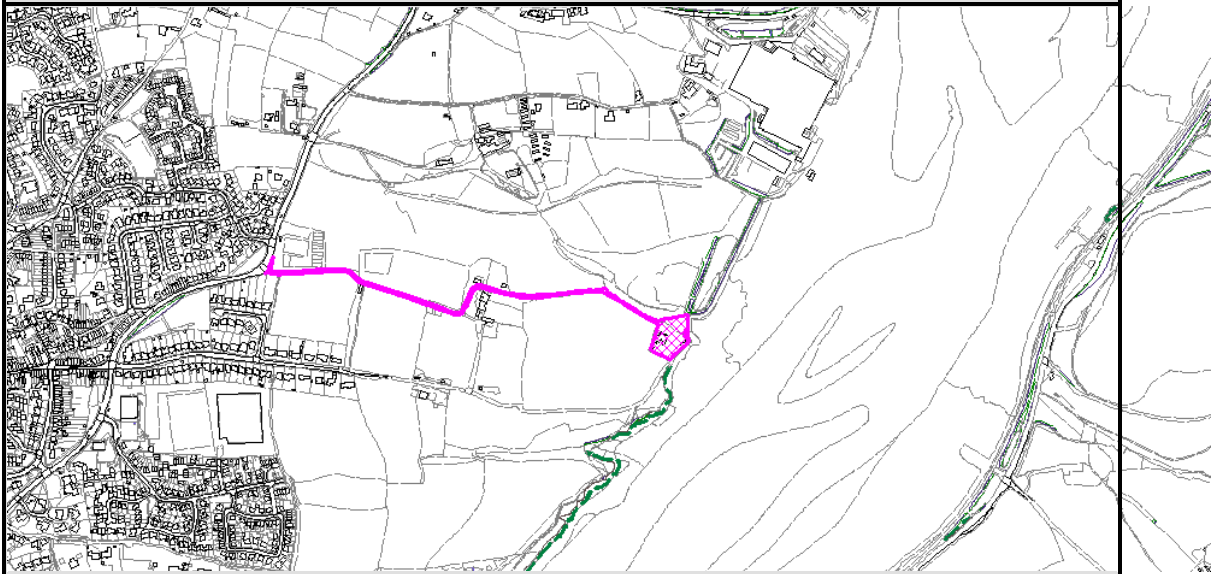


Committee Report – 1st December 2022

Application Number:	1/0667/2022/FUL
Registration date:	25 July 2022
Expiry date:	19 September 2022
Applicant:	Mr A Rowe
Agent:	DN Planning Services
Case Officer:	Angelo Massos
Site Address:	Boathyde, Churchill Way, Northam, Bideford, Devon, EX39 1NX
Proposal:	Separation and alteration of existing dwelling into 2no. dwellings
Recommendation:	Grant



Reason for referral:

The application is call in to plans committee by Councillor Manley for the reason stated below:

“Removal of windows at the house and replacing with blank glass adversely affecting an unlisted locally distinctive historic building. The following Local Plan policies apply: DM04 Design Principles, clauses a) (particularly regarding fenestration), b) and d) and DM07 Historic Environment, clause a) regarding traditional windows, and clause 12.56 as follows: ‘Heritage assets by their nature are often locally distinctive and contribute positively to the character of the area. Proposals directly relating to heritage assets should maintain locally distinctive features and materials. Proposals for new development should seek opportunities to draw on the historic environment in order to maintain and enhance local character and distinctiveness.’ NPPF paras 195, 197 and 203 also apply”

Relevant History:

Application No.	Description	Status	Closed
1/0795/2022/TRE	Crown lift of 5m over parking area and garden and crown reduction on house side of trees by maximum of 2m to shorten branches of 2no. Monterey Cypress trees (T2 & T3) covered by TPO/0031/2015	PER	20.09.2022

Site Description & Proposal

Site Description

The site is located within the open countryside and the undeveloped coast. The site is comprised of a single dwelling that had an attached 1930 extension formerly utilised as an annexe. The main dwelling at Boathyde has early origins, the current building is considered of local historic interest and is considered an undesignated heritage asset. The dwelling has a unique elevation with gothic fenestration facing the river.

