



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the Barnstaple Rugby Club on **WEDNESDAY, 19TH OCTOBER, 2022 at 10.00 am.**

(NOTE: A location plan for the Rugby Club is attached to the agenda front pages)

NOTE: Please note that copies of letters of representation have been placed on North Devon Council's website and are also available in the Planning Department.

ALSO: A break at lunchtime may be taken at the discretion of the Committee dependent upon the speed of progress of determining the planning applications on the agenda.

PARKING: Please note that the Rugby Club is a pay and display car park (£1.70 all day). Other nearby car parks are located at Mill Road Car Park (adjacent to the Rugby Club – 40p per hour, maximum stay 3 hours), Fairview (£1.70 all day) or Rolle Quay (£1.10 per hour for 1 – 4 hours, 24 hours - £5.00).

Members of the Planning Committee

Councillor Ley (Chair)

Councillors Chesters, Crabb, Davies, Fowler, Gubb, Jenkins, Leaver, Mack, Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

AGENDA

1. Apologies for absence
2. To approve as a correct record the minutes of the meetings held on 28th September 2022 (attached) and 13th October 2022 (to follow) (Pages 11 - 14)
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
4. Declaration of Interests
(Please complete the form provided at the meeting or telephone the Corporate and Community Services Team to prepare a form for your signature before the meeting. Items must be re-declared when the item is called, and Councillors must leave the room if necessary)

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART A

6. **73742: Land south of Broomhouse Park and west of Willow Rise, Witheridge, Tiverton, Devon. EX16 8FD** (Pages 15 - 108)

Residential development of 155 dwellings and associated infrastructure (amended plans dated 18/07/2022), Report by Lead Officer (South) (attached).

7. **74775: Land at Stonelands Cross Rackenford Devon** (Pages 109 - 154)

Hybrid planning application to provide an Agricultural-Hub comprising: Area 1: Full Planning Permission for the erection of workshop & storage & distribution uses with ancillary offices, shop & showroom, (sui generis), creation of access and associated works (Phase 1); Area 2: Outline Application for the erection of buildings 1, 2 & 3 for agri-business uses falling under Use Classes Class E (a) retail, Class E (e) medical services, Class E (g) Business, B2 workshop & B8 storage & distribution with appearance & scale to be reserved matters (Phases 2 & 3). Report by Senior Planning Officer (attached).

8. **73606: North Devon Leisure Centre Seven Brethren Bank, Barnstaple, Devon, EX31 2AP** (Pages 155 - 294)

Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure (additional information). Report by Lead Officer (South) (attached).

9. **75407: Queen Elizabeth II Playing Field Tews Lane Bickington Devon** (Pages 295 - 306)

Installation of multi use games area (MUGA) and associated works to include new agri-flex footpaths. Report by Planning Officer (attached).

10. **75613: Long Bridge The Square Barnstaple Devon EX32 8LN** (Pages 307 - 320)

Listed building application for the insertion of an expanding foam seal on the west, east side & the junction of the proposed new flood defence walls. Report by Planning Officer (attached).

11. **75907: Kentucky Fried Chicken 47 High Street Barnstaple Devon EX31 1BZ** (Pages 321 - 330)

Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for alterations to the ground floor retail unit shop frontage including new retail unit entrance doors and a new separate entrance to upper floor accommodation. Report by the Lead Officer (North) (attached).

12. **Appeals Report** (Pages 331 - 336)

To consider the appeals report. Report by the Senior Planning Support Officer (attached).

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

NOTE: Pursuant to Part 3, Annexe 1, paragraph 1 of the Constitution, Members should note that:

"A Member appointed to a Committee or Sub-Committee who:

- (a) Arrives at a meeting during the consideration of an item; or*
- (b) Leaves a meeting at any time during the consideration of an item;*

Shall not:

- (i) propose or second any motion or amendment; or*
- (ii) cast a vote*

in relation to that item if the Committee or Sub-Committee (as the case may be):

- (c) Is sitting in a quasi-judicial capacity in relation to that item; or*
- (d) The item is an application submitted pursuant to the Planning Acts and, in such a case, the Member shall also leave the room if at any time the public and press are excluded in respect of that item."*

REGISTERING TO SPEAK

- If you wish to address the Planning Committee you should contact the Committee Administrator in advance of the Committee on 01271 388253 or speak to them just before the meeting commences.

WHAT HAPPENS AT COMMITTEE?

- The Chairman will introduce himself/herself
- The Planning Officer will present his/her report
- The Chairman will call out the names of individuals who have registered to speak
- Speakers will be **restricted to 3 minutes each** (which is timed and bleeped). **A maximum of six supporters and six objectors of the application may speak at committee.** The applicant or agent and representative of the parish council may also speak at committee.
- **Once public participation has finished, the Planning Officer will be given the opportunity to respond or to clarify any points that have arisen from the public participation exercise**

- The Members of the Committee shall then debate the application (**at this point the public shall take no further part in the debate**)

WHEN SPEAKING

- State clearly your name, who you are representing and whether you are supporting or objecting to the application
- Speak slowly, clearly and loud enough for everyone to hear you, and direct your comments to the Chairman and the Committee
- Try to be brief, avoid being repetitive, and try to prepare what you want to say beforehand.

WHAT HAPPENS NEXT?

- ***A record of the decisions taken at the meeting is produced (known as the “minutes of the meeting”)***
- The minutes of the meeting are published on the Council’s Website:
www.northdevon.gov.uk



**APPOINTMENT OF SUBSTITUTE MEMBERS
AT MEETINGS OF THE PLANNING COMMITTEE**

In accordance with the North Devon Council Constitution, a Member or Leader or Deputy Leader of a Political Group, appointing a substitute shall notify the Proper Officer of the name of his/her substitute.
Notification by a Member purporting to be a substitute Member will not be accepted.

In the case of a substitution to the Planning Committee, the substitute Member shall sign and lodge this certificate with the Corporate and Community Support Manager confirming the acceptance of the appointment and that they have completed all Planning training modules provided to Members.

DATE OF PLANNING COMMITTEE: [Insert date]

For completion by Member of the Planning Committee requiring a substitute

I, Councillor..... [print name], hereby declare that I appoint
Councillor [insert name of substitute Member] to substitute for
me at the above mentioned meeting of the Planning Committee:

[signature]..... [date].....
OR

For completion by Leader/Deputy Leader of a political group nominating a substitute

I, Councillor..... [print name of group Leader/Deputy Leader],
hereby declare that I appoint Councillor [insert name of
substitute Member of same political Group] to substitute for Councillor
.....[insert name] at the above mentioned meeting of the Planning
Committee.

[signature]..... [date].....
AND

For completion by substitute Member accepting appointment of substitute

I, Councillor [print name], hereby confirm that I
accept the appointment of Substitute for the above mentioned Planning Committee and
hereby confirm that I have undertaken all appropriate Planning training modules in
relation to the same.

[signature]..... [date].....

**NOTE: FORM TO BE COMPLETED AND RECEIVED BY CORPORATE AND COMMUNITY SUPPORT
PRIOR TO THE COMMENCEMENT OF THE MEETING**

North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

The Barnstaple Rugby Club full address is: Barnstaple RFC, Pottington Road, Barnstaple, EX31 1JH.

At the traffic lights at the end of Rolle Street on the B3149 turn either left or right onto Mill Road according to the direction that you are travelling from. Follow the road along and turn right onto Pottington Road.

The Rugby Club is located on your left. Please note that the Rugby Club is a pay and display car park (£1.70 all day). Other nearby car parks are located at Fairview (£1.70 all day) or Rolle Quay (£1.10 per hour for 1 – 4 hours. 5 hours - £5.60, 6 hours - £6.80, 7 hours - £8.00, 8 hours - £9.20).



11.10.22

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NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 28th September, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Gubb, Jenkins, Mackie, Prowse, D. Spear, L. Spear, Yabsley and Walker (substitute for Councillor Tucker)

Officers:

Lead Officer (South) and Legal Advisor

Also Present:

Councillors Lane

63. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crabb, Davies, Fowler, Leaver, Mack and Tucker. Councillor Walker had been appointed as a Substitute Member for Councillor Tucker.

64. TO APPROVE AS CORRECT RECORDS THE MINUTES OF THE MEETINGS HELD ON 10 AUGUST 2022 AND 31 AUGUST 2022 (ATTACHED)

RESOLVED that the minutes of the meetings held on 10 August 2022 and 31 August 2022 (circulated previously) be approved as correct records and signed by the Chair subject to the amendment of minute 52, reason 1 to read as follows:

1. "The proposal was contrary to policy DM01 "Amenity considerations" **and explanatory text 13.1** of the adopted North Devon **and Torridge Joint** Local Plan by reason of significant detriment to amenity that would be caused by the proposal compared to the relative peace and tranquillity enjoyed by the residents of St Andrews Road, St Peters Road and Church Farm. This disturbance would arise from noise, light intrusion, ~~traffic movements~~ and loss of privacy caused by the traffic movements generated by the development."

65. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

(a) Review of Developments previously granted planning permission

The Chair advised that former Planning Committees had undertaken site inspections to review developments that had been granted planning permission to look at good and bad examples and asked whether the Committee would wish to carry out such a review prior to Christmas.

It was agreed the Committee undertake site inspections to review developments that had been granted planning permission to look at good and bad examples and that this be arranged prior to Christmas.

66. DECLARATION OF INTERESTS

There were no declarations of interest received.

67. 75506: EAST BRADNINCH FARM, EAST BRADNINCH, GOODLEIGH EX32 7PF

The Committee considered a report by the Planning Officer (CS) (circulated previously).

The Lead Planning Officer (South) presented the application to the Committee.

The Senior Corporate and Community Services Officer read a statement received from Mr Richard Halliday, Chair of Landkey Parish Council to the Committee.

Colin Tucker (supporter and on behalf of the applicant) and Alex Perraton (supporter) addressed the Committee.

Councillor Lane (Ward Member) addressed the Committee

In response to comments made, the Lead Planning Officer (South) advised the following:

- The Rural Workers' Dwellings Supplementary Planning Document (SPD) set the size standards and were not minimum sizes. The SPD was adopted in 2020. The SPD made reference to the national described space standards. The size standards included an additional 15% for functional living requirements such as the provision of office space. It was prescriptive on the floor areas. Any increase in size above the standards prescribed in the SPD needed to be justified in accordance with need and the financials of the enterprise.
- Councillor Lane had emailed her examples of other schemes approved where the sizes of dwellings were larger. Some of these examples pre-dated the SPD and one scheme that had been approved since 2020 had been justified due to the needs of the enterprise.

- It was for the Committee to consider whether there was a justified need in this instance to uplift the size of the dwelling.

In response to questions, the Lead Planning Officer (South) advised the following:

- An application for the provision of separate office accommodation would be considered in accordance with other planning policies such as policy DM14. If the accommodation was linked to the farm it would be considered as ancillary. The majority of enterprises of this size would require office accommodation.
- The outline planning permission tied the dwelling to the enterprise as a perpetuity clause had been included as part of the section 106 agreement. Due to it being a third dwelling on the site and its relationship with the holding, it had been considered necessary to tie the dwelling to the enterprise.

In response to a question that the Lead Planning Officer (South) was unable to answer, Colin Tucker (on behalf of the applicant) advised that his parents lived in the listed farmhouse which was 2 storeys with a small office and his brother lived in a 2 storey 3 bedroomed dwelling with no office accommodation.

Councillor Jenkins arrived.

RESOLVED (9 for, 0 against, 0 abstained) that the application be APPROVED subject to authority being delegated to the Lead Planning Officer (South) to impose standard conditions for the following reason:

1. The scale of the enterprise and the fact that the existing dwelling was not suitable to provide additional administration and office accommodation.

68. APPEALS REPORT

The Committee considered and noted the appeal report by the Senior Planning Support Officer (circulated previously).

Chair

The meeting ended at 10.59 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	73742
Application Type:	Full application
Application Expiry:	24 May 2022
Extension of Time Expiry:	24 May 2022
Publicity Expiry:	4 August 2022
Parish/Ward:	WITHERIDGE/WITHERIDGE
Location:	Land south of Broomhouse Park and west of Willow Rise Witheridge Tiverton Devon EX16 8FD
Proposal:	Residential development of 155 dwellings and associated infrastructure (amended plans)
Agent:	Martin Bagshaw
Applicant:	Mr G Cox & Larkfleet Homes SW
Planning Case Officer:	Mrs J. Meakins
Departure:	Y
EIA Development:	
EIA Conclusion:	NO EIA REQUIRED. Please issue relevant letter to applicant / agent.
Decision Level/Reason for Report to Committee (If Applicable):	Committee - The application has been called in by Cllr Yabsley and is a major departure from the development plan.

Site Description

The site is located within the Parish of Witheridge and consists of agricultural land to the south-west of the village, see figure 1 below.

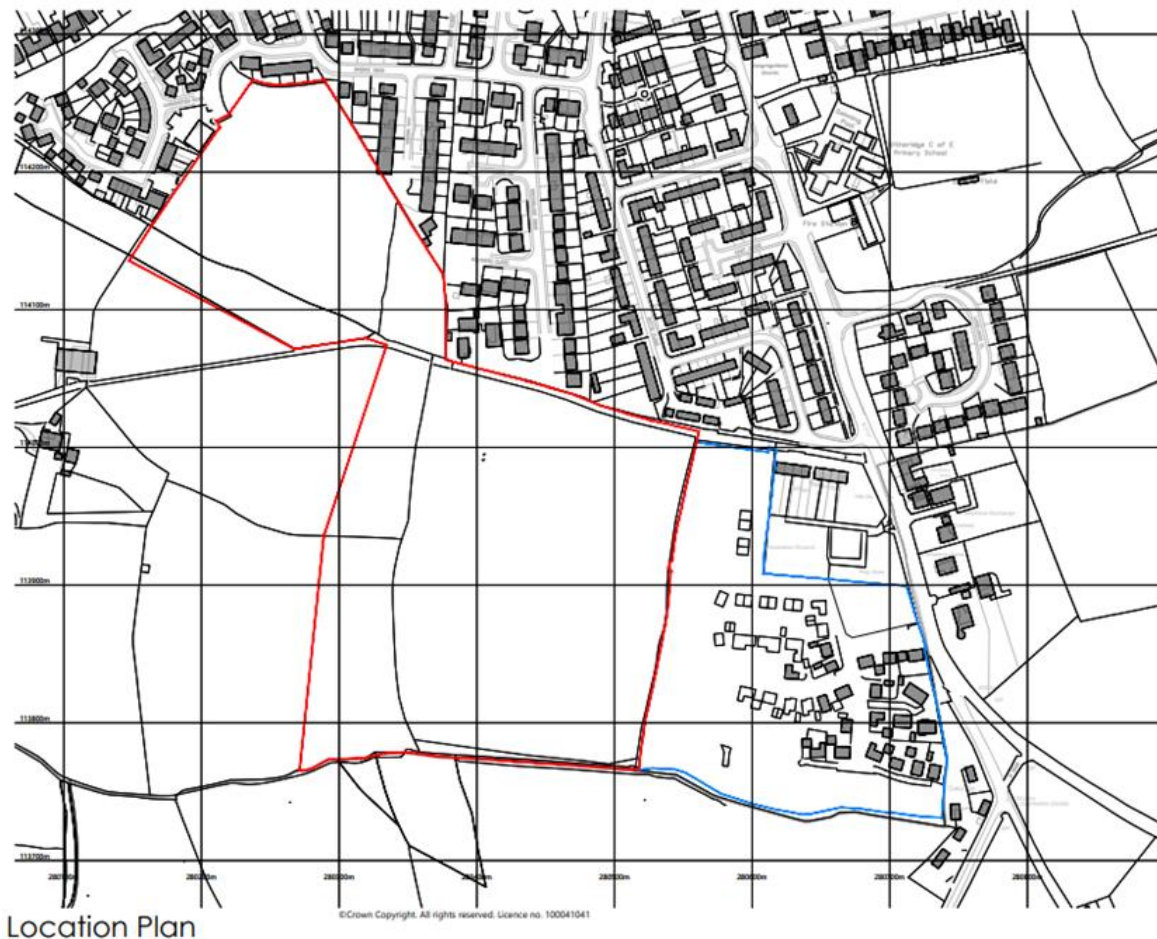


Figure 1 – Location Plan – site outlined in red

The land area extends by 6.63 hectares and at present is accessed from an agricultural access from the B3137 adjacent to Butts Close. The southern area forming the site sits to the west of a new build development on an allocated site know as Willow Rose and allocated in the NDTLP under Policy WIT01.

To the north and east of the site are residential areas being Butt Close, Wiringa Way, Melhuish Close, Greenslade Road, Cannington Road, and Broomhouse Park, and the field to the north of the site abuts the Doctors surgery on Cannington Road. A Public Right of Way crossed part of the site north to south. The site is enclosed by Devon hedge banks.

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
74879	Residential development of 155 dwellings and associated infrastructure (Phase 2) (Amended plans) at Land south of Broomhouse Park and west of Willow Rise, Witheridge, Tiverton Devon	Pending with active EOT	

Agenda Item 6

Reference Number	Proposal	Decision	Decision Date
62777	Outline application for residential development of up to 65 dwellings (all matters reserved except access) at land south of Butts Close, Witheridge, Tiverton, Devon, EX16 8AJ	Outline +s106 Approval	6 April 2018
63437	Notice of application to modify a planning obligation under Regulation 3 of the T & C P (modification & discharge of planning obligations) Regulations 1992 attached to planning permission 41527 in respect of updating of wording with regard to the mortgagee exclusion clause at 1-7, 20, 21, 22, 23, 26, 27, 45, 46 Cannington Road, Witheridge, Tiverton, Devon, EX16 8EZ	Approve with deed of variation	12 June 2018
65041	Reserved Matters application for erection of 65 dwellings (outline planning permission 62777) at land south of Butts Close, Witheridge, Tiverton, Devon, EX16 8AJ	Reserved Matters Approval	5 October 2018
65193	Approval of Details in respect of discharge of condition 22 (landscape and ecological management plan) attached to planning permission 62777 (outline application for residential development of up to 65 dwellings (all matters reserved except access)) at land south of Butts Close, Cannington Road, Witheridge, Devon,	Discharge of Condition Approve	14 November 2018
65353	Approval of Details in respect of discharge of condition 7 (temporary construction site surface water drainage) condition 8 (surface water drainage), 9 (adoption and maintenance arrangements), condition 10 (land contamination), condition 12 (construction management plan) and condition 21 (lighting information) attached to planning permission 62777 (outline application for residential development of up to 65 dwellings (all matters reserved except access)) at land south of Butts Close, Witheridge, Tiverton, Devon, EX16 8AJ	Discharge of Condition Approve	14 November 2018
70726	Reserved matters application for amended design & layout for plots 26-32 & 49 (outline planning permission 62777) at Land South of Butts Close, Witheridge Tiverton, Devon EX16 8AJ	Approved	9 January 2020

Agenda Item 6

Reference Number	Proposal	Decision	Decision Date
71295	Application for a non-material amendment to planning permission 62777 and discharge of condition approval 65353 in respect of adoption of an amended construction management plan that provides for the importation and removal of bulk material at Land South Of Butts Close, Witheridge, Devon	Approved	3 April 2020
72593	Approval of details in respect of discharge of conditions 6 (landscaping) & 17 (roads & other details) attached to planning permission 62777 at Land South of Butts Close, Witheridge , Devon	Approved	3 February 2021
71969	Notice of application to modify a planning obligation under Regulation 3 of the Town & Country Planning (Modification & discharge of planning obligations) Regulations 1992 in respect of Deed of variation associated with application 62777 to vary mortgage clause at Butts Close, Witheridge, Tiverton, Devon EX16 8AW	Approved	16 July 2021

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adopted Existing Strategic Footpath/Cycleway:Two Moors Way	Within constraint
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 90 metres in height.	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Public Right of Way:Footpath 268FP1	Within constraint
Public Right of Way:Footpath 268FP19	Within constraint
Public Right of Way:Footpath 268FP2	Within constraint
Public Right of Way:Footpath 268FP4	Within constraint
Public Right of Way:Footpath 650FP5	Within constraint
Unclassified Road	
USRN: 27506353 Road Class:YFP Ownership: Highway Authority	Within constraint
USRN: 27506358 Road Class:YFP Ownership: Highway Authority	Within constraint
USRN: 27506359 Road Class:YFP Ownership: Highway Authority	Within constraint
USRN: 27506363 Road Class:YFP Ownership: Highway Authority	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Within 25m of Mid Devon District Council	Within constraint
Within adopted Development Boundary: Witheridge Development Boundary ST07	Within constraint
Within Adopted Housing Allocation: WIT01 Butts Close	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 30	Within constraint
Within: Culm Grasslands, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM03 - Construction and Environmental Management DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM10 - Green Infrastructure Provision ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST05 - Sustainable Construction and Buildings ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST08 - Scale and Distribution of New Development in Northern Devon ST10 - Transport Strategy ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets ST17 - A Balanced Local Housing Market ST18 - Affordable Housing on Development Sites ST21 - Managing the Delivery of Housing ST23 - Infrastructure WIT - Witheridge Spatial Strategy	

Consultees

Name	Comment
Arboricultural Officer	No reply received.
Councillor J Yabsley	Not only is this Application hostile and outside the provision's of the Current North Devon and Torridge Local Plan and outside the current Village development boundary it is without doubt a major

Agenda Item 6

Name	Comment
<p>Reply received 14 December 2021</p>	<p>application and should be considered as such and therefore determined by the Planning Cttee.</p> <p>This new proposal when added to the recently completed Willow Rise development will double the size of the village and raises significant issues around provision of adequate infrastructure (we are already hearing of issues arising from the new Willow Rise sewage pumping facility causing back pressure in the system leading to noxious gas and contaminated water being forced into bathrooms via shower drains etc) public amenity, the need for provision of additional Sport's Field, and issues of the movement of vehicles and pedestrians through the main pinch points, ie. the central junction, the Square and accessing and parking at the Medical Centre, extension of the Primary School etc. Should this Application be considered by the Planning Unit fit for determination, I look forward to seeing it on the Planning Cttee's Agenda rather than being a delegated Officer decision.</p>
<p>DCC - Childrens Services</p> <p>Reply Received 7 December 2021</p>	<p>Regarding the 149 family-type (2+ bedroom) dwellings proposed on the above application, Devon County Council (DCC) need to request contributions to mitigate the education impact of the additional housing.</p> <p>DCC has identified that the proposed increase of 149 family type dwellings will generate an additional 37.25 primary pupil and 22.35 secondary pupils which would have a direct impact on Witheridge Primary School and Chulmleigh Community College.</p> <p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>We have forecast that the nearest primary school currently has capacity for 26.00 pupils expected to be generated by the proposed development and therefore we request a primary education contribution against the remaining 11.25 pupils. The contribution sought for primary education would be £184,860 (based on the DfE extension rate of £16,432 per pupil). This contribution would relate directly towards additional education infrastructure at the local primary school that serves the address of the proposed development.</p> <p>We have forecast that the nearest secondary school currently has capacity for 6.60 pupils expected to be generated by the proposed development and therefore we request a secondary education contribution against the remaining 15.75 pupils. The contribution sought for secondary would be £354,579 (based on the DfE extension rate of £22,513 per pupil). This contribution would relate directly towards additional education infrastructure at the local secondary school that serves the address of the proposed development.</p>

Agenda Item 6

Name	Comment
	<p>In addition, we will require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Chulmleigh Community College. The costs required are as follows: -</p> <p>22.35 Secondary pupils $\text{£}5.20 \text{ per day} \times 22.35 \text{ pupils} \times 190 \text{ academic days} \times 5 \text{ years} = \text{£}110,409$</p> <p>The contribution above has been calculated based on the DCC contract cost of transporting a pupil from the area of development to the named school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil will attend the school. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.</p> <p>All infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 rates and any indexation applied to these contributions should be applied from this date.</p> <p>The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.</p> <p>In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed $\text{£}500.00$ where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.</p> <p>Many thanks,</p>
<p>DCC - Childrens Services</p> <p>Reply Received 11 May 2022</p>	<p>Amended Education Request</p> <p>Please note that due to an increase in the net capacity at Chulmleigh Community College to 750 places, secondary expansion contributions can no longer be sought from this development. In addition, a new Section 106 Infrastructure Approach was approved in December 2021 and the new rates within this are reflected in our revised response below:</p> <p>Regarding the 149 family-type (2+ bedroom) dwellings proposed on the above application, Devon County Council (DCC) need to</p>

Name	Comment
	<p>request contributions to mitigate the education impact of the additional housing.</p> <p>DCC has identified that the proposed increase of 149 family type dwellings will generate an additional 37.25 primary pupil and 22.35 secondary pupils which would have a direct impact on Witheridge Primary School and Chulmleigh Community College.</p> <p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>We have forecast that the nearest primary school currently has capacity for 26.00 pupils expected to be generated by the proposed development and therefore we request a primary education contribution against the remaining 11.25 pupils. The contribution sought for primary education would be £192,341 (based on the DfE extension rate of £17,097 per pupil). This contribution would relate directly towards additional education infrastructure at the local primary school that serves the address of the proposed development.</p> <p>When factoring in approved but unimplemented housing developments we have forecast that the local secondary school will have sufficient capacity for the number of pupils likely to be generated by the proposed development. Therefore, a contribution towards secondary education infrastructure is not sought.</p> <p>However, we will require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Chulmleigh Community College. The costs required are as follows: -</p> <p>22.35 Secondary pupils $\text{£}5.20 \text{ per day} \times 22.35 \text{ pupils} \times 190 \text{ academic days} \times 5 \text{ years} = \text{£}110,409$</p> <p>The contribution above has been calculated based on the DCC contract cost of transporting a pupil from the area of development to the named school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil will attend the school. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.</p> <p>All infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2020 rates and any indexation applied to these contributions should be applied from this date.</p> <p>The amount requested is based on established educational formulae (which related to the number of primary and secondary</p>

Name	Comment
	<p>age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.</p> <p>In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.</p>
<p>DCC - Development Management Highways</p> <p>Reply received 27 September 2022</p>	<p>Further to my previous recommendation, I can confirm that further details were added to the Transport Statement regarding movements from the proposed development and how this impact on the wider village. On this basis, I am satisfied that the cumulative impact of the local highway network would not be 'severe', as is the test of the National Planning Policy Framework. To ensure safe and suitable access is provided for all road users, I have asked for the following provisions to be included either by way of appropriate planning conditions or in any corresponding Section 106 Agreement. I can confirm that the applicant has agreed to undertake these. These points being:</p> <ol style="list-style-type: none"> 1. Over a length of approximately 40 metres, from the Phase 1 access to the development on the B3137 (Fore Street), the existing footway towards the north will be widened from the existing 800mm width utilising the grass verge between the footway and the carriageway. 2. Over a length of approximately 60 metres, the public footpath link between the Phase 1 site (at the north-east of the site) and which runs adjacent to Butts Close before emerging onto the B3137 (Fore Street) will be suitably surfaced to allow passage for all pedestrians. 3. A contribution of £20,000 for improving pedestrian facilities within the village will be made. 4. Over a length of approximately 40 metres, from the Phase 1 access to the development on the B3137 (Fore Street), a new footway will be constructed adjacent to the carriageway towards the south. <p>The above points will need to have drawings submitted for the agreement of the Highway Authority. As a result, I am satisfied that 'safe and suitable' access can be achieved, which, again, is the test of the National Planning Policy Framework (NPPF).</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 10 December 2021</p>	<p>Access for the site is via the previously agreed and recently constructed first phase of the development. This route links through directly onto the B3137. The access was agreed at that stage and at the time the understanding was that the second phase of the development would eventually come to fruition. Therefore, I have no issue with the overall access onto the B3137. Indeed, pedestrian connectivity to certain destinations, such as the school and public transport provisions were met at phase 1 and the subsequent Section 106 Agreement, these matters are currently being actioned. I have no issue with these.</p>

Name	Comment
	<p>However, I am aware of concerns that have been raised in the community regarding the increased vehicle movements and the impact that this will have on the wider highway network. The particular concern relates to potential vehicle / pedestrian conflicts in the centre of the village at the crossroads.</p> <p>The crossroads is where North Street, Church Street, Fore Street and West Street meet. The width of the carriageway do not permit two vehicles to pass easily pass; passing for a car and a larger vehicle is not possible. The footway widths are also narrow and it's not possible for two pedestrians to pass without having to step into the carriageway; moreover, this also make this route particularly difficult for vulnerable pedestrians, such as mobility scooter users, those with prams and buggies, wheelchair users, or those with restricted mobility such as the elderly or those with additional needs. The route between the proposed development and the west side of the village is essential given the destinations and community facilities at this end of the village. Additional traffic movements through the crossroads as a result of this proposed development is going to increase the risk of these pedestrian journeys. Therefore, it needs to be established to what extent these risks will be and whether 'safe and suitable' access can be achieved.</p> <p>I have noted the information that has been presented in the applicant's Design and Access Statement, which effectively acts as a Transport Statement. I have also noted the trip generation and trip distribution within this document. I have no issue with the trip generation, which I accept. However, I do believe that the trip distribution requires more information. The present AM peak (8am to 9 am) is stated to having the majority of departing traffic heading east away from the crossroads with only a relatively small proportion of traffic turning left toward to village centre. However, I've spent time on site recently to use the initial phase 1 dwellings as a yardstick for future potential movements. These observations and counts demonstrated there was more like a 50-50 left turn – right turn travel distribution. A count of existing movements would seem a logical inclusion in the Statement to determine whether this influences the data presented and, therefore, a better understanding of likely impacts within the community. I would also ask for the inclusion the applicant may or does have for the improvement of the crossroads within the village.</p> <p>Recommendation:</p> <p>THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION</p>
DCC - Historic Environment Team	<p>17/11/2021 15:43 - Comments from Stephen Reed, Senior Historic Environment Officer</p> <p>Devon County Historic Environment Team ref: Arch/DM/ND/37084</p>

Name	Comment
Reply Received 17 November 2021	<p>Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.</p> <p>The Historic Environment Team has no comments to make on this planning application.</p>
DCC - Historic Environment Team Reply Received 16 May 2022	<p>16/05/2022 08:41 - Comments from Stephen Reed, Senior Historic Environment Officer</p> <p>Devon County Historic Environment Team ref: Arch/DM/ND/37084a</p> <p>The Historic Environment Team have no additional comments to make on this re-consultation, namely:</p> <p>Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.</p> <p>The Historic Environment Team has no comments to make on this planning application.</p>
DCC - Lead Local Flood Authority Reply Received 17 December 2021	<p>Recommendation:</p> <p>At this stage, we object to this planning application because we believe it does not satisfactorily conform to saved Policy ST03 linking to climate change of North Devon and Torridge Local Plan (2011 - 2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>Observations:</p> <p>The applicant should rerun the hydraulic model using FEH rainfall in line with best practice. The FSR is based on a dataset from 1970s and is out-of-date.</p> <p>The applicant should submit the Site Investigation which details the high groundwater at the site.</p> <p>We note the basin are designed with 1 in 3 side slopes. The applicant should investigate the use of varied side slopes with a maximum slope of 1 in 3.</p> <p>We would be happy to provide a further substantive review if additional information is submitted to the local planning authority.</p>
DCC - Lead Local Flood Authority Reply Received 16 February 2022	<p>Reply 16/12/2021:</p> <p>At this stage, we object to this planning application because we believe it does not satisfactorily conform to saved Policy ST03 linking to climate change of North Devon and Torridge Local Plan (2011 - 2031).</p> <p>The applicant will therefore be required to submit additional information in order to demonstrate that all</p>

Name	Comment
	<p>aspects of the proposed surface water drainage management system have been considered.</p> <p>Observations:</p> <p>The applicant should rerun the hydraulic model using FEH rainfall in line with best practice. The FSR is based on a dataset from 1970s and is out-of-date.</p> <p>The applicant should submit the Site Investigation which details the high groundwater at the site.</p> <p>We note the basin are designed with 1 in 3 side slopes. The applicant should investigate the use of varied side slopes with a maximum slope of 1 in 3.</p> <p>We would be happy to provide a further substantive review if additional information is submitted to the local planning authority.</p> <p>Reply 16/02/2022:</p> <p>Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:</p> <p>? No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:</p> <p>.</p> <p>(a) A detailed drainage design based upon the approved Larkfleet Homes Witheridge Phase 2 Flood Risk Assessment and Drainage Strategy Rev 1 dated 16.06.21.</p> <p>(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.</p> <p>(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.</p> <p>(d) A plan indicating how exceedance flows will be safely managed at the site.</p> <p>No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.</p> <p>Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.</p> <p>Observations:</p> <p>Following my previous consultation response FRM/ND/73742/2021, dated 18.01.22, the applicant has</p>

