) (DDDPD):-

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD8 - Housing on unallocated sites
DD13 – Residential Amenity
DD21 - Accessibility and sustainable movement
DD25 – Design Principles
DD26 – Designing out crime
DD28 – Historic Assets

Exeter City Council Supplementary Planning Documents

Residential Design SPD
Planning Obligations SPD
Sustainable Transport SPD
Trees in Relation to Development SPD
Archaeology and Development SPD

OBSERVATIONS

The application proposes re-development of an unattractive brownfield infill site within the urban area and in close proximity to the city centre and sustainable means of transport. The main considerations in respect of this proposal are the acceptability in principle of development between two attractive 19th century terraces and the impact on these heritage assets, the design of the new development, highways issues and amenity concerns.

Principle of development and impact on heritage assets

This is a sustainably located urban site that is currently unattractive and arguably under-utilised. National Planning Policy Framework and the Statutory Development Plan require that we make efficient use of such sites and maximise the contribution they make to the housing shortfall. Paragraph 118 states that Local Planning Authorities should 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified

needs for housing where land supply is constrained and available sites could be used more effectively’.

However, this gap within the urban fabric is between two listed 19th-century terraces and within the St David’s Conservation Area. Therefore it must be considered whether a) the proposal preserves or enhances the character and appearance of the Conservation area and b) whether the impact on the setting of these listed buildings is acceptable. The applicants have submitted a Heritage Assessment in support of the application that assesses the significance of the assets and their setting, and explains how this has informed the development of the proposals. The Principal Project Manager (Heritage) concludes that given the premise that a distinctive modern design is preferable to a pastiche of the existing terraces, he does not feel that the building, as now proposed, harms the setting of the adjoining listed buildings or the character or appearance of the conservation area. Accordingly it is considered that the proposal accords with chapter 16 of the NPPF, policy C1 and C2 of the Local Plan First Review, and policy H1 of the Exeter St James Neighbourhood Plan.

Design and urban form

The application proposals a five storey development with the lowest floor being below ground level. Amended plans have been submitted that reduce the height of the proposal so that the flat roof is at a similar height to the adjacent ridge of 17 New North Road (and lower than the ridge of 19 New North Road). The NPPF stresses the importance of achieving appropriate densities and of using land effectively. This site is in close proximity to public transport and three and four storey development already exists on this street; therefore the quantum and scale of development proposed does not seem unreasonable.

The proposed design is bold and modern and will attract attention. However the architect has worked with Exeter St James Forum to arrive at a design that takes account of their initial concerns (with amended plans showing a change in materials and colour and a reduction in height). Whilst some residents and groups still oppose the design, the proposed change of colour and material of the ‘exoskeleton’ is considered to maintain the building’s distinctiveness and individuality whilst complementing the existing terraced dwellings. The proposal is therefore considered to represent ‘good design’ that accords with paragraph 127 of the NPPF, policy DG1 of the Local Plan First Review, policy D1 of the Exeter St James Neighbourhood Plan and policy CP17 of the Core Strategy.

Highways Issues

The proposal is for a car free development. This accords with the SDP on Sustainable Transport which encourages car free development in locations well served by public transport such as this. The Highways Authority have confirmed that no additional on street resident parking permits will be issued to serve this development. The approach to parking provision in such close proximity to the city centre and sustainable modes of transport is therefore considered acceptable. Whilst the proposal does not provide disabled parking in accordance with the SPD, any disabled resident could apply for a blue badge and there is a disabled bay on New North Road opposite the proposed development. Given the importance of delivering an attractive frontage in this Conservation Area setting the absence of disabled parking/delivery space is considered acceptable.

The Highways Authority raise no objections to the proposal subject to the reinstatement of the kerb and provision of cycle parking. The applicant has confirmed 7 cycle spaces will be provided (including two spaces for ad hoc visitors) to fully accord with the Sustainable Transport SPD.

Amenity Concerns

It is considered that the residents of the proposed development will have reasonable levels of amenity. The National Space Standards are met for the apartments. The development will be dug into the site, but the landscaping and treatment of the lowest floor will still afford a degree of openness for this apartment. Whilst only the ground floor property has private outdoor amenity space, in the form of a terraced area to the rear, there are landscaped grounds to the front of the development and urban parks within close proximity. Accordingly it is considered that whilst the Residential Design SPD guidance in terms of private amenity space is not strictly adhered to, the proposal does accord with the requirements of Policy DG4 – Residential Layout and Amenity. Adequate bin storage (to accommodate 10 bins) will be provided. Environmental Health have raised no objections subject to conditions requiring a Construction and Environmental Management Plan and to ensure no contamination is present.

The impact of the proposal on the amenities of neighbouring properties has been a central concern for many of the objectors to this proposal. The site is between two end terraces and there are windows on the side elevations of these properties and first floor side access to the flats in 19 North Road. The development as originally proposed extended 3.7 metres back from 19 New North Road and 5.8 metres back from 17 New North Road (and more from the main rear wall of the terrace to the west). This relationship was considered unacceptable due to the resulting overshadowing and overbearing. However, the amended plans reduce the depth of the new build by 2.5 metres and well as reducing the height by 1 metre. The applicant has submitted a Sunlight and Daylight Assessment in support of the proposal and for the amended proposals this concludes that the development would have an acceptable impact on the sunlight of existing windows at 17 and 19 New North Road. Whilst, there would be a noticeable impact on the skylight of 4 windows, one of these windows serves a corridor and the other bedrooms would maintain sufficient daylight levels after development. Despite the conclusions of this Assessment it is still considered that the proposal will result in some overshadowing and overbearing, in particular on the properties directly adjacent to the proposal, but also to properties in the terrace to the west (beyond 17 New North Road). However, it is not considered that these impacts are so significant as to warrant refusing the application; indeed the resulting relationship is common within an urban context. In regards to overlooking the side elevations of the new block will include minimal windows (serving only bathrooms and open plan kitchen area) and these will be obscure glazed. The rear windows (serving the bedrooms) will look northwards with solar screening from the 'exoskeleton' also limiting oblique views to the west. The impacts from overlooking are therefore also considered acceptable.