The site access to the highway is from the junction at Bloody Corner that utilises the public footpath known as Northam Number 7 as access which is shared with a number of other dwellings. Footpath Number 6 surrounds the boundary of the site and thus provides an important element of the Southwest Coast Path.

Proposed Development

The application seeks full planning permission for the subdivision of the existing dwelling into two separate dwellings. During the initial consultation concerns were raised by Northam Town Council and the Conservation Officer, regarding the site as an undesignated heritage asset and expressing the view the design of the scheme did not respect nor seek to utilise and draw upon the historic environment at the site. Furthermore, the absence of an appropriate Heritage Statement was raised, following establishing the site is of local historic interest and is considered an undesignated heritage asset.

Following the concerns raised, the applicant provided an appropriate Heritage Statement that identified the important historic features of the main dwelling that thus confirmed the undesignated heritage value and asset of the building. Revised plans were received, which were informed by the findings of the Heritage Statement, with, in particular, the river side elevation of the main dwelling to be retained and enhanced together with a modest and sympathetic extension. The proposed

extensions and alteration to the former 1930's annexe will physically separate the proposed new dwelling from the main dwelling.

Consultee representations:

Northam Town Council:

First Response

Northam Town Council recommend refusal under the grounds as follows:

Removal of windows at the house and replacing with blank glass adversely affecting an unlisted locally distinctive historic building. The following Local Plan policies apply: DM04 Design Principles, clause a) (particularly regarding fenestration), b) and d) and DM07 Historic Environment, clause a) regarding traditional windows, and clause 12.56 as follows: 'Heritage assets by their nature are often locally distinctive and contribute features and materials. Proposals directly relating to heritage assets should maintain locally distinctive features and materials. Proposals for new development should seek opportunities to draw on the historic environment in order to maintain and enhance local character and distinctiveness. 'NPPF paras 195, 197 and 203 also apply.

Second Response

Northam Town Council recommends the proposal be refusal on the following grounds:

The proposal does not comply with National Planning Policy Framework para.80(d), it would not be a subdivision of one building but create a second, separate dwelling.

The proposal is for the development of a property outside the Local Plan 2031 and policy ST07(4) which requires development in the countryside to be limited to that which meets a specific local economic or social need.

The proposal, if approved, would lead to an increase in traffic flow along a PROW (Northam footpath 7).

The proposal does not include plans for increased local foul water storage or treatment. The addition of a dwelling would lead to increased use of the septic tank facilities.

Conservation Officer:

First Response

The property at Boathyde has early origins and the name itself of early origin. The current building is considered of local historic interest and as such an undesignated heritage asset. The unique elevation of the house is the gothic fenestration facing the river and this is the elevation that will be altered as part of the proposal to a generic glass frontage. This would remove a local distinctive design feature and be out of character with the rural nature and scale of the estuary frontage buildings.

In this case the proposal to alter the river elevation would cause substantial harm if this were a statutory listed building. In this case the building is not listed but is clearly of local interest. The layout of the building has been altered but there is no information in terms of the evolution of the building to evaluate its level of historic merit. The case officer's photographs show a style of twisted balusters that are of date earlier than the style of the house suggests. Additionally, there are reused doors and doorframes of early style. These elements may be re-located within the house, but their survival does raise the issue that the historic value of the property should be investigated more fully.

The house has been extended in the interwar period which has grafted further rooms on the east of the main section of the house. This is not in good condition but is of a distinctive style indicative of the time. This frontage may also have interest in both visual and architectural terms and following on from the previous comments, there is no building assessment to set out whether this section is important and worthy of retention.

The proposal to remove the 1930's arch and walled frontage diminishes the importance of this elevation, which is the principal elevation for access. The modernisation of the fenestration and porch removes any period character and aesthetic value that this interesting building retains and gives the appearance of a contemporary estate style dwelling at odds with its rural setting.

As such the proposal would not be in accordance with the guidance in the NPPF in that proportional information has not been supplied to enable the LPA to come to a considered opinion as to the historic value of the building and be able to evaluate the level of harm likely to result from the current scheme and should be resisted.

Extracts from the NPPF:

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary

203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The information available relating to the house. The property predates the tithe map of 1839 and was originally accessed via Windmill Lane (Now a footpath). The early OS mapping shows a link, either footpath or track from Hyde to Boat Hyde and this would explain the 'turning' of the house to the north and the section of Victorian style building. The route makes the layout of the plot make sense with the access passing the main 'formal' frontage and what appears to be the oldest part of the house.