Name	Comment
	<p>provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 26.01.22, for which I am grateful.</p> <p>? Witheridge Phase 2 Drainage Sheet 1 of 2 19419 PDL-01 Rev D</p> <p>? Witheridge Phase 2 Drainage Sheet 1 of 2 19419 PDL-02 Rev E</p> <p>The applicant has proposed a viable surface water drainage strategy which meets the requirements of our SuDS for Devon Guidance (2017). The strategy comprises the use of basins and swales to attenuate the flows back to existing greenfield rates to ensure there will be no increase in runoff as a result of the proposed development. The drainage will be offered to South West Water for adoption however the southern basin will be maintained by a private management company.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 26 May 2022</p>	<p>Recommendation:</p> <p>We have no in-principle objections to the above planning application, from a surface water drainage perspective.</p> <p>Observations:</p> <p>We have been consulted in relation to a revised site layout and can advise that we have no objection to the new plans and would recommend the condition listed in our previous response on 16.02.2022.</p>
<p>DCC - Public Health</p>	<p>No reply received</p>
<p>DCC - Public Rights Of Way</p>	<p>No reply received</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 2 December 2021</p>	<p>2/12/2021 08:47 - Re: Land south of Broomhouse Park and west of Willow Rise Witheridge Tiverton Devon - 1st December 2021</p> <p>Thank you for this application, I have no objections in principle from a designing out crime perspective to the proposal which will on the whole, provide both active frontages and good overlooking to the new internal streets. The predominate use of back to back rear gardens is also supported. I note and welcome the inclusion of a Crime & Disorder statement within the Design & Access Statement, outlining the designing out and crime prevention measures considered and proposed.</p> <p>As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority the following information is to inform the applicant:-</p> <p>ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouses or barns undergoing conversion into dwellings. It also applies to conservation areas.</p> <p>All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2016.</p>

Name	Comment
	<p>As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.</p> <p>SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.</p> <p>Secured by Design (SBD) is a police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places to live and visit. The above should be considered in conjunction with the following attributes of Crime Prevention through Environmental Design (CPTED):-</p> <p>Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security</p> <p>Structure: Places that are structured so that different uses do not cause conflict</p> <p>Surveillance: Places where all publicly accessible spaces are overlooked; have a purpose and are well managed to prevent creating areas which could attract criminal activity, the antisocial to gather or for unacceptable behaviour such as dumping, littering and dog fouling etc. to go unnoticed</p> <p>Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community</p> <p>Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019 and ADQ</p> <p>Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime, fear of crime and a sense of safety at all times.</p> <p>Management and maintenance - Places that are designed with management and maintenance in mind to discourage crime, fear of crime and ASB.</p> <p>The proposed site wide boundary and plot separation treatments are noted. I welcome the intention to clearly define the private realm with for example, railings or planting. Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.</p> <p>Any shared rear access paths must also be secured with a lockable gate, fitted as flush to the building line as possible. This does not remove the need for each individual plot to have their own lockable gate into the rear garden. If existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive</p>

Name	Comment
	<p>boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.</p> <p>Where a proposed new boundary adjoins that of an existing dwelling, it must be ensured this does not undermine the safety and security of the aforementioned. This may require additional fencing and or defensive planting to be incorporated on an individual basis.</p> <p>The proposed parking scheme would appear suitable. From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both enough when balanced against the schedule of accommodation, including any proposed future residential and community facility phases and designed that it is convenient and practical to use thus reducing the level of any unplanned parking elsewhere throughout the development. It is the 'elsewhere parking' that can introduce a source of conflict and rancour amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.</p> <p>The need for Public Open Space (POS) is fully appreciated, as long as it does not run the risk of becoming a problem area or capable of having a negative impact on quality of life issues for residents. Best practice suggests POS, including play areas, should preferably be positioned centrally to a development or as a minimum, be sited so it will be well overlooked so as to not undermine the safety and security of those living nearby or the intended users of the space. With this in mind I do have concerns with the location of the proposed LAP in section one as this has the potential to impact on the existing dwelling in Wiriga Way. It would be preferable to move the LAP elsewhere within the development site, however, if this is not practicable, the applicant must demonstrate what enhanced measures have been considered and implemented to reduce any impact or vulnerability on adjacent dwellings.</p> <p>If the proposed footpath serving plots 124-129 links into Wiriga Way, as appears to be the case, there is the potential for conflict with residents entering/exiting private drives. Therefore I recommend consideration is given to the inclusion of some form of barrier/railings at the entrance/exit point. This would not only reduce the risk of collision between pedestrians, cyclists and motorists, but prevent the route being used as an inappropriate cut through for scooters and motorcycles.</p> <p>Please do not hesitate to contact me if any clarification is sought or I can assist further.</p> <p>Kind regards Rick Napier Designing Out Crime officer North Devon, Torridge & Mid Devon</p>

Name	Comment
<p>Designing Out Crime Officer</p> <p>Reply Received 11 May 2022</p>	<p>11/05/2022 14:44 - Re: Land south of Broomhouse Park and west of Willow Rise Witheridge (further information &/or amended plans) - 10th May 2022</p> <p>Thank you for this application, I have no additional comments from a crime and anti-social behaviour reduction perspective.</p> <p>Kind regards Rick Napier Designing Out Crime officer North Devon, Torridge & Mid Devon</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 28 June 2022</p>	<p>28/06/2022 12:09 - Re Land south of Broomhouse Park and west of Willow Rise Witheridge - 28th June 2022</p> <p>Thank you for this application, having reviewed the available drawings, I have no additional comments from a designing out crime and anti-social behaviour perspective.</p> <p>Rick Napier Designing Out Crime officer North Devon, Torridge & Mid Devon</p>
<p>East Worlington Parish Council</p> <p>Reply Received 28 January 2022</p>	<p>Following a review of Planning Application 73742 (Land south of Broomhouse Park and west of Willow Rise Witheridge Tiverton Devon EX16 8FD: Residential development of 155 dwellings and associated infrastructure) East Worlington Parish Council make the following observations and wish these to be considered as a strong protest.</p> <p>1. The Parish Council of East Worlington find that the Council Planners led by Case Officer Mrs J. Meakins, are out of process in that East Worlington, a neighbouring Parish have not been consulted at any time about this development and that the consultation should be extended by 3 months to allow our parishioners to be consulted and properly respond.</p> <p>2. There is currently inadequate access to the surgery through a housing estate served by narrow roads with children, older residents, and pets in danger from vehicles. This will worsen if the proposed development proceeds and these issues are not addressed. Naturally as the Council and through the Council the Highways Authority have been made aware of the dangers presented, we would advise anyone involved in an accident or loss including their insurers that you were warned in advance</p> <p>3. There is inadequate parking at the surgery not only for staff, but for deliveries and patients alike. The spaces are narrow and make it hard for older people to access the surgery and their vehicles. There is no alternative in this area especially for people from East and West Worlington to get to the</p>

Name	Comment
	<p>surgery other than by car. It is essential therefore that space to extend the car park to the rear of the surgery be made available and that sufficient space be left for surgery expansion be accommodated to allow for changes in local patient care to be planned for in advance, such as scanning and screening, training, blood donation etc. Witheridge, should be considered as a local hub, and not just a small town or village as it serves a wider extended community.</p> <p>4. The development density proposed threatens to increase the population by between 35 and 40%. The developer does not appear interested in investing in the community within which they wish to build even at the basic level of access and health. They should be required to fund these basic provisions through S106 monies.</p> <p>5. The developer clearly accepts their development presents a new flood risk to both the practice and surrounding properties that WILL increase the insurance cost to all the surrounding properties and especially the practice. Whereas this may be an acceptable cost to new homeowners the developer should be required to mitigate their impact on adjacent properties through their own insurance.</p> <p>6. Council consider the positioning of a planned pond so close to the surgery as irresponsible and seems to cynically endanger a critical service. Flooding of the surgery by the positioning of the pond is likely given the sudden heavy downpours that are normal locally and only predicted to get worse. The loss of the surgery for any reason and in this case one that is easily foreseeable could be considered negligent. (Possibly misfeasance/nonfeasance) of public servants to protect the communities' interests.</p> <p>7. The developer has not yet finished their current Willow Rise site. The roads are not adopted and there remains infrastructure and access issues.</p> <p>8. Access to the village of East Worlington will increase as a result of additional residents in Witheridge. The roads are considered narrow, dangerous and arcane, with few passing places and used by increasingly large agricultural vehicles with no ability to reverse. The drainage is inadequate causing hazardous road conditions in wet weather and in freezing conditions. This has caused avoidable road accidents. These roads are required for pupils to access the school in East Worlington. There is no car parking for the East Worlington School at all, creating a dangerous bottleneck on a blind corner.</p>

Name	Comment
	<p>The developer should be required to fund road improvement schemes to improve these routes and make them safe to use all year round. The responsible landowners and authorities should be required to carry out their responsibilities in full.</p> <p>9. Access to facilities.</p> <p>There are no shops, restaurants, sports facilities or other services in the Worlington's with residents relying on Witheridge for such services. Parking in Witheridge is at full capacity already making it difficult to shop and run errands, especially for the sick and elderly. The increase in population will serve to exacerbate this problem and money should be made available to improve these services</p>
<p>Environment Agency</p> <p>Reply Received 23 November 2021</p>	<p>We have no comments on this development other than the following advice.</p> <p>Foul drainage Pumping Station</p> <p>If the development includes a pumping station design that incorporates an emergency overflow then an environmental permit will be required.</p> <p>An environmental permit with an emergency overflow provision has quite strict criteria regarding the conditions which have to be met to allow an emergency overflow to legitimately operate.</p> <p>It is the responsibility of the asset owner to ensure that in the absence of a permit and an emergency overflow provision that the asset does not cause pollution or where a permit is required that the operator ensures permit condition compliance. A good pump station management plan with regular maintenance and perhaps some pump downtime storage capacity and pump failure alarms are the sorts of measures that can be included into the design of a sewage pump station.</p> <p>The applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at https://www.gov.uk/permits-you-need-for-septic-tanks.</p>
<p>Environmental Health Manager</p> <p>Reply Received 25 November 2021</p>	<p>25/11/21:</p> <p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Foul Drainage Pumping Station Noise</p> <p>The Site Plan shows a foul pumping station located close to the southern boundary of the site, within around 15m of the closest proposed dwellings. Depending on the specific unit installed, there may be a potential for noise or vibration to affect occupiers of the closest dwellings. I recommend the Applicant be asked to provide additional</p>

Name	Comment
	<p>information on noise / vibration emissions for the proposed pumping station with a view to clarifying whether significant impacts are a potential concern.</p> <p>Should the above information indicate that there is a potential for significant impacts to occur, a more detailed noise impact assessment may need to be prepared by a suitably qualified person (Member of the Institute of Acoustics or equivalent).</p> <p>2 Air Quality Impacts</p> <p>I have reviewed the Kairus Air Quality Assessment (AQA) dated 19 May 2021, which considers potential air quality impacts having regard to relevant standards and guidance.</p> <p>- Construction Phase</p> <p>The AQA identifies a number of potentially significant impacts and recommends a scheme of mitigation for inclusion in a Construction Environmental Management Plan (see 3 below). I accept the findings of the report.</p> <p>- Operational Phase</p> <p>Section 1.2 of the Air Quality Assessment states:</p> <p>"Although the total number of vehicles exceeds the 500 per day criteria, there would be a 64/36 split on the B3137 which would result in 433 vehicles travelling south and 244 travelling north on the adjacent road network. On this basis trip generation would fall below the screening criteria for areas outside of an AQMA. Impacts on local air quality from operational traffic are therefore considered to be negligible in relation to local air quality and have been scoped out for further assessment."</p> <p>It might be argued that the above justification does not take adequate account of Phase 1 of this development, through which the access road will pass and which will also contribute to increased vehicle flows on the B3137. However, it is also important to take into account data presented in the report on existing air quality in the vicinity and the broader context of the development in air quality terms. Overall, I think the conclusion of the report that no significant air quality impacts will arise, is sound. I therefore have no further comments on this aspect of the proposals.</p> <p>2</p> <p>3 Construction Phase Impacts</p> <p>In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the following conditions be imposed:</p> <p>- Construction Environmental Management Plan Condition</p> <p>Prior to the commencement of development, including any site clearance, groundworks or construction within each</p>

Name	Comment
	<p>sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the CEMP shall incorporate the recommendations set out in Appendix C of the Kairus Air Quality Assessment (AQA) dated 19 May 2021 and, where relevant, include:-</p> <ul style="list-style-type: none"> a) measures to regulate the routing of construction traffic; b) the times within which traffic can enter and leave the site; c) details of any significant importation or movement of spoil and soil on site; d) details of the removal /disposal of materials from site, including soil and vegetation; e) the location and covering of stockpiles; f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities; g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression; h) a noise control plan which details hours of operation and proposed mitigation measures; i) location of any site construction office, compound and ancillary facility buildings; j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto; k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed. <p>The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and be monitored by the applicants to ensure continuing compliance during the construction of the development.</p> <p>Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.</p> <p>- Construction Hours Condition</p> <p>During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:</p> <ul style="list-style-type: none"> a) Monday - Friday 08.00 - 18.00, b) Saturday 08.00 - 13.00 c) nor at any time on Sunday, Bank or Public holidays. <p>Reason: To protect the amenity of local residents</p>

Agenda Item 6

Name	Comment
	<p>26/11/2021:</p> <p>Confirmation that the installed position of the type 3 adoptable pumping station will be 20m from the closest proposed dwelling indicates that significant noise impacts are unlikely to arise. As such, I have no further comments on this matter.</p>
<p>Environmental Health Manager</p> <p>Reply Received 16 May 2022</p>	<p>I have reviewed the amended plans and information for this application in relation to Environmental Protection matters and refer you to comments I made by email on 25 November 2021 and 15 December 2021.</p> <p>Land Contamination</p> <p>I have considered land contamination issues relating to this site under Application 74879. A Ground Investigation report submitted with that application concluded that the levels of contamination recorded in the investigation were not significant with respect to human health or the wider environment and no remedial measures are required.</p> <p>In line with my recommendation under 74879, I recommend the following condition be included here to address the possibility that unexpected contamination is discovered during development:</p> <p>- Contaminated Land (Unexpected Contamination) Condition</p> <p>Should any contamination of ground or groundwater not previously identified be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination exposed during development is remediated in accordance with the National Planning Policy Framework</p> <p>Apart from the above, I do not wish to add anything to my previous comments, which stand.</p>
<p>Environmental Health Manager</p> <p>Reply Received 28 June 2022</p>	<p>I have reviewed the amended plans and information for this application in relation to Environmental Protection matters and refer you to comments I made by email on 25 November 2021, 15 December 2021 and 14 May 2022.</p> <p>I do not wish to add anything to my previous comments, which stand.</p>
<p>Heritage & Conservation Officer</p>	<p>9/12/2021 14:43 - This proposal site does not contain, and is not near to, any designated heritage assets, so in my view the proposal will not harm the significance of such.</p>

Name	Comment
Reply Received 9 December 2021	
Heritage & Conservation Officer Reply Received 23 May 2022	23/05/2022 12:32 - This proposal site does not directly affect any designated heritage assets, and is not particularly close to any of those nearby. I do not therefore believe it will affect their significance through effect on settings.
Historic England Reply Received 22 November 2021	Thank you for your letter of 11 November 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.
Historic England Reply Received 9 May 2022	Thank you for your letter of 11 November 2021 regarding the above application for planning permission. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at https://historicengland.org.uk/advice/find/ It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.
Historic England Reply Received 27 June 2022	Thank you for your letter of 20 June 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.
Housing Enabling Officer Reply Received 1 December 2021	1/12/2021 12:48 - Thank you for your consultation. The application is for 155 dwellings consisting of 143 open market and 12 affordable dwellings. However, as the proposed site is outside and adjoining the Witheridge development boundary in the Local Plan, if Planning determine that the proposed site is acceptable in planning terms then although generally Policy ST19: Affordable Housing on Exception Sites of the Local Plan would

Name	Comment
	<p>apply in this location, due to the current absence of a 5 year housing land supply 30% affordable housing provision would apply. This equates to 46 on-site affordable dwellings and a financial off-site contribution equivalent to 0.5 of an affordable dwelling.</p> <p>The applicant submitted a Housing Needs Report for the parish of Witheridge dated February 2021. The report states that the housing needs survey identified a need for 12 affordable homes in the parish of Witheridge within the next 5 years. The report states that Witheridge Parish Council did not wish to support the survey. On an exception site the housing need for the parish and the adjoining parishes in the administrative areas of North Devon Council and Mid Devon District Council should be taken into account.</p> <p>Devon Home Choice (DHC) shows there are 21 households living in the parish of Witheridge registered as being in need of affordable housing for rent as of July 2021.</p> <p>There are 4 households registered in the adjoining parishes in North Devon Council's administrative area (East Worlington, Meshaw, Rose Ash and Rackenford) as being in need of affordable housing for rent as of July 2021.</p> <p>Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (shared ownership/discounted sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.</p> <p>The number of households registered in the adjoining parishes in Mid Devon District Council's administrative area should be taken into account.</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document).</p>

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Name	Comment
	<p>The attached table shows the policy requirement for dwelling mix & occupancy levels. Registered providers require housing to be built to National Space Standards; these are indicated on the table.</p> <p>The tenure mix would need to be at least 75% social rent (in accordance with policy) and the remainder intermediate (shared ownership, intermediate rent or discounted sale).</p> <p>3% of our housing register require wheelchair accessible housing. Therefore, we would expect 3% of the affordable housing to be provided as wheelchair accessible housing. These should be built to comply with the requirement M4 (3) (2) b of the Building Regulations 2010 Approved Document M: Access to and use of buildings. These should be provided as Social Rent. This would be detailed as a planning condition. I would request that the applicant contacts Housing Enabling at the pre-app stage at reserved matters to get the most up to date housing need for disabled adapted properties so that this can be factored into the design appropriately.</p> <p>The affordable homes should be pepperpotted throughout the site in clusters of no more than 6-10 units.</p> <p>The affordable homes should be designed and of the same material and construction as the open market - including car parking.</p> <p>Those who are allocated or buy the housing would need to have a local connection. First cascade would be to the parish of Witheridge, second cascade to the adjoining rural parishes in the administrative areas of North Devon Council and Mid Devon District Council, and third cascade to the whole administrative area of North Devon Council.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 10 March 2022</p>	<p>10/03/2022 12:31 - Thank you for your consultation.</p> <p>My understanding is that you have consulted Housing Enabling with regard to my email dated 7 February 2022 regarding the number of households registered on Devon Home Choice as being in need of affordable housing for rent in Witheridge parish and its adjoining parishes as of July 2021. This showed a total of 27 households registered in those parishes.</p> <p>I understand the question has been asked whether an affordable housing provision of 27 dwellings (17% of the total proposed number of dwellings) would be in accordance with an identified need.</p> <p>I would reiterate my comments in my email dated 7 February 2022 (and also in my earlier consultation response dated 1 December</p>

Name	Comment
	<p>2021) - Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (shared ownership/discounted sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.</p> <p>As the proposed site is outside and adjoining the Witheridge development boundary in the Local Plan, if Planning determine that the proposed site is acceptable in planning terms then although generally Policy ST19: Affordable Housing on Exception Sites of the Local Plan would apply in this location, due to the current absence of a 5 year housing land supply 30% affordable housing provision would apply. For a proposed development of 155 dwellings this equates to 46 on-site affordable dwellings and a financial off-site contribution equivalent to 0.5 of an affordable dwelling.</p> <p>An exception site should only be released where the housing need for the parish and the adjoining rural parishes has been proven in accordance with the Local Plan. The size of an exception site must reflect the housing need. An option may therefore be to reduce the proposed total number of dwellings to reflect the housing need.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 17 May 2022</p>	<p>17/05/2022 14:47 - Thank you for your consultation.</p> <p>The applicant's Planning Statement (Rev A) dated May 2022 states that 46 affordable dwellings will be provided within the total of 155 dwellings. The Statement states at paragraph 7.20 that the application submission includes the proposed Section 106 Heads of Terms which includes Affordable Housing (30% of total dwellings) and an off-site financial contribution equivalent to 0.5 of an affordable dwelling.</p> <p>As the proposed site is outside and adjoining the Witheridge development boundary in the Local Plan, if Planning determine that the proposed site is acceptable in planning terms then although generally Policy ST19: Affordable Housing on Exception Sites of the Local Plan would apply in this location, due to the current absence of a 5 year housing land supply Policy ST18: Affordable Housing on Development Sites would apply with 30% affordable housing provision. This equates to 46 on-site affordable dwellings and a financial off-site contribution equivalent to 0.5 of an affordable dwelling.</p>

Name	Comment
	<p>The formula we use to establish an off-site financial contribution figure is (Open Market Value - Registered Provider price) x % of affordable housing required. The Council uses data from an Altair Report (which can be accessed at https://consult.torridge.gov.uk/kse/folder/91956) to calculate the figure. The greatest affordable housing need in North Devon is for 2 bedroom dwellings for Social Rent. The calculation of an off-site financial contribution equivalent to 0.5 of a dwelling in addition to the 46 affordable dwellings required on site would therefore be for a 2 bedroom dwelling for Social Rent.</p> <p>Witheridge Ward is in Zone 1 in the Altair Report. Using the most recent affordability tables (November 2021) the calculation would be 197,000 (Open Market Value of a 2 bedroom property) minus 68,950 (Registered Provider price - Social Rent value @ 35% of open market) = 128,050 x 0.5= 64,025. Using this data, the financial off-site contribution figure would therefore be 64,025.</p> <p>The Planning Statement lists the proposed affordable housing as:- 6 x 1 Bed dwellings 28 x 2 bed dwellings 11 x 3 Bed dwellings 1 x 4 Bed dwelling.</p> <p>The Council's affordable housing mix requirement is:- 1 bedroom - 30-35% 2 bedroom - 35-40% 3 bedroom - 20-25% 4 bedroom - 5-10%.</p> <p>For 46 on-site affordable dwellings the mix requirement would therefore be:- 1 bedroom - 14-16 dwellings 2 bedroom - 16-18 dwellings 3 bedroom - 9-12 dwellings 4 bedroom - 2-5 dwellings</p> <p>The proposed number of 1 and 4 bedroom dwellings are therefore below the requirement and the proposed number of 2 bedroom dwellings is above the requirement.</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document).</p> <p>Additionally, to make the dwellings as flexible as possible for allocation and to future-proof dwellings to allow families to grow or</p>

Name	Comment
	<p>downsize, the Registered Providers will generally require the dwellings to be constructed to maximum occupancy. This means the highest number of bed-spaces per room (double bedrooms) are required:</p> <p>1-bed 2-person 2-bed 4-person 3-bed 6-person 4-bed 8-person</p> <p>Accordingly, the Council will seek affordable housing to be constructed to the maximum bed-space requirements for the size of dwelling (number of bedrooms) and to accord with the associated nationally described space standards for those bed-spaces. These are outlined on the attached table.</p> <p>The supply and demand for 4 bed 8 person units and challenges around the use and allocation of 4 bed 6 person units has been reflected in our consultation responses in which we state a requirement for four bed eight person dwellings at 124 square metres.</p> <p>The tenure mix would need to be at least 75% social rent (in accordance with policy) and the remainder intermediate (shared ownership, intermediate rent or discounted sale).</p> <p>The affordable homes should be pepperpotted throughout the site in clusters of no more than 6-10 units. The applicant's Design and Access Statement shows the proposed affordable homes distributed across the site.</p> <p>The affordable homes should be designed and of the same material and construction as the open market - including car parking. The applicant's Design and Access Statement confirms that the affordable homes are proposed as visually indistinct from the open market homes.</p> <p>Those who are allocated or buy the housing would need to have a local connection. First cascade would be to the parish of Witheridge, second cascade to the adjoining rural parishes in the administrative areas of North Devon Council and Mid Devon District Council, and third cascade to the whole administrative area of North Devon Council.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 4 July 2022</p>	<p>Reply 02/08/2022:</p> <p>Thank you for your consultation.</p> <p>As previously stated, if Planning determine that the proposed site is acceptable in planning terms then the requirement would be for 30% affordable housing provision. For a proposed total of 155</p>

Name	Comment
	<p> dwellings this equates to 46 on-site affordable dwellings and a financial off-site contribution equivalent to 0.5 of an affordable dwelling. The formula we use to establish an off-site financial contribution figure is (Open Market Value minus what a Registered Provider would pay for the affordable dwelling) x % of affordable housing required. The greatest affordable housing need in North Devon is for 2 bedroom dwellings for Social Rent. The calculation of an off-site financial contribution equivalent to 0.5 of a dwelling in addition to the 46 affordable dwellings required on site would therefore be for a 2 bedroom dwelling for Social Rent. Witheridge Ward is in Zone 1 (see Affordable Housing Supplementary Planning Document). Using the most recent Annual Update (at https://consult.torridge.gov.uk/kse/folder/91956) the current calculation would be £197,000 (Open Market Value of a 2 bedroom property) minus £68,950 (Registered Provider price = Social Rent value @ 35% of open market) = £128,050 x 0.5 = £64,025. Using this data, the financial off-site contribution figure would therefore be £64,025. This data is updated annually and so the figure will need to reflect the most up-to-date information. Further to my response dated 4 July 2022 regarding the applicant's Proposed Site Layout plan Drawing No. P1950:06 Rev. C, please see my comments below with regard to the amendments made in the applicant's subsequently submitted Proposed Site Layout plan Drawing No. P1950:06 Rev.D. 2 The applicant's Proposed Site Layout plan Drawing No. P1950:06 Rev.D shows 46 proposed affordable dwellings and states the following proposed property size mix:- 16 x 1 bed 18 x 2 bed 9 x 3 bed 3 x 4 bed The proposed percentages are therefore:- 1 bed – 35% 2 bed – 39% 3 bed – 20% 4 bed – 6% The Council's affordable housing mix requirement is:- 1 bedroom – 30-35% 2 bedroom – 35-40% 3 bedroom – 20-25% 4 bedroom – 5-10%. The above proposed affordable housing property size mix is therefore in accordance with the requirement. </p>

Name	Comment
	<p>The proposed property sizes are:-</p> <ul style="list-style-type: none"> 1 bed 2 person Ground Floor Flat – 538 square feet (50 m2) 1 bed 2 person First Floor Flat - 624 square feet (58 m2) 1 bed 2 person house – 625 square feet (58 m2) 2 bed 4 person house – 851 square feet (79 m2) 3 bed 6 person house – 1,098 square feet (102 m2) 4 bed 8 person house – 1,334 square feet (124 m2) <p>The National Space Standards are:-</p> <ul style="list-style-type: none"> 1 bed 2 person flat – 50 m2 1 bed 2 person house (2 storey) – 58 m2 2 bed 4 person house (2 storey) – 79 m2 3 bed 6 person house (2 storey) – 102 m2 4 bed 8 person house (2 storey) – 124 m2 <p>The above proposed property sizes are therefore in accordance with the requirements.</p> <p>The plan does not state the proposed tenure of the affordable dwellings. The tenure mix would need to be at least 75% social rent (in accordance with policy) and the remainder intermediate (shared ownership, intermediate rent or discounted market sale). In order to confirm the proposed affordable housing details I should be grateful if the applicant would please contact me so that I may forward to them the Council's Affordable Housing Scheme spreadsheet for them to complete and return.</p> <p>The affordable homes should be pepper potted throughout the site in clusters of no more than 6-10 units. The plan shows plots 41-46 and plots 48-55 (a total of 14 plots) in the same area of the site.</p> <p>Although it is acknowledged that the plots are not all accessed from the same road, the total of 14 is significantly above the requirements.</p> <p>The affordable homes should be designed and of the same material and construction as the open market – including car parking. The applicant's previously submitted Design and Access Statement confirms that the affordable homes are proposed as visually indistinct from the open market homes.</p> <p>Those who are allocated or buy the housing would need to have a local connection. First cascade would be to the parish of Witheridge, second cascade to the adjoining rural parishes in the administrative areas of North Devon Council and Mid Devon District Council, and third cascade to the whole administrative area of North Devon Council.</p> <p>04/07/2022 10:34 - Thank you for your consultation.</p> <p>As previously stated, if Planning determine that the proposed site is acceptable in planning terms then the requirement would be for 30% affordable housing provision. For a proposed total of 155 dwellings this equates to 46 on-site affordable dwellings and a</p>

Name	Comment
	<p>financial off-site contribution equivalent to 0.5 of an affordable dwelling.</p> <p>The formula we use to establish an off-site financial contribution figure is (Open Market Value minus what a Registered Provider would pay for the affordable dwelling) x % of affordable housing required. The greatest affordable housing need in North Devon is for 2 bedroom dwellings for Social Rent. The calculation of an off-site financial contribution equivalent to 0.5 of a dwelling in addition to the 46 affordable dwellings required on site would therefore be for a 2 bedroom dwelling for Social Rent.</p> <p>Witheridge Ward is in Zone 1 (see Affordable Housing Supplementary Planning Document). Using the most recent Annual Update (at https://consult.torridge.gov.uk/kse/folder/91956) the current calculation would be 197,000 (Open Market Value of a 2 bedroom property) minus 68,950 (Registered Provider price = Social Rent value @ 35% of open market) = 128,050 x 0.5 = 64,025. Using this data, the financial off-site contribution figure would therefore be 64,025. This data is updated annually and so the figure will need to reflect the most up-to-date information.</p> <p>The applicant's Proposed Site Layout plan Drawing No. P1950:06 Rev. C shows 46 proposed affordable dwellings and states the following proposed property size mix:-</p> <p>12 x 1 bed 21 x 2 bed 11 x 3 bed 2 x 4 bed</p> <p>The proposed percentages are therefore:-</p> <p>1 bed - 26.1% 2 bed - 45.7% 3 bed - 23.9% 4 bed - 4.3%</p> <p>The Council's affordable housing mix requirement is:- 1 bedroom - 30-35% 2 bedroom - 35-40% 3 bedroom - 20-25% 4 bedroom - 5-10%.</p> <p>The proposed number of 1 and 4 bedroom dwellings are therefore below the requirement and the proposed number of 2 bedroom dwellings is above the requirement.</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at</p>

Name	Comment
	<p>https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document).</p> <p>Additionally, to make the dwellings as flexible as possible for allocation and to future-proof dwellings to allow families to grow or downsize, the Registered Providers will generally require the dwellings to be constructed to maximum occupancy. This means the highest number of bed-spaces per room (double bedrooms) are required:</p> <p>1-bed 2-person 2-bed 4-person 3-bed 6-person 4-bed 8-person</p> <p>Accordingly, the Council will seek affordable housing to be constructed to the maximum bed-space requirements for the size of dwelling (number of bedrooms) and to accord with the associated nationally described space standards for those bed-spaces. These are outlined on the attached table.</p> <p>The supply and demand for 4 bed 8 person units and challenges around the use and allocation of 4 bed 6 person units has been reflected in our consultation responses in which we state a requirement for four bed eight person dwellings at 124 square metres.</p> <p>The proposed property sizes are:- 1 bed Ground Floor Flat - 538 square feet (50 m2) 1 bed First Floor Flat - 624 square feet (58 m2) 1 bed house - 751 square feet (69.78 m2) 2 bed house - 851 square feet (79.06 m2) 2 bed bungalow - 655 square feet (60.85 m2) 3 bed house - 1,012 square feet (94.01 m2) 4 bed house - 1,156 square feet (107.39 m2)</p> <p>The National Space Standards are:- 1 bed 2 person flat - 50 m2 1 bed 2 person house (2 storey) - 58 m2 2 bed 4 person house (2 storey) - 79 m2 2 bed 4 person bungalow - 70 m2 3 bed 6 person house (2 storey) - 102 m2 4 bed 8 person house (2 storey) - 124 m2</p> <p>The proposed sizes of the 2 bed bungalow and 3 and 4 bed houses are therefore below the requirements.</p> <p>The plan does not state the proposed tenure of the affordable dwellings. The tenure mix would need to be at least 75% social</p>

