

Planning Committee Report [22/1177/FUL]

1.0 Application information

Number:	22/1177/FUL
Applicant Name:	Mr Matthew Macan
Proposal:	Construction of two 1-bedroom 2-person dwellings with external space, landscaping and associated works.
Site Address:	Land Adjacent To Gras Lawn And Fleming Way Gras Lawn Exeter
Registration Date:	23 August 2022
Link to Documentation:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH2A33HBIEA00
Case Officer:	Robert Russell
Ward Members:	Cllr Branston, Cllr Moore and Cllr Vizard (Newtown and St. Leonards Ward)

The application is recommended for approval, and several objections were received.

2.0 Summary of recommendation

Grant planning permission subject to conditions

2.0 Reason for the recommendation

The proposal is for developing a windfall site; no planning policy reasons for refusal have been identified. It is recommended that planning permission is granted for the proposed scheme, subject to the planning conditions set out at the end of this report.

4.0 Table of key planning issues

Principle of development	The application site is a well-connected windfall site within the urban area. The land is outside a high or medium-risk flood zone. The site is vacant and unused, with no public access or use value. It is classed as previously used brownfield land. The site is connected to the public realm and highway and lies within short walking distance of
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	major employment centres and the local bus service network. The site is highly accessible and sustainably located with few significant constraints. Residential use and redevelopment to contribute two dwellings to the local housing stock are acceptable.
Scale, design, impact on character and appearance	The distinctive design with high-quality finish materials and fine but simplistic exterior detailing would enhance the site's visual richness, character, appearance, and the wider area.
Impact on amenity	No significant adverse harm is identified to the residential amenities of existing adjacent properties.
Access and parking	The site has a vehicle access point, but the proposed development would be car-free based on providing secure cycle parking for all four potential occupants. A car-free development is considered acceptable given the scale and nature of the proposal, the accessibility of the site and permit parking restrictions in the locality.
Wildlife and biodiversity	The site is small and contains no trees, protected species or identified habitats. The development would not harm wildlife and could achieve a net gain in terms of biodiversity.
5 Year Housing Supply	The Council does not currently have a Five Year Housing Supply. This proposal would make a modest contribution to the housing supply in the city.

5.0 Description of site

The application site is a small, flat, unused piece of land between two distinct housing estates (herein referred to as Gras Lawn to the south and Fleming Way to the north). It runs along the northern edge of a segregated cycle track and pathway which connects to Barrack Road in the east. The site has an irregular slender profile and a footprint area of 208 sq. metres.



Photo 1: Eastwards view of the site, mature tree line and segregated cycle lane and footway

The existing site is accessed through a dropped kerb and 5 bar gate on Fleming Way at the western boundary. The site currently contains no buildings, but the surface area is partly tarmacked (27^m2) by the gate and entrance point; this suggests its previous use was a driveway for vehicle circulation and storage purposes. The site is a previously developed brownfield site.

The site is close to protected trees but lacks trees and hedgerows. Apart from a pile of bricks and low-lying brambles, the land is relatively featureless, with a mix of hard-standing and natural ground. The boundary comprises a 5-bar access gate on the western boundary and a timber split rail fence around the remaining perimeter. Several sections of the fence are now removed from the southern boundary.



Photo 2: Westwards view of the site

The surrounding area comprises established housing areas to the north and south, public open space, mature trees to the east, highway infrastructure, and parking to the west. Immediately south lies the cycle track and pedestrian pathway, which runs laterally from east to west. Further south is the NW quadrant of Gras Lawn, a three-storey residential terrace comprising four dwellings and six flats with enclosed gardens and two garage blocks to the rear. Immediately north is a hedge, a small patch of open green space, a public access path, a parking court, and two residential dwellings. One, to the north east with a rear garden (33 Fleming Way) and one to the north-west without a garden, arranged as a mews-style house with garages below (68 Fleming Way).

6.0 Description of development

The proposal seeks planning permission to construct two 1-bedroom 2-person semi-detached dwellings with external amenity space, landscaping and associated works.