This frontage is also seen from the river and so was intended as the 'grand' elevation. The original dwelling appears to be the gabled roof section which was less showy and may contain earlier dating features. The current form facing the river would appear to be of Victorian creation but may have taken earlier features of the house to update the appearance. The Northwest section of the house which rises uphill would appear to be early twentieth century and is added to the original buildings. The current form of the building on the east and northern elevations are of their time and allow the phasing of the building to be interpreted. There may be more of interest to discover given the strategic siting of the dwelling and its archaeological potential. Tithe for Northam – 1839

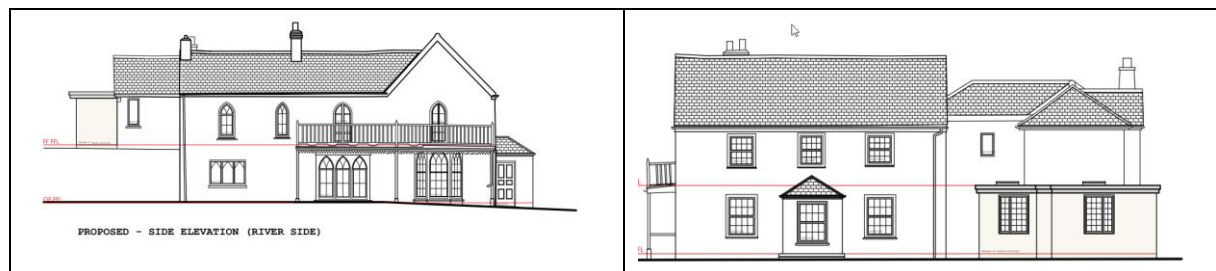
According to the survey of English Place names - Hyde means landing place. Or an amount of land to support one free family. There is local legend that this was the location that Hubba the Dane landed.

Second Response:

Updated comments 14.11.2022

Amended plans have been received. The images below are dated 28.10.2022.

These plans show minimal changes to the Riverside elevation and the 'front' elevation is re-worked to retain the visual dominance of the double fronted dwelling. As such the local heritage value of the elevations and the floor plan of the older part of the dwelling is retained. This means that there is no concern over the proposal and the conservation concerns previously expressed have been resolved and there are no objections to this revised scheme.



DCC Rights Of Way:

Dear Sir, Madam, I have been asked to comment on the above planning application, which could affect a Public Right of Way. To confirm, the application could affect Northam footpath 6 which

borders the location on three sides, east, west and south. And Northam footpath 7 which follows the lane from Churchill Way, (Bloody Corner) down passed Hyde Barton to link with footpath 6 at Boathyde.

Footpath 6 is demarcated from the proposed development location by hedge-banks and high walls and as long as these are not altered or removed, then it's unlikely that the development will have any effect on footpath 6, it is imperative that the line of fp 6 be maintained as it forms an important section of the SWCP National Trail. Footpath 7 runs along the access lane to Boathyde and there are concerns that development traffic, and equipment, (machinery and materials) could have an adverse effect on the way.

Therefore, we would remind the applicant, that should the application be successful, that Planning Permission does not grant the right to close, alter or build over a Public Right of Way, in anyway, even temporarily. Therefore, the applicant must ensure that the way remains open and available to the public at all times, including during the period of construction activity such as with buildings materials, or spoil and contractors vehicles and plant etc. Should it be necessary to permanently divert the path to enable development to take place, this can be achieved by the Local Planning Authority through section 257 of the Town and Country Planning Act 1990. If a temporary diversion or closure is required during construction works then the applicant may apply to DCC for a temporary closure order.

Devon County Council (Highways):

Standing Advice

Natural England:

Thank you for your consultation. Natural England has previously commented on this proposal and made comments to the authority in our letter dated 24th August 2022 (Our Ref: 403715).

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Environmental Protection Officer:

First Response

In relation to the above application, the Environmental Protection Team has no objections in principle.