Name	Comment
	<p>rent (in accordance with policy) and the remainder intermediate (shared ownership, intermediate rent or discounted market sale). In order to confirm the proposed affordable housing details I should be grateful if the applicant would please contact me so that I may forward to them the Council's Affordable Housing Scheme spreadsheet for them to complete and return.</p> <p>The affordable homes should be pepperpotted throughout the site in clusters of no more than 6-10 units. The plan shows plots 41-47 and plots 49-56 (a total of 15 plots) in the same area of the site. Although it is acknowledged that the plots are not all accessed from the same road, the total of 15 is significantly above the requirements.</p> <p>The affordable homes should be designed and of the same material and construction as the open market - including car parking. The applicant's previously submitted Design and Access Statement confirms that the affordable homes are proposed as visually indistinct from the open market homes.</p> <p>Those who are allocated or buy the housing would need to have a local connection. First cascade would be to the parish of Witheridge, second cascade to the adjoining rural parishes in the administrative areas of North Devon Council and Mid Devon District Council, and third cascade to the whole administrative area of North Devon Council.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 2 August 2022</p>	<p>2/08/2022 15:57 - Thank you for your consultation.</p> <p>As previously stated, if Planning determine that the proposed site is acceptable in planning terms then the requirement would be for 30% affordable housing provision. For a proposed total of 155 dwellings this equates to 46 on-site affordable dwellings and a financial off-site contribution equivalent to 0.5 of an affordable dwelling.</p> <p>The formula we use to establish an off-site financial contribution figure is (Open Market Value minus what a Registered Provider would pay for the affordable dwelling) x % of affordable housing required. The greatest affordable housing need in North Devon is for 2 bedroom dwellings for Social Rent. The calculation of an off-site financial contribution equivalent to 0.5 of a dwelling in addition to the 46 affordable dwellings required on site would therefore be for a 2 bedroom dwelling for Social Rent.</p> <p>Witheridge Ward is in Zone 1 (see Affordable Housing Supplementary Planning Document). Using the most recent Annual Update (at https://consult.torridge.gov.uk/kse/folder/91956) the current calculation would be 197,000 (Open Market Value of a 2 bedroom property) minus 68,950 (Registered Provider price = Social Rent value @ 35% of open market) = 128,050 x 0.5 =</p>

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	<p>64,025. Using this data, the financial off-site contribution figure would therefore be 64,025. This data is updated annually and so the figure will need to reflect the most up-to-date information.</p> <p>Further to my response dated 4 July 2022 regarding the applicant's Proposed Site Layout plan Drawing No. P1950:06 Rev. C, please see my comments below with regard to the amendments made in the applicant's subsequently submitted Proposed Site Layout plan Drawing No. P1950:06 Rev.D.</p> <p>The applicant's Proposed Site Layout plan Drawing No. P1950:06 Rev.D shows 46 proposed affordable dwellings and states the following proposed property size mix:-</p> <p>16 x 1 bed 18 x 2 bed 9 x 3 bed 3 x 4 bed</p> <p>The proposed percentages are therefore:-</p> <p>1 bed - 35% 2 bed - 39% 3 bed - 20% 4 bed - 6%</p> <p>The Council's affordable housing mix requirement is:- 1 bedroom - 30-35% 2 bedroom - 35-40% 3 bedroom - 20-25% 4 bedroom - 5-10%.</p> <p>The above proposed affordable housing property size mix is therefore in accordance with the requirement.</p> <p>The proposed property sizes are:- 1 bed 2 person Ground Floor Flat - 538 square feet (50 m2) 1 bed 2 person First Floor Flat - 624 square feet (58 m2) 1 bed 2 person house - 625 square feet (58 m2) 2 bed 4 person house - 851 square feet (79 m2) 3 bed 6 person house - 1,098 square feet (102 m2) 4 bed 8 person house - 1,334 square feet (124 m2)</p> <p>The National Space Standards are:- 1 bed 2 person flat - 50 m2 1 bed 2 person house (2 storey) - 58 m2 2 bed 4 person house (2 storey) - 79 m2 3 bed 6 person house (2 storey) - 102 m2 4 bed 8 person house (2 storey) - 124 m2</p> <p>The above proposed property sizes are therefore in accordance with the requirements.</p>

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Name	Comment
	<p>The plan does not state the proposed tenure of the affordable dwellings. The tenure mix would need to be at least 75% social rent (in accordance with policy) and the remainder intermediate (shared ownership, intermediate rent or discounted market sale). In order to confirm the proposed affordable housing details I should be grateful if the applicant would please contact me so that I may forward to them the Council's Affordable Housing Scheme spreadsheet for them to complete and return.</p> <p>The affordable homes should be pepperpotted throughout the site in clusters of no more than 6-10 units. The plan shows plots 41-46 and plots 48-55 (a total of 14 plots) in the same area of the site. Although it is acknowledged that the plots are not all accessed from the same road, the total of 14 is significantly above the requirements.</p> <p>The affordable homes should be designed and of the same material and construction as the open market - including car parking. The applicant's previously submitted Design and Access Statement confirms that the affordable homes are proposed as visually indistinct from the open market homes.</p> <p>Those who are allocated or buy the housing would need to have a local connection. First cascade would be to the parish of Witheridge, second cascade to the adjoining rural parishes in the administrative areas of North Devon Council and Mid Devon District Council, and third cascade to the whole administrative area of North Devon Council.</p> <p>Thank you.</p>
<p>Mid Devon District Council</p> <p>Reply Received 28 January 2022</p>	<p>28/01/2022 18:40 - Mid Devon District Council Planning have no comments to make on this application</p>
<p>Natural England</p> <p>Reply Received 25 November 2021</p>	<p>Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.</p> <p>Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.</p> <p>The lack of comment from Natural England does not imply that there are no impacts on the natural environment,</p>

Name	Comment
	<p>but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at https://www.gov.uk/guidance/local-planning-authorities-getenvironmental-advice</p>
<p>Natural England</p> <p>Reply Received 17 May 2022</p>	<p>Natural England has previously commented on this proposal and made comments to the authority in our email dated 25th November 2021 – our ref: 374600.</p> <p>I do not appear to be able to locate our initial response on the LPA website, therefore, I have attached it to this email.</p> <p>The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.</p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>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.</p> <p>25/11 2021 - Natural England has no comments to make on this application.</p> <p>Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.</p> <p>Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.</p>

Name	Comment
	<p>The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.</p> <p>We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice</p>
<p>Natural England</p> <p>Reply Received 24 June 2022</p>	<p>Natural England has previously commented on this proposal and made comments to the authority in our letter dated 25 November 2021, reference number 374600.</p> <p>The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.</p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>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.</p>
<p>NDC Waste, Recycling & Commercial Services</p> <p>Reply Received 17 May 2022</p>	<p>Feedback from the waste team is that there could be issues getting a hgv bin lorry / recycling truck to cover the whole estate. Recent developments have not taken into account residents parking outside their properties on bends which restricts our vehicle access. We need all properties to have access to a wheelie bin collection. If resident parking restricts our access, then residents will have to store their waste in bags and present bags for collection by a transit van. This is fortnightly.</p>

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Name	Comment
<p>NDC Waste, Recycling & Commercial Services</p> <p>Reply Received 17 May 2022</p>	<p>Feedback from the waste team is that there could be issues getting a hgv bin lorry / recycling truck to cover the whole estate. Recent developments have not taken into account residents parking outside their properties on bends which restricts our vehicle access.</p> <p>We need all properties to have access to a wheelie bin collection. If resident parking restricts our access, then residents will have to store their waste in bags and present bags for collection by a transit van. This is fortnightly.</p>
<p>NHS England</p>	<p>No reply received.</p>
<p>Open Space Officer</p> <p>Reply Received 16 November 2021</p>	<p>16/11/2021 16:25 - This application would generate an open space and green infrastructure requirement in accordance with policy DM10. I have provided a calculation based on the accommodation schedule provided. However, I note from the masterplan that areas of open space, equipped play and green infrastructure have been provided. Please could you provide me with a breakdown of each typology of open space in sq.m so I can off-set that against the calculation.</p> <p>In terms of layout, the connectivity to the town using green infrastructure is supported. These footpaths should be maccadam to accommodate push chairs and wheel chairs accessibility through the site and open space.</p> <p>This is a full application, yet no details on the equipped play have been provided. Please can the applicant submit further details to enable us to provide feedback?</p>
<p>Open Space Officer</p> <p>Reply Received 19 July 2022</p>	<p>I met with Witheridge Parish Council this morning regards application 73742.</p> <p>The Parish Council's number one POS priority is to secure a good proportion of the land in the site plan attached. This land is identified in the Mid Devon Local Plan for Leisure, Recreation and Open Space Usage. The site is in very close proximity to the development site 73742 and is owned by the same landowner/developer.</p> <p>It would make total sense to me for the developer to include this land in their application as their on-site contribution to POS, especially as the applicant has been arguing viability.</p> <p>Please could you make contact with the applicant to propose this; as they would not only save themselves a large off-site contribution but would also deliver much better outcomes for the community.</p> <p>Having inspected the site; I believe the land to the left of the track that runs through the middle of the site would be ideal in size to deliver what the Parish Council are wishing to achieve – see below pictures.</p>

Name	Comment
<p>Planning Policy Unit</p> <p>Reply Received 30 November 2021</p>	<p>Thank you for consulting the Planning Policy team concerning the above full application for the erection of 155 dwellings at Witheridge. I note this application has been submitted following a preapplication enquiry for 145 dwellings.</p> <p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise.</p> <p>As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions as is the fact that at this present time, North Devon cannot clearly demonstrate a 5 year supply of deliverable housing sites.</p> <p>This greenfield site is outside the defined development boundary for Witheridge where Policy ST07(4) will apply. In the Countryside, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.</p> <p>Witheridge is a recognised Local Centre where Policy ST07(1) will apply. As set out within the Local plan, Local Centres will be the primary focus for development in the rural area; development will be supported in accordance with the local spatial strategies, to enhance the sustainability of the locally important service centres and to enable wider than local needs to be met.</p> <p>Following the Burwood appeal decision in Torridge, the Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031. I recognise the base date for this assumed housing supply is April 2019 and although the Council has not updated that position to April 2021, from a policy perspective I do not see that the 4.23 year supply would have improved to a position that we could confidently demonstrate a 5 year supply of deliverable housing sites.</p> <p>Therefore, National planning policy (Footnote 8, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of</p>

Name	Comment
	<p>deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.</p> <p>If there is no clear reason to refuse an application based on a protected area or asset (footnote7 –NPPF), the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits – the so-called tilted balance (Paragraph 11(d)(i), NPPF).</p> <p>From a policy perspective, the lack of a 5 YHLS is a material planning consideration and I would suggest you must apply significant weight in the tilted balance to a proposal of 155 homes as I am of the opinion that it could make a substantial contribution to the Councils shortfall in deliverable housing sites, especially if their delivery milestones of whole site completion within 4 years are met.</p> <p>The Councils currently accept that clause (2) of Policy ST21 is triggered on the basis that at this point in time it is not possible to demonstrate that completions are above 90% of that which was required for the previous monitoring year and that there would be an appropriate recovery demonstrated for the next two years. As the proposal for housing lies outside of defined settlement boundary for Witheridge, the provisions of Clause (2) and associated criteria of Policy ST21 should be applied and considered.</p> <p>I have considered the content of the housing delivery statement from MHB Planning and whilst I am not convinced by every detail of this statement, I think that it might be quite hard to challenge the principle especially as Larkfleet Homes are currently on site to the east, and nearing the completion of 65 dwellings on the housing allocation WIT01 so I am of the opinion that the transition to Phase II could be relatively quick and.</p> <p>I do welcome the fact that this is a 'Full' application and a start on site could be immediate post any planning permission being granted but to help ensure the proposal is implemented in a timely manner, consideration should be given to only granting a 2 year approval as supported by paragraph 77 of the NPPF (where this would not threaten its deliverability or viability) rather than the standard 3 years.</p> <p>However, as you are aware the acceptability of this site is more about the sustainability of the location, landscape, infrastructure, highways, etc. as opposed to the more simplistic approach set out</p>

Name	Comment
	<p>by the agent around the Council not being able to clearly demonstrate a 5 YHLS and therefore this site must be accepted. I am slightly sceptical of their proposed delivery timetable (4 years) and delivery rates (48 dpa) which is higher than the nationally identified build out rate of 43 dph (paragraph 59) agreed at the Inquiry for the Torrington appeal in January 2020. However, you will note from the table below that the adjoining site for 65 dwellings was completed in approximately 30 months (excluding planning process) by Larkfleet Homes although I note the first full year of completions only delivered 40 dwellings (2020/2021) with an average of just over 3 dpm, which is lower than the agents estimated delivery of 48 dpa for phase II and nationally identified build out rate. I do accept that the 30 month build out rate for phase</p> <p>It may be a slight over/under estimation as the exact start on site to first completion in Q3 of 2019/2020 is not known but from a policy perspective I would still be relatively confident that this site (Phase II) could deliver the majority of proposed housing within 5 years. In order to ensure delivery of their timetable, you may wish to consider whether it is legally possible to tie the 'Housing Delivery Statement' within any future planning approval or s106 agreement in order to ensure such milestones are met and therefore contribute towards our housing delivery shortfall although I do accept this may not be achievable or enforceable due to the potential, albeit unlikely for the housing market to collapse over this time period.</p> <p>Date Description App. Should you be minded to support a planning application then I will outline the policy requirements for any future submission.</p> <p>The land proposed for housing has an approximate gross site area of 6.63 hectares (4 hectares net -SHLAA endorsed 60% gross to net site size ratio) and with a proposal of up to 155 dwellings, this would equate to a net density of up to 38 dph which is higher than the adjoining phase I development to the east (WIT01) which is approximately 28 dph and the SHLAA endorsed density of around 30 dph for a rural settlement such as Witheridge.</p> <p>Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide onsite delivery of affordable housing equal to 30% of the total number of dwellings (gross). In this instance there should be an on-site requirement of at least 46 affordable dwellings (with the remaining .5 being secured as a financial contribution towards off-site provision). However, I note the developer is only proposing 12 affordable dwellings (approximately 8%), a proposed level of delivery that is intended to meet the identified need for the parish of Witheridge as evidenced through the 'Local Housing Needs Survey' which was completed in February 2021 by 'Devon Communities Together'.</p>

Name	Comment
	<p>From a policy perspective, this level of affordable is considered to be totally unacceptable as the evidence should also be considering the level of affordable housing need from adjoining rural parishes, including those within Mid Devon. However, I would also draw your attention to Policy WIT(c) where the local community seek to prioritise the delivery of infrastructure provision required for new development over the delivery of affordable housing and you may wish to weigh this in the balance although from a policy perspective I would still maintain that 8% affordable housing is far too low for this size of development if it were considered acceptable.</p> <p>Also, you must be assured that the proposed housing mix will meet the identified housing need in accordance with Policies ST17. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs. For information, Part (1) of the policy could be used to seek particular forms of housing where there is evidence of need. I have provided an extract from the HEDNA (Table 114: Recommended Housing Mix – page 214) which identifies the recommended housing mix across the Plan area.</p> <p>1 – bed 2 – bed 3 - bed 4 - bed Market 5-10% 30-35% 40-45% 15-20% Affordable 30-35% 35-40% 20-25% 5-10% All Dwellings 15% 35% 35% 15%</p> <p>It would appear from the proposed site layout for Phase II (155 dwellings) that the developer is seeking to deliver the following:</p> <p>1 bed – 6 units (4% of total) 2 bed – 46 units (30% of total) 4 3 bed – 69 units (45% of total) 4 bed – 30 units (19% of total) 5 bed – 5 units (3% of total)</p> <p>The evidence is clear, the latent demand for 4 bed units is relatively small (15% of all dwellings) with no demand for 5 bed units. Therefore, I must question the level of 4 and 5 bed units being proposed.</p> <p>As you can see the highest demand is for 2 and 3 bed units (35% of all dwellings) although the proposed mix as proposed falls slightly short of the identified need in terms of 2 bed units; slightly above the identified local need for 3 bed units and well below the identified need for 1 bed units.</p> <p>Therefore, you must be assured that this proposed housing mix will meet the numbers, type, size and tenure to meet the identified local housing needs as I do accept that these figures could increase or decrease accordingly based on the specific settlement.</p>

Name	Comment
	<p>The design and layout of the development should be considered against Policies ST02, ST03, ST04, ST05(1), DM01, DM04 and DM08A of the local plan and the National Design Guide. It is also worth noting that criterion 2 of DM04 will expect all major residential proposals such as this, to be supported by a Building for Life 12 assessment, updated to 'Building for a Healthy Life (July 2021) where the developer must minimise 'amber' scores and avoid 'red' scores.</p> <p>I note from the Design and Access Statement that the site has achieved 11 'green' scores and 1 'amber' which is certainly welcomed although I would wish to be assured that their submission is critically examined to ensure the intentions of policy DM04 are delivered.</p> <p>If considered necessary, then I would support Phase II being considered by an independent design review panel as advocated by paragraph 133 of the NPPF.</p> <p>As set out in paragraph 6.5 of the Local Plan, 'all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support 'biodiversity offsetting' to deliver a net gain in bio-diversity off-site'. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site.</p> <p>The Defra metric should be used to ensure there is an overall net gain in biodiversity. It would appear from the proposed site layout that the developer is retaining and making best use of existing hedge boundaries to accommodate development which is welcomed.</p> <p>All issues around ecology should be considered against ST14 and DM08 including the response from Mark Saunders.</p> <p>Policy ST14(d) seeks to conserve the best and most versatile agricultural land (Grades 1, 2 and 3a) as it is considered to be a limited environmental resource. However, evidence would suggest the site is principally Grade 3b which is considered to be lower grade agricultural land but may have greater ecological value.</p> <p>The site is within the landscape character type 3A: Upper Farmed Wooded Valley Slopes where the overall strategy is 'to protect the landscape's strong rural character and historic sense of place. The farmed landscape comprises a rich mosaic of fields bounded by an intact network of species-rich Devon hedges. Valued farmland and woodland habitats are managed and extended, with opportunities for Green Infrastructure links to settlements pursued'. From a policy perspective, I welcome the strong green boundaries and the transition of the development with the adjoining countryside.</p>

Name	Comment
	<p>Paragraph 13.68 of the adopted Local Plan clearly sets out that new development will be required to make provision for public open space, recreation, sports facilities and green infrastructure and where possible, such facilities should be provided on site as an integral part of the development. Paragraph 12.300 recognises that over the plan period, an extension to the existing cemetery will be required. If you are accepting of this development then the need for a cemetery extension may be required sooner within the plan period and should be considered as part of future negotiations.</p> <p>Therefore, you must ensure the proposal delivers green infrastructure in accordance with Policies WIT and DM10 and the standards as set out in Table 13.1 together with guidance from the consultation response of Lucinda Wheeler.</p> <p>Paragraph 12.304 recognises that ‘the foul sewerage system in Witheridge is overloaded and has very little spare capacity to cater for further development. Any significant new developments will require major improvements to the sewerage system’. Also, paragraph 12.303 identifies community support for a new pre-school building to replace the existing portable prefabricated building which will be delivered through developer contributions as well as proposals that would supply additional elderly care provision within the village.</p> <p>The delivery of necessary infrastructure to serve the development should be considered against Policies ST23 and WIT and the response of the statutory undertakers.</p> <p>Future construction and environmental management of the site should be considered against Policy DM03.</p> <p>In allocating housing land south of Butts Close for 65 homes, Policy WIT01 required vehicular access from Fore Street (B3137) including traffic management measures on roads leading to the site whilst also seeking to secure the opportunity to safeguard for future vehicular access to the land which forms this application.</p> <p>Paragraph 12.298 makes it clear that this route represents the primary vehicular route to any future development in this location and I welcome the fact that any potential vehicular access to the north-west corner of the site on to Cannington Road/Broomhouse Park has now been removed.</p> <p>I also welcome the proposed cycle/pedestrian access from the delivery of Phase II into Cannington Road/Broomhouse Park to the medical centre as well as the route of the Two Moors Way being protected although it is clear the character of this route as you approach Witheridge from the south will be greatly altered from a sense of being within the Countryside on the outskirts of a settlement to walking adjacent built development although I accept this could be addressed through enhanced landscaping.</p>

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Name	Comment
	<p>All highway issues should be considered against Policies ST10, WIT, WIT01(2a), DM05 and DM06 of the Local Plan together with the response of the highway authority.</p> <p>As the Council cannot clearly demonstrate a five year supply of deliverable housing sites, then you should consider the acceptability of this site against the presumption in favour of sustainable development subject to the above policy considerations being appropriately addressed.</p> <p>I trust the above policy advice is of assistance to you but should you wish to discuss the matter further then please do not hesitate to contact me.</p>
<p>Planning Policy Unit</p> <p>Reply Received 10 June 2022</p>	<p>I do understand the point the developer is setting out in that the HEDNA (May 2016) is somewhat dated and of course it applies to the Plan area as a whole and Witheridge may demonstrate that the local need for market housing is very different to the evidence. However, I don't think we should be agreeable to a different open market housing mix just on the basis that the developer can achieve a higher return on larger house types. With the current housing crisis in North Devon I would suggest the demand is for smaller housing units in line with the evidence and not larger 4 and 5 bed units. Has the developer provided an up to date assessment that clearly demonstrates a different housing mix for Witheridge is appropriate for the settlement that is reflective of local housing needs?</p> <p>From a policy perspective, I really welcome the fact that the developer is now looking to achieve a policy compliant scheme of 30% affordable housing. However, I would wish to ensure that they confirm in writing, that 30% affordable housing together with any other required contributions is viable and not get a planning permission and then challenge viability at a later stage.</p>
<p>Rural Housing Enabling Officer (Colin Savage)</p>	<p>No reply received</p>
<p>South West Water</p> <p>Reply Received 30 November 2021</p>	<p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p>Clean Potable Water South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p>Foul Sewerage Services South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.</p>

Name	Comment
	<p>The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p>Surface Water Services The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p> <ol style="list-style-type: none"> 1. Discharge into the ground (infiltration); or where not reasonably practicable, 2. Discharge to a surface waterbody; or where not reasonably practicable, 3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, 4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation) <p>I refer to the foul and surface water drainage strategy outlined in application document 19419-R01-01 Rev B_FRA & Drainage Strategy and would advise that South West Water have no objections to the current strategy for both foul and surface water drainage for the above development site. Should there be subsequent changes, the applicant is requested to contact South West Water.</p> <p>I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.</p>
<p>South West Water</p> <p>Reply Received 18 May 2022</p>	<p>I refer to the above application and would advise that South West Water has no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy.</p> <p>However I would comment that unfortunately the FRA document still crashes my system, and I still cannot review the drainage calculations, but it would appear from the submitted plan "Preliminary Drainage Layout Sheet 2 of 2" ref 19419-DPL-02 Revision E (dated 26/01/22) that flooding is expected for the 1 in 100 year storm event, therefore I would advise that additional on-site attenuation should be provided to ensure this doesn't happen.</p> <p>Further, if there is reference to Construction Management plan surface water flows, these construction site flows should be accommodated on site and disposed off either via discharge to ground or similar, or tankered off site for disposal. Discharge to a public sewer is not permitted , as public sewers are for domestic use only.</p>

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Name	Comment
<p>South West Water</p> <p>Reply Received 27 June 2022</p>	<p>I refer to the above application and would advise that South West Water has no objection and no further comment to those previously submitted on 18th May 2022 (attached again for reference).</p>
<p>Sustainability Officer</p> <p>Reply Received 29 November 2021</p>	<p>Reply 09/12/2021: Please accept my sincerest apologies for not having reviewed the submitted Defra Metric as part of my original consultation response dated 29/11/2021.</p> <p>The submitted Metric (01/11/21) clearly demonstrates an appropriately detailed assessment of existing site composition and the value of habitat which will be delivered alongside the proposed development. The Metric concludes that a significant net gain would be achieved in both habitat areas and linear features and therefore is broadly supported in current Policy. The submitted Landscape Masterplans clearly demonstrates the provision of habitat as required to satisfy the Metric calculation. Therefore I am happy to withdraw the comments relating to the Metric. However, the remainder of the response as highlighted in red below remain pertinent.</p> <p>The submitted Ecological Assessment (EA) including detailed protected species surveys provides an appropriate assessment of site composition, habitat value and presence of protected species. No further survey effort is considered necessary until 12 months has elapsed. A Natural England dormice licence will be required prior to any hedgerow removal.</p> <p>The EA has not been used to inform an appropriately detailed Biodiversity Net Gain Metric Defra 3.0) calculation and therefore there is currently no substantive demonstration that the proposed development will not result in a net loss. The Metric must be undertaken to determine the habitat value of the baseline and subsequently inform detailed landscaping proposals which clearly illustrate the provision of at least a 10% net gain in biodiversity.</p> <p>The EA does not make adequate recommendations for additional protected species habitat enhancements and should consider further opportunities for building integrated bat/bird boxes, hedgehog highways, bee boxes and reptile hibernacula. Once recommendations for landscape and habitat enhancements are finalised a detailed Landscape and Ecological Management Plan (LEMP) must be provided to ensure appropriate implementation, management and monitoring of all retained and enhanced habitats.</p> <p>The LEMP should be accompanied by a detailed planting specification which includes planting densities and target height and width. The EA also recommends that a lighting strategy is produced and reviewed by a suitably qualified ecologist with regard to minimising the impact on foraging and commuting bats.</p>

Name	Comment
	<p>The lighting strategy should demonstrate that the current proposals have been informed by best practice https://www.bats.org.uk/our-work/buildings-planning-and-development/ lighting and that existing dark corridors of at least 5m can be maintained around all retained boundary habitats. Of particular concern is development in close proximity to the lane running east west through the site from the B337. The northern most plots in the eastern section of the site have very little separation distance to the existing hedgerow and internal light spill would be likely to increase illumination on the southern face of the hedgerow, reducing foraging and commuting opportunities post development. A lighting assessment including lux contour plans demonstrating that the combined effects of external lighting and internal light spill do not result in exceedance of 0.5 lux at all sensitive habitats should be submitted for all sensitive habitats likely to be affected by the proposals.</p> <p>29/11/2021 16:56 - The submitted Ecological Assessment (EA) including detailed protected species surveys provides an appropriate assessment of site composition, habitat value and presence of protected species. No further survey effort is considered necessary until 12 months has elapsed. A Natural England dormice licence will be required prior to any hedgerow removal.</p> <p>The EA has not been used to inform an appropriately detailed Biodiversity Net Gain Metric (Defra 3.0) calculation and therefore there is currently no substantive demonstration that the proposed development will not result in a net loss. The Metric must be undertaken to determine the habitat value of the baseline and subsequently inform detailed landscaping proposals which clearly illustrate the provision of at least a 10% net gain in biodiversity.</p> <p>The EA does not make adequate recommendations for additional protected species habitat enhancements and should consider further opportunities for building integrated bat/bird boxes, hedgehog highways, bee boxes and reptile hibernacula. Once recommendations for landscape and habitat enhancements are finalised a detailed Landscape and Ecological Management Plan (LEMP) must be provided to ensure appropriate implementation, management and monitoring of all retained and enhanced habitats. The LEMP should be accompanied by a detailed planting specification which includes planting densities and target height and width.</p> <p>The EA also recommends that a lighting strategy is produced and reviewed by a suitably qualified ecologist with regard to minimising the impact on foraging and commuting bats. The lighting strategy should demonstrate that the current proposals have been informed by best practice https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting and that existing dark corridors of at least 5m can be maintained around all retained boundary</p>

Name	Comment
	habitats. Of particular concern is development in close proximity to the lane running east west through the site from the B337. The northern most plots in the eastern section of the site have very little separation distance to the existing hedgerow and internal light spill would be likely to increase illumination on the southern face of the hedgerow, reducing foraging and commuting opportunities post development. A lighting assessment including lux contour plans demonstrating that the combined effects of external lighting and internal light spill do not result in exceedance of 0.5 lux at all sensitive habitats should be submitted for all sensitive habitats likely to be affected by the proposals.
The Biosphere Service	No reply received
NHS Acute Care Reply Received 23 September 2022	Financial contribution required towards demand on acute care facilities: £18,572.
NHS Primary Care Reply Received 29 September 2022	<p>The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (https://www.devon.gov.uk/planning/planning-policies/othercounty-policy-and-guidance) which was jointly prepared with NHS England.</p> <p>The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.</p> <p>However, please be advised that this response from NHS Devon is a snapshot of capacity assessment at the date of this letter and should there be any change to this position as a result of any current planning applications that may or may not affect the capacity at Witheridge Medical Centre being approved prior to a final decision on this particular development, then the NHS position could change.</p> <p>Therefore, whilst at this time there would be no need for a Section 106 contribution towards NHS Primary Care from this development, we would advise that the estimated sum of £580 per dwelling towards NHS Primary Care is factored in to any viability assessments.</p> <p>Accordingly, the NHS reserve the right to review and respond again when any future planning applications are received by the Council. The NHS cannot guarantee that the response will be the same once all the factors surrounding any future application are considered.</p>

Name	Comment
<p>Witheridge Parish Council</p> <p>Reply Received 31 January 2022</p>	<p>Witheridge Planning Application 73742 - Consultation Response</p> <p>Further to your invitation to provide a consultation response to the above application dated 11/11/21, the Parish Council (the Council) invited a member of the planning team to address the Council at a public meeting to explain why the application was being considered despite:-</p> <ul style="list-style-type: none"> • It being outside of the development boundary of Map24 detailed in Policy "WIT01 : Land at Butts Close" and • It was in contravention of the North Devon & Torridge local Plan adopted on 28 October 2018. <p>This meeting was arranged by the Council and was held on 2 December 2021 at Witheridge Parish Hall and was attended by Maria Bailey – Head of Planning, North Devon District Council, all members of the Parish Council and approximately 80 members of the public. The Developer was aware of the meeting but did not attend.</p> <p>The Council's response to this application is informed by the debate at the meeting and is based upon the comments made both by members of the Parish Council and residents who expressed an opinion at the meeting.</p> <p>Before making detailed comments, the Council would like to advise the planning authority that at a prior meeting of the Council on 2 September 2021, Maria Bailey advised that this application would likely be coming forward and that although it was outside of the development boundary and would therefore be the subject to the terms of the National Planning Policy Framework (NPPF) for sustainable development, "it would nevertheless still be required to meet all other enforceable policy areas".</p> <p>To this end the Parish Council would make the following comments:</p> <ol style="list-style-type: none"> 1. Neil Brant – Transport Statement <p>Clause 2.2.17 page 10 states:-</p> <p>2.2.17 As a consequence of the s106 contributions towards improved pedestrian accessibility and safety along and over the B3137; any historic shortfalls have been subsequently addressed.</p> <p>Although payments have been made, as yet no improvements have been made and as of today despite many requests to our County Councillor, the Council have been unable to establish when these improvements will be made by the Highway Authority despite the fact that the scheme required the developer to make the S106 payments before the occupation of the first dwelling for the 30 MPH scheme and on the occupation of the 15th dwelling for the Bus Stop and School Crossing schemes and were identified before the planning consent was implemented. As these milestones were achieved in 2019 these works are long overdue.</p>

Name	Comment
	<p>Parish Response</p> <p>The Parish Council considers that until these improvements are made the potential impacts of an additional 155 houses would have a detrimental impact on the village and would create an unsafe environment for both pedestrians and road users, particularly those related to additional pupils at the school having to cross the main road and a significant number of additional vehicles entering and leaving the village at a potentially dangerous junction.</p> <p>2. Tumu Consulting - Drainage Strategy</p> <p>5.1 states that surface water will drain to existing connection in Cannington Road as onfirmed in Appendix D. Appendix D is an exchange of emails requesting the location and level (AOD) of Foul and surface water nearest the proposed location The response from SWW confirms the location and levels but makes no comment on the capacity available.</p> <p>5.7 states that correspondence with SWW confirmed that there is capacity within the foul water sewer in Cannington Road, the proposed drainage layout in appendix 7 does not provide any information on available capacity from SWW. The Capacity Report Check submitted in support of the application does not confirm capacity either, SWW provide great deal of detail on the costs of connection but no evidence of capacity.</p> <p>Clearly this application will have a major impact on the village sewerage system and is a point made by several people at the meeting as detailed in the public comments summary at the end of this document. It was assumed by the Council that significant improvements to the local network would be made in accordance with Policy WIT01 (c) as illustrated below</p> <p>Policy WIT01: Land off Butts Close</p> <p>1) Land south of Butts Close, as shown on Policies Map 24, is proposed for residential development that includes:-</p> <p>a) about 65 dwellings with an emphasis on providing a mix of housing types, tenures and sizes to reflect local need; and</p> <p>b) provision within the site for physical infrastructure, community facilities and green infrastructure required by the development.</p> <p>2) The site will be developed to deliver the following site specific development principles:</p> <p>a) vehicular access from Fore Street (B3137) including traffic management measures on roads leading to the site;</p> <p>b) an opportunity being safeguarded for future vehicular access to the land west of the site;</p> <p>c) adequate contribution towards upgrading the foul and surface water sewers and sewage treatment works to provide additional capacity to enable the development to proceed; and</p> <p>d) enhanced landscaping along the southern boundary to ensure the development is integrated into the landscape.</p>