7.0 Supporting information provided by the applicant

The following summary sets out a list of the documents submitted in support of the application:

- Application Form
- Location Plan and Site Analysis as Existing
- Site Location Plan
- Proposed site, roof and floor plans, sections and elevations drawings:

Site and Ground Floor Plan	GL DD - 101 rev A
First Floor and Roof Plans	GL DD - 102 rev A
South Elevation	GL DD - 103 rev A
North Elevation	GL DD - 104 rev A
East and West Elevations	GL DD - 105 rev A
Sections X1 and X2	GL DD - 106 rev A
Section Y1	GL DD - 107 rev A
Section Y2	GL DD - 108 rev A
- Design and Access Statement
- Topographic Survey Plan
- Daylight/ Sunlight Analysis
- Surface Water Drainage Statement
- Ecological Assessment
- CIL Forms 1 and 2

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
08/0580/FUL	1.9m fence around land	REFUSED	13 May 2008

9.0 List of constraints

There are no significant constraints identified.

10.0 Consultations

All consultee responses can be viewed in full on the Council's website.

Royal Society for Protection of Birds (RSPB)

The amount, positions and design of bird boxes were agreed upon between the applicant and RSPB. The development is considered suitable for providing new homes for swifts or other species, and no concerns are raised in this respect.

Campaign to Protect Rural England (CPRE)

Object to the proposal due to the loss of green space and because an ecological appraisal and wildlife assessment check had not been provided with the initial application.

Devon County Council – Highways

It was advised that the development does not represent a significant highway safety concern; sustainable modes would make the majority of transport movements, and the amount of cycle parking appears sufficient. Conditions were recommended to prevent surface water drainage from spilling into the public highway and to agree on a construction and environmental management plan.

Exeter City Council Environmental Health Officer

As the site was previously used, a land contamination report was requested before determination and a noise impact assessment of the proposed heat pumps. If recommended for approval, a planning condition to agree to a construction method statement was suggested.

Exeter City Council Urban Design and Landscape Officer

The existing plot is of low value and has no public access; it contributes little to visual amenity. The proposal is a rational, progressive and bespoke response to a unique site – it would enhance its appearance and improve natural surveillance and public safety in the immediate area. The timber cladding effectively contrasts with the brick and render theme of dwellings in adjacent estates and corresponds with the mature tree line to the east. Several minor amendments were suggested regarding boundary treatments, external stores, front door canopies and lighting.

Exeter City Council Ecology and Biodiversity Officer

Initial concerns were raised over the break in the green corridor and the perceived loss of wildlife connectivity and functionality. Further information was requested regarding the retention and potential enhancement of the northern hedge. It was advised that an ecological appraisal should be provided to understand and address the issues raised.

Exeter City Council Tree Officer

No arboriculture objections were raised against the proposal.

11.0 Representations

Forty-four objections were received, raising the following concerns:-

- The impact on wildlife and biodiversity
- The impact on highway and pedestrian safety
- The impact on air quality
- Overdevelopment
- Inappropriate design and impact on the character and appearance of the local area
- Parking and adverse impact on the safety of the public highway, footway and cycle path
- Overshadowing and loss of natural light
- Overlooking and loss of privacy
- Noise and disturbance resulting from new land use
- Impact on existing property values (not a material planning consideration)
- Noise and disruption resulting from construction works (not a material planning consideration)

12.0 Relevant policies

Development Plan

Central Government Guidance

Paragraph 7 and Sections 5, 8, 9, 11, 12 and 16 of the National Planning Policy Framework

National Design Guide

Exeter Local Development Framework Core Strategy

Objectives 1, 3, 5 and 9

CP1 Spatial Approach

CP4 Density

CP15 Sustainable Construction

CP16 Green Infrastructure

CP17 Design and Local Distinctiveness

CP18 Developer Contributions

Exeter Local Plan First Review 1995-2011

AP1 Design and Location of Development

H1 Search Sequence

H2 Location Priorities

T1 Hierarchy of Modes

T2 Accessibility Criteria

T3 Encouraging Use of Sustainable Modes

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

Other material considerations

Technical Housing Standards – Nationally Described Space Standards March 2015

Residential Design Supplementary Planning Document

Sustainable Transport Supplementary Planning Document

Publication Version: Development Delivery Development Plan Document

DD1 Sustainable Development
DD8 Housing on Unallocated Sites
DD13 Residential Amenity
DD20 Accessibility and Sustainable Movement
DD25 Design Principles