The application form indicates a package treatment plant to be used for the disposal of foul sewage however, the block plan shows an existing septic tank which will be retained. The Environmental Protection Team will require clarification on the foul drainage provision and if a new non-mains provision is to be implemented, detailed information including a FDA assessment form and means of disposal will need to be submitted for review. If a drainage field is to be introduced, percolation test results will need to be submitted to assess whether the ground has suitable permeability.

Second Response

Further to the consultation response dated 3 August, the Environmental Protection Team acknowledges that the proposed development will be served by an existing septic tank. The applicant is responsible for ensuring that the existing foul drainage provision has sufficient capacity to accommodate any additional loading.

Representations:

Number of neighbours consulted:	6	Number of letters of support:	0
Number of representations received:	3	Number of neutral representations:	0
Number of objection letters:	3		

A number of interested third party representations were received their comments are summarised as follows:

First Response

- Private Lane
- Highway safety, to pedestrians, limited passing places and increase vehicle movements, poor visibility
- Nuisance and pollution during construction

Second Response

- Substantial works going beyond subdivision
- Sustainability
- Highway access
- Restriction of Permitted Development rights to protect the character and appearance and heritage asset of the site.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); ST09 (Coast and Estuary Strategy);

Government Guidance:

NERC (Natural Environment & Rural Communities); NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

Main Planning Considerations

1. Principle of Development
2. Character and Appearance upon undesignated heritage asset
3. Neighbouring Impact
4. Environmental Impact
5. Highway
6. Ecology
7. Other Matters
8. Conclusion

1. Principle of Development:

1.1 The site is located in the countryside, therefore; Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) must be applied. Policy ST07 restricts development in the countryside to be limited to that which is enabled to meet local economic and social needs, rural building reuse and development that is necessarily restricted to a countryside location.

1.2 Paragraph 80 in the National Planning Policy Framework (NPPF) states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply;

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

1.3 Within the NDTLP there are no policy provisions to consider the subdivision of a dwelling within the open countryside. Therefore, by default, the NPPF is required to be considered and in this instance Paragraph 80 (d) is engaged. The proposed subdivision of the existing dwelling is thus considered an exemption such that the development is in accordance with Paragraph 80. During the second public consultation an interested third party and Northam Town Council raised further objection to the application raising concerns with the physical separation of the building into two dwellings together with the extent of works proposed would go beyond what is considered a subdivision.

1.4 In assessing the principle of development the initial assessment is to establish whether the proposed new dwelling is capable of functioning as a dwelling independently from the main existing dwelling, in terms of floor space and provision for private amenity space. The creation of the propose new dwelling is considered to not diminish the ability of the main historic dwelling from functioning independently, in terms of floor space and the provision for private amenity space. With respect to the proposed new dwelling, the existing floor space is cumulatively 154 square metres (sqm) (76sqm ground floor and first floor 78sqm). Therefore, based on national floor space standards the existing built form is deemed capable of functioning as a dwelling with the minimum standard for a 4-bedroom dwelling as 124 sqm. It is acknowledged the scheme proposes substantial rebuilding to the ground floor aspect of the former annexe and a physical separation by the removal of the link between the former annexe and the main dwelling. However, the remaining built form that is not subject to substantial rebuilding of the former annexe building is 66sqm and thus remains to be considered capable of functioning as a dwelling and thus enables consideration for the substantial rebuilding extension works. The proposed substantial rebuilding works to the ground floor and the removal of the physical link are required due to their poor construction and deterioration thus now requiring substantial works to bring this aspect of the building up to a modern standard of living. Furthermore, as will be discussed within the heritage section of this report, the proposed physical separation of the former annexe building and the main dwelling with historic merits enables a more sympathetic design, that allows a greater distinction between the two built forms, as well in practical terms enabling the building to breath to avoid damp. Additionally, the proposed new dwelling will have a proportionate provision of private amenity space to serve future occupiers and the rear garden will be divided by a close board timber fence.

1.5 In light of the above, the principle of residential development through the subdivision of the existing dwelling together with substantial building works is accepted in principle subject to other policy considerations.

2. Character and Appearance and impact upon undesignated heritage asset

2.1 Policy ST04: Improving the Quality of Development, Policy DM04: Design Principles and Policy DM08A of the NDTLP require development to achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Development must be part of a clear

process that responds to a site. Development must be appropriate and sympathetic to its setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the locality and reinforce the key characteristics and special qualities of the area in which the development is proposed, contribute positively to local distinctiveness and sense of place and retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area.