Name	Comment
	<p>The implication is that this would need doing before implementation of the 65 houses scheme provided under 62777 & 65041 However the Council have been unable to find any public record of improvements having been made since the development or whether there are any planned.</p> <p>It should also be noted that in application 65041 which dealt with reserved matters for the existing development the Planning Policy unit also queries this lack of capacity and advises in the decision report that " therefore, you must again be assured that this development will not cause any adverse problems for Witheridge in terms of surface water and sewage disposal".</p> <p>Despite this comment from your own Policy Unit this was not conditioned in the approval of that application. A number of residents at the public meeting highlighted the current issues relating to drainage and sewage, all of which have yet to be addressed.</p> <p>The Parish Council considers that an additional 155 homes would create an intolerable burden on the sewage and waste water system within the village and a plan for improvements must be put in place before any further housing is approved.</p> <p>3. Affordable Housing</p> <p>The current application provides for an affordable housing allocation of 12 houses (just 7%) out of 155 planned homes. This allocation is based upon the Local Housing Need Survey (LHNS) included in the application.</p> <p>The current Joint local plan has adopted the revised guidance to the NPPF at Para 63 as detailed below:</p> <p>9) The implementation of Policy ST18 (1) will be impacted by the amended thresholds set out in paragraph 63 of the revised NPPF. Clause (1) of Policy ST18 as set out in the adopted NDTLP reads:</p> <p>(1) Affordable housing provision will be required on residential development proposals on the following basis, with the thresholds for the provision of affordable housing applied unless changed in national policy or guidance:</p> <p>a. Proposals for 11 or more dwellings, or for the provision of greater than 1,000 square metres (gross internal area) of residential floorspace irrespective of the number of dwellings, will be expected to provide on-site delivery of affordable housing equal to 30% of the number of dwellings (gross) on site: and</p> <p>b. In rural areas designated under 157 of the Housing Act 1985, including the North Devon Coast Areas of Outstanding Natural Beauty, proposals for 6 to 10 dwellings will be expected to provide a financial contribution of broadly equivalent value to providing on-site affordable housing equal to 30% of the number of dwellings (gross on site).</p>

Name	Comment
	<p>c. If the requirement for affordable housing thresholds is removed from national planning policy or guidance then clauses (1)(a) and (1)(b) above will no longer have effect and all residential development proposals that provide for a net gain in open market housing will be required to provide affordable housing equal to 30% of the number of dwellings (gross) on site.</p> <p>Part (c) above is unequivocal. As already stated the developer has provided aLHNS as part of this application, which If we are to take at face value supports the development of 12 homes that represent the affordable portion required for Witheridge which would mean in policy terms this proposed development should be for no more than 40 homes.</p> <p>Policy ST19 of the local plan deals with Affordable Housing on exceptional sites and the developer has sought to justify this development on the basis of a local requirement identified in the LHNS however, ST19 states :</p> <p>Policy ST19: Affordable Housing on Exception Sites Proposals to deliver permanent affordable housing at Local Centres, Villages and Rural Settlements will be supported, subject to the following:</p> <p>(a) the site is well related to or adjoining the defined development boundary; or where the settlement is not subject to a development boundary, the site is well related to the extent of the contiguous built form;</p> <p>(b) the development is proportionate to the scale and nature of the existing settlement;</p> <p>(c) there is an identified local need for affordable housing sufficient to justify the extent and nature of the proposed development;</p> <p>(f) where it can be robustly demonstrated that an element of market housing is required to enable delivery of significant additional affordable housing, it will be supported provided that:</p> <p>(i) the element of market housing is the minimum amount required to enable the delivery of the proposed affordable housing; and</p> <p>(ii) the mix of open market dwellings, in terms of type and size, complies with the requirements of Policy ST17;</p> <p>Whilst we accept that this application does meet part (a) of this criteria, it fails to comply withall other parts.</p> <p>The Parish Council notes that Affordable Housing is identified as a strategic priority in the adopted local plan (page 72). The existing development has provided just 17% of affordable homes, which in itself is a departure from the policy, a further development with over</p>

Name	Comment
	<p>twice the number of houses but with less than half of the previous number of affordable homes is unacceptable to the Parish Council. Furthermore, the Developer has failed to justify the local market need for such a large development.</p> <p>4. Impact on Local Services</p> <p>As part of the adopted local plan process, the Parish Council considered the wider impacts of future development on the nature of the village. During this process a number issues were identified that would need to be addressed as follows:-</p> <ul style="list-style-type: none"> • Capacity at the village school and secondary education further afield • Capacity of the sewerage & water network • Capacity at the local Doctors and access to complex health care • Local shops • Community facilities • Parking in the village • Public open space • Increased traffic • Lack of elderly care <p>All of these issues were identified as potential problems as part of a process for agreeing to a 65 unit housing allocation within the existing local plan. Some of these issues will eventually be addressed via the S106 funding agreement for the existing development, but a further 155 homes will add further pressure on already stretched local services. In addition there is limited local employment within the village, which means that additional traffic for work, and access to the nearest supermarkets and services will add further strain to the already inadequate local roads.</p> <p>Parish Response</p> <p>The Parish Council is concerned about the scale of this proposed development and the implications on already stretched local services. The Parish Council is not aware of any impending improvements planned for village facilities outside of those designed to accommodate the existing consented development.</p> <p>5. Sustainable Development</p> <p>Sustainable development is at the core of the North Devon & Torridge District Plan and there are several Policies within the document that place the emphasis on developers to conform not only with these policies, but those enshrined within the National Planning Policy Framework (NPPF).</p> <p>Three of the major policy areas in the Local Plan are Policies:-</p> <p>ST01 – Principles of Sustainable Development</p> <p>ST02 – Mitigating Climate change</p> <p>ST05 - Sustainable Construction and Buildings.</p> <p>Each of these policies require developers to take heed of the need to meet the challenges of climate change, renewal energy and low carbon development. The proposed application does not address</p>

Name	Comment
	<p>these issues other than a statement referring to car charging points.</p> <p>Other developments within the district have embraced these policies and it is not uncommon to see new developments with solar PV.</p> <p>Parish Response The Parish Council is concerned that this development does not sufficiently address the policies of the Local Plan insofar as mitigating climate Change or low carbon development. It would appear that the developer is only proposing the bare minimum despite the application being outside of the development boundary and thus subject to NPPF which has Sustainable Development at its heart. The Council is also deeply concerned that the current application does not provide for a separate access for construction traffic during development, which would have a further major impact on the local road network.</p> <p>6. Section 106 Mitigation As a condition of the approval of the existing development at Willow Heights, the landowner, Devon County Council and North Devon District Council entered into a legally binding agreement under S 106 of the Town & Country Planning act 1990. This agreement provides for, amongst other things, the payment of sums of money for the improvement to local facilities in mitigation for the impacts of the development.</p> <p>The developer has proposed a heads of terms for the proposed development, which would normally be negotiated in parallel with the consultation and approval process of the application and at this stage the Parish council does not have a view on this due to lack of consultation.</p> <p>Whilst the Parish Council acknowledges that this process is appropriate in the normal course of events they are nevertheless concerned that the decisions that are made as to the suitability and application of such payments are not in the hands of the local community or its representatives. Such agreements in the past have been managed by the District Authority with little reference to the Parish Council and have in effect been managed in a "trickle down" process whereby the Parish Council has had little say in how such payments are spent for the benefit of the local community.</p> <p>Parish Response The Parish Council are concerned that any S106 agreement adequately reflects the needs of the community affected by this proposed development, and in the event that planning consent should be agreed, that any S106 agreement should involve the</p>

Name	Comment
	<p>Parish Council in conjunction with the residents and that such payments should address the impacts of the development on the local community only.</p> <p>All of the above responses are based upon a review of the application as submitted by the developer and are given in response to the policy issues that the Parish Council as identified as having the most impact on the community.</p> <p>Our comments relating to the proposed development are limited by our capacity to review such a large application with a considerable number of documents.</p> <p>As stated at the beginning of this document, the Parish Council has sought to engage with the residents regarding this application and during Public Sessions at Parish Council meetings on 2 December 2021 and 6 January 2022 a large number of residents expressed their concerns on many of the facets of the application and are summarised below from an excerpt from the minutes:</p> <p>Summary of points raised:-</p> <ul style="list-style-type: none"> - Sewage capacity. - Willow Rise issues with power cuts – query mains supply at limit ? - Water supply pressure capacity. - Access road capacity to cope with Willow Rise, 155 further houses and the Medical Centre and associated car parking and further its impact on emergency service vehicle access. It would make sense to join the road network from the new development to Cannington Road. - Loss of view and property devaluation from existing dwellings on the village edge. - Two Moors Way proposed to be used for pedestrian access to centre of village crosses a private drive. Residents of the 155 dwellings will be regularly crossing the drive creating a nuisance. - When Cannington Road was developed, a number of larger properties were not selling and plans re-submitted for smaller dwellings granted and sold. - Increase in water runoff on fields since the Willow Rise development plus foul smells emanating from drainage system.- Butts Close garden sewer manhole cover blown off by back pressure of pumped sewage leading to flooding of garden with sewage, first time in 21 years. Subsequent camera inspection has revealed pitch drains built for a small number of residences are at end of life. - Butts Close sewer back pressure leading to foul air making the bathroom unusable and impacting visiting community carer visits to resident and resident's COPD making the residents reliant on another neighbour for toilet facilities. - Need for current issues to be sorted prior to the granting of further building permissions. - Guarantees required to include future proofed sustainable carbon net zero measures.

Agenda Item 6

Name	Comment
	<ul style="list-style-type: none"> - Concerns current application is "testing" the minimum the developer can get away with.- - Infrastructure required in place before development commences. - Need documentation issues raised are dealt with. - Concern at the impact on local access to Barton Lane sewage works to upgrade it adequately. - Impact on public rights of way in vicinity specifically the historic Two Moors Way. - Speed limit and speed of traffic entering the village from Tiverton direction and impact on pedestrians and vehicles emerging from and turning into Willow Rise. - Overgrown brambles etc obstructing an already inadequate footpath bordering the Willow Rise Northern Open Space for disabled users. - LPG tanker lorries supplying Willow Rise gas supply tank forced to use one of the shared pedestrian / vehicular spur roads to access the estate gas tank. This leaves no room for pedestrians, pushchairs or wheelchairs to take refuge given planned pavements have been replaced with grass verges. This issue also arise on all the spur roads with the large dustbin and recycling lorries. - Concerns for children walking to school bus with no pavement towards the Triangle and conflict with construction traffic accessing the build site via the inadequate Willow Rise junction. - New pavements shown on plans should be tarmac not grass; the ludicrousness of grass verges to support biodiversity gain prioritised over pedestrian safety in the context of the impact of the whole new estate build on a green field site. Residents reported being told by the developer and planners the grass verges were to prevent vehicles parking on pavements and to force pedestrian into the shared pedestrian / vehicular spur roads to force traffic to slow down. - The footpath along the main Willow Rise artery road alternates from one side to the other requiring crossing the road several times which is difficult for disabled users. - Need a physical traffic calming solution to mitigate an accident occurring with traffic coming around the bend from Tiverton and traffic entering and leaving Willow Rise. - Dumping of raw sewage in the Little River Darte currently, will there be an Environmental Impact Assessment. - Inadequacy of Willow Rise for development traffic access to the development and impact on Willow Rise residents. - If to be approved the Planning Authority should include a condition for dedicated onsite space for development traffic to manoeuvre and park. <p>Additional issues raised during site meetings with Highways and the Lead Planning Officers, 13 January and 26 January respectively are further detailed:-</p>

Name	Comment
	<ul style="list-style-type: none"> - Extension of the current 30mph limit to beyond entrance to Chapner Farm given the designation of agricultural land here for a sports field in the Mid Devon Local Plan; to include rumble strips and speed activated signage on approach from Tiverton to encourage speed reduction approaching the blind bend to the junction of Willow Rise with the B3137. - Fossil fuels (Community LPG) implemented at Willow Rise despite government target to phase out fossil fuels for off-grid heating in the 2030s (only eight years away); this is not sustainable and should not be repeated for this application in the absence of government approved bio equivalent replacements becoming available. - Capacity of the Management Company (to be created to maintain Open Spaces) to maintain existing established mature tree lined hedgerows and copse to be incorporated in the development as a contribution to the development's Open Space requirement. This will be further exacerbated if the plan is to condition transfer the Management Company to new residents through their deeds. - Current proposal constrains expansion of the Medical Centre to meet the needs of an expanding population. <p>In conclusion, the Parish Council is deeply concerned with this proposed development; its scale and impact will have a detrimental effect on the village.</p> <p>As can be seen from the comments above, there are genuine concerns over the sewage & drainage, road safety, affordable housing and many other aspects of this application and we believe that a significant amount of additional information will be required to establish the sustainability of the proposal.</p> <p>Whilst we recognise that there is a continuing need to develop new housing, we are extremely disappointed that after all of the effort put into preparing and agreeing a detailed set of policies for the future development of the village for the period until 2031, we now find ourselves in a position where an application for a large number of homes on land outside of that development area is being promoted with little regard to the consequences on the infrastructure and facilities in this community.</p>
<p>Witheridge Parish Council</p> <p>Reply Received 6 May 2022</p>	<p>6/05/2022 11:38 - The parish council welcome the increase in affordable housing numbers however note previous matters of concern raised do not appear to have been addressed.</p>
<p>Witheridge Parish Council</p> <p>Reply Received 8 July 2022</p>	<p>8/07/2022 15:30 - The parish council raise the following:-</p> <p>Who will own the 8 additional parking spaces, will they be transferred to the Medical Centre as dedicated parking for their use ? if not who will be responsible for maintenance / policing (in</p>

Name	Comment
	<p>respect of for instances long-term parking of off-road vehicles or fly-tipping ?</p> <p>If the intention is to provide additional Medical Centre car parking additional street nameplates will require "leading to Medical Centre" as recently the parish council has upgraded all the name plates leading from Fore St. via Brooke Rd etc with this text for the information of Medical Centre patients referred to the main surgery from the satellite surgeries in the parishes of Morchard Bishop and Cheriton Fitzpaine.</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
12	1	84	0.00	0.00

The following matters have been raised by public objections to the development which will be addressed in the subsequent full report to committee:

- Highway network poor for vehicles and non-car users
- Impact on GP surgery
- Loss of farmland
- Water pollution
- Issues with Phase 1
- Local infrastructure at capacity (school, GP surgery, sewer network, roads, electricity, internet)
- Flood risk and drainage
- Loss of amenity to existing dwellings
- Construction management
- Loss of greenfield site
- Lack of affordable housing
- No local employment
- Commuter village
- Delivery of housing to meet 5 YHLS
- Poor mix of housing
- Air quality
- No EIA
- Light pollution

Considerations

Proposal Description

This application seeks detailed planning permission for the erection of a residential development of 155 dwellings and associated infrastructure.

The application is a full planning application with detailed plans for consideration which includes:

- 155 dwellings (30% affordable housing)
- Access to the site through Willow Rise
- Cycle and pedestrian access to Cannington Road/Broomhouse Park

- On- site public open space
- Sustainable surface water drainage on-site
- Biodiversity Net Gain on-site
- Additional land for Parking for GP Surgery
- Off-site contributions for education, highways improvements, recreation facilities, healthcare, affordable housing.

Figure 2 below shows the masterplan layout:

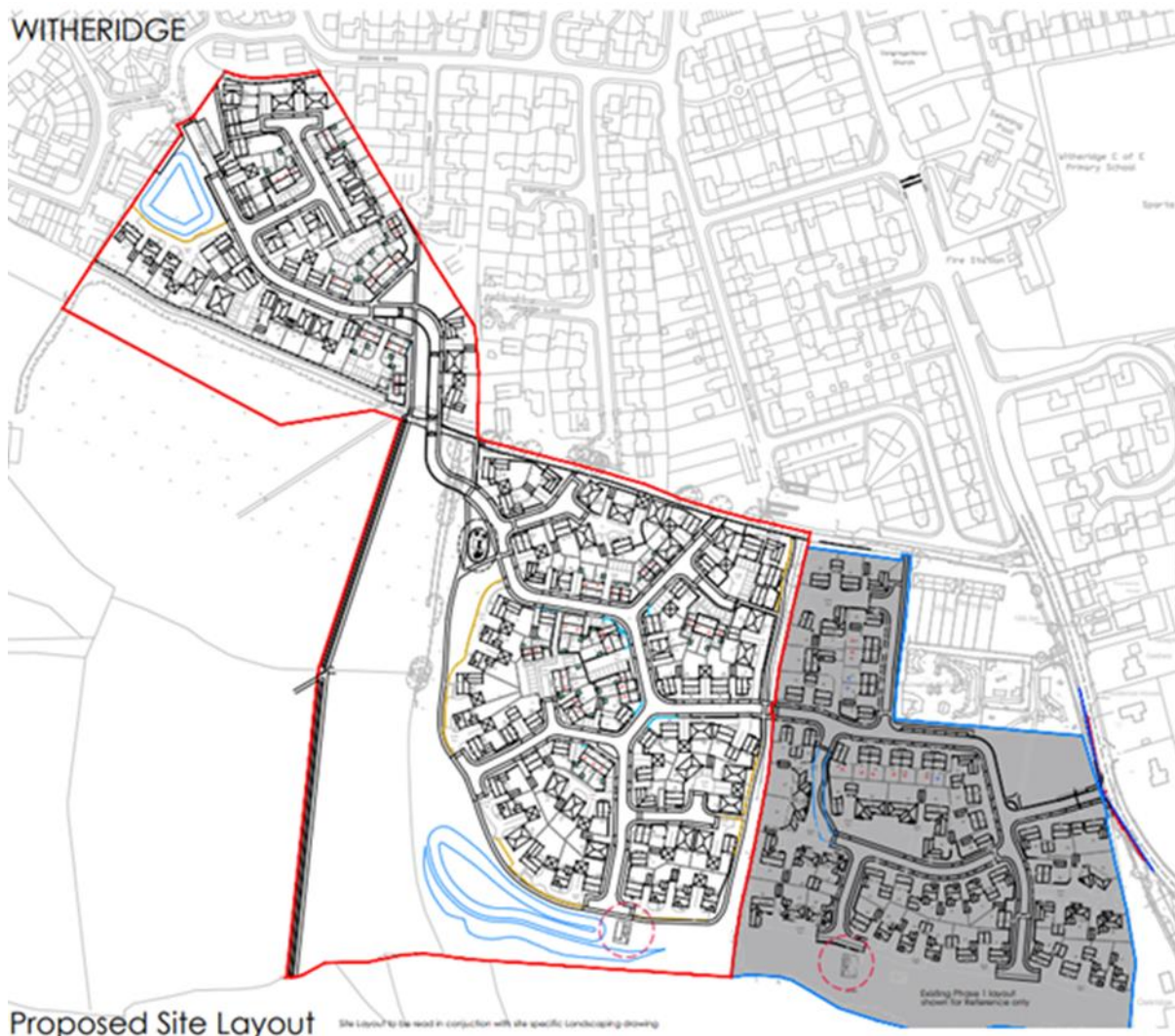


Figure 2: Proposed Layout Plan

Planning Considerations Summary

The main considerations in the determination of the application are:

- 1) Principle of development
- 2) Character and appearance
- 3) Heritage and Archaeology
- 4) Highway considerations
- 5) Ecology
- 6) Amenity Impacts
- 7) Flood Risk and Drainage

- 8) Infrastructure requirements
- 9) Planning balance

Planning Considerations

1. Principle of development

1.1. In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

1.2. The National Planning Policy Framework (NPPF) is a material consideration.

1.3. The site is located in an area defined in the NDTLP as countryside which is outside of any defined settlement or identified settlement boundary. As such it falls to be considered against Policy ST07 (4) of the NDTLP copied below:

'4) In the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.'

1.4. Policy WIT of the North Devon and Torridge Local Plan outlines the Witheridge Spatial Strategy as below:

'Over the period to 2031, the Local Plan will enable growth of high quality development supported by necessary infrastructure to meet the needs of Witheridge. The spatial vision for Witheridge will be delivered through:
(a) provision of a minimum of 81 dwellings to meet the range of housing need in the community. The supply of housing will be delivered through extant planning consents and a single site allocation for approximately 65 dwellings which reduces traffic impact on existing residents;
(b) retention and enhancement of community facilities required to support existing residents and new development including a new pre-school building, elderly care provision and additional car parking within the village;
(c) infrastructure provision required to support future development will be prioritised over affordable housing delivery;
(d) support for additional employment provision to meet locally generated requirements;
(e) initiatives that provide new opportunities for leisure and recreation facilities; And
(f) delivery of superfast broadband connections.'

1.5. It is noted that the proposed development on a non-allocated site far exceeds the above minimum requirement for 81 dwellings, with the 65 having already been delivered on the neighbouring allocated site. However the proposed development is submitted on the basis that at present, and until such a time any reform to housing figures is formally enacted, the housing policies, including that above are considered to be out of date, as explained below, and the presumption in favour of

development should be applied. In relation to points (b)-(f) above, the development, where relevant is required to contribute towards the above and this is discussed further in the report.

- 1.6. It is also noted, in relation to (c) that 30% affordable housing, compliant with NDTLP policy ST18 has been sought, and prioritised equally with infrastructure requirements, given the District's current housing crisis.
- 1.7. Whilst the development of 155 dwellings of a mixed size and form, with 30% affordable units would carry both social and economic benefits consistent with the above, given that allocated sites exist undeveloped in the district and, this development does not necessarily require a rural location and does not include building re-use and as such is contrary to the above policy. As such it is necessary to assess the other material considerations in relation to the development below:

Five year housing land supply

- 1.8. The Councils; being North Devon and Torridge jointly, recognise that in light of the Burwood appeal decision in Torrington (APP/W1145/W/19/3238460), they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031.
- 1.9. Therefore, National planning policy (Footnote 8, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.
- 1.10. If there is no clear reason to refuse an application based on a protected area or asset, the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits – the so-called tilted balance (Paragraph 11(d)(i), NPPF).
- 1.11. The lack of a 5YHLS only results in proposals for housing needing to be considered in accordance with the *Presumption* and not all applications for other forms of development. The lack of a 5YHLS will be a material consideration that will affect the weight that should be afforded to particular policies of the NDTLP; such as the provisions of ST06 and ST07 and in particular the application of development boundaries.

Departure from the Local Plan and the presumption in favour of 'Sustainable Development'

- 1.12. For the purposes of the *Presumption*, policies of the development plan are not considered to be automatically out-of-date by virtue of not being able to demonstrate a 5YHLS.
- 1.13. Whether a policy of the development plan is out-of-date is a matter for the decision taker, in light of their substance and considering their conformity with the NPPF. Due weight should be given to policies, according to their degree of consistency with the NPPF; the closer the policies in the plan are to the policies in the NPPF, the greater the weight that may be given to them.
- 1.14. The Presumption is set out in two parts;
- 1.15. First stage of the Presumption is to check if the policies of the NPPF that protect areas or assets of particular importance give a clear reason to refuse the development that is proposed (Paragraph 11(d)(i) and Footnote 6, NPPF). This is only done by reference to the provisions of the NPPF and not the NDTLP. There needs to be a clear reason to refuse and not simply that it affects one or more of those areas or assets.
- 1.16. If there is no clear reason to refuse based on a protected area or asset, the decision taker needs to consider, as a material consideration, the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits – the so-called tilted balance (Paragraph 11(d)(i), NPPF).
- 1.17. The courts have concluded that the application of the tilted balance takes into account both the provisions of the NPPF and development plans as relevant and when taken as a whole. As such it can include the consideration of the relevant provisions of the development plan (NDTLP) and not only the provisions of the NPPF. The decision taker will however need to assess the weight to be given to development plan policies, including whether or not they are in substance out-of-date and if so for what reasons.
- 1.18. The application is contrary to the Development Plan policy ST07 and WIT (as identified above) as the site lies outside the designated development boundary as identified in the NDTLP, however the Local Planning Authority therefore needs to determine whether there are material considerations which would override the Development Plan in permitting this development.
- 1.19. In this instance, the absence of a 5YHLS would indicate that Policies ST07 and WIT are out-of-date, only in so far as it relates to housing applications in locations which would otherwise be deemed as sustainable; subject to the consideration and application of the tilted balance against any policy conflicts identified in relation to other development plan policies and whether these conflicts and impacts result in both significant and demonstrable harm.
- 1.20. The location of the site directly adjacent to the development boundary for Witheridge is considered to be a sustainable location providing suitable access by all modes to the village facilities and services, providing for housing demand within the district and contributing towards infrastructure delivery in the village.

Deliverability

- 1.21. The intention to deliver the development is a matter for consideration in the context of Policy ST21 of the NDTLP, as the presumption in favour of sustainable development can only be considered to carry sufficient weight, where there is a realistic prospect of the development being delivered; in part or in whole, within the prescribed 5 year period.
- 1.22. In consultation with the Planning Policy Team they offer the following commentary in respect of deliverability:

'I have considered the content of the housing delivery statement from MHB Planning and whilst I am not convinced by every detail of this statement, I think that it might be quite hard to challenge the principle especially as Larkfleet Homes are currently on site to the east, and nearing the completion of 65 dwellings on the housing allocation WIT01 so I am of the opinion that the transition to Phase II could be relatively quick and. I do welcome the fact that this is a 'Full' application and a start on site could be immediate post any planning permission being granted but to help ensure the proposal is implemented in a timely manner, consideration should be given to only granting a 2 year approval as supported by paragraph 77 of the NPPF (where this would not threaten its deliverability or viability) rather than the standard 3 years. However, as you are aware the acceptability of this site is more about the sustainability of the location, landscape, infrastructure, highways, etc. as opposed to the more simplistic approach set out by the agent around the Council not being able to clearly demonstrate a 5 YHLS and therefore this site must be accepted.

I am slightly sceptical of their proposed delivery timetable (4 years) and delivery rates (48 dpa) which is higher than the nationally identified build out rate of 43 dph (paragraph 59) agreed at the Inquiry for the Torrington appeal in January 2020. However, you will note from the table below that the adjoining site for 65 dwellings was completed in approximately 30 months (excluding planning process) by Larkfleet Homes although I note the first full year of completions only delivered 40 dwellings (2020/2021) with an average of just over 3 dpm, which is lower than the agents estimated delivery of 48 dpa for phase II and nationally identified build out rate. I do accept that the 30 month build out rate for phase I may be a slight over/under estimation as the exact start on site to first completion in Q3 of 2019/2020 is not known but from a policy perspective I would still be relatively confident that this site (Phase II) could deliver the majority of proposed housing within 5 years. In order to ensure delivery of their timetable, you may wish to consider whether it is legally possible to tie the 'Housing Delivery Statement' within any future planning approval or s106 agreement in order to ensure such milestones are met and therefore contribute towards our housing delivery shortfall although I do accept this may not be achievable or enforceable due to the potential, albeit unlikely for the housing market to collapse over this time period.'

- 1.23. The developer has acknowledged the above concerns however has a house builder engaged and is committed to developing the development within the timescales involved above. It has been discussed shortening the commencement timescale condition which has been agreed at 1 year with the developer in this instance. This, along with the detailed nature of the planning application shows a

clear commitment to the developer to deliver the homes within a period which will meet the District shortfall in housing.

- 1.24. In light of the above, whilst the Council's Planning Policy Team express some concern over delivery, however with the evidence presented, the developers commitment to progress a policy compliant Section 106 requirements and shortened timescale for commencement suggests that the development proposed is deliverable within a 5 year timescale and therefore would be a considerable contribution to the Councils shortfall in housing. Significant weight is therefore afforded to this in the context of applying the presumption in favour of sustainable development.

Housing mix

- 1.25. There has been some discussion throughout the application process with regards to the housing mix that has been proposed on the site and whether it meet the mix as identified in the Housing and Economic Needs Assessment (HEDNA (CE21) to ensure that the proposed housing mix will meet the identified housing need in accordance with Policies ST17.
- 1.26. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs. For information, Part (1) of the policy could be used to seek particular forms of housing where there is evidence of need.

	1 – bed	2 – bed	3 - bed	4 - bed
Market	5-10%	30-35%	40-45%	15-20%
Affordable	30-35%	35-40%	20-25%	5-10%
All Dwellings	15%	35%	35%	15%

- 1.27. (Table 114: Recommended Housing Mix – page 214) which identifies the recommended housing mix across the Plan area.
- 1.28. The composition of housing mix following the amendment to the scheme to supply 30% affordable units on site is now the following:
- 16 x 1 Bed Homes (10.3%)
 - 36 x 2 Bed Homes (23.2%)
 - 67 x 3 Bed Homes (43.2%)
 - 32 x 4 Bed Homes (20.6%)
 - 1x 5 Bed Homes (2.5%)
- 1.29. In terms of affordable units only the above requirement are met as below:
- 16 x 1 bed Home (35%)
 - 18 x 2 bed Homes (39%)
 - 9 x 3 bed Homes (20%)
 - 3 x 4 bed Homes (6%)
- 1.30. It is clear that the developers open market housing mix varies from the HEDNA requirements, however they considered that the report, which was carried out in 2016 is no longer up to date to accurately reflect market conditions and should the open market units of the size proposed fail to sell, the mix could be amended by a Section 73 variation of condition application. The sizing mix is

varied and the scheme also provides a large number of single storey dwellings (33%).

- 1.31. In terms of the need for housing and the current age of the evidence based on which these comments are made, Officers considered, on balance, in this instance that the mix proposed, whilst in conflict with the current, yet dated evidence, would not carry sufficient weight in planning terms to warrant a refusal citing Policy ST17.

Summary

- 1.32. In light of the above, given the proposal is a departure from the adopted development plan, with an absence of 5 year housing land supply as a material consideration of significant weight, an assessment of the proposal in relation to Section 38(6) of the PCPA2004 and the Presumption will be combined, drawing together into a combined Planning Balance conclusion at section 9 of this report.
- 1.33. The subsequent sections of the report will seek to demonstrate the following:
- whether the proposal is in accordance or conflict with specific policies and provisions of the development plan;
 - if necessary, whether there are material considerations (including the Presumption) that mean that a decision should deviate from the specific policies and provisions of the development plan;
 - how the proposal fares against the two elements of the presumption in favour of sustainable development; and
 - therefore whether it should be approved or refused.

2. Character and Appearance

- 2.1. The site is located in an areas defined as Upped Farmed and Wooded Valley Slopes by the Joint Landscape Character Assessment for the area. This areas is summarised as having the following qualities: Open landscape with important vantage points and uninterrupted vistas, Narrow sunken lanes and species-rich hedgebanks, copses, woodlands and tree clumps, cob, thatch and whitewashed buildings, including traditional linhays, and little or no light pollution resulting in starlit skies.
- 2.2. The site and its rural surroundings to the west and south are accurately described above with modern housing development located to the west and north of the site, however these are of a mixed character hosting a materials palette of render, and brick in most instances and roof coverings from slate and concrete tiles.
- 2.3. The development seeks to develop greenfield land beyond the development boundary which will inevitably alter the character and appearance of the rural fringe of Witheridge. It is noted that the site is not within any designated landscape.
- 2.4. The application is submitted with a Landscape and Visual Appraisal which concludes that impacts, albeit adverse initially, would be limited and localised and would improve over time, significantly aided by the retention of hedgerow and mature trees around the site boundaries.
- 2.5. The above position has not been challenged by Officers and it is therefore to weigh the landscape impacts in the balance, which will be covered in Section 9 of the report.

2.6. The application seeks detailed planning consent for the development therefore includes detailed landscaping, elevations, floor plans and layouts of the site as well as materials.

2.7. The buildings would be predominantly rendered with a number of grouped red brick buildings. In terms of roofing materials these would be natural slate – in graphite or grey green. Given their relationship to the public realm the pallet is considered acceptable. This will be read as a modern new housing extension to the town. Boundaries would use existing hedgerows, stock fencing, close boarded fencing and high walls.

2.8. The site includes a mixture of single storey, 1.5 storey and 2 storey dwelling and includes the following mix:

Name	Floor Area Sq Ft	NDSS	Bed	Total Units
A1 Flat GF	538	Yes	1B2p	1
A1 Flat FF	624	Yes	1B2p	1
A1 B inv	625	Yes	1B2p	14
A12B	851	Yes	2B4p	18
A13B	1098	Yes	3B6p	9
A14B	1334	Yes	4B8p	3
Total				46
TYPE A Bungalow	975	Yes	3B	23
TYPE B Bungalow	900	Yes	3B	6
H59 Bungalow	655	Yes	2B	8
H62 Bungalow	655	Yes	2B	5
2328	825	Yes	2B	5
2329	965	Yes	3B	5
2318	955	Yes	3B	10
2324	980	Yes	3B	14
2428	1283	Yes	4B	14
2409	1436	Yes	4B	10
2404	1596	Yes	4B	5
2502	2056	Yes	5B	4
				0
Total				155

2.9. Figure 3 below shows the site layout with the location of the different height dwellings and well as position of active frontages and affordable housing.