Net Zero Exeter 2030 Plan

Loss of light or overshadowing

Loss of privacy/ overlooking

Visual amenity

Road access

Adequacy of parking/ turning and loading

Highway safety

Traffic generation

Noise and disturbance resulting from the use

Layout and density of the building

Design, appearance and materials

Landscaping

The capacity of local infrastructure

Incompatible or unacceptable uses

13.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

It is acknowledged that there are certain properties where they may be some overlooking/ privacy impact (this can be mitigated by conditions). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of provision of housing.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public sector equalities duty

As set out in the Equality Act 2010, all public bodies, in discharging their functions must 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.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

15.0 Financial issues

The requirements to set out the financial benefits arising from a planning application are in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information on financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

Material considerations

None.

Non-material considerations

CIL contributions

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

CIL is charged for this development at a rate of £126.79 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued before the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sq. metre given for 2023 for this development is £126.79.

The proposal will generate Council Tax.

16.0 Planning assessment

Principle of development

The application site is not allocated in the Local Plan but is a well-connected windfall site within the urban area. The site is between two housing estates of medium building density and is surrounded by domestic properties to the north, south and west. It is not adjacent to or near a busy highway, and the immediate environment is quiet and peaceful. The land is flat-lying outside a high or medium-risk flood zone.

The site is vacant and unused, with no public access or use value. It's partly hard-paved and classed as previously used brownfield land. The site is connected to the public realm and highway and lies within short walking distance of major employment centres and the local bus service network. It adjoins a segregated cycle lane and lies close to the E9 Route, which links the city centre to the Royal Devon and Exeter Hospital, Pynes Hill (a business park), Rydon Lane Retail Park, Tesco out-of-town superstore, Ikea and the Newcourt area on the eastern fringe of the city.

These factors illustrate that the site is highly accessible and sustainably located with few significant constraints. There are no major concerns regarding the accessibility of the site, flood risk, or impact on landscape setting, protected trees or heritage. In principle, residential use and redevelopment to contribute two semi-detached one-bedroom dwellings to the local housing stock are acceptable.

Scale, design and impact on character and appearance

The height of the proposed building is below the surrounding dwellings on both Gras Lawn to the south and Fleming Way to the north. Even with pitched roof-mounted solar panels, the modest two-storey form and flat green/ parapet roof design ensure a lower height and a strong sense of subservience within the overall townscape.

The site has a slim irregular shape, only five metres deep at the halfway point. However, the proposed building's position, layout, orientation and density are sensitive to context and proportionate to the plot. The footprint of the building aligns along the northern perimeter but does not extend across the entire depth or width of the site, with ample open space on either side.

The simplicity of the exterior design does not seek to revisit or reproduce the traditional form, massing and materiality of nearby dwellings with their typical plot shape and layout, masonry walls and duo-pitched roofs. The architectural design of the proposed housing is composed to reflect the site's unique shape, position and nature. The emphasis on vertical natural timber cladding complements the extensive line of mature trees to the east, differentiates the design from established developments north and south, and mitigates the structure's visual impact on the local landscape.

The fenestration design allocates the largest openings on eastern and western side elevations to reduce the size and amount of openings needed on the front (south) and rear (north) facades. Whilst this results in a few small openings and relatively plain, unadorned front and rear elevations, the door and window reveal depths and metallic rainwater goods with four downpipes and hoppers on the front add definition and character without clutter or conflict with other elements. The quality of material finishes will be critical.

The distinctive design with refined but simplistic exterior styling and high-quality finish materials would enhance the site's visual richness, character and appearance and contribute positively to the locality's visual amenity and townscape quality.

Impact on amenity

Both proposed houses meet the national minimum internal amenity space requirements for new two-storey one-bedroom 2-person dwellings. The interior floor area is 59^m² for each house, and the national space standard is 58^m². Notably, the main living areas on the ground floor of each house are open plan; there are very few partition walls and ample internal and external storage. A minimal division of interior spaces allows for ease of movement and usability and better connection to the outside area.

Each house's external amenity space areas exceed the most relevant standards in the local development framework as prescribed as 45^m² in Section 7 of the Residential Design Guide SPD. The proposed gardens are east and west facing, but the number of bedrooms provided is one per property. Whilst a significant amount of external amenity space in the House 2 plot is taken up by a proposed hedge along the front perimeter, this part of the plot would lack privacy and usability. The remaining amount of open space is sufficient.