- 2.2 As the site is located within and thus surrounded by the Undeveloped Coast, Policies ST09 and ST14 of the NDTLP are applied. These Policies require the development to not detract from the unspoilt character, appearance and tranquillity of the area, nor the undeveloped character of the Heritage Coast. Furthermore, development should seek to conserve and enhance the special landscape character.
- 2.3 Policies ST15 and DM07 of the NDTLP requires development affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. Furthermore, the Policies require proposals should conserve and enhance heritage assets and their settings.
- 2.4 Paragraph 194 of the NPPF states, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 2.5 Paragraph 203 of the NPPF states, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.6 During the public consultation, Northam Town Council and the Conservation Officer raised objection and highlighted the absence of an appropriate Heritage Statement, following establishing the site is of local historic interest and is considered an undesignated heritage asset.
- 2.7 Following the concerns raised, the applicant provided an appropriate Heritage Statement that identified the important historic features of the dwelling that thus confirmed the undesignated heritage value and asset of the building. Revised plans were received, which were informed by the findings of the Heritage Statement, that demonstrate the river side elevation of the main dwelling will be retained, as well as the internal layout, and enhanced together with a modest and sympathetic extensions to the former annexe building. The works to enable the physical separation to form two dwelling are thus deemed in keeping and an enhancement of the main features of the heritage asset. The Conservation Officer considered the revised plans and raised *'no concern over the proposal and the conservation concerns previously expressed have been resolved and there are no objections to this revised scheme'*. Furthermore, Northam Town Council made no further comments with respect to the design and their initial objection concerns.
- 2.8 The revised design, form and scale and use of materials are considered in keeping and sympathetic, drawing upon the historic built environment and setting of the site. Furthermore, although the built form will be separated, given the close proximity and relationship of the built form, it will remain to be read as one and thus grouped together avoiding harm in terms of character and appearance upon the wider countryside and surrounding undeveloped coast.
- 2.9 It is therefore, considered the revised design has satisfactorily addressed the initial objection raised together with the call-in reason raised. The proposal accords with the above design and heritage policies.

3. Neighbouring Amenity

- 3.1 Policy DM01 of the NDTLP states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or the future occupiers of the proposed development.
- 3.2 The proposed development would ensure the existing and proposed dwelling would be able to function independently from one another without resulting in any significant amenity harm to both occupants. Third party objections were received regarding nuisance caused as a result of construction and deliveries; a condition is recommended to control both issues. To protect the amenity of future occupiers of the dwellings, a 1.8 metre timber fence will be erected along the dividing shared boundary of the site. Given the size of the existing plot, there is a sufficient degree of separation from any neighbouring dwelling therefore, it is considered the development would accord with NDTLP Policy DM01.

4. Environmental Impact

- 4.1 NDTLP Policy DM02 requires that development does not result in unacceptable impacts from contaminated land, pollution to water from surface or ground and the atmosphere.
- 4.2 During the second public consultation Northam Town council raised concerns regarding foul drainage. The proposed development will utilise the existing foul drainage system. The Environmental Protection Officer was consulted and provided comments that the applicant is responsible for ensuring that the existing foul drainage provision has sufficient capacity to accommodate any additional loading. Therefore, informative 1 informs the applicant to ensure that should aspects of the existing system require to be replaced or a new system to be installed, the applicant is required to notify the Local Planning Authority of any proposed alterations.
- 4.3 In light of the above, it is considered that the proposal accords with Policy DM02.