Figure 3. Proposed Site Layout Analysis
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- 2.10. The site layout, as the plan above demonstrates, the development seeks to provide a similar design and layout to remain consistent to new development carried out by Larkfleet Homes (now Allison Homes who are the applicant for this case) on the site to the east.
- 2.11. In terms of placemaking, the overall layout of the site seeks to provide an inclusive housing layout with pepper potting of 46 no. affordable housing and providing for private amenity for housing on the site as well as parking levels appropriate to the area.
- 2.12. Large areas of public open spaces are provided to the western part of the site which includes a Local Area for Play which has been relocated from the northern field where there was an amenity conflict with dwellings in Wiringa Way. There is now an informal area of POS in this location.
- 2.13. The site is designed with sustainable permeability for cyclists and pedestrians to provide access north and south of the site and encourage travel to the village centre by modes other than the private car. The layout also provide continuity along the Public Right of Way forming the Two Moors Way.
- 2.14. The layout was also amended to address concerns raised by Mid Devon GP Practice on Cannington Road to the north as there were concerns over the access to the site, parking, and potential for expansion and patient confidentiality at the site boundary.
- 2.15. The scheme now provides a dedicated parking area for the surgery accessed from the southern side proposed development but with no vehicle access to Cannington Road. The parking area would be delivered by the developer and transferred to their management company on completion to maintain. Conditions or a legal agreement will be used to secure this in perpetuity.
- 2.16. An area of land south of the surgery building is also to be transferred to the surgery and fenced to protect privacy of the patients and allow for expansion where required in the future. Again this land transfer will be secured by legal agreement or condition.
- 2.17. The application is supported by a detailed landscaping scheme with tree specifications and species selections detailed in the Landscape Masterplan. All of the existing hedgerows and trees along the outer field boundaries to north, south, east and west of the site would be retained and would be protected during the construction works.
- 2.18. A revised Landscape Masterplan has been submitted which includes the repositioning of the LAP. SUDS provision is also provided in the POS areas.
- 2.19. The Sustainability Officer has commented on the soft landscape details stating that he is content with the detail provided which will be further secured with Biodiversity Net Gains via a Landscape and Ecological Management Plan and for which delegated authority is sought to secured this prior to a decision being issued and in consultation with the Sustainability Officer.

- 2.20. Policy DM04 (2) of the NDTLP states: *'All major residential proposals will be expected to be supported by a Building for Life 12 (BfL 12)(117)(or successor) assessment. High quality design should be demonstrated through the minimisation of "amber" and the avoidance of "red" scores.'*
- 2.21. An assessment of the development has been carried out and is detailed in the revised Design and Access Statement. The scoring is primarily green with a single amber which would be triggered to green on adoption of the highway. On review of the proposals the LPA has no challenge to this assessment and supports the completion of the proposed plans to meet these standards.
- 2.22. It is identified above, that the proposal will result in changes to landscape character which require consideration in the context of Policies ST14 and DM08A of the NDTLP. These require development to conserve/preserve and enhance the local distinctiveness and landscape qualities of the area.
- 2.23. As such, the above clearly conflicts with policy objectives to conserve or preserve and enhance landscape character, matters which will therefore need to be weighed in the planning balance, in relation to other material consideration at Section 9 in reaching the recommendation. It is however noted the site is outside of any statutory landscape designation and is partially seen in to context of other built form. As such, moderate weight is afforded to the identified harm arising from the proposals.
- 2.24. In relation the overall design of the proposed development, the layout and vernacular design of the development would respect the Policy DM04 and ST04 objectives and the requirements in paragraph 130 of the NPPF and the National Design Guide objective.

3. Heritage and Archaeology

- 3.1. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act states that in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The same duty is repeated relating to planning permissions affecting listed buildings at Section 66 of the Act and applies to all decisions concerning listed buildings.
- 3.2. A designated heritage asset can be a listed building (including curtilage listed building), Conservation Area, Registered Park or Garden or Scheduled Ancient Monument. Local planning authorities have specific duties to make informed planning decisions on how development impacts on Heritage Assets and their settings.
- 3.3. The Act enshrines a strong presumption against harm to the significance of a heritage asset. If harm is likely to be caused by a proposal, paragraphs 194-202 of the NPPF will need to be applied. Policies ST15 and DM07 of the NDTLP apply to the development where they require development to 'preserve and enhance' heritage assets and great weight should be afforded to such protections.
- 3.4. The nearest designated heritage assets to the site are Witheridge Conservation Area which is 260 metres west of the closest part of the site, with intervening development.

- 3.5. The nearest listed building is again at approximately 260 in Fore Street with a further to the west at 580 metres from the site, Combe House.
- 3.6. In consultation with the Council's Heritage and Conservation Officer they have raised no objections to the scheme commenting that they do not consider harm result to heritage assets. Similarly Historic England have not provided any objection comment referring Officers to in-house Conservation Advice.
- 3.7. On the basis of the above the proposals are considered to comply with the above statutory duties and the provisions of Policies ST15 and DM07 of the NDTLP.
- 3.8. No objection has been raised by the County Archaeologist in pre-application discussion and they have not commented at application stage. As such archaeology is considered to have been appropriately assessed and does not raise any conflicts in relation to Policies ST15 and DM07 of the NDTLP or the NPPF.

4. Highway Considerations

- 4.1. Policies ST10, DM05 and DM06 of the NDTLP require development to provide safe and suitable access for all road users, providing sufficient access to alternative modes of travel to reduce the use of the private car, to safeguard strategic routes and provide appropriate transport infrastructure across the area to ensure the above is achieved. This is further enshrined in chapter 9 of the NPPF.
- 4.2. The proposed development seeks to provide the access from the 'Phase 1' development on Willow Rise to the east of the site, which accesses the junction onto the B3137 which runs between Witheridge to the north and Tiverton to the east.
- 4.3. A transport assessment accompanies the application which has been consulted on with Devon County Council as the Highway Authority.
- 4.4. The Design and Access statement provide the necessary traffic movement data from this junction and there was some initial concern from highways of the data provide in terms of the number of movements at peak times in each direction. It is noted that the Highway consultant has spoken directly with the Highways Officer and these issues have now been resolved.
- 4.5. In order to promote travel by alternative modes a further piece of work was carried out looking at suitability of connections to the village centre and how these may be improved to provide better routes for all users, including wheelchair users and those with small children and prams.
- 4.6. The above information has informed a list of off-site highway works in order to make the development acceptable to the Highway Authority, This includes the following:
 - 1. *At the existing site access, which will be utilised by the development, the existing footpath on the B3137 (Fore Street) should be widened. There is a (approximately) 40 metre section that measures 800mm in width. This can be widened by hardening the grass verge between the footway and the carriageway.*
 - 2. *There is a public footpath link between the existing site (at the north-east of the site) that runs adjacent to Butts Close and emerges onto the*

B3137 (Fore Street). This should be suitably surfaced to allow passage for all pedestrians. Currently, the surface is unsuitable for pushchairs, mobility scooters etc. This is an approx.60 metre length.

3. Because of the increased traffic through the village and the additional risk this poses to pedestrians, I would expect a contribution of £20,000 for improving pedestrian facilities.

4. A footway link between the existing site access to the junction to the south. This is approximately 40 metres.

4.7. There has been some discussion as to who will carry out these works; DCC or the developer, and it has been confirmed that the works 1,2, and 4 will be carried out by the developer and no.3 will remain a financial contribution. The works above will be secured by a condition requiring them to be complete prior to occupation of the first dwelling such that it serves the community from the time demand arises.

4.8. In terms of the design layout of the development itself, technical design drawings accompany the application showing access is suitable for refuse vehicles and given the highway is to be adopted, DCC will need to consider any issues arising with on-road parking and the necessity of a traffic order if this impacts on the accessibility of the site.

4.9. The level of allocated parking provided for the site averages out at 2.52 spaces per unit and 390 across the whole site. Neither DCC nor the NDTLP have any policies which prescribe the level of parking provided with development however the above is considered appropriate to the type of development and size of units and is appropriately placed and allocated such that significant issues with on-road parking are not anticipated and Policy DM06 would be complied with.

4.10. It is however acknowledged that, and moderate weight is afforded to, the high transport sustainability credentials of this site in terms of access to alternative modes of travel as well as local facilities and improvements proposed to local routes. These can be secured via condition and Section 106 if necessary. In combination, the quantified conclusions of the transport figures in terms of capacity and safety of the surrounding network, which again, moderate weight is afforded to, are acknowledged and weigh in favour of the proposals and compliance with Policies ST10, DM05 and DM06 of the NDTLP and paragraph 111 of the NPPF. The above will therefore need to be weighed in the planning balance, in relation to other material consideration at Section 9 in reaching the recommendation.

5. Ecology

5.1. 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 2017 (Habitats Regulations 2017).

5.2. In respect of ecology, Policy ST14 (Enhancing Environmental Assets) of the NDTLP, requires quality of northern Devon's natural environment will be protected and enhanced by ensuring that development contributes to:

‘(a) providing a net gain in northern Devon's biodiversity where possible, through positive management of an enhanced and expanded network of

designated sites and green infrastructure, including retention and enhancement of critical environmental capital;
(b) protecting the hierarchy of designated sites in accordance with their status;
(c) conserving European protected species and the habitats on which they depend;
(d) conserving northern Devon's geodiversity and its best and most versatile agricultural land;...
(i) conserving and enhancing the robustness of northern Devon's ecosystems and the range of ecosystem services they provide;'

5.3. This is further enshrined in development management Policy DM08 (biodiversity and geodiversity) whereby this policy provides detailed criteria on the above consideration in relation to the assessment of planning applications. Paragraph 179 and 180 of the NPPF also seek the same set of objectives in respect of the above and reiterates the statutory duties.

Protected species and Biodiversity Net Gain

5.4. The application is accompanied by appropriate survey work and calculations of Biodiversity Net Gain across the site.

5.5. In terms of protected species, an Ecological Survey was submitted with the application identifying the range of protected species and habits which may be impacted by the development. Appropriate species specific surveys were carried out in respect of bird, bats, badger, dormice and reptiles.

5.6. Appropriate mitigation and enhancement measures, consistent with Natural England advice are recommended in the report and these will need to form part of the approved development and be further secured by the Landscape and Ecological Management Plan.

5.7. The BNG is estimated at 42% for habitat units and 11% for hedgerow units. This is achieved through retention and enhancement of existing boundaries and creation of a larger biodiversity area in the western part of the bottom field comprising the development. Figure 4 below shows the areas achieved:



Figure 4: Areas for BNG to be achieved

- 5.8. Given the 10% net gain in not yet enshrined in policy, the above is a notable ecological gain in relation to the development and is therefore afforded moderate weight in the balance to be discussed in Section 9.
- 5.9. An arboricultural assessment also accompanies the application and no objections have been raised in respect of trees and the protection and retention of trees on the development site.
- 5.10. Subject to the submission of a detailed Landscape and Ecological Management Plan, for which delegated Authority is sought by officers to resolve with the Sustainability Officer before a decision is issued, and conditions securing tree protection and implementation of landscaping the development would comply with Policies ST14 and DM08A of the NDTLP and biodiversity objectives of the NPPE.

Habitat Regulations Assessment

- 5.11. In relation to the Special Areas of Conservation (SAC) the Culm Grassland SAC, the response by Natural England highlighted the need for an appropriate assessment to be carried out in relation to the Habitat Regulations in order to ascertain whether significant effects were likely to result from the proposals. The LPA have previously commissioned a strategic assessment which demonstrates that new residential development of up to 10,000 non-plan led dwellings could occur before significant effects would be deemed to result on the Culm SAC.

Best and Most Versatile Agricultural Land

- 5.12. Policy ST14 (d) and Paragraph 174 (b) of the NPPF recognises the natural capital associated with the Best and Most Versatile Agricultural Land (BMV) which is land classed as 1-3a as defined by the glossary to the NPPF and classed by the

Agricultural Land Classification Map South West Region produced by the Ministry for Agriculture Fisheries and Food (MAFF), subsequently superseded by the Department for Environment, Food, and Rural Affairs (DEFRA).

- 5.13. The land is classed primarily as ALC 3b therefore not is considered to be BMV in the context of the above assessment and policy provisions.
- 5.14. As such, whilst the land is considered to have an environmental and economic value attributed to agricultural production and ecological value, albeit Grade 3b only, the benefits in terms of the appropriate location for development (particularly given the deficit in a 5 year housing land supply) along with significant economic and social implications, are such that, on balance, the loss of 6.63ha of agricultural land is justified in this instance, and as it is not BMV agricultural land, limited weight is afforded to this and therefore conditions are imposed to ensure appropriate re-use of soil in line with Natural England advice.

6. Amenity Impacts

- 6.1. NDTLP Policy DM01 requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses, future occupiers, visitors on the site and any local services. Furthermore Policy DM02 requires development to safeguard against hazards, and pollution.

Noise

- 6.2. In terms of the impacts of noise arising from the developments construction phases, given the background noise levels and the restrictions available through a Construction and Environmental Management Plan (CEMP), and limiting construction hours through planning conditions, the amenity of the nearest neighbouring residential dwellings to the north and east would be appropriately maintained. It is noted that Environmental Health have raised no concerns in respect of noise during or post construction and are content with conditions relating to the CEMP and construction hours. As such this would comply with Policies DM01 and DM02 of the NDTLP.

Air Quality

- 6.3. An Air Quality Assessment was submitted with the application which has been reviewed by the Environmental Health Officer and no objections have been raised with comments made in respect of Phase 1 being appropriately assessed, but concluding that the finding of the report are accepted.
- 6.4. Conditions will be used to ensure residents amenity from air quality is protected during the construction phase. As such the proposals area considered to meet the requirements of Policies DM01 and DM02 of the NDTLP and the requirements of the Air Quality SPD.

Land contamination and Stability

- 6.5. No issues in relation to land contamination or stability are raised in respect of the site and therefore a reactive contamination condition will be imposed however no further survey effort or condition are required in respect of this. Subject to this condition the requirement of policy DM02 of the NDTLP are satisfied.

Residential Amenity

- 6.6. In term of existing residents the main areas of concern to amenity are construction impacts, traffic disturbance, location of proposed dwellings and loss of privacy.
- 6.7. In terms of construction impacts, these will in the main impact those within the edges and access through Willow Rise, and those properties abutting the site boundaries to the east, west and north of the site.
- 6.8. These impacts are considered as part of the Environmental Health Officer comments and subject to the provision of a Construction Management Plan, these impacts can be adequately managed with site management and hours restrictions for construction to take place.
- 6.9. In term of the increase in vehicle movements from the access road through Willow Rise, it is accepted that traffic generation will increase through the estate road, which is designed to highways adoptable standard for an estate road which will can accommodate the additional movements.
- 6.10. Residents will experience an increase in noise as result of the development however this is considered by the Environmental Health Officer and no objection have been raised. As such there would be no policy basis on which to challenge the applications amenity impact on existing residents of Willow Rise.
- 6.11. In terms of the design layout of the development, this maintains appropriate separation distances with all existing neighbours and between proposed dwellings. Careful consideration has been given to the placement of dwellings, their orientation, and window location to prevent any significant amenity impacts. A Local Area for Play has also been moved to address amenity concerns.
- 6.12. The development is designed with suitable space standard and external amenity space, such that its future occupants will experience appropriate amenity standards.
- 6.13. It is considered that dwellings can be delivered on this site whilst maintaining appropriate amenity to existing dwellings in the area, therefore in compliance with Policy DM01 and DM04 of the NDTLP.

7. Flood Risk and Drainage

- 7.1. NDTLP Policy ST03 requires that development takes account of climate change to minimise flood risk. Policy DM04 requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rain water'.
- 7.2. The proposed development would include connection to the existing foul sewer and the provision of a series of SUDs measures throughout the site, as shown on the plans.
- 7.3. A Flood Risk Assessment and Drainage Strategy has also been submitted in support of the planning application which notes that the proposed development and accesses would all be located in Flood Zone 1.

- 7.4. The County Council's Flood Risk Management Officer has been consulted on the application and raised an initial objection concerns because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered.
- 7.5. Subsequently further information has been submitted to that the site is capable of dealing with the surface water generated on the site, and the Lead Local Flood Authority (LLFA) is content sufficient data and design measures in the form of an attenuation ponds will adequately deal with surface water on site subject to conditions.
- 7.6. In terms of the foul drainage network, a number of comments have been raised in respect of pre-existing problems with the sewer network in Witheridge and that there is not sufficient infrastructure to deal with the development on the scale proposed.
- 7.7. The LPA has consulted with South West Water as the statutory undertaker responsible for the network who have raised no objections to capacity of the existing network.
- 7.8. A comment in respect of the SUDS design and exceedance level, and construction drainage are provided by SWW however DCC as the Lead Local Flood Authority have agreed the SUDS system is acceptable for the development and allowances for climate change. Surface water generated by the construction phase would be dealt with by the Construction Management and Lead Local Flood Authority conditions.

8. Infrastructure Requirements

Heads of Terms

8.1. The table below details the Heads of Terms for the Section 106 agreement:

Consultee:	Amount:	Required for:
Devon County Council Children's Services	£192,341	Primary Education
	£110,409	Secondary Transport
	£500	Legal costs
North Devon Council - Housing Enabling	30% on site affordable housing	46 units (75% social rent/25% intermediate)
	£64,025	Off-site contribution for 0.5 of a dwelling
North Devon Council - Open Space Officer	£15,942.60	Allotments
	£84,318.64	Play space
	£331,606.08	Parks, Sports and Recreation
		On site POS and Management thereof

		including SUDS and GP parking area
Devon County Council – Highway Authority	£20,000	Improvement of pedestrian facilities in Witheridge
NHS – Acute Care	££18,572	Towards capacity for hospital care
Mid Devon GP Surgery		Transfer of land to south of surgery

Open Space

8.2. In order to comply with Policy DM04 and DM10 of the NDTLP, the above open space provision on and off-site contributions must be secured at via a section 106 agreement.

8.3. There was some discussion between the Open Space Officer and the Parish in respect of acquiring an area of land within the Mid Devon District area, also owned by the applicant as part of the application, to provide a new playing field. The applicant is not prepared as part of this application to provide the land and therefore a contribution is sought and will be used secure facilities in conjunction with a scheme identified by the Open Space Officer which complies with CIL Regulation 123.

8.4. Should the Parish wish to pursue purchase of this land, they can continue negotiations outside of the planning process and later agree the use of monies with the LPA and Open Space Officer.

Education

8.5. Appropriate infrastructure in accordance with Policy ST23 of the NDTLP is required which includes contributions towards education facilities and capacity. The above amounts are required to provide adequate capacity with the primary school and towards secondary school travel.

8.6. A contribution towards secondary school capacity was originally sought but this is no longer required as sufficient capacity can be created from developer contributions to date.

Affordable Housing

8.7. The scheme as submitted did not deliver a policy compliant level of affordable housing, with only 12 unit of affordable housing which equated to 7.7%.

8.8. It was made clear by Officers that the scheme offering this level of AH would not be acceptable and even with a viability challenge, given the site is outside of any site allocation, the huge deficit in AH would significantly weight against the presumption in favour of sustainable development, especially as the District has declared a housing crisis.

8.9. The developer contested this position and amended the scheme to provide the AH at 30% on site and submitted amended plans to reflect this along with an appropriate mix according with the HEDNA.

National Health Service

- 8.10. Appropriate infrastructure in accordance with Policy ST23 of the NDTLP is required which includes contributions towards Healthcare facilities. The NHS have been consulted on the application and require the contribution of £18,572 toward acute care facilities. No contribution is sought of GP facilities and the NHS have stated sufficient capacity exists.

9. Planning Balance

- 9.1. In summary, the Council has undisputed lack of a 5 year housing land supply. Paragraph 11 (d) of the NPPF establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development should be applied for decision-taking involving applications for housing in North Devon. The lack of housing supply is a significant matter in favour of the proposal and carries **substantial weight**.
- 9.2. Landscape impacts are considered to be adverse but limited and localised, reducing in magnitude at a wider context and not impacting on any designated landscape. It is considered with appropriate landscaping secured by condition the impacts will reduce landscape impact throughout the lifetime of development and soften the transition between Witheridge and the countryside. This issue is therefore afforded **moderate weight**.
- 9.3. Subject to securing local infrastructure improvement via condition or Section 106 agreement, the Highway Authority have no objections to the proposals. The submitted documentation and sustainable location of the site demonstrate conformity with the relevant development plan policies and there weigh in favour of the development. The design and location of the access proposed is considered to be acceptable.
- 9.4. The ecological impacts from development can be mitigated through appropriate construction management, and monitoring along with green infrastructure provision on site and the submission and implementation of a LEMP. The development also achieves adequate biodiversity net gain. The above can all be adequately secured by condition.
- 9.5. Policy ST14(d) seeks to conserve the best and most versatile agricultural land (Grades 1, 2 and 3a) as it is considered to be a limited environmental resource. The site is principally Grade 3b which is considered to be lower grade agricultural land and as such limited weight.
- 9.6. The site can appropriately deal with surface water run-off in accordance with Environment Agency and DCC Flood Risk advice and national requirements albeit the final technical assessment of the scheme is awaited and may result in additional conditions.
- 9.7. No harm to heritage assets has been identified as part of the development proposals, this also includes any presence of buried archaeology on the site.
- 9.8. Turning to the NPPF and the 3 dimensions of sustainability, and this the presumption in favour of sustainable development;

- 9.9. The development will generate employment opportunities over a number of years throughout a range of trades. Research by the Home Builders Federation has found in the construction sector 1 home per annum generates on average 2.4 direct and indirect jobs i.e. 386 job years of full-time employment. The economic benefits of the proposal would be strong, including the creation of jobs, the addition of spending power to the local economy and the new homes bonus.
- 9.10. The development proposals will meet the currently known need for affordable housing in Witheridge and neighbouring parishes and will assist in addressing the housing needs for North Devon as a whole. Social benefits would include meeting general housing needs and affordable housing needs, which given the areas current housing crisis is of significant benefit and afforded significant weight.
- 9.11. Environmentally the impact of development would be negligible in landscape terms and mitigation would reduce these impacts over time. There will be an in excess of 10% increase in biodiversity and mitigation for protected species. The masterplan shows the provision of high-quality amenities and open space.
- 9.12. The discussion above and consultee replies demonstrates that the village and its infrastructure, subject to a legal agreement, can absorb the development of 155 extra houses.
- 9.13. Considered as a whole, with the significant weight attributed to the Council's absence of a 5 year housing land supply, the site is sustainable in NPPF terms, and that the provisions of paragraph 11 of the NPPF are engaged. Paragraph 11(d) of the NPPF is clear that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 9.14. Given the above discussion it is considered that, despite some moderate landscape harm, there would not be significant and demonstrable harm which would outweigh the substantial benefits attributed from the provision of much needed housing, including a significant element of affordable housing, public open space and environmental enhancement area on an otherwise sustainable site. As such with the imposition of appropriate conditions and S106 obligations, the tilted balance continues to be considered to fall comfortably in favour of the proposal.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

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

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

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not later than the expiration of one year beginning with the date on which this permission is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
P1950-8-0 Elevations Plan Type AF3 - AF1 received on the 18/07/22
P1950-79 Floor Plans Type AF3 - AF1 received on the 18/07/22
P1950-72A Floor Plan Type AF3AF1 Plots 48-50 received on the 18/07/22
P1950-73A Elevations Plan Type AF3AF1 received on the 18/07/22
P1950-74A Floor Plan Type AF4 AFF1 P52-54 received on the 18/07/22
P1950-75A Elevations Plan Type AF4 AFF1 P52-54 received on the 18/07/22
P1950-76A Floor Plans Type AF1AF3 P71-74 received on the 18/07/22
P1950-77A Elevations Plan Type AF1AF3 P71-74 received on the 18/07/22
P1950-78 Floor - Elevations Plan Type AF3AF1 P108-109 received on the 20/06/22
P1950-13 Site Layout Garden analysis Plan received on the 20/06/22
P1950 01 Ph2 Location Plan received on the 08/07/21
19419-PHL-01 C Preliminary Levels received on the 08/07/21
19419-PHL-02 D Preliminary Levels received on the 08/07/21
19419-PHL-101 A Preliminary Highway Layout 1 of 2 received on the 08/07/21
19419-PHL-102 B Preliminary Highway Layout 2 of 2 received on the 08/07/21
19419-PRP-101 A Preliminary Road Profiles 1 of 4 received on the 08/07/21
19419-PRP-102 B Preliminary Road Profiles 2 of 4 received on the 08/07/21
19419-PRP-103 A Preliminary Road Profiles 3 of 4 received on the 08/07/21
19419-SPA-01 B Swept Path Analysis - Refuse 1 of 4 received on the 08/07/21
19419-SPA-02 B Swept Path Analysis - Refuse 2 of 4 received on the 08/07/21
19419-SPA-03 C Swept Path Analysis - Refuse 3 of 4 received on the 08/07/21
19419-SPA-04 C Swept Path Analysis - Refuse 4 of 4 received on the 08/07/21
P1950 06D Site Masterplan received on the 12/07/22
P1950 07C Site Layout East received on the 20/06/22
P1950 08C Site Layout West received on the 20/06/22
P1950 09C Site Layout Analysis 1 received on the 18/07/22
P1950 10B Site Layout Analysis 2 received on the 18/07/22
P1950 11C Site External Materials received on the 18/07/22
P1950-15A Wall Boundary Plan 1 received on the 20/06/22
P1950-17A Railing - Fence Bounday Plan 3 received on the 20/06/22
P1950-18A Devon Bank Boundary Plan 4 received on the 20/06/22
P1950-19A Garages - Elevations Brick received on the 18/07/22
P1950-20A Elevation and Floor Type SW-2324 Plots 1, 6, 12, 16, 25, 48, 66, 155 received on the 18/07/22

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P1950-36A Elevation and Floor Type B - Plots 113, 138, 140 received on the 18/07/22
P1950-35A Elevation and Floor Type B - Plots 112, 139, 141 received on the 18/07/22
P1950-32B Elevation and Floor Type A2 - Plots 24, 96, 124 received on the 18/07/22
P1950-31A Elevation and Floor Type A2 - Plots 11 and 14 Brick received on the 18/07/22
P1950-34A Elevation and Floor Type A2 - Plots 10, 13, 26, 27 received on the 18/07/22
P1950-33B Elevation and Floor Type A2 - Plots 9, 35, 94, 111 received on the 18/07/22
P1950-30B Elevation and Floor Type A - Plots 61, 103, 144 received on the 18/07/22
P1950-29B Elevation and Floor Type A - Plots 3, 62, 79, 82, 98, 97, 145 received on the 18/07/22
P1950-41B Elevation and Floor H62 - Plot 104 received on the 18/07/22
P1950-42B Elevation and Floor H62 - Plot 91 received on the 18/07/22
P1950-40A Elevation and Floor H59 - Plots 115-116 received on the 18/07/22
P1950-37B Elevation and Floor H59 - Plots 8, 75, 78, 95, 117, 142, 143, 151 received on the 18/07/22
P1950-43B Elevation and Floor - H62 -Plot 124 received on the 18/07/22
P1950-44B Elevation and Floor - H62 -Plot 45, 77, 150 received on the 18/07/22
P1950-38B Elevation and Floor - H59 - Plot 76, 83, 105 received on the 18/07/22
P1950-25A Elevation and Floor - Type SW2318 - Plots 132, 153, 154 received on the 18/07/22
P1950-24A Elevation and Floor - Type SW2318 - Plot 40 Brick received on the 18/07/22
P1950-23A Elevation and Floor - Type SW2318 - Plot 148 received on the 18/07/22
P1950-22B Elevation and Floor - Type SW2318 - Plots 5, 31, 57, 70, 133 received on the 18/07/22
P1950-21B Elevation and Floor - Type SW2324 - Plots 39, 63, 80, 110, 114, 119 received on the 18/07/22
P1950-27B Elevation and Floor - Type SW2428 - Plot 69 Stone received on the 18/07/22
P1950-26B Elevation and Floor - Type SW2428 - Plots 2, 4, 23, 64, 81, 118 received on the 18/07/22
P1950-28B Elevation and Floor - Type SW2428 - Plots 15, 17, 32, 65, 95, 93, 149 received on the 18/07/22
P1950-46A Elevation and Floor - Type 2404 - Plots 38, 100, 102, 123 received on the 18/07/22
P1950-47A Elevation and Floor Type 2404 - Plot 33 received on the 18/07/22
P1950-52B Elevation and Floor- Type 59 - AF1 - Plots 43-44 received on the 18/07/22
P1950-51B Elevation and Floor- Type AF1 - Plots 130-131 received on the 18/07/22
P1950-49A Elevation - Type 2502 - Plots 21, 36, 58, 101 received on the 18/07/22
P1950-48A Floor - Type 2502 - Plots 21, 36, 58, 101 received on the 18/07/22
P1950-53B Elevation and Floor- Type AF2 - Plots 41-42 received on the 18/07/22
P1950-54B Elevation and Floor- Type AF2 - Plots 87-88 received on the 18/07/22
P1950-56A Elevation Proposed- Type AF2 - Plots 28-30 received on the 18/07/22
P1950-55A Floor - Type AF2 - Plots 28-30 received on the 18/07/22
P1950-57B Floor - Type AF2-AF4 - Plots 125-127 received on the 18/07/22
P1950-61B Elevation and Floor - Type 2328-2329 - Plots 67-68, 108-109 received on the 18/07/22

P1950-62B Elevation and Floor - Type 2328-2329 - Plots 71-72, 136-137, 146-147 received on the 18/07/22
P1950-58B Elevation - Type AF2-AF4 - Plots 125-127 received on the 18/07/22
P1950-59B Elevation and Floor - Type AF3 - Plots 55-56 received on the 18/07/22
P1950-66 Elevation - Type 2328-2329 - Plots 49-51 received on the 08/07/21
P1950-64B Elevation and Floor - Type 2328-2329 - Plots 106-107, 134-135 received on the 18/07/22
P1950-69B Elevation and Floor - Type 2409 - Plots 18, 19, 22, 34, 37, 59 received on the 18/07/22
P1950-68 Elevation - Type 2328-2329 - Plots 52-54 received on the 08/07/21
P1950-70B Elevation and Floor - Type 2409 - Plots, 20, 60, 121, 122 received on the 18/07/22
P1950-71A Elevation and Floor - Type AF2 AF3 Plots 46-47 received on the 18/07/22
19419-PDL-01D Preliminary Drainage Layout received on the 03/02/22
19419-PDL-02E Preliminary Drainage Layout received on the 03/02/22
Figure 1B Biodiversity Net Gain baseline plan_First Ecology_v2 received on the 20/06/22
Arboricultural Assessment_First Ecology received on the 16/08/21
FRA & Drainage Strategy.pdf received on the 12/07/21
Air Quality Assessment received on the 08/07/21
Biodiversity Metric 2.0 Calculation Tool Beta Test - December 2019 Update (1)_V4.xlsm received on the 01/11/21
Ecological Assessment October 2021 received on the 01/11/21
Non Motorised User Audit - Phase 2 received on the 13/01/22
(the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. Finished Floor Levels

The development shall be undertaken in accordance with the proposed finished floor levels shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development accords with the approved plans which show levels that safeguard relationships with adjoining properties in order to limit the impact on amenity.

4. Prior to any roof tile being installed on site samples of the proposed roof tiles shall be submitted to and agreed in writing. The development shall then be carried out in accordance with these agreed details.

Reason:

To ensure the proposed roof tiles reflect those in the locality to preserve the visual amenities of the wider area.

5. All means of enclosures detailed on the approved plans shall all be constructed in accordance with the drawings prior to the substantial completion of the development, unless serving an individual property where condition 6 will apply.

Reason :

To ensure the development assimilates into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

6. No dwelling shall be occupied until the means of enclosure and the bin storage area for that dwelling have been provided in accordance with the approved plans (listed in condition 2).

Reason:

To ensure adequate facilities are available to occupants of the dwellings in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

7. In this condition 'retained trees, hedges and shrubs' means an existing tree, hedge or shrub, which is to be retained in accordance with the approved plans]; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the final dwelling on site.

(a) No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any tree, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.

(b) If any retained tree, hedge or shrub is removed, uprooted or destroyed or dies, another tree, hedge or shrub shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of protective barriers and any other measures identified as necessary for the protection of any retained tree, hedge or shrub shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, or in accordance with an approved method statement and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason :

To safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - (a) Risk assessment of potentially damaging construction activities
 - (b) Identification of 'biodiversity protection zones'

- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- (d) The location and timing of sensitive works to avoid harm to biodiversity features
- (e) The times during construction when specialist ecologists need to be present on site to oversee works
- (f) Responsible persons and lines of communication
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of Highways, Amenity and Ecology in compliance with Policies DM02, DM05, and DM08 of the North Devon and Torridge Local Plan.