Additionally, the proposed boundary treatments and careful positioning of five new columnar trees planted at each corner of the site would effectively screen main living areas from the public realm and secure a substantial degree of privacy for future occupiers. The dwellings present openings on all three elevations but are principally single aspect. Given the size of the openings and the direction of views over the private garden and public open green space, the levels of outlook and natural lighting in each house are satisfactory. The dwellings proposed would provide future occupants with practical, highly energy-efficient and comfortable accommodation.

Many objections raised concerns around the perceived overlooking impact and loss of privacy in existing properties nearby. It is acknowledged that the site has a shallow depth and sits close to the nearest residential properties, namely the north west quadrant of Gras Lawn to the south and 33 and 68 Fleming Way to the north.

However, the proposal is a bespoke design that accounts for such issues. The east and west aspects are orientated away from the existing residential properties, so the primary windows/principal outlook from the main ground floor living areas and bedrooms above in the proposed homes do not overlook nearby dwellings. Ground floor windows face into hedging, brick walls or other boundary features and so would not cause harm to privacy in neighbouring properties.



Photo 3: View of existing properties in the north-west quadrant of Gras Lawn

The window openings on the front and rear are all narrow or square and small in size and serve bathrooms and utility areas. Existing properties to the south are bound by high-level boundary walls; a tree in the garden of 104-104B Gras Lawn and two garage blocks and associated turning space further reduce inter-visibility. A condition is also recommended to ensure sufficient levels of obscure glazing for upper front floor windows and that no new window openings are installed in the building. The privacy impact on these properties is therefore considered inconsequential.

The first-floor rear windows serving potential study/ work spaces are small in size and limited in terms of outlook and ability to overlook. They immediately face the northern hedge, which is proposed to be retained and extended for Plot 2, then onto a public footpath and parking court. The southern boundary wall of 33 Fleming Way lies approximately nine metres from the proposed study space window of House 1 but is two metres in height, and several small trees are planted behind. 68 Fleming Way is most affected by House 2, but this property does not possess a garden. Similarly to No.33, its orientation is perpendicular, and there is no direct inter-visibility of bedroom or main living space windows. Referring to page 48 of the Residential Design Guide SPD, there is no back-to-back distance between habitable room windows, so the 22-metre rule does not apply here.



Photo 4: View north towards 33 Fleming Way



Photo 5: View north-west to 68 Fleming Way

Whilst the proposal has the potential to cause a degree of overlooking, it is argued that the harmful effect is minimal to minor and certainly not outweighed by the positives of the proposal, including improvements to natural surveillance of the public realm and cycle lane in the immediate vicinity. No significant adverse harm is identified to the residential amenities of existing adjacent properties.

Access and parking

The site is served by an existing dropped kerb and highway access point by the western boundary. If planning permission is achieved, it would be logical to utilise this for deliveries of plant, machinery and materials to avoid conflict with users of the segregated public footpath and cycleway.

Notwithstanding this, the proposed development is car-free with no vehicular access, circulation or storage. It is proposed that secure cycle parking would be provided for all four potential occupants. The surrounding area is subject to a permit parking scheme, and so it is a matter for the local highway authority to decide whether or not to grant additional parking permits and to enforce any illegal on-street parking in future.

A core ambition of the Council's Local Development Plan and Net Zero 2030 Plan is to minimise car dependency and encourage sustainable modes of transport in and around the city, including walking, cycling and public transport.

A car-free development is acceptable given key planning objectives, the small scale and limited occupation capacity (1 bedroom, two people) of the proposed scheme, the highly accessible nature of the site and existing permit parking restrictions in the locality.

Wildlife and biodiversity

The site is small and contains no trees, protected species or identified habitats. Its modest footprint and land coverage limit the potential for improvements in this respect.

The proposal seeks to retain and extend the northern hedge and plant new hedgerows on the east and west boundaries and much of the southern boundary. Notably, five new trees are proposed, which could provide for new habitats in addition to four new bird boxes installed above the roof level.

The development is proposed in a wildlife corridor, but the impact on the movement of birds and animals is minor in this instance due to the very narrow nature of the plot, the modest height of the building, the inclusion of carefully positioned hedgehog holes in new close-boarded fencing and the maintenance of relatively undisturbed public open space immediately north and south of the site.