5. Highways

- 5.1 NDTLP Policy ST10: Transport Strategy, Policy DM05: Highways and Policy DM06: Parking Provision require that all development must take account of its impact on highway safety and provide appropriate access, servicing and suitable amount of parking.
- 5.2 Interested third parties raised objection with regarding to highway safety with reference the unsuitability of vehicles utilising the junction at Bloody Corner and the limited passing place to serve the access to the site in. As a part of the application the DCC Highway Authority were consulted however, provide standing advice. Therefore, standing advice has been applied. The proposed site access to serve the new dwelling has sufficient visibility splays from the Bloody Corner junction onto the public highway. The proposed vehicle movements associated with the development are considered to be minimal in comparison to the potential existing movements that could be achieved given the nature of the site and number of existing bedrooms at the site. The existing provision for parking at the main dwelling will remain unchanged and the proposed new dwelling will create its own provision of parking to the side of the property.
- 5.3 Interested third parties raised objection regarding safety to pedestrian users of the public footpaths. DCC Public right of way officer was consulted and considered the development would unlikely result in any harm to the public footpaths including the southwest coast path. The officer raised there is potential harm during the construction phase and thus informative 2 informs the applicant they must ensure that the Public Right of Way remains open and available to the public at all times, including during the period of any construction activity such as with building materials and contractors' vehicles and plant. Should it be necessary to temporarily divert or close the path during construction works the applicant may apply to DCC for a temporary traffic order.
- 5.4 In light of the above, the proposed development is considered to accord with NDTLP Policies ST10, DM05 and DM06.

6. Ecology

- 6.1 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010).
- 6.2 This is further reinforced within the NDTLP through Policies ST14 and DM08, which require development to maintain or where possible enhance biodiversity and mitigate the potential loss of habitats. Policy ST14 promotes the addition of providing net gain where possible through management, expanded network of designated sites and green infrastructure.
- 6.3 A Wildlife Trigger List and a Phase 1 & Phase 2 bat and nesting bird survey report dated June 2022 carried out by Devon and Cornwall Ecology was submitted as part of the planning application which concluded that there will be no significant effect on protected species as a result of this scheme. The report outlines recommendations and mitigation measures that have been conditioned to be adhered to. It is thereby considered that the local planning authority has satisfied its statutory duty.

7. Other Matters

- 7.1 An objection comment was received that sought the restriction of permitted development rights to the existing and the proposed dwelling in order to protect the character and appearance of the heritage asset of the site and wider countryside, which are acknowledged. Nonetheless, the proposed new dwelling is restricted by the size and nature of the site, in order to facilitate certain development that fall within the general permitted development order. As such, it is deemed unreasonable and thus not to meet the 6 tests for imposing such condition in this case. Furthermore, the existing dwelling benefits from permitted development and as such it is not deemed reasonably necessary to make the application acceptable to restrict the permitted development right to the existing main dwelling in this instance.

8. Conclusion

- 8.1 In conclusion the proposed development would not cause significant harm to the character and appearance to the countryside, it will provide a betterment in terms of enhancing an undesignated heritage asset, the dwelling can function independently without diminishing the amenity of the existing dwelling, there will be no significant harm to environment and ecology. Therefore, the proposal would be in accordance with the NDTLP Policies ST04, ST07, ST09, ST10, ST14, DM01, DM02, DM04, DM05, DM06, DM08, DM08A and the NPPF.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 The proposed development must be carried out in full accordance with the Section 5 Recommendations detailed in Phase 1 & Phase 2 Bat and Nesting Bird Survey report dated June 2022 carried out by Devon and Cornwall Ecology.

Reason: To mitigate against the loss of potential wildlife habitats to accord with Policies DM08 and ST14 in North Devon and Torridge Local Plan 2011-2031

- 4 Construction works and delivery times shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties to thus accord with Policy DM01 in the North Devon and Torridge Local Plan.

- 5 Prior to the first occupation of the new dwelling hereby approved a 1.8 metre boundary fence shall be installed along the shared boundary as indicated by the plan reference 203 dated 28.10.2022, and retained thereafter.

Reason: To protect the amenities of future occupiers of the proposed dwelling and the existing dwelling at the site to thus accord with Policy DM01 and DM04.

Plans Schedule

Reference	Received
200B	28.10.2022
201B	28.10.2022
202B	28.10.2022
203	28.10.2022
250B	28.10.2022
251B	28.10.2022
252A	28.10.2022
253B	28.10.2022

Informatives

01. Should the existing foul drainage system require aspects to be replaced or a new system to be installed, the applicant is required to notify the Local Planning Authority of any changes to the provision of foul drainage within the site hereby approved.
02. The applicant is informed that they must ensure that the Public Right of Way remains open and available to the public at all times, including during the period of any construction activity such as with building materials and contractors' vehicles and plant. Should it be necessary to temporarily divert or close the path during construction works the applicant may apply to DCC for a temporary traffic order.

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.