9. Unless agreed prior to determination the following condition will be required:

Prior to commencement of development a detailed landscape and ecological management plan (LEMP) shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The content of the LEMP will address and expand upon the provision and management of all landscape and biodiversity avoidance, mitigation and enhancement measures of the development as set out within the ecological appraisal and preliminary ecological appraisal shall include:

- a) A description and evaluation of landscape and ecological features to be created managed and ecological trends and constraints on site that might influence management;
- b) A biodiversity impact assessment in accordance with the North Devon UNESCO World Biosphere Reserve Offsetting Strategy 2013-2018 / DEFRA Methodology
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an initial 10- year period);
- g) Details of the body or organization responsible for implementation of plan;
- h) Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures;
- i) Means of reporting of landscape and ecological monitoring results to the Local Planning Authority and provisions for seeking written agreement to any changes to the management actions and prescriptions that may be necessary to ensure effective delivery of the aims and objectives of the LEMP over time.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the scheme. The development shall be implemented in accordance with the approved details.

Reason:

In order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

10. Where practical, top soil from the site will be stored and re-used on site in garden and landscape areas.

Reason

To support the retention and re-use of soil in terms of sustainability and in accordance with the Policy DM08 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

11. The development hereby approved shall be carried out in strict accordance with the recommendations contained within the Ecological Assessment prepared by First Ecology dated October 2021.

Reason

In the interest of safeguarding ecological interests and achieving a net gain in biodiversity in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, the biodiversity objections of the National Planning Policy Framework and the statutory duties of the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

12. Details of the design and phasing of the delivery of the areas of Public Open Space and footpath connections as detailed on the approved plans shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of the 15th dwelling. The Public Open Space scheme shall include details of equipment, means of enclosure, surfacing, landscaping, seats, dog bins and signage. The agreed scheme shall subsequently be laid out, fenced and equipped in accordance with these agreed details in accordance with the agreed phasing scheme and the land shall thereafter be maintained in accordance with the agreed management schedule required by the S106 agreement.

Reason

To secure the provision of Public Open Space to meet the reasonable requirements of occupants of the development hereby approved in accordance with Policies DM04 and DM10 of the North Devon and Torridge Local Plan.

13. Provision, implementation and maintenance of detailed landscape proposals

i) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

ii) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities); implementation and management programme.

Reason :

To assimilate the development into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

14. Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the CEMP shall incorporate the recommendations set out in Appendix C of the Kairus Air Quality Assessment (AQA) dated 19 May 2021 and, where relevant, include:-
- a) measures to regulate the routing of construction traffic;
 - b) the times within which traffic can enter and leave the site;
 - c) details of any significant importation or movement of spoil and soil on site;
 - d) details of the removal /disposal of materials from site, including soil and vegetation;
 - e) the location and covering of stockpiles;
 - f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
 - g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
 - h) a noise control plan which details hours of operation and proposed mitigation measures;
 - i) location of any site construction office, compound and ancillary facility buildings;
 - j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
 - k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed. The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and be monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason:

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts

whilst site clearance, groundworks and construction is underway. This is to accord with Policies DM01 and DM02 of the North Devon and Torridge Local Plan. This is a pre-commencement condition to make sure effective measures are in place in advance of the start of construction on the site.

15. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

16. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:
 - a) Monday - Friday 08.00 - 18.00,
 - b) Saturday 08.00 - 13.00
 - c) nor at any time on Sunday, Bank or Public holidays.

Reason: To protect the amenity of local residents in accordance with Policies DM01 and DM02 of the North Devon and Torridge Local Plan.

17. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Larkfleet Homes Witheridge Phase 2 Flood Risk Assessment and Drainage Strategy Rev 1 dated 16.06.21.
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason:

The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with Policies ST02 and DM04 of the North Devon and Torridge Local Plan, SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

18. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses,

car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority for approval.

Reason:

To ensure that adequate information is available for the proper consideration of the detailed proposals.

19. The proposed roads, footways, footpaths, verges, visibility splays, junctions, cuttings, embankments, sewers, drains, service routes, car parking/garage spaces, access drives, construction traffic roads, construction staff car parking and construction site compound shall be laid out, constructed and completed in accordance with a detailed programme that is to be submitted to and approved by the Local Planning Authority in writing before any part of the development commences

Reason:

To ensure the proper development of the site.

20. No other part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway with the ironwork set to base course level, the visibility splays required by this permission have been laid out, the footway on the public highway frontage required by this permission has been constructed up to base course level and a site compound and car park have been constructed in accordance with details previously submitted for approval.

Reason:

To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of users of the adjoining public highway and to protect the amenities of adjoining residents.

21. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:

i) the spine road and/or cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level with the ironwork set to base course level and the sewers, manholes and service crossings completed;

ii) the spine road and/or cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintained at public expense have been constructed up to and including base course level;

iii) all visibility splays have been laid out to their final level;

iv) the street lighting for the spine road and/or cul-de-sac and/or footpaths has been erected and commissioned;

v) the car parking and any other vehicular access facility required for the dwelling by this permission have been completed;

vi) the verge, service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

vii) the street nameplates for the spine road and/or cul-de-sac have been provided and erected

Reason:

To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

22. When once constructed and provided in accordance with condition 21 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular and pedestrian traffic and the street lighting and nameplates maintained in a workable condition in accordance with the approved plans until formally adopted by the Highway Authority.

Reason:

To ensure that these highway provisions remain available

23. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development or as agreed in writing by the Local Planning Authority all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junctions, access, retaining wall and visibility splay works shall be wholly completed in accordance with the agreed programme of work and approved details.

Reason:

To ensure that the access arrangements are completed within a reasonable time.

24. Provision shall be made within the curtilage of each dwelling for the disposal of surface water so that none discharges onto the highway.

Reason:

In the interest of public safety and to prevent damage to the highway

25. Prior to occupation of the first dwelling, the off-site highway improvements listed below shall be carried out in accordance with a detailed scheme which shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority:

1. At the existing site access, which will be utilised by the development, the existing footpath on the B3137 (Fore Street) should be widened. There is a (approximately) 40 metre section that measures 800mm in width. This can be widened by hardening the grass verge between the footway and the carriageway.

2. There is a public footpath link between the existing site (at the north-east of the site) that runs adjacent to Butts Close and emerges onto the B3137 (Fore Street). This should be suitably surfaced to allow passage for all pedestrians. Currently, the surface is unsuitable for pushchairs, mobility scooters etc. This is an approx.60 metre length.

3. A footway link should be provide between the existing site access to the junction to the south. This is approximately 40 metres

Reason: To ensure the that sustainable links are provided to serve the occupants of the development in accordance with Policies St10 and DM05 of the North Devon and Torridge Local Plan.

26. The following garaging and vehicle parking spaces shall be provided and maintained thereafter:

- A) one garage/hardstanding and one parking space per dwelling where provided within the curtilage of individual dwellings
- B) two parking spaces per dwelling where provided in communal parking areas

Further details of the design shall be submitted to the Local Planning Authority and the development hereby approved shall not be occupied until this provision has been made in accordance with the agreed programme of work and approved details.

Reason:

To minimise the extent of on street parking that may result as a consequence of the development in accordance with Policies St10 and DM05 of the North Devon and Torridge Local Plan.

27. Prior to occupation of the 100th dwelling, the GP surgery parking area shall be provided and laid out in accordance with a detailed scheme to be submitted and approved in writing the Local Planning Authority. The parking area shall be accessed only from the south of the site and no vehicular access shall be provided onto Cannington Road. The parking area shall be carried out in accordance with the agreed details and made available in perpetuity for use by patients, staff and visitors to Mid Devon GP Practice only.

Reasons:

In order to provide adequate parking for the GP surgery to accord with Policy DM06 of the North Devon and Torridge Local Plan and based on the infrastructure requirements for the population growth of the village generated by the development in accordance with Policy ST23 of the North Devon and Torridge Local Plan.

28. Prior to occupation of any dwelling hereby approved, the land identified to the east of the GP Practice to be transferred to their ownership, shall be transferred to the practice and a fence erected detail of which will have been previously submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of safeguarding the amenity of the patients of the surgery in accordance with Policy DM01 of the North Devon and Torridge Local Plan.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) express planning permission shall be obtained for any development on Plots 28-30, 41-55, 82-87, 70-73, 104-109, 124-131, 142-143, and 150-152 within class A-C of Part 1 of Schedule Two of the Order.

Reason :

To allow the Local Planning Authority to consider the size and affordability of the affordable units on site in accordance with the requirements of Policies DM04 and ST18 of the North Devon and Torridge Local Plan.

Informatives

1. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
2. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.
3. The development to which this permission relates is the subject of an agreement under, inter alia, Section 106 of the Town and Country Planning Act 1990.
4. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the North Devon Council website, www.northdevon.gov.uk.

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

5. For the purpose of interpreting the restrictions expressed in condition 29 of this consent, permitted development rights have been removed in respect of the following classes:

Part 1:

Class A The enlargement, improvement or other alteration of a dwelling-house

Class B The enlargement of a dwelling-house consisting of an addition or alteration to its roof

Class C Any other alteration to the roof of a dwelling-house

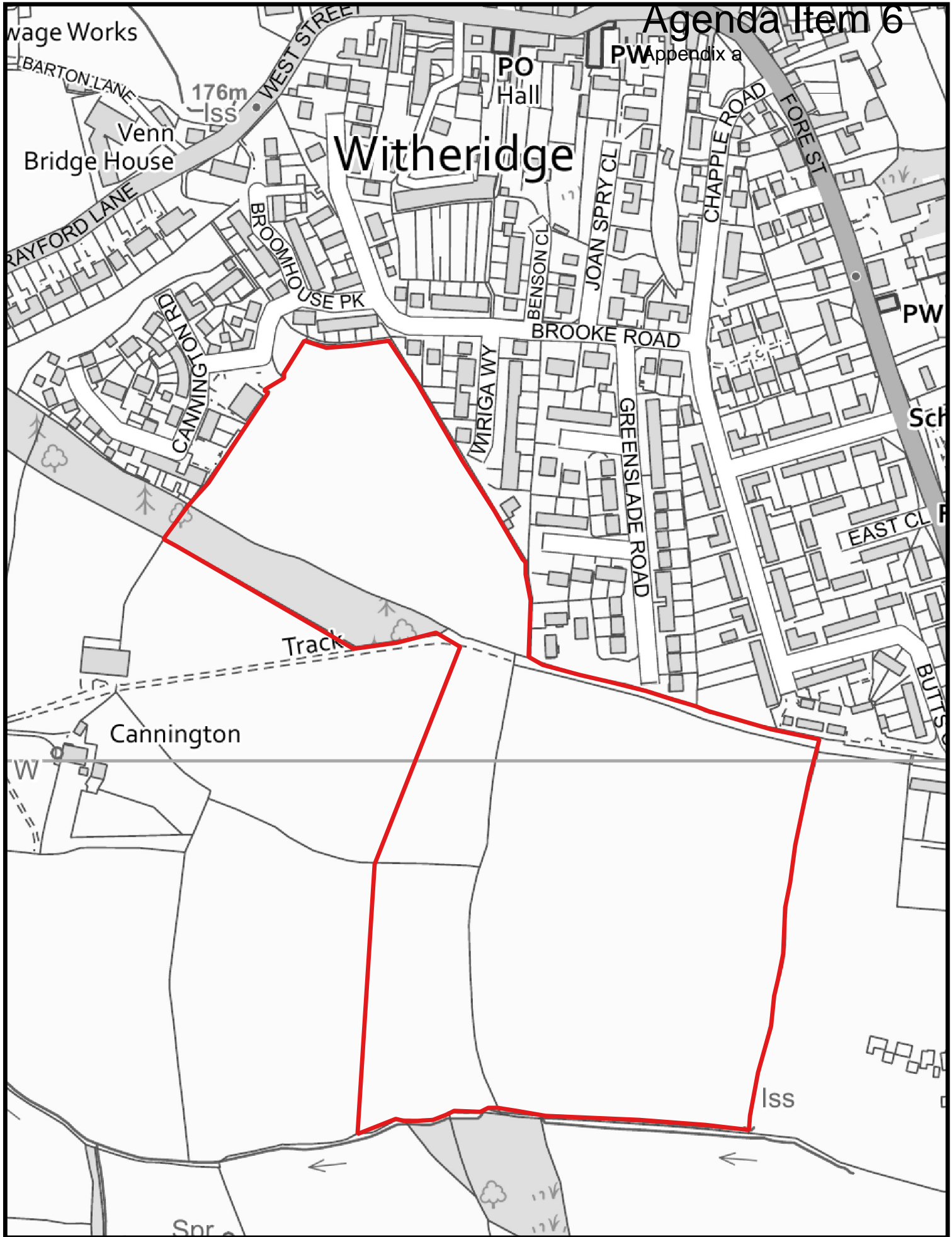
Further detailed information can be obtained from the Local Planning Authority, including a guide to householder development, and the Planning Portal at www.planningportal.gov.uk

6. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included discussions in respect of affordable housing, site layout, amenity impact and highway considerations which have been addressed with the submission of amended plans and supporting documents and conditions are imposed to secure the final format of development.

END OF REPORT

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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	74775
Application Type:	Full application
Application Expiry:	29 July 2022
Extension of Time Expiry:	29 July 2022
Publicity Expiry:	4 October 2022
Parish/Ward:	RACKENFORD/WITHERIDGE
Location:	Land at Stonelands Cross Rackenford Devon
Proposal:	Hybrid planning application to provide an Agricultural-Hub comprising: Area 1: Full Planning Permission for the erection of workshop & storage & distribution uses with ancillary offices, shop & showroom, (sui generis), creation of access and associated works (Phase 1); Area 2: Outline Application for the erection of buildings 1, 2 & 3 for agri-business uses falling under Use Classes Class E (a) retail, Class E (e) medical services, Class E (g) Business, B2 workshop & B8 storage & distribution with appearance & scale to be reserved matters (Phases 2 & 3)
Agent:	Louis Dulling
Applicant:	James Pryce Tractors Ltd
Planning Case Officer:	Mrs D. Butler
Departure:	Y
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – The application constitutes a major departure from the adopted development plan.

Site Description

The site is a relatively level pasture field, bound by the A361 to the north, Bulworthy Knap to the south and the access road onto the A361 to the north-west. There is an existing field access to the south east of the site, off Rackenford Road and a smaller existing field access via the access road to the A361. A continuous hedge and a drainage ditch runs the length of the site's southern boundary. To the site's eastern boundary lies a small copse.

Recommendation

Approved

Legal Agreement Required: No

Planning History

No relevant site history.

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Landscape Character is: 1F Farmed Lowland Moorland and Culm Grassland	Within constraint
USRN: 27502200 Road Class:A Ownership: Highway Authority	12.18
USRN: 27503303 Road Class:C Ownership: Highway Authority	9.19
USRN: 27504979 Road Class:C Ownership: Highway Authority	5.82
Within 25m of Mid Devon District Council	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Culm Grasslands, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM03 - Construction and Environmental Management DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM14 - Rural Economy ST01 - Principles of Sustainable Development ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST05 - Sustainable Construction and Buildings ST08 - Scale and Distribution of New Development in Northern Devon ST10 - Transport Strategy ST11 - Delivering Employment and Economic Development ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
Arboricultural Officer Reply Received 15 February 2022	The soft landscape proposals are sufficiently detailed and appropriate for the site/surrounding landscape character - as such I have no objection in principal subject to the sustainability officer being content with the LVIA and EcIA matters including long term management, monitoring and reporting detailed within the LEMP. (It may be worth querying the BNG calculation with the sustainability officer as it would appear that the habitat value does not deliver the minimum 10% gain policy requirement?)
Councillor J Yabsley	No comments received.
DCC - Development Management Highways Received 22 February 2022	<p>Observations: The application is supported by a transport assessment (TA) which is wholly inappropriate to assess the impact of the proposed development on the local road network, and a travel plan which has limited benefit.</p> <p>The TA relies entirely on a coloured line from Google Maps to show 'typical traffic' as the existing situation, there are no traffic surveys or data provided for the existing volumes, queueing, delay or speed of traffic. No scope for the TA was agreed with the Highway Authority in advance of submitting an application. The TA refers to policy ST10 of the Local Plan, which is for strategic transport. This is particularly relevant to this application in terms of part (1)(a) as it is adjacent to the A361 and there will be significant increases in traffic on the A361 and through the uncontrolled right turn lane at Stonelands Cross. Policy ST10 states: The Transport Strategy for northern Devon will:</p> <p>(1) Provide good strategic connectivity by: -</p> <p>a. ensuring the operational effectiveness of the strategic road network (A361 and A30) and other strategic routes including the A39, linking the area to the national road network (M5 and A30) and to Exeter, Plymouth and Cornwall ;The impact of the proposal onto the A361 and the uncontrolled right turn lane has not been quantified in terms of delay, congestion, queuing or the impact this will have on road safety. Additional policy to consider is from Devon County Council, as on 11th October 2017 Devon County Council's Cabinet approved the following way to apply the National Planning Policy Framework: 3.2.8 When considering development proposals that impact on the NDLR [North Devon Link Road - A361], paragraph 32 of National Planning Policy Framework [now paragraph 111] will be interpreted as follows: Any future development between South Molton and Bideford will provide segregated pedestrian facilities and no uncontrolled right turns on the NDLR; and Due to the concerns about the safety impact of existing junctions between Bolham and South Molton there will be a presumption against any development proposals that have a significant adverse impact on the North Devon Link Road and in particular the impact on uncontrolled right turns. This proposal falls into the second bullet point, being</p>

Name	Comment
	<p>between Bolham (Tiverton) and South Molton. This information was provided to the applicant at pre-application stage. Devon County Council has recently received £60 million from the Department of Transport(DfT) towards a £67 million scheme for upgrading the North Devon Link Road between Bideford and South Molton. The benefits of these improvements, including safety improvements by removing uncontrolled right turning lanes, cannot be allowed to be undone by the significantly increased use of the right turn lane adjacent to this proposed site.</p> <p>The applicant has not even considered the traffic impact on the A361 as no traffic data regarding the volume of traffic on the A361 using the existing Stonelands Cross junction has been provided, nor has any analysis of the capacity of this junction been provided. Work for the North Devon Link Road improvement scheme, approved by the DfT, showed a need to remove the right turn lanes for safety reasons, and resulted in the above County Council policy being created. The proposal would add large levels of additional traffic through the Stonelands cross junction onto the A361 at peak times and throughout the day. This will result in a significantly increased risk of collisions, which would likely be serious or fatal due to the speed of traffic using this road, and based on similar collisions on this road at uncontrolled right turn lanes. The additional impact of collisions on this road would be the closure of the A361 to all traffic or a significant part of the day, closing off large parts of the economy of northern Devon. The levels of traffic likely to be generated by the proposal have been given in the TA for each different proposed use on the site. This indicates that there would be over 80 additional vehicle movements through the uncontrolled right turn lane junction of Stonelands Cross on the A361 in both the AM and PM peak hours. Based on Devon County Council traffic data this would almost double the existing volume of traffic attempting to use this junction in the AM peak to enter or leave the A361 and be in conflict with over 1700 vehicles using the single carriageway road passing the junction. In the PM peak the proposal more than doubles the level of traffic using the junction to enter or leave the A361.</p> <p>In the future, with the level of growth in traffic expected on the A361, the level of passing traffic is set to increase significantly, and therefore the available capacity for vehicles entering and exiting at this junction will get even worse the current situation. This will result in additional delay to vehicles attempting to use this junction and such delay will result in impatience and drivers attempting to accept smaller gaps in the traffic which will be very likely to result in additional collisions.</p> <p>The level of conflict created, at a right turn lane with very high speed traffic passing, is considered catastrophically unsafe. This is evidenced by the number of fatal collisions on the A361 in recent years, with almost 80% of all collisions on the A361 North Devon Link Road being at right turn lanes.</p>

Name	Comment
	<p>The resulting impact of the proposal is that there would be a likely increase in the number and severity of collisions at the A361 junction Stonelands Cross meaning the proposal is considered to be severely unsafe in highway terms, and with no mitigation offered, the application should be refused.</p> <p>The travel plan and TA makes frequent mention of walking and cycling, and targets an initial 16% of people to walk to the site and 2% to cycle, increasing to 4% for cyclists over the first 5 years of the development. This is despite the travel plan stating: 'there is limited sustainable transport infrastructure that any development proposals would be able to benefit from'; and: 'There are no existing footways in close proximity to the application site associated with the adjacent road network that includes the A361, Bulworthy Knap and the local 'C' road along the western boundary of the site. Given the nature of the development proposals, it is unlikely that the site will generate a material number of pedestrian movements to / from the site.'</p> <p>It is my view that there will not be a highway safety issue for pedestrians or cyclists resulting from the proposal due to the remote nature of the site and the likelihood that 100% of people will access the site by motor vehicle, as a driver or passenger. Devon County Council as Highway Authority does not comment on the sustainability of individual planning applications. However, no other department will comment on these issues and I feel that something must be said on this matter. Both Devon County Council and North Devon District Council have declared a climate emergency and various emerging plans to reduce carbon and decarbonise transport at all levels of government have been issued. The switch away from fossil fuels in transport is underway, with no new petrol or diesel vehicles being sold by 2030. The LPA must therefore consider the proposal in the context of environmental and decarbonisation policies relating to transport, specifically NPPF (2021) paragraphs 104 (d) and 105.</p> <p>Recommendation: REFUSAL FOR THE FOLLOWING REASONS 1. The proposal would add significant volumes of traffic to an uncontrolled right turn lane on the A361 North Devon Link Road which does not have the capacity to safely accommodate such additional traffic and will result in an increase in the number and severity of collisions contrary to National Planning Policy Framework (2021) paragraphs 110, 111 and 112 and Local Plan policy DM05. 2. The proposal will result in a detriment to the strategic highway network of North Devon reducing the operational effectiveness of the A361 contrary to Local Plan policy ST10.</p>

Name	Comment
<p>DCC - Development Management Highways</p> <p>Reply Received 21 September 2022</p>	<p>The applicant's transport consultant has provided additional information regarding the impact of the proposal on the A361 'Stonelands Cross' junction including a detailed capacity assessment of the operation of the junction. This has not been accepted uncritically, despite not being calibrated to existing queues (which are minimal) I find the modelling work acceptable.</p> <p>To clarify my previous response regarding the statistic that: 'This is evidenced by the number of fatal collisions on the A361 in recent years, with almost 80% of all collisions on the A361 North Devon Link Road being at right turn lanes.', this is not quite correct. The correct statistic is that approximately 80% of collisions at junctions that are not a roundabout between Tiverton and Barnstaple involved a vehicle making a right turn.</p> <p>The collision history at the Stonelands Cross Junction, and nearby Two Gates Cross junction on the A361, is that there have been no recorded personal injury collisions in the past 5 years of data collected, and none in the previous the five years before that. I therefore have no evidence to suggest that these junctions are inherently unsafe, and as reiterated by the recent appeal decision at Yelland Power Station - technical evidence is needed to support refusal of an application on highway grounds. The additional work by the applicant's transport consultant indicates the likely increase in traffic at the junction would be considered significant and therefore requires the assessment, however the effect and impact of the increase in traffic is not considered to be significantly adverse due to the minimal impact on the capacity of the A361 Stonelands Cross Junction.</p> <p>Therefore interpretation of the Devon County Council Cabinet 'policy' (below) does not need to be a presumption against the development.</p> <p>3.2.8 When considering development proposals that impact on the NDLR [North Devon Link Road - A361], paragraph 32 of National Planning Policy Framework [now paragraph 111] will be interpreted as follows:</p> <p>Any future development between South Molton and Bideford will provide segregated pedestrian facilities and no uncontrolled right turns on the NDLR; and</p> <p>Due to the concerns about the safety impact of existing junctions between Bolham and South Molton there will be a presumption against any development proposals that have a significant adverse impact on the North Devon Link Road and in particular the impact on uncontrolled right turns.</p> <p>In regard to the NPPF paragraph 111, the impact of the proposal has been shown not to be significantly adverse, and therefore not 'severe' as is a requirement of the NPPF paragraph</p>

Name	Comment
	<p>111 to refuse the application on highway grounds. The increase in traffic will undoubtedly result in some additional queuing and delay at the A361 Stonelands Cross Junction which will be inconvenient and frustrating to some drivers.</p> <p>I note the comments from the Parish Council regarding the impact of vehicles on the back road to Tiverton –quoted as the C784. There would possibly be an increase in traffic on this road from vehicles accessing the site, however, using this route would take longer than using the A361 at most times of the day on a usual day. However, in order to mitigate potential increases in traffic on this road, particularly larger vehicles, signs must be placed at the exit of the site directing traffic to use the A361 and a travel plan for staff and visitors implemented which shall also direct drivers to use the A361.</p> <p>Regarding sustainability, I have nothing further to add as it is the Local Planning Authorities role to consider the sustainability of the site along with other environmental, economic and social aspects of sustainability. However due to changes in the ability of industrial/employment sites to convert to residential use more easily, I suggest that if approved the permission has permitted development rights removed or is in some way limited to being able to convert to residential development.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 3 March 2022</p>	<p>At this stage, we object to this planning application because we believe it does not satisfactorily conform to saved Policy ST03 linking to climate change of North Devon and Torridge Local Plan (2011 - 2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>The applicant is proposing two attenuation basins to treat the runoff which we are supportive of however we wish to raise the following queries:</p> <ul style="list-style-type: none"> ? The applicant has used the full site area rather than the impermeable area for the calculation of runoff rates. The applicant should revise the runoff rates. ? The applicant has increased the SPR HOST value in the runoff rate calculation which we do not support. The applicant should use the default SPR HOST value of 3. ? The applicant has used FSR rainfall model for the attenuation calculation. We require the FEH rainfall model as FSR data is now 50 years out of date. ? The applicant should confirm that there is an agreeable discharge receptor. It looks like the culverted highway ditch is being proposed as the receptor for the surface water drainage. <p>The applicant should provide evidence that this culverted ditch exists and there is agreement from DCC Highways Authority for the proposed</p>

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	<p>connection. If agreement is forthcoming, we would likely condition a condition / capacity assessment of the culvert.</p> <p>We would be happy to provide a further substantive review if additional information is submitted to the local planning authority.</p>
<p>DCC Waste Management</p> <p>Reply Received 4 March 2022</p>	<p>We note that this is a hybrid application, therefore our comments are as below:</p> <p>Outline application response:</p> <p>Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for onsite reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p>This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.</p> <p>Full application response:</p> <p>Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p>It is noted that this application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.</p> <p>Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of</p>

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	<p>Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: https://www.devon.gov.uk/planning/planning-policies/minerals-and-wastepolicy/supplementary-planning-document</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 23 February 2022</p>	<p>Thank you for this application, I have no objections in principle to either part of the proposal. However, as there appears to be no mention within the Design & Access Statement of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where and how it is proposed they be implemented across the development site. To assist from a designing out crime, fear of crime and disorder perspective please find the following information, advice and recommendations:-</p> <p>Generic site wide advice:</p> <p>Crime and anti-social behaviour are more likely to occur if the following seven attributes of sustainable communities are not incorporated:</p> <ol style="list-style-type: none"> 1. Access and movement: places with well-defined and well used routes with spaces and entrances that provide for convenient movement without compromising security 2. Structure: places that are structured so that different uses do not cause conflict 3. Surveillance: places where all publicly accessible spaces are overlooked 4. Ownership: places that promote a sense of ownership, respect, territorial responsibility and community 5. Physical protection: places that include necessary, well-designed security features 6. Activity: places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times 7. Management and maintenance: places that are designed with management and maintenance in mind, to discourage crime in the present and the future, encouraging users to feel a sense of ownership and responsibility for their surroundings can make an important contribution to community safety and crime prevention. Clarity in defining the use of space can help to achieve a feeling of wellbeing and limit opportunities for crime. <p>It is important to consider the crime risks that a large number of commercial buildings might inadvertently create, such as numerous paths behind buildings for emergency exit and large areas set aside for car parking. Legitimate activity on industrial estates for example can be very low at weekends, and at night and this inactivity can attract criminals.</p>

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	<p>It is desirable that vehicular and pedestrian routes are designed in a way that ensures they are visually open, direct, and well used. They should not undermine the defensible space of commercial developments. Design features can help to identify the acceptable routes through a development and appropriate areas for public access, thereby encouraging their greater use and in doing so enhance the feeling of safety.</p> <p>Full Application (Phase 1)</p> <p>In general, the proposed building(s) appear to follow a simple design where recesses and concealed areas are minimised, a good design feature in increasing surveillance opportunities. I note and welcome the secure boundary fencing and assume the gates will be of the same height and material. The inclusion of gates at both general and staff/service entrance points is also welcomed. Given the potential value of equipment and parts, consideration should be given to providing secure internal storage. As a minimum, there must be access control between the public and staff only areas, including offices and staff rooms.</p> <p>It is recommended the roller shutter doors providing access for deliveries and other apertures where no other door is present must be certificated to a minimum of LPS 1175 Issue 8, Security Rating 3 and any roof light aperture be protected by roof lights certificated to LPS 1175: Issue 8, Security Rating 1 or above. Doors and windows should be to PAS 24:2016 as a minimum.</p> <p>Whilst it is recommended CCTV be included as part of the initial build process, it should not be seen as a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. It is therefore recommended an appropriate monitored CCTV and alarm system is installed as part of the overall security package for each unit with any lighting for the site compatible with the CCTV system.</p> <p>Care needs to be taken with regard to planting/landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance opportunities. External illumination when the buildings are unoccupied is recommended for entrance doors and observable building elevations and be compatible with any CCTV system installed.</p> <p>Outline Application (Phase 2 & 3)</p> <p>Whilst I note the letters of intent from 2 prospective tenants, due to the way in which many industrial developments evolve from inception to completion and the fact that in many instances the intended occupier and the nature of their business either changes or is unknown even beyond completion, it is not possible to</p>

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	<p>prescribe the completely appropriate security standard for any assessed crime risk. However, it is fair to say commercial units can be vulnerable to burglary, theft and unwanted trespass.</p> <p>I recommend any rear access be fenced/gated to prevent casual intrusion but allow for maintenance as required.</p> <p>It is recommended CCTV and intruder alarm provision be included as part of the initial build process. This will enable any future occupants to tailor any system to their specific needs rather than retro fit.</p> <p>As with phase 1, care needs to be taken with regard to planting/landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance opportunities.</p> <p>Any roller shutter doors providing access must be certificated to a minimum of LPS 1175 Issue 8, Security Rating 3 and any roof light aperture be protected by roof lights certificated to LPS 1175: Issue 8, Security Rating 1 or above. Doors and</p> <p>windows should be to PAS 24:2016 as a minimum standard.</p> <p>There should be no access to areas that are not overlooked to reduce the opportunity for anti-social and criminal activity.</p> <p>There should be no open access to ground floor windows or doors to the sides or rear of the buildings.</p> <p>To deter and prevent criminal, opportunist and casual intrusion, the plots should preferably be securely enclosed by means of appropriate security fencing and gates.</p> <p>The parking areas should be lit to allow safe and secure use during hours of darkness/winter months.</p>
Economic Regeneration Officer	No comments received.
Environment Agency Reply Received 8 April 2022	<p>We have no objections to this development.</p> <p>Reason We maintain our concerns about the suitability of the receiving watercourse for drainage. The applicant has stated they are aware of the need for a permit and are prepared for the possibility of one not being granted.</p>
Environment Agency Reply Received 8 March 2022	<p>We request further information regarding the foul drainage plans on the site and therefore object to this development until this is provided.</p> <p>Reason We require more specific details on the plans for the treated effluent derived from the proposed package treatment plant.</p> <p>The applicant has calculated an estimated 8.500L daily discharge, and intend to discharge treated effluent to a ditch system. This discharge would require an environmental permit, and as a part of</p>

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	<p>that application they will have to demonstrate the ditch is a suitable receiving environment. We would request clarification on the size, flow and whether the ditch carries water year round. We also would require details on a specific discharge point, and the package treatment plant seems to not be marked on the attached plans. We note there is some uncertainty about the discharge volume, but feel there is still an issue with the ditches suitability as a receptor even if the flows are below the general binding rules limit of 5000L.</p> <p>Overcoming our objection We request the applicant provides further information on the foul drainage plans they have for the site, and clarification on the discharge point and receiving environment.</p>
<p>Environmental Health Manager</p> <p>Reply Received 1 March 2022</p>	<p>1 Air Quality Impacts</p> <p>- Construction Phase Impacts I believe the potential impacts on local air quality arising during the construction phase of the development can be effectively dealt with by a scheme of mitigation included in a suitable Construction Environmental Management Plan (see below).</p> <p>- Operational Phase Impacts The Advance Transport Assessment dated 24 January 2022 includes predicted traffic flow data for the development. This data suggests the development will generate significant new traffic flows on local roads. The EPUK & IAQM document: Land-use Planning and Development Control: Planning for Air Quality - January 2017 provides guidance with a view to ensuring air quality is adequately considered in the planning process and Table 6.2 in the document provides traffic flow related indicative criteria for when an air quality assessment may be required. The EPUK guidance document states that, where an air quality assessment is indicated as being required, this may take the form of either a Simple Assessment or a Detailed Assessment. The principle underlying the guidance is that any assessment should provide enough evidence that will lead to a sound conclusion on the presence, or otherwise, of a significant effect on local air quality. I recommend the Applicant be asked to provide additional information with a view to establishing whether the development is likely to cause any significant operational phase effects on local air quality, having regard to guidance contained within the EPUK & IAQM document.. Where any potentially significant effects are identified, proposals for a more detailed assessment of air quality impacts should be included.</p> <p>2 Land Contamination</p> <p>I have reviewed the Advance Phase 2 Ground Investigation Report dated 7 January 2022. The report concludes that no significant sources of contamination have been identified and the site does not pose significant contamination risks to end users or the</p>