The development would not cause undue harm to wildlife habitats and could achieve a net gain in green infrastructure and biodiversity value.

5 Year Housing Land Supply

The Council is committed to boosting the supply of housing in its area, and to that extent, Policy CP1 of its Core Strategy plans for an additional 12000 houses within Exeter during the Plan period from 2006 to 2026. The Council does not currently have a Five Year Housing Supply and, at the time of writing, can identify a supply of four years and ten months for the period commencing 1 April 2022. As a result, it considers that the housing policies in its local development plan are outdated and of limited weight.

This proposal would make a modest contribution to the housing supply in the city. The housing type proposed (1 bedroom two people) remains underprovided and in high need/ demand in the local area.

17.0 Conclusion

The proposal is for developing a windfall site; no planning policy reasons for refusal have been identified. It is recommended that planning permission is granted for the proposed scheme, subject to the planning conditions listed below.

18.0 Recommendation

GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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 06 March 2023 including all documents listed below, as modified by other conditions of this consent.

GL DD - 101 rev A

GL DD - 102 rev A

GL DD - 103 rev A

GL DD - 104 rev A

GL DD - 105 rev A

GL DD - 106 rev A

GL DD - 107 rev A

GL DD - 108 rev A

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

3. 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 buildings 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 for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

4. Pre-commencement condition: The applicant shall submit an assessment of noise from the heat pumps proposed to demonstrate that no harm to amenity will occur or that steps can be taken to mitigate any harm.
Reason: To protect the amenity of the locality, especially for future occupiers and people living and/or working nearby.
5. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
Reason: In the interest of public safety and to prevent damage to the highway.
6. A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks 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.
7. In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by 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.
8. No individual dwelling hereby approved shall be brought into its intended use until secure lockable cycle parking facilities for all residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that secure cycle parking is provided, in accordance with Exeter Local Plan Policy T3 and the Residential Design Guide Supplementary Planning Document.

9. Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculations of the dwellings shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwellings will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations, or if the dwellings are constructed to the 2022 Building Regulations that a reduction in CO2 emissions at the levels (or higher) set out in Part L of the 2022 Building Regulations will be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented. No dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that the CO2 reduction has been achieved.

Reason: To ensure the dwellings will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development.

10. Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material 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 to the visual amenity requirements of the area.

11. Prior to occupation of any dwelling hereby approved, 4 no. bird nesting boxes shall be installed in accordance with details received by the Local Planning Authority on 17 February 2023. The scheme shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

12. Before the development hereby approved is brought into use the proposed first floor windows in the southern elevation of the property shall be permanently glazed and thereafter so maintained in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Furthermore, no new windows or other openings shall be inserted in the first floor of any elevation.

Reason: To protect the amenities of neighbouring residential properties.

13. Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method and Environmental 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 monitor and control the emission of dust and dirt during construction.
 - h. No burning on site during construction or site preparation works.
 - i. Measures to monitor and minimise noise/vibration 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.
 - l. Hours during which no construction traffic will be present at the site.
 - m. The means of enclosure of the site during construction works.
 - n. Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site.
 - o. The proposed route of all construction traffic exceeding 7.5 tonnes.
 - p. Any road closure.
 - q. Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

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

Reason: In the interests of highway safety and residential amenity.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on either dwelling hereby approved as shown on drawing no. GL DD - 101 rev A without the express consent in writing of the Local Planning Authority, other than those expressly authorised by this permission:-
- Part 1, Class A extensions and alterations
 - Part 1, Classes B and C roof addition or alteration
 - Part 1, Class D porch

Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse

Part 1 Class F hard surfaces

Reason: In order to protect residential amenity and to prevent overdevelopment.

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 fund 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).
2. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.
It is drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. 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. 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 and imposed planning conditions to enable the grant of planning permission.

3. 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 and imposed planning conditions to enable the grant of planning permission.

4. A suitably qualified ecologist shall oversee ecological matters pertaining to the project.
Measures should be put in place to protect the northern hedge during and after the construction phases, including the use of protective (Heras) fencing, if necessary.
Any site clearance/trimming of vegetation be undertaken outside of the bird breeding season (i.e. between September and February inclusive) or, if that is not feasible, only be carried out after the area has been checked for breeding birds and certified clear by a qualified ecologist.