Other Issues

Financial Considerations: The CIL 'Liability Assumption' form and the 'Additional Information Requirement Form' have both been submitted. The net additional gross internal floorspace is 544m² and therefore CIL payable at the 2019 CIL rate (£113.57 per sq m) is £61,782.08. The development will also generate New Homes Bonus.

Appropriate Assessment: A Habitat Regulations Assessment has been undertaken. This concludes that whilst the development has the potential for have a significant effect on a European site, the impacts of the development can be mitigated through top-slicing receipts

from CIL to contribute towards the implementation of measures in the South East Devon European Site Mitigation Strategy.

Biodiversity: A bat and protected species survey was submitted in support of the application. This concludes that the garage does not support a bat roost and no former bird nest sites were identified in association with the property. Nevertheless to result in a biodiversity gain the development will need to include replacement, and/or compensatory provisions for bats, birds and bees. The works should be carried out in accordance with the mitigation and enhancement measures outlined in the Assessment, and this will be required by condition.

Conclusion

The principle of redevelopment of this site in a highly sustainable location is considered acceptable. In accordance with the NPPF it is important that we seek to make effective use of this type of site. With reference to this guidance and also to the contribution that this site would make to housing delivery (having due regard to the weight to be attached to the fact that the Council is unable to demonstrate a 5 year supply of housing land), the proposal for 5 apartments is considered acceptable

DELEGATION BRIEFING

8 October 2019 – The proposal for the demolition of existing garages and construction of 1 building to form 5 new apartments between two Grade 11 listed terraces, with no parking provided, was presented to members with a recommendation that the application be determined by Planning Committee.

Members supported undertaking a site inspection for subsequent consideration by the Planning Committee

SITE INSPECTION

15 October 2019 - The details of the application were outlined to Members and they were able to observe the site and the potential impact of the development on the surrounding area.

RECOMMENDATION

Approval subject to the following 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: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on, 8 March, 18 September, 19 September, 8 October, 10 October and 16 October 2019 (including dwg. nos. 17NR Cladding Colour, J-0260-SLP-01-C, J-0260-EL-01-D, J-0260-EL-02-C, J-0260-EL-03-D, J-0260-EL-04-C, J-0260-EL-05-D, J-0260-GA-01-D, J-0260-GA-02-D and J-0260-DET-01) and

the Energy Assessment, Bat and Protected Species Survey, and Arboricultural Impact Assessment and Tree Protection Statement and Plan as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3. Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

4. Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: In the interests of residential amenity.

5. Pre-commencement condition: No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

6. Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

7. Pre-commencement condition: Prior to the commencement of the development full construction details of any retaining walls shall have been submitted to and approved in writing by the Local Planning Authority. The development/works shall be implemented in accordance with the approved details.

Reason: To protect and preserve the setting of the listed buildings and in the interests of residential amenity.

8. Pre-commencement condition: The development shall not be carried out otherwise than in accordance with a surface water drainage scheme, which shall include details of the means of attenuation and disposal of surface water from the site, including through the use of sustainable drainage systems. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. Details of the scheme, a timetable for its implementation and details of its future management, shall be submitted to and approved in writing by the LPA prior to the commencement of development. The scheme shall be implemented in accordance with the approved details and timetable for implementation.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems and to ensure the discharge of drainage from the development shall not be prejudicial to the public sewerage system.

9. Samples of the materials it is intended to use in the construction of the development (including in the structure of the exoskeleton, its exterior cladding and all other external materials) shall be submitted to the Local Planning Authority. No materials shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

10. No part of the development hereby approved shall be brought into its intended use until the secure sheltered cycle spaces as indicated by Drawing Number J-0260-GA-02-D have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To provide adequate facilities for sustainable transport.

11. No part of the development hereby approved shall be occupied until the redundant access on New North Road is reinstated to a full height kerb have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework

12. Prior to the first occupation of the development hereby permitted, a Management Scheme, to cover management and maintenance of communal areas, including communal landscaped gardens, car and cycle parking and bin storage, shall be submitted to and approved in writing by the Local Planning Authority. The content of the Management Scheme shall include:

- a) details of areas to be managed
- b) aims and objectives of the Scheme
- c) management actions
- d) delivery mechanism

e) the body responsible for implementation of Scheme

The Management Plan shall also include details of the legal and funding mechanism to ensure long-term implementation. All post-construction site management shall be undertaken in accordance with the Scheme.

Reason: In the interests of the amenity of residents and the character and appearance of the area.

13. A detailed scheme for landscaping that accords with the Landscape Strategy submitted on 11 October 2019 shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have the detailed scheme. The detailed scheme shall cover the planting of trees and or shrubs (including species, tree and plant sizes, numbers and planting densities), details of the living wall system, the use of surface materials, boundary screen walls and fences and any and earthworks or retaining walls required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

14. Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

15. Before the development hereby approved is brought into use the proposed windows in the east and west elevations of the property shall be permanently fixed and glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the east or west elevations.

Reason: To protect the amenities of the adjoining property.

INFORMATIVES

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

3) The Local Planning Authority considers that this development will be CIL (Community

Infrastructure Levy) liable. Payment will become due following commencement of development. Where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission

5) The applicant's attention is drawn to the requirements of South West Water set out in their emailed communication dated 23 May 2019.