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	<p>environment. As such, no specific remedial measures are recommended. However, if any unexpected sources of potential contamination are encountered during development works, further specialist assessment will be required.</p> <p>Given the above, I recommend the following condition be imposed:</p> <p>- Contaminated Land (Unexpected Contamination) Condition Should any contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination exposed during development is remediated in accordance with the National Planning Policy Framework</p> <p>3 Construction Phase Impacts In order to ensure that sensitive receptors in the vicinity of the site are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the following condition be imposed:</p> <p>- Construction Environmental Management Plan Condition Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-</p> <ul style="list-style-type: none"> a) measures to regulate the routing of construction traffic; b) the times within which traffic can enter and leave the site; c) details of any significant importation or movement of spoil and soil on site; d) details of the removal /disposal of materials from site, including soil and vegetation; e) the location and covering of stockpiles; f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities; g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression; h) a noise control plan which details hours of operation and proposed mitigation measures; i) location of any site construction office, compound and ancillary facility buildings; j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto; k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

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	<p>The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and be monitored by the applicants to ensure continuing compliance during the construction of the development. Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.</p> <p>4 Foul Drainage</p> <p>The proposals include connecting the proposed development to a new private foul treatment system with final discharge to a local watercourse. Such a system appears likely to exceed flow rates allowed under the Environment Agency's General Binding Rules for small sewage disposal systems and is therefore likely to require an environmental permit from the Environment Agency. The system will also need to comply with building regulations.</p> <p>You may wish to seek confirmation from the Applicant that they have established that a viable foul drainage system is achievable at the site, given Environment Agency permitting requirements.</p>
Mid Devon District Council	No comments received.
<p>Natural England</p> <p>Reply Received 8 March 2022</p>	<p>Natural England has no comments to make on this application.</p> <p>Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.</p> <p>Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.</p> <p>The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.</p>

Name	Comment
	We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice
Open Space Officer	No comments received.
Planning Policy Unit	No comments received.
Planning, Transportation & Environment	No comments received.
Rackenford Parish Council Reply Received 8 March 2022	<p>Objects:</p> <p>The objections detailed in this report are so serious that it is not just a case of tinkering with the detail, providing traffic flow data and mediating the effects slightly, it is just a proposal that is of the wrong type and in the wrong place.</p> <p>This Parish Council regrets not being able to support three useful and long established local firms, but this application should be Refused on this basis alone.</p> <p>Highways:</p> <p>1. The application site is described as an undeveloped greenfield site close to the boundary between North Devon and Mid Devon, and which lies to the south of the North Devon Link Road (the A361) and to the north of the C784road (Bulworthy Knap) linking Tiverton to Rackenford. To the west of the site is the road linking Bulworthy Knap to the A361.</p> <p>2. The junction of this road with the A361 is a staggered crossroads with the single-track lane to Stonelands Farm and beyond to the north of the A361. The junction has no slip roads to allow acceleration or deceleration of turning traffic, and the central reservation for vehicles turning across the A361 has no protective bollards. The speed limit for cars on the A361 is 60mph. The junction is notoriously dangerous and thus the safety of all site users (employees and visitors) and of existing users of the A361 is a major concern.</p> <p>3. On highways issues, the proposal would conflict with paragraphs 110, 111 and 112 of the NFPF-2021. It would not provide safe and well-designed vehicular access and egress from the A361 and thus would conflict with Policy DM05 of North Devon and Torridge Local Plan 2011-2031. It would not ensure the operational effectiveness</p>

Name	Comment
	<p>of the A361 and it would not protect the landscape character along the A361. Thus it would conflict with Policy ST10 of North Devon and Torridge Local Plan 2011-2031.</p> <p>4. The effects on the use of the A361 - the North Devon Link Road (NDLR)</p> <p>The assumption seems to be that traffic will automatically emerge onto the A361, although the lack of information provided on the effects of this are clearly laid out in the Highways Department response.</p> <p>The applicants' planning statement says (para 6.20) "The nature of the proposals would not give rise to significant levels of traffic generation". The Transport Assessment does not provide any information on the current use of the Stonelands exit on to the A361, or any information on the traffic currently generated by any of the three prospective occupants in the form of cars, tractors, vans or HGVs. The companies on the site wish to move to the site in order to expand their businesses. Their forecasts of vehicle movements are based on national averages (TRICS) using very general categories. On this basis the numbers of movements quoted as probable during peak hours 8am- 9am, and 5pm-6pm, are 85 and 87 respectively. Such numbers are certainly not as described in the Design and Access Statement "relatively low." The information provided on the free flow of traffic along the A361 and the adjoining roads (see Figures 7.1 and 7.2 of the TA) at network peaks is described as being for "a typical neutral weekday", ie there is no seasonal information at all about a road which experiences major tourist traffic at different holiday periods.</p> <p>According to the Devon Highways Consultation reply they would be more than double the current usage at the pm peak time and nearly double that at the am peak. This is obviously a significant level of generation.</p> <p>This traffic would add to the waiting times currently experienced by drivers waiting to turn right for Tiverton when attempting to enter the A361 or left to access the C road a little further along, which leads to houses and farms within the parish. This is also a dangerous manoeuvre. Some of the heavy farm vehicles will be driven to and from the site, the A361 is not a good place for these, which will result in such traffic using the C784 instead.</p> <p>The Planning Inspector for the appeal by Pennymoor Timber against the Mid Devon Council (App/Y1138/A/09/2108489) was concerned by conditions at this exit as long ago as 2010, though in the absence of a serious accident record did not feel it could be included in his reasons for dismissing the appeal. During the summer months and especially at weekends these waiting times are already long enough to tempt drivers to take risks. They also cause drivers familiar with local conditions to take the old C road to Tiverton instead.</p>

Name	Comment
	<p>The NDLR is currently being upgraded in parts. The latest element is the dualling north of South Molton which will leave the section around this area the only part that is 3-lane rather than dualled.</p> <p>Any building on this site might compromise the potential future dualling scheme for this section of the NDLR. The parish council believes that it is intended to dual the whole length of the NDLR in the future.</p> <p>Any such dualling will presumably involve the loss of the ability for right turns to and from the entrance. In order to overcome the potentially dangerous increase in traffic attempting to turn right onto the A361, it would be necessary to incorporate very expensive highway works such as a grade-separated junction or roundabout on the A361, which will not be viable for the development to pay for.</p> <p>Doing such major works, particularly a roundabout, would affect the overall strategy for the NDLR and will potentially slow traffic down and create tailbacks. Failure to get traffic from the site for these reasons would presumably mean that it will use the C784, running parallel to the A361.</p> <p>5. The effects on the C784 are not considered properly by the applicants.</p> <p>The Design and Access statement paras 6.58 and 6.59 refers to a pre application meeting with Rackenford Parish Council on 19 August 2021., which did take place The minutes of that meeting make it clear that questions mainly concerned the highway implications. They do not show, as claimed, that councillors agreed that "the traffic numbers would be relatively low"; no numbers were available. They do show that councillors pointed out that a significant amount of the traffic generated would use the C784 road to Tiverton rather than entering or exiting from the A361. This road is wholly ignored in the Transport and Traffic Assessments other than to be described as "Bulworthy Knap", which is a site over 1km to the west of Stonelands cross. Confusingly, this is named as the proposed location for the main entrance to the site. The C784 road runs from South Molton to Tiverton, roughly parallel with the A361. It is used for diverted traffic when there are problems on the A361. Such incidents however, highlight its limitations in width and visibility. At many points two HGVs cannot pass and at others even cars can only do so with difficulty. However, at current levels of traffic it is a lifeline for residents of Rackenford who need to reach Tiverton when the A361 is busy.</p> <p>If the applicants are correct in assuming that all traffic from the site would turn right on to the A361, all of this would at least initially have to cross the C784, where delays are already admitted for the typical neutral weekday of the developers' Transport Assessment. If they are wrong, a number of drivers anxious to avoid any tail back seen building up towards the exit would turn left on to the</p>

Name	Comment
	<p>C784 instead. In either case we believe the impacts would be severe. The matters that become apparent when the C784 is used to relieve the A361 are:</p> <p>Many pedestrians and cyclists use it as their preferred route - not feasible on the A361</p> <ul style="list-style-type: none"> • All local secondary school children have to use the C784 to walk to and wait at the designated bus stops along its length. An increase in HGV traffic makes this dangerous. • There are a number of stables locally that result in the C784 being used for riding which is dangerous with more heavy traffic. • As mentioned above, there are stretches of the C784 that are not wide enough to accommodate two HGVs, or large tractors passing each other. • Is only maintained at the level cognisant of its C category, which is not sufficient for its current level of use. This results in potholes not being filled and flooding not being addressed which will only be made worse by an increase in heavy traffic. <p>6. Other reasons for the Refusal of Permission are: The site is not included in the Local Plan as suitable for commercial development. There is an accepted principle, apparently from the original Public Enquiry for the A361 improvement that ribbon development along the highway is unacceptable. This principle, which has thus far stood the test of time, should remain.</p> <p>There are more suitable sites, with better access and other infrastructure for such commercial activities. There are sites available in Tiverton and South Molton big enough and well served by infrastructure for such a development.</p> <p>There have been several applications for industrial development adjacent to the south side of the A361 near the junction (for example the Tiverton Energy Centre, a milk transfer station and Pennymoor Timber, and all have failed, with highways issues at the A361 junction being a major consideration.</p> <p>The site is not adjacent to any significant community and is not served by any public transport. It is therefore very unlikely that employees at the site would cycle or walk to work, but would travel by private transport, mainly cars.</p> <p>Industrial development at the site would be clearly visible from all three adjacent roads. It would detract, in particular, from the extensive views from the A361, which include Exmoor and Dartmoor, but it would also detract from the local views of the adjacent pastoral landscape. The proposal would not respect the local landscape character and rather than enhancing the local landscape, it would have an adverse impact. It would thus conflict with Policy DM08A of North Devon and Torridge Local Plan 2011-2031.</p>
South West Water	Asset Protection

Name	Comment
<p>Reply Received 7 March 2022</p>	<p>Please find attached a plan showing the approximate location of a public 250mm trunk water main, and a 1 ¼ inch communication pipe in the vicinity of the above proposed development. Please note that no development will be permitted within 3.5 metres of the trunk main and 3 metres of the communication pipe. The water mains must also be located within a public open space and ground cover should not be substantially altered.</p> <p>Should the development encroach on these easements, the water main(s) will need to be diverted at the expense of the applicant.</p> <p>www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/</p> <p>Further information regarding the options to divert a public water main can be found on our website via the link below:</p> <p>www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/</p> <p>Should you require any further information, please contact the Pre Development Team via email: DeveloperServicesPlanning@southwestwater.co.uk.</p> <p>If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 1010.</p> <p>Clean Potable Water South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p>Foul and Surface Water Sewerage Services Please note that South West Water currently does not have any existing public foul / combined or surface water sewers in the vicinity of the site</p>
<p>South West Water</p> <p>Reply Received 7 March 2022</p>	<p>I refer to the above application site and would advise that South West Water has no further comments, no objections</p>
<p>Stoodleigh Parish Council</p>	<p>No comments received.</p>
<p>Sustainability Officer</p>	<p>Site Layout should be revised to remove the eastern entrance if possible in terms of traffic movement. The eastern woodland has been identified as valuable habitat to various protected species and</p>

Name	Comment
Reply Received 09 March 2022	<p>would require significant lighting restrictions to prevent illumination from street lighting and vehicles entering the site.</p> <ul style="list-style-type: none"> · The Ecological Appraisal (EA) has states that initial proposals for significant woodland buffer on the NE boundary to the A361 have been reduced to avoid a negative score for habitat area in BNG Metric. The EA states 'Initial site design aimed to create a significant woodland belt along the north-eastern boundary of the site. However, due to the temporal multiplier within Defra Metric 3.0, this resulted in a 6% loss in habitat units. Alterations were subsequently made to the metric and it was ascertained that changing the entire woodland belt to neutral wildflower grassland would result in a net gain of over 10%. However, whilst the metric scores this particular habitat type highly, neutral grassland supports a lower diversity of species than woodland in the long term. The incorporation of woodland into the site design will create greater long-term benefits for wildlife, despite the habitat scoring lower than neutral grassland on the Defra Metric 3.0. It is therefore considered undesirable to remove all woodland from the landscaping scheme. Instead, a habitat mosaic of a reduced woodland belt and neutral grassland has been proposed, which will provide longer term benefits to a wider range of species than solely creating neutral grassland. The woodland component of the mosaic is of particular importance to this site, given the presence of dormice and the high diversity of bat species identified during the seasonal bat surveys. Specifically, the Annex II species of barbastelle was present and is known to roost in woodland habitats. The mosaic would also benefit nesting and foraging birds, small mammals, reptiles and invertebrate species'. Given the landscape sensitivity of the A361 corridor and the potential significant, long term habitat gains achievable through provision of a more substantive woodland belt I would suggest the applicant pursues their original approach and the LPA accept the significantly reduced Defra metric score. While the stated compromise is supported the nature recover and landscape character benefits associated with significant woodland provision should be maximised. · All EA recommendations for protected species including hibernacula etc should be clearly illustrated on submitted Plans and Elevations. Opportunities for building integrated bat and bird boxes should be maximised. · All proposals for new hedgerows should be in the form of a Devon hedgebank https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf · A lighting plan including detailed specifications for all external fittings and fixtures informed by https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/ should be provided · The submitted LEMP is insufficiently detailed to support a proposal of this scale. More substantive detail is required, particularly with regards to the proposed woodland belt and

Name	Comment
	existing hedgerow enhancements. I would suggest that either the applicant seeks a revised LEMP which would satisfy the LPA's standard condition (below) or that a revised LEMP is secured by condition.
Sustainability Officer Reply Received 20 September 2022	<p>1. Do you feel the size of the proposal and activity anticipated is sufficient justification for a 'secondary existing entrance is solely for staff and deliveries'? I would still suggest that 'infrequent and low use, normally within daylight hours' has the potential to impact on the sensitive habitat to the east.</p> <p>2. Happy to agree to a reduced BNG score in order to deliver the enhanced woodland corridor. It should be stressed however, that a revised Metric in support of the revised proposals demonstrating no net loss must be submitted.</p> <p>3. Lighting specification can be secured via condition although it must be stressed that all boundaries will be treated as dark corridors with lux levels kept below 0.5lux.</p> <p>4. The LEMP must be revised to ensure that monitoring reports are periodically provided to the LPA.</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	9	0.00	0.00

- Highways and access
- Industrial uses on agricultural land
- Landscape impact
- Impact on wildlife

Considerations

Proposal Description

This application seeks a hybrid planning permission to provide an Agricultural-Hub comprising:

Area 1: Full Planning Permission for the erection of workshop & storage & distribution uses with ancillary offices, shop & showroom, (sui generis), creation of access and associated works (Phase 1);

Area 2: Outline Application for the erection of buildings 1, 2 & 3 for agri-business uses falling under Use Classes Class E (a) retail, Class E (e) medical services, Class E (g) Business, B2 workshop & B8 storage & distribution with appearance & scale to be reserved matters (Phases 2 & 3).

The development will be split into the following phases:

Phase 1 - to be occupied by James Pryce Tractors. The business is the supplier of Tractors and Agricultural Machinery, Spare Parts and Servicing across North Devon, Mid Devon and West Somerset. (Total GIA: 2,041 sq.m. Compound: 3,347 sq.m. Showroom: 268 sq.m.)

Phase 2 and 3

Building 1 Veterinary practise (270 sq.m. gross including yard)

Buildings 2 and 3 - A flexible use is proposed capable of accommodating suitable uses focused on serving the rural economy. (1,807 sq.m. gross. Yard 540 sq.m.)

Planning Considerations Summary

- Principle of development and proposed uses.
- Character and appearance
- Landscape
- Ecology
- Amenity Impacts
- Flood Risk and Drainage
- Highway considerations
- Planning balance

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of the development and proposed uses.

Paragraph 84 of the NPPF states that Planning policies and decisions should enable

a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings

Policy ST11: Delivering Employment and Economic Development states that Proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan policies.

Employment opportunities will continue to be supported within the rural area of northern Devon including through Policies DM14: Rural Economy. The Local Plan recognises the importance of a robust rural economy which is viewed as a vital component in the maintenance and development of sustainable communities and more widely in supporting an active and prosperous rural area.

Policy DM14: Rural Economy states that in order to support the rural economy, new small scale economic development in the Countryside will be supported on the following basis:

(a) Change of use or conversion of a permanent and soundly constructed building;

Or

(b) Sites or buildings adjoining or well related to a defined settlement or a Rural

Settlement; or

(c) The proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity; provided that:

(d) There is no adverse impact on the living conditions of local residents;

(e) The scale of employment is appropriate to the accessibility of the site and the standard of the local highway network; and

(f) proposals respect the character and qualities of the landscape and the setting of any affected settlement or protected landscape or historic assets and their settings and include effective mitigation measures to avoid adverse effects or minimise them to acceptable levels.

Compliance with Local Plan Policies:

Small scale economic development is defined as development for employment or commercial purposes of a scale not exceeding 250 square metres gross external floor area or a site area of 0.1 hectares.

The site is a 2.69ha agricultural field with the A361 adjacent to the north boundary outside of any designated or identified settlement as such is considered to be in a countryside location. The proposed development would exceed the parameters of policy DM14 and as such cannot be considered to be small scale. The application is therefore a departure from the Local Plan Policies.

The application is contrary to the Development Plan policy ST07 as the site lies outside the designated development boundary and allocated employment areas as identified in the NDTLP. The Local Planning Authority therefore needs to determine whether there are material considerations which would override the Development Plan in permitting this development in this instance.

The main business, James Pryce Tractors is based on the sale and rent of tractors, parts and services both from site and on farm. The business is currently based in Tiverton with a rented satellite office in South Molton and has outgrown its current base. The other units are to be used for other agricultural uses such as animal care, medicine, retail and business.

Paragraph 85 of the NPPF states that Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

Sequential test:

During pre-application discussions it was advised that providing there was sufficient justification for the development and it could be demonstrated that the suitability and availability of potential alternative sites had been considered, the LPA would accept the principle of the development given the type of business and benefits it could generate for the rural community.

The site has been chosen by the applicants for numerous reasons some of which are that it is central to the current client base and has appropriate transport links and access.

The application has been supported by a technical note regarding this issue which has assessed both Pathfields at South Molton and sites at Witheridge as the two closest local centres. Conclusions from this document indicate the following:

“At South Molton sites and premises within the Pathfields Business Park were examined, although this location is remote from the company’s main catchment in and around Tiverton. The expansion of the business park in accordance with Policies ST08 and SMO is subject to various outline and reserved matters applications. A number of plots A-K were identified. However, the majority of these have either been built or are subject to reserved matters applications which propose a range of small, workshop and business units. There are no contiguous sites within this phase capable of accommodating the proposed development as a whole. Land to the west of the existing business park which falls within the allocation defined under Policy SMO does not have outline or detailed approval although permission for the access road linking Hacche Lane with the B3226 has been granted. There is no indication as to when the balance of the allocation will be brought forward which will also require the construction of the internal estate road.

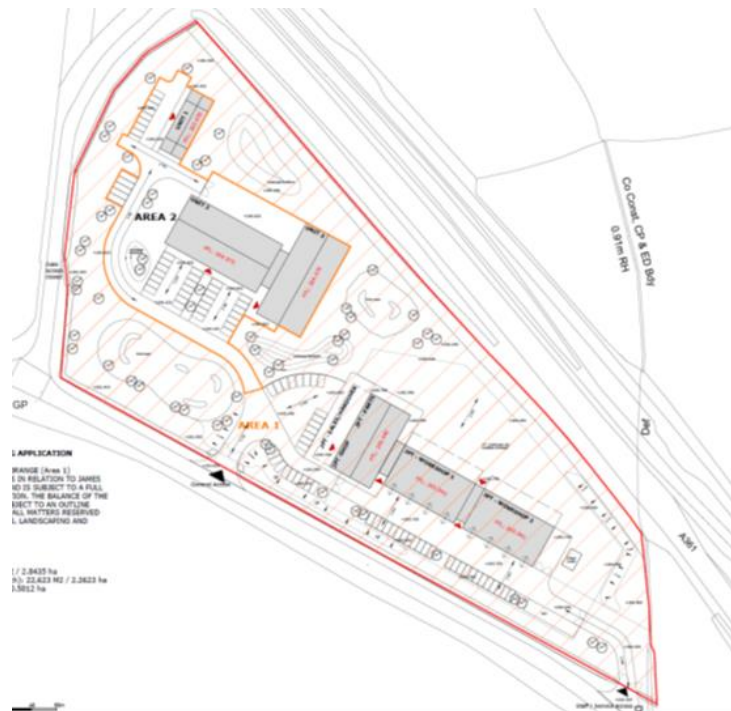
In Witheridge only one site has been identified which comprises the Mole Valley Farmers operation along Church Street. This site is fully operational and includes a large external yard for timber, two warehouses and the main retail outlet. It is not available. Nor is it suitable given its location on the edge of the village and poor access to the strategic highway network.”

The LPA is therefore satisfied that there are special circumstances relating to this development and the specific needs and customer base of the existing business and no suitable alternative sites are available.

On the basis of the above, on review of paragraph 85 of the NPPF, these are a material consideration which would weigh in favour the departure from Policies ST07 and DM14 in this instance.

Design

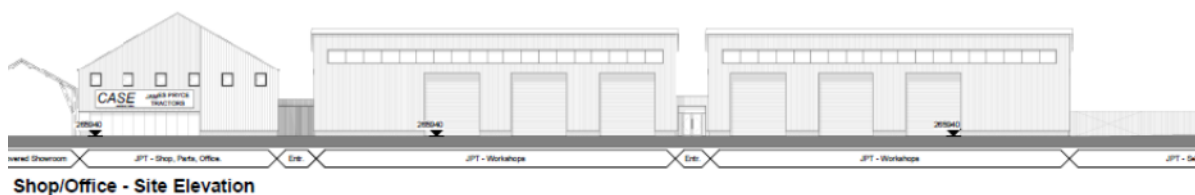
Paragraph 84(a) of the NPPF states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Paragraph 126 of the NPPF). Policy DM04 of the NDTLP supports good design and the integration of new development into the natural, built and historic environment. The updated National Design Guide is a material consideration in the planning decision making process.



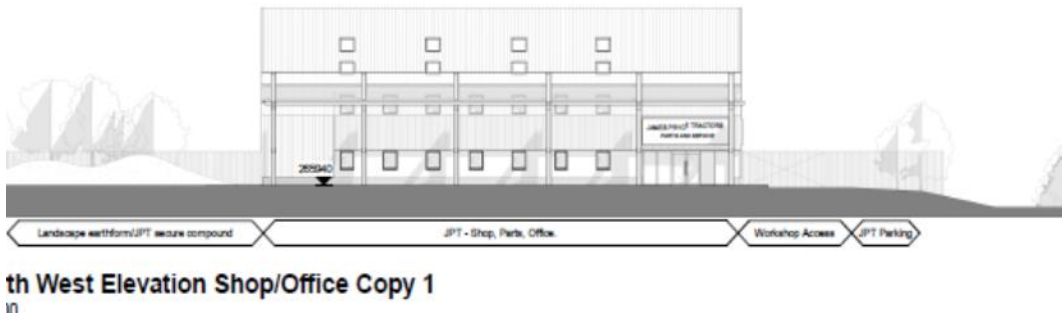
Site Plan proposed

The design process has been set out in the applicants Design and Access statement and has taken its layout and form from a farmstead type style with a landscape led layout. The development would be accessed from the south and separated into two sections with the first phase being to the south east as shown in the above site plan.

An example of the proposed elevations is included below and demonstrates a typical rural/industrial styled group of buildings with a mix of dual and mono pitched roof buildings. These buildings together create an interlinked 'L-shaped' building synonymous with agricultural settlements. The palette of materials has been informed by rural agricultural typologies with a mix of metal and timber cladding, some render and hit and miss timber cladding and metal clad roofs. Some examples of the proposed elevations are shown below:



South west elevation and section showing shop/office and workshop



North west elevation showing shop/office

The overall design and materials of the buildings will be reflective of the rural area and other commercial buildings. Given the position within the countryside the design and form is acceptable and provides a functional building for the proposed uses.

Amenity

NDTLP Policy DM01 (amenity considerations), requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses, future occupiers, visitors on the site and any local services. Furthermore Policy DM02 (Environment Protection) requires development to safeguard against hazards; and pollution and DM03 (Construction and Environmental Management) seeks to minimise and manage waste from development.

Environmental issues:

The Environmental Health Officer has provided comments and considers that a condition requiring a CEMP will effectively deal with any construction phase impacts. The applicants have agreed to a prior commencement condition for this document to be provided. This is an accepted approach.

With regard to air quality and the impact from traffic to be generated. The applicants should provide an assessment to establish whether there would be any potential significant effects. Information on Air Quality has not been provided but it is considered that this could be addressed through a condition.

The Advance Phase 2 Ground Investigation Report dated 7 January 2022 concludes that no significant sources of contamination have been identified and the site does not pose significant contamination risks to end users or the environment. As such, no specific remedial measures are recommended. However, if any unexpected sources of potential contamination are encountered during development works, further specialist assessment will be required.

Residential amenity:

The closest residential property is Gibbett Moor 200m to the east however this is on the other side of the A361 and separated with intervening features. There are farmsteads 118m to the west of the site also with intervening features such as a road, hedges, trees and fields. Cob Castle Barton is 200m to the south and this is used as a commercial premises for training purposes for utility companies. Further to the south is Highfield Farm 300m away. Again there are intervening features and additional landscaping at Cob Castle Barton which will help will screening and noise.

The A361 runs directly adjacent to the north of the site which already erodes any tranquillity. Given the separation distances from any residential property the development would not be considered to result in any significant impact on amenity.

Landscape Impact

Policy DM08A of the Local Plan states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes.

The site is not in a designated landscape but is within the Farmed Lowland Moorland and Culm Grassland Landscape Character area. Key qualities and characteristics of this landscape include the following:

- Distinctive Culm grassland habitats and associated birdlife.
- Traditional management regimes (including grazing by North Devon Reds).
- Small field patterns enclosed by thick Devon banks and surrounded by open grazing land.
- Isolated farms and farmsteads.
- High levels of tranquillity and remoteness.

The Landscape strategy and management plan includes the following:

- Protect the farming and land management traditions of the area, continuing to support local farmers to graze the Culm grasslands and lowland moors as integral parts of their farming system.
- Protect the landscape's strong sense of tranquillity and remoteness through avoiding the location of new development on prominent, open ridgelines.

The site is relatively level with around a 1m difference from north to south. There are two existing access points on the south east corner and the North West boundary. As can be seen in the photos below the site doesn't benefit from some of the special qualities such as tranquillity remoteness due to the position directly adjacent to the link road but it is a grazed agricultural field enclosed by mature hedges and trees. The field is cut twice a year.



Picture 1: Site and existing access looking north



Picture 2: Southern boundary



Picture 3: East boundary looking towards the A361



Picture 4: View over site from the west gateway

Landscape and Visual Impact:

There have been numerous objections to the application on landscape grounds and the visual impact from the development. The application has been supported by a landscape assessment included in the Design and Access Statement. This includes photographs of long and near distance views.

Generally the site will be screened due to intervening features such as woodland, hedgerows, trees and buildings. The design of the scheme has been landscape led and designed to be sympathetic to the rural locality. The buildings will be relatively low level and reflective of agricultural barns when viewed from a distance in keeping with the isolated farmsteads that characterise the area.

On site Hard and Soft and Landscaping:

The application is supported by a detailed hard and soft landscaping scheme. The proposed landscape strategy includes the following items:

- New native trees to be planted.
- New wetland/grassland
- New marginal planting
- New Wildflower Grassland
- Grass verges around the roads and parking areas.
- Retention of existing hedgerows (309m)
- Removal of 19m of hedgerow to create new access.
- New mixed native hedgerow (87m)
- New shrub and Herbaceous planting.
- New Woodland whip and standard tree planting along the northern boundary with the A361.



Landscape strategy plan proposed



Proposed visual of the development

The Arboricultural Officer has advised that the soft landscape proposals are sufficiently detailed and appropriate for the site and surrounding landscape. The development seeks to enhance on site landscaping, particularly around the site periphery which would help to assimilate the development into the landscape. On balance it is not considered there would be significant harm to the special qualities of the landscape character and its management plan.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Policies ST09 and ST14 require the quality of northern Devon's natural environment to be protected and enhanced, and should provide a net gain in biodiversity where possible; through the positive management of an enhanced and expanded network of designated sites and green infrastructure.

Policy DM08 indicates that development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests in a manner commensurate with their status and giving appropriate weight to their importance.

The application is supported by an Ecological Survey and a LEMP. The survey describes the site as a single grassland field bound by species-poor hedgebanks and is dominated by short modified grassland.

The development will involve the removal of the majority of the modified grassland present within the site and a short section of the species-poor hedgebank in order to facilitate access to the site.

Biodiversity:

Mitigation and enhancement measures which have been in-built into the site design include the provision of a 10m wide 'dark corridor' including the planting of a woodland and wildflower buffer along the north eastern boundary adjacent the A361. Additionally, a large area of the site will be managed to encourage an optimum habitat for biodiversity through creation of a neutral grassland wildflower meadow, planting of native trees and SuDS creation.

The EA states that "Initial site design aimed to create a significant woodland belt along the north-eastern boundary of the site. However, due to the temporal multiplier within Defra Metric 3.0, this resulted in a 6% loss in habitat units. Alterations were subsequently made to the metric and it was ascertained that changing the entire woodland belt to neutral wildflower grassland would result in a net gain of over 10%.

neutral grassland supports a lower diversity of species than woodland in the long term. The incorporation of woodland into the site design will create greater long-term benefits for wildlife"

Due to the presence of dormice and the high diversity of bat species identified during the seasonal bat surveys the Sustainability Officer has advised that the applicant pursues their original approach with additional woodland. The landscape sensitivity of the A361 corridor

and the potential significant, long term habitat gains achievable through provision of a more substantive woodland belt would provide greater benefit.

The LPA will accept a reduced BNG score in order to deliver the enhanced woodland corridor subject to a condition ensuring there is no net loss of biodiversity.

Wildlife:

The EA has identified the woodland belt to the North West boundary as being used by various bat species for foraging and commuting. The habitats adjacent to the site on the north east boundary also have dormice present.

Following completion of the EA the following recommendations are provided:

Feature	Recommendation
Badger	A sloping plank should be left in any excavations deeper than 1m which are to remain open overnight, to avoid trapping any badgers that may access the excavation. Alternatively, excavations should be covered or fenced overnight
Bats - Activity	During the construction phase of the development all site works will be limited to daylight hours, at least 15 minutes after sunrise and no later than 15 minutes before sunset, thus ensuring that there will be no requirement for artificial lighting. This will eliminate any potential for light spillage into bat flight lines. These restrictions are to be applied during the bat activity season which is from April to October (inclusive).
Nesting birds	The removal of any vegetation suitable for nesting birds should be undertaken outside the main bird nesting season of March to August (inclusive). This would minimise the risk of potential delays to site clearance works. It should be noted that nesting may extend outside this period; this is often dependent on weather conditions and species.
Dormice	As a precautionary measure it is recommended that hedgerow vegetation is removed outside of the sensitive dormouse breeding and hibernation periods (and nesting bird season) following a hand search for dormice by a licensed ecologist. Vegetation should therefore be removed in September/October. Alternatively, vegetation can be cut to 300mm in height over winter (November to March) and the stumps and roots removed in May.

Habitats:

The proposed development will result in the loss of low quality habitats which are of limited value to wildlife including foraging badgers, bats, birds and dormice. The proposed habitat creation and enhancement associated with the scheme will provide new commuting and foraging habitat and new roosting/nesting opportunities for bats and birds.

Lighting:

Part D of policy DM02 (Environmental Protection) states that Development will be supported where it does not result in unacceptable impacts on light pollution. Particularly in area sensitive to light spill such as tranquil areas of open countryside, in particular areas of nature conservation value and Exmoor National Park's Dark Sky Reserve. This is also an issue raised through Policy DM08 in relation to the light spill and resulting impact on the surrounding habitats and wildlife.

There has been some debate over the provision of the second access to the east and the impact on the adjacent woodland which is considered to be valuable habitat to various protected species. The applicants have advised that this access is to only be used for staff and deliveries, resulting in infrequent and low use, normally within daylight hours. The entrance will be unlit so should have negligible impact on adjacent woodland and wildlife use. The hours of business operation will be 9am - 5pm, resulting in a small window of use of this entrance after dark during winter months only. The site benefits from an alternative access point which could be used by staff and deliveries after dark to fully remove any vehicle light spill at this entrance.

It has been agreed with the LPA and applicant that a lighting scheme shall be conditioned. This will ensure that all boundaries will be treated as dark corridors with lux levels kept below 0.5lux.

It is considered that the proposed measures for habitat and biodiversity enhancement will limit any harm to any protected species and provide a greater benefit than the existing site. It has been sufficiently demonstrated that there would not be any significant harm to ecology or biodiversity from the development.

Highways

Policies ST10, DM05 and DM06 of the NDTLP require development to safe and suitable access for all road users, providing sufficient access to alternative modes of travel to reduce the use of the private car, to safeguard strategic routes and provide appropriate transport infrastructure across the area to ensure the above is achieved. This is further enshrined in chapter 9 of the NPPF.

There have been various objections to the application regarding the impact on the highways and the use of the junction with the A361. Mainly with regard to safety, capacity and the freeflow of traffic.

Access:

Access no. 1 is provided via a gated access point measuring approximately 4.0m in width with an area of hardstanding providing a junction bellmouth circa 30.0m in width suitable for larger agricultural vehicles to enter / exit the site and to remain stationary off the carriageway of Bulworthy Knap

Access no. 2 is also provided via a gated access point measuring approximately 3.0m in width with a grass verge providing separation from the access point and the carriageway of the local 'C' road passing the application site

The main entrance will provide a visibility splay of 2.4m (x) by 215m (y) in both directions as will the staff / service access for James Pryce Tractors. This will be in accordance with the Highway Authority standards.

Parking:

The Landscape Masterplan currently shows areas of parking provided adjacent to the various elements proposed on-site. It is apparent that a total of 41 car parking spaces are currently shown in relation to Units 1, 2 & 3, whilst a further 48 spaces are shown in relation to the elements associated with James Pryce Tractor, totalling 89 car parking spaces across the site. There are no specific parking standards set out in the Local Plan however given the calculations set out in *Table 6.3 Maximum Car Parking Provision on site* of the Transport the LPA is content there is sufficient parking.

Wider Highway Network:

Concern has previously been raised about the impact on the Stonelands Cross T junction onto the A361. The analysis presented above demonstrates that the proposed development would generate a total of the following movements:

AM Peak (08:00 to 09:00 hrs)

- 85 two-way vehicular movements.
- A361(W) = 54 two-way vehicular movements (63%).
- A361(E) = 31 two-way vehicular movement (37%).

PM Peak (17:00 to 18:00 hrs)

- 87 two-way vehicular movements.
- A361(W) = 55 two-way vehicular movements (63%).
- A361(E) = 32 two-way vehicular movement (37%).

This is a combined 172 two-way vehicular trips across both the AM and PM peak periods. This equates to approximately one two-way vehicular trip movement every 42 seconds during the AM peak and one two-way vehicular trip movement every 40 seconds during the PM peak.

Following the original comments from the Highway Authority which raised objections the applicants have provided additional information. This is particularly in relation to the impact of the proposal on the A361 'Stonelands Cross' junction including a detailed capacity assessment of the operation of the junction.

The collision history at the Stonelands Cross Junction, and nearby Two Gates Cross junction on the A361, is that there have been no recorded personal injury collisions in the past 5 years of data collected, and none in the previous five years before that. There is no evidence to suggest that these junctions are inherently unsafe, and as reiterated by the recent appeal decision at Yelland Power Station - technical evidence is needed to support refusal of an application on highway grounds.

The increase in traffic will undoubtable result in some additional queuing and delay at the A361 Stonelands Cross Junction. In regard to the NPPF paragraph 111, the impact of the proposal has been shown not to be significantly adverse, and therefore not 'severe' as is a requirement of the NPPF paragraph 111 to refuse the application on highway grounds.

The comments from the Parish Council have been noted regarding the impact of vehicles on the backroad to Tiverton –quoted as the C784. There would possibly be an increase in traffic on this road from vehicles accessing the site, however, using this route would take longer than using the A361 at most times of the day on a usual day. In order to mitigate potential increases in traffic on this road, particularly larger vehicles, signs must be placed at the exit of the site directing traffic to use the A361 and a travel plan for staff and visitors implemented which shall also direct drivers to use the A361.

The proposed development by virtue of its scale and traffic generation would not result in a severe impact on the safety and functioning of the highway network and as such a refusal is not justified in relation to highway grounds.

Flood Risk and Drainage

Policy ST03 states that Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land,

infrastructure and property by locating and designing development to minimise flood risk. Policy DM04: Design Principles part N states that development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

The application has been supported by a flood risk assessment and foul drainage assessment and the Environment Agency and Flood Authority have been consulted.

Foul drainage

This is proposed to be dealt with through a package treatment plant. The applicant has calculated an estimated 11,600L daily discharge, and intend to discharge treated effluent to a ditch system.

The applicant has provided additional comments regarding the foul drainage system in response to the EA request for further information. The EA have since confirmed that they have no objections to the development.

They do maintain our concerns about the suitability of the receiving watercourse for drainage. The applicant has stated they are aware of the need for a permit and are prepared for the possibility of one not being granted.

Surface Water Drainage

The applicant is proposing two attenuation basins to treat the runoff which the LLFA are supportive of. The LLFA did request further information in relation to some technical details of the system which the applicant has provided. The LLFA have confirmed that the discharge rate, SPR value and FEH rainfall have been addressed but there are still some outstanding details.

Given that the principle of the drainage scheme is accepted and the issues are around technical details the LPA considers that suitably worded conditions can be included to ensure these are provided and agreed.

Planning Balance and conclusion

The LPA must assess the planning balance and weigh the impact of the development in a countryside location against the 3 dimensions of sustainability as set out in the NPPF.

Economic benefits - The economic benefits of the proposal would be strong, including the creation of jobs, the addition of spending power to the local economy and the support of a long established business and support its growth. The proposals will provide in the order of 25-30 jobs in Phase 1 and a further 16 jobs in Phase 2 of the development. Whilst the future occupier(s) of Units 2 and 3 is as yet undetermined, based upon the initial interest to date and the potential uses proposed for these units we would anticipate in the order of 20 jobs.

Social benefits - would allow for an agricultural hub to be created thereby helping support the local rural community.

Environmental benefits - The associated landscaping and planting will allow for the development to assimilate into the landscape without resulting in any significant harm to wider landscape and provide ecological and biodiversity enhancements,

Given the resulting benefits from the development and lack of significant harm to the surrounding area and local employment centres the recommendation is one of approval subject to the agreement of the final wording of appropriate conditions.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The full part of the development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The outline part of the development (units 1-3) to which this permission relates must be begun not later than whichever is the later of the following dates

(i) the expiration of three years from the date on which the outline permission was granted : or

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

20084 LHC 00 00 DR L 0105P1 Site Plan received on the 01/09/22
20084 LHC 00 00 DR L 0102P1 Block Plan received on the 09/02/22
20084 LHC 00 00 DR L 9201P3 Landscape Details received on the 09/02/22
20084 LHC 00 00 DR L 9402P3 Landscape Strategy Plan received on the 09/02/22
20084 LHC XX ZZ DR A 0403P1 Site elevations received on the 09/02/22
20084 LHC XX ZZ DR A 0402P3 Workshop Elevations received on the 09/02/22
20084 LHC XX ZZ DR A 0401P3 Shop/Office Elevations received on the 09/02/22
20084 LHC 00 ZZ DR A 0301P3 workshop shop/office Sections received on the 09/02/22
20084 LHC 00 GF DR A 0201P4 Ground Floor Shop-Office received on the 09/02/22
20084 LHC 00 01 DR A 0203P3 First Floor Shop-Office received on the 09/02/22
20084 LHC ZZ 00 DR A 0202P3 Ground Floor Workshop received on the 09/02/22 ('the approved plans').

20084-LHC-00-00-DR-L-9201 Landscape Details
20084-LHC-00-00-DR-L-9401 Planting, Hard Landscape and Boundary Plan_Rev P5.

Response to Consultee comments - 001-C20132-Stonelands Cross_22031 dated

LEMP

Ecological Survey

Sustainability response

Transport Assessment (Rev D)

Flood Risk Assessment

Foul Drainage Assessment

DAS addendum including Secure by Design Statement

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

4. Approval of the details of the layout/scale/appearance of units 1,2 ,3 and associated parking (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

To ensure adequate information is available for the proper consideration of the detailed proposals.

5. The site shall only be used for the purposes identified within the following use classes as defined by the Town and Country Planning (Use Classes) Order 1987 or any statutory re-enactment or amendment thereof:

Class E (a) retail up to 250m2 net sales area only.

Class E (g) business;

B2 general industrial and;

B8 storage and distribution.

Reason: The site is in a rural location and has been justified through its strong links to the agricultural sector and any other use other use would need to meet the sequential tests set out in the National Planning Policy Framework and the provisions

of the development plan in order to protect other allocated employment sites and the local centres..

6. The total retail floorspace hereby permitted in agri-business Units 2 & 3 [Phase 3] shall not exceed than 250 square metres of net retail floor area and shall be used only for the sale of agricultural and/or rural machinery, equipment and supplies including feed, fertilizer and pet/equine and shall not be used for any other purpose including those set out in Class E of the Schedule for the Town and Country Planning (Use Classes) Order Planning 1987 or any Order revoking, amending or reenacting that Order with or without modification".

Reason:

For the avoidance of doubt and to safeguard the vitality and viability of the South Molton Town Centre and the retail strategies of the District and the sequential tests of the National Planning Policy Framework.

7. As part of the reserved matters application/s for units 1,2 and 3, scaled drawing(s) showing existing levels on the site and proposed finished floor levels of the proposed employment units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved drawings.

Reason:

To ensure that the landscape quality of the area is not adversely affected by reason of the size and scale of the proposed development in accordance with policy DM08 of the North Devon and Torridge Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason :

To assimilate the development into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

10. No development shall take place (including demolition. ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- a) measures to regulate the routing of construction traffic;
- b) the times within which traffic can enter and leave the site;
- c) details of any significant importation or movement of spoil and soil on site;
- d) details of the removal /disposal of materials from site, including soil and vegetation;
- e) the location and covering of stockpiles;

- f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) a noise control plan which details hours of operation and proposed mitigation measures;
- i) location of any site construction office, compound and ancillary facility buildings;
- j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway in compliance with Policies DM02, DM05, and DM08 of the North Devon and Torridge Local Plan.

11. Prior to the development hereby approved being brought into use, the biodiversity net gains as indicated on the approved plans, including a widened woodland corridor adjacent to the A361, shall be provided in full and maintained and retained thereafter. The development shall ensure there is no net loss in biodiversity.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan and paragraph 174 of the National Planning Policy Framework.

12. The development shall be carried out in accordance with the recommendations as detailed in the Ecological Appraisal prepared by Devon Wildlife Consultants dated January 2022.

Reason:

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet the statutory duties of the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

13. The development shall be carried in accordance with the details set out in the LEMP and document labelled Response to Sustainability Officer. This shall include the provision of monitoring reports to the LPA within the life of the LEMP and remedial action agreed with the Planning Authority when and if required.

Reason:

In order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

14. No development in any phase hereby permitted shall be completed past damp proof course level until the following information has been submitted to and approved in writing by the Local Planning Authority for that phase: A lighting scheme that addresses the concerns of the sustainability officer in terms of excessive lighting and light spill onto the adjacent hedgerows and wider area. This shall treat all boundaries as dark corridors with lux levels kept below 0.5lux. The development shall then be carried out in accordance with these details and no further lighting shall be installed unless otherwise agreed in writing with the Local Planning Authority.

Reason: Further information is required in order to ensure there is no harm to any wildlife or amenity of the wider area in accordance with policies DM02 and DM08 of the adopted North Devon and Torridge Local Plan.

15. No work shall commence on any individual plot until the following information has been submitted to and approved in writing by the Local Planning Authority:

To be confirmed by the LLFA

Reason:

The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

16. Should the proposed foul drainage system not be achievable given the given Environment Agency permitting requirements an alternative solution shall be submitted to the LPA and agreed in writing. The drainage details shall thereafter be carried out and completed as agreed prior to the occupation of any of the parts of the site to which they relate.

Reason:

The above conditions are required to ensure the proposed foul water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall have previously been submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank

plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment in accordance with policy DM01 of the North Devon and Torridge Local Plan.

18. No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be stacked or stored on site except within the buildings forming part of the development or in a suitably screened area details of which shall have been agreed in writing by the Local Planning Authority prior to the occupation of the specific plot.

Reason:

In the interests of visual amenity of the locality and to ensure that car parking and turning areas remain unobstructed for their intended use in accordance with policy .

19. Prior to the commencement of development on phase 1, and as part of the reserved matters for phases 2 and 3, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with the Waste Planning Authority, to demonstrate how the construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy. The development shall be carried out in accordance with the details approved. For guidance please visit [https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste\[1\]policy/supplementary-planning-document](https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste[1]policy/supplementary-planning-document).

Reason:

To ensure suitable waste management measures in accordance with Policy W4 of the Devon Waste Plan.

20. Prior to the first use of the site by members of the public visibility splays shall be provided, laid out and maintained for that purpose at the site accesses in accordance with the approved plans.

Reason:

To provide adequate visibility from and of emerging vehicles and to allow for the future improvement of the road in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

21. The site access onto the public highway shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.

Reason:

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To prevent mud and other debris being carried onto the public highway in the interest of highway safety in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

22. Provision shall be made within the site for the disposal of surface water so that none drains onto the highway.

Reason:

In the interests of public safety and to prevent damage to the highway in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

23. Prior to the site being used by any of the approved uses signage shall be installed at the site exits directing all traffic towards the A361 Stonelands cross.

Reason: To ensure appropriate routes are taken by all traffic in accordance with policies TRA6 of the North Devon Local Plan.

24. The eastern access shall be used solely for the purposes of staff and deliveries and not for general use by members of the public and customers.

Reason: In order to limit the amount of traffic, noise and light to be generated by the continued use of this access along the eastern edge to minimise any harm to the adjacent habitats and wildlife that use the site edges in accordance with policy DM08 of the North Devon and Torridge Local Plan.

25. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

26. Prior to commencement of works on any phase an air quality assessment shall be provided and agreed with the LPA. This should demonstrate that there are no significant operational phase effects on local air quality, having regard to guidance contained within the EPUK & IAQM document. Where any potentially significant effects are identified, proposals for a more detailed assessment of air quality impacts should be included. The development shall then be carried out in accordance with any mitigation methods required.

Reason: To ensure there is no adverse impact on air quality in accordance with policy DM01 of the North Devon and Torridge Local Plan

Informatives

1. The proposals include connecting the proposed development to a new private foul treatment system with final discharge to a local watercourse. Such a system appears

likely to exceed flow rates allowed under the Environment Agency's General Binding Rules for small sewage disposal systems and is therefore likely to require an environmental permit from the Environment Agency. The system will also need to comply with building regulations. You may wish to seek confirmation from the Applicant should be sought to show that a viable foul drainage system is achievable at the site, given Environment Agency permitting requirements.

2. Planning Practice Guidance defines reserved matters as:
'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
'Layout' - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.

3. For the purpose of interpreting the restriction expressed in condition 6 of this consent, the Use Class referred to is defined as:

CLASS E

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

CLASS B2 GENERAL INDUSTRIAL

Use for the carrying on of an industrial process other than one falling within Class B1, or within classes B4 to B7.

CLASS B8 STORAGE OR DISTRIBUTION

Use for storage or as a distribution centre

4. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the North Devon Council website, www.northdevon.gov.uk.

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

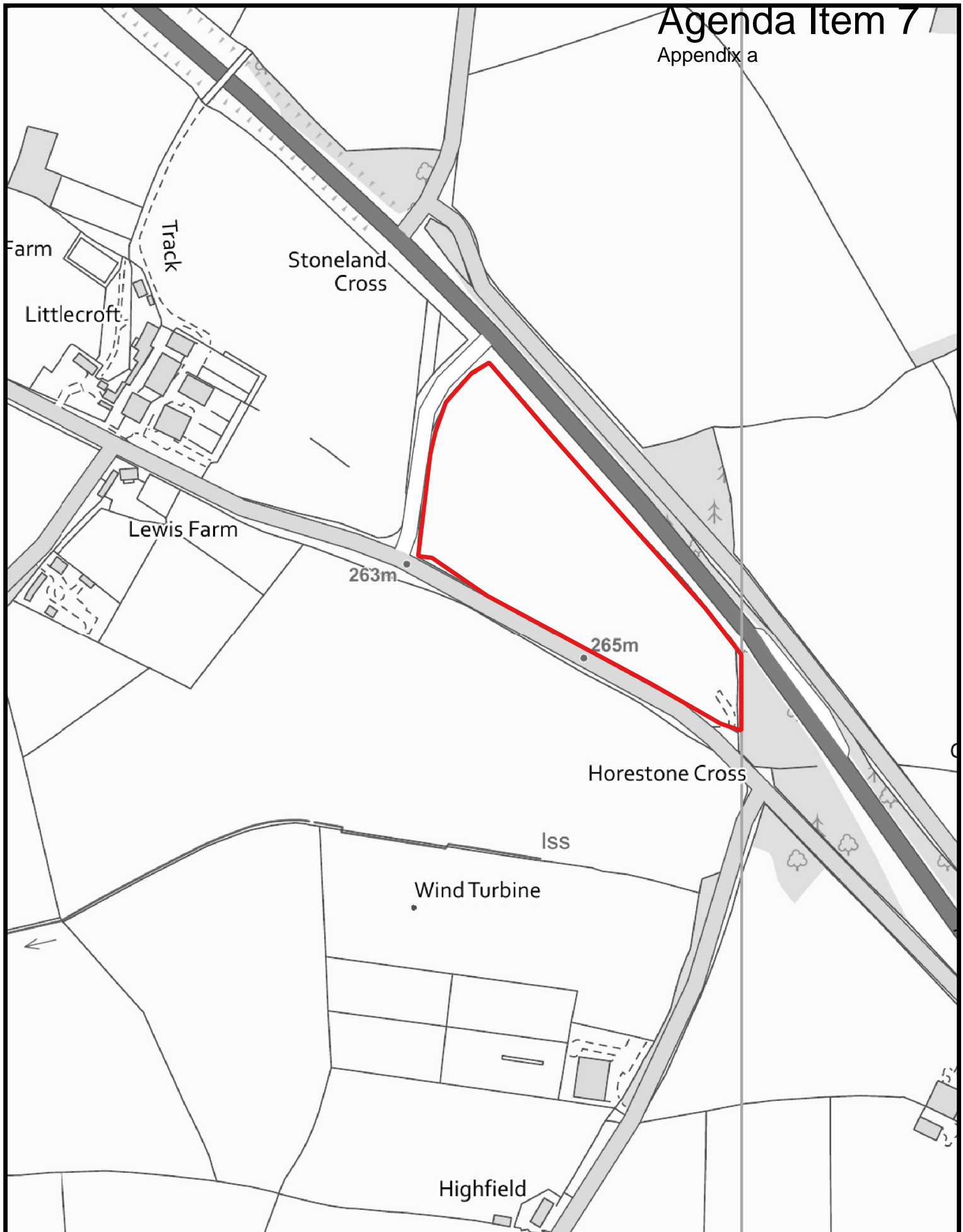
5. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included

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consideration of the principle of the development, access, highways, landscape impact, amenity, drainage, ecology and biodiversity.

END OF REPORT

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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	73606
Application Type:	NDC Reg 3
Application Expiry:	14 January 2022
Ext Of Time Expiry:	14 January 2022
Publicity Expiry:	25 November 2021
Parish/Ward:	BARNSTAPLE/ROUNDSWELL
Location:	North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon EX31 2AP
Proposal:	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure (additional information)
Agent:	Mrs Sarah Jane Mackenzie-Shapland
Applicant:	Mrs Sarah Jane Mackenzie-Shapland
Planning Case Officer:	Mrs J Meakins
Departure:	Y
EIA Development:	Y
EIA Conclusion:	An environment statement has been submitted.
Reason for Report to Committee:	NDC are applicants

Report addendum to Committee

The above application is brought back to the attention of Committee members on the basis that Policies ST17 and ST18 of the North Devon and Torridge Local Plan's provisions have been exercised. This is by means of an independent Viability Review having been carried out for the above development in respect of the ability for the development to provide affordable housing on-site through the planning obligations previously agreed.

Member's attention is drawn to the planning obligations list in Section 12 of the report below, whereby the development secures 28 affordable units (15.5%) across the development, taking into account vacant building credit on the site. A package of financial contributions amounting to £2,298,000 was also secured.

The viability of the scheme has been reviewed independently by the District Valuer, who has confirmed that scheme cannot provide a full policy compliant package based upon the outcomes of the appraisal which considered 4

development scenarios for delivery of the planning obligations, the outcome of which were that the only viable options were those that included a contractual obligation to provide AH rather than on-site delivery, leaving profit from the development at a maximum of 15.2%, which is still at the very lower limits of a viable development.

In essence this contractual agreement is linked to external funding, secured via a Development Agreement, outside of the planning system between North Devon Council, the developer and the affordable housing funding body. As such, this means that there would no longer be a 'planning obligation' to provide 28 units of affordable housing as this has been demonstrated to be unviable in the context of what the other costs are and the large planning obligations being sought such as for flood defences and key transport infrastructure links.

As such, it accepted in this instance that it is not viable for the delivery on-site affordable housing as part of the scheme, which would comply with ST17 and ST18 based upon the independent viability review demonstrating that this is unviable.

As such, a resolution to approve the development, without a planning obligation for affordable housing to be delivered on-site, is sought. In terms of the overall planning balance, whilst the loss of the planning obligation would reduce the social benefits for the planning proposals, the development still delivers much needed market housing of various sizes and tenure and is a key site for regeneration with Barnstaple therefore there remains no significant or demonstrable harm from the development such that approval is recommended by the Lead Planning Officer.

Site Description

The site is to the south of the Town Centre on the southern bank of the River Taw and covers a total area of 6.64 hectares (ha).

The site is accessed either from Station Road (retail park entrance off the A3125) or from the Longbridge (Grade 1 Listed) signalised junction. At the northern end is the North Devon Leisure Centre, with the Seven Brethren Short and Long Stay Pay and Display Car Parks (408 spaces) to the south. This area also contains the gypsy and travellers' transit site and event space. The latter being the location of the fair.

To the west is the retail park comprising of Lidl, Pets at Home, Curry's PC World and Halfords (also a listed building) and on the opposite side of the access road are

Jewson's, Travis Perkins and BJ Value and the temporary Police Station. The Tesco Superstore and railway station are further west.

The Tarka Tennis Centre, AGP and the new Leisure Centre (under construction) are located to the south.

The southern part of the site wraps around the western edge of the sports facilities currently comprises marshy grassland and scrub and adjoins the recycling centre and railway line.

A range of footpath and cycle routes run around the site edges.

Recommendation

APPROVED

Legal Agreement Required: Yes

Planning History

Only recent applications are listed relevant to this application.

Reference Number	Proposal	Decision	Decision Date
23114	Application under Regulation 4 of the T & C P General Regulations 1992 in respect of outline application proposed erection of tennis centre, gym club, skate board park, roller hockey pitch, together with formation of new car park and extension to existing car park (amended description and plans) at land adj. North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	Full Planning Approval	11 February 1997
27565	Application under Regulation 3 of The T & C P General Regs 1992 in respect of change of use of land to form overflow car park at land adj. Leisure Centre Car Park, Seven Brethren Bank, Sticklepath, Barnstaple, EX312AS	Full Planning Approval	1 October 1999
29354	<u>Proposed extension to provide childrens play facilities at North Devon Leisure Centre, Seven Brethren Bank, Sticklepath, Barnstaple, EX312AP</u>	Full Planning Approval	1 August 2000
30397	<u>Application under Regulation 3 of the T & C P General Regs 1992 in respect of change of use of land to form overflow car park at land at, Seven</u>	Full Planning Approval	9 July 2001

Reference Number	Proposal	Decision	Decision Date
	<u>Brethren Bank, Sticklepath, Barnstaple, EX312AP</u>		
36660	Application under regulation 3 of the t & c p general regulations 1992 notification by Devon County Council in respect of proposed provision of a cycleway between the Longbridge and the entrance to the leisure centre car park as stage 1 of a proposal to connect the Longbridge to the tennis centre with a parallel route to the road at footpath between Longbridge & North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	DCC Approval	8 March 2004
52606	<u>Application under Regulation 3 of the T & C P General Regulations 1992 for extension of car park into the overflow car park & events area at Seven Brethren Car Park, Seven Brethren Bank, Barnstaple, Devon, EX31 2AS</u>	Full Planning Approval	6 January 2012
63351	Outline application for the erection of a new swimming facility in an extension to the existing centre, to include 25m swimming pool & learner pool, sports hall & associated facilities; together with external works comprising the provision of a new full size 3g artificial grass playing pitch, extension of the existing car parking, relocation of hgv parking to accommodate the new car parking, hard & soft landscaping at Tarka Tennis Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AS	OL Approval	20 December 2017
64257	Application under Regulation 3 of the T & C P General Regulations 1992 Notification by Devon County Council in respect of proposed cycle/walkway approximately 540m in length linking lake lane to seven brethren which includes the construction of a 58m bridge over the a361 and the railway line, approach ramps, embankments and associated landscaping and lighting (DCC 4027/2017) at Seven Brethren Industrial Estate, Barnstaple, North Devon, EX31 3HT	County - Observations	16 January 2018

Reference Number	Proposal	Decision	Decision Date
65312	<u>Flood defence improvement works comprising the part removal & replacement of a flood wall along the southern bank of the river Taw</u>	Full Planning Approval	15 November 2018
65329	<u>Listed Building Application for the insertion of an expanding foam seal on the west, east side & the junction of the proposed new flood defence walls</u>	LB (Execution Works) Approval	15 November 2018
66400	Approval of details in respect of discharge of condition 11 (contamination), 13 (piling re floodlights), 14/15 (surface water management), 16 (construction management), 18 (lighting), 19 (lemp), 20 (tree protection) attached to planning permission 63351 (outline planning permission) in respect of the agp works (amended description) at Tarka Tennis Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AS	Discharge Of Condition Approve	1 July 2019
66445	Application under Regulation 3 of the T & C P General Regulations 1992 for approval of details in respect of reserved matters application for artificial grass pitch (layout/scale/appearance and landscaping) along with levels and means of enclosure (outline application 63351) at Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS	Reserved Matters Approval	22 May 2019
71405	Reserved matters application for the erection of a new swimming facility in an extension to the existing centre, to include 25m swimming pool & learner pool, sports hall & associated facilities; together with the extension of the existing car parking, relocation of HGV parking to accommodate the new car parking, hard & soft landscaping (outline planning permission 63351) at Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS	Approved	10 July 2020
71516	Approval of details in respect of discharge of conditions 6 (discontinuance order for existing leisure centre), 11 & 12 (remediation strategy),	Approved	25 September 2020

Reference Number	Proposal	Decision	Decision Date
	13 (foundation works) 14 & 15 (surface water drainage), 16 (construction environment management plan), 17 (noise impact assessment), 19 (landscape and ecological management plan) and 20 (protection of trees and hedges) attached to planning permission 63351 (outline application for the erection of a new swimming facility in an extension to the existing centre to include 25m swimming pool & learner pool, sports hall & associated facilities; together with external works comprising the provision of a new full size 3G artificial grass playing pitch, extension of the existing car parking, relocation of HGV parking to accommodate the new car parking, hard & soft landscaping) at Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS		
71912	Application for a non-material amendment to planning permission 71405 to change approved timber cladding to a composite material for the elevations at Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS	Approved	10 September 2020
74060	Application under Regulation 3 of the T&CP General Regulations 1992 notification by Devon County Council in respect of a new pedestrian and cycle bridge spanning the A361 carriageway and railway line, and associated paths, ramps, embankments, fencing and landscaping/mitigation planting (DCC/4254/2021) at Land at Seven Brethren Bank Barnstaple Devon EX31 3HT	Observations	30 September 2021
74108	Approval of details in respect of discharge of Conditions 4 (CEMP) and 5 (CMP) attached to planning permission 65312 in respect of Zone 5 (Flood Defence Improvement works comprising the part of removal and replacement of a flood wall along the southern bank)(amended description) at Taw Wharf Anchorwood Bank Sticklepath Barnstaple EX31 2AA	Approved	21 October 2021

Reference Number	Proposal	Decision	Decision Date

Constraints/Planning Policy

Constraint / Local Plan Policy

Distance (Metres)

Adopted Existing Strategic Footpath/Cycleway: Other Footpath/Cycle Routes	Within constraint
Advert Control Area Barnstaple	Within constraint
Burrington Radar Safeguard Area	Within constraint
Chivenor Safeguard Zone	Within constraint
Historic Landfill Buffer	Within constraint
Land is potentially contaminated, site was used for: Factory or works	Within constraint
Land is potentially contaminated, site was used for: Heap, unknown constituents & Refuse disposal	Within constraint
Landscape Character is: 4A Estuaries	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Waste Consultation Zone	Within constraint
Public Right of Way: Footpath 204FP27	Within constraint
Public Right of Way: Footpath 204FP9	Within constraint
Within 50m Adopted Pedestrian Cycle Bridge Proposal	Within constraint
Within 50m of Adopted Proposed Footpath/Cycle Route:BAR20(e) Strategic Green Infrastructure Links	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Within Barnstaple South Development Boundary ST06	Within constraint
Within Adopted Mixed Use Allocation: BAR13 Seven Brethren	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 5KM Buffer in North Devon,	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer	Within constraint
SSI Impact Risk Consultation Area	Within constraint

BAR - Barnstaple Spatial Vision and Development Strategy

BAR13 - Seven Brethren

BAR20 - Strategic Green Infrastructure Links

BAR21 - Flood Management Strategy

BAR22 - Green Wedges

DM01 - Amenity Considerations

DM02 - Environmental Protection

DM03 - Construction and Environmental Management

DM04 - Design Principles

Constraint / Local Plan Policy

Distance (Metres)

DM05 - Highways
 DM06 - Parking Provision
 DM07 - Historic Environment
 DM08 - Biodiversity and Geodiversity
 DM08A - Landscape and Seascape Character
 DM09 - Safeguarding Green Infrastructure
 DM10 - Green Infrastructure Provision
 DM12 - Employment Development at Towns, Local Centres and Villages
 DM13 - Safeguarding Employment Land
 DM19 - Town and District Centres
 DM30 - Sites for Traveller Accommodation
 ST01 - Principles of Sustainable Development
 ST02 - Mitigating Climate Change
 ST03 - Adapting to Climate Change and Strengthening Resilience
 ST04 - Improving the Quality of Development
 ST05 - Sustainable Construction and Buildings
 ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres
 ST09 - Coast and Estuary Strategy
 ST10 - Transport Strategy
 ST11 - Delivering Employment and Economic Development
 ST12 - Town and District Centres
 ST14 - Enhancing Environmental Assets
 ST15 - Conserving Heritage Assets
 ST17 - A Balanced Local Housing Market
 ST18 - Affordable Housing on Development Sites
 ST20 - Providing Homes for Traveller Communities
 ST22 - Community Services and Facilities
 ST23 - Infrastructure

Consultees

Name	Comment
Arboricultural Officer	No response
Barnstaple Town Council Reply Received 20 August 2021	RECOMMEND: Refusal (NC) on the basis that there is a significant amount of uncertainty in the application, with a number of technical issues yet to be addressed. The committee has requested additional information and further consultation.
Barnstaple Town Council	Questions following NDC presentation At the presentation and at the subsequent Committee meeting discussion 12th August there were a number of concerns raised which remain fully answered:

Name	Comment
Reply Received 23 September 2021	<p><u>General:</u> There seems to be lack of paperwork in relation to change of use from Industrial /Commercial to change to Residential. Lot of uncertainty within the application.</p> <p>Concern that Vacant Building Credits appear to be being used to reduce the requirement for social / affordable housing when there is such a significant availability of this housing in the town.</p> <p><u>Flood Risk:</u> The proposal states that there had not been flooding since 1984. This as a statement is not true and is fairly meaningless as it only considers the river and Seven Brethren in isolation. Whilst the EA may be agreeing on the 'principle' of the development, the proposal needs to better consider and understand the effect of rain fall and high tides in an area that is already prone to flooding. Also, to consider any potential impact of the Seven Brethren development in relation to the increasing pressure in neighbouring areas. Additional detail required.</p> <p><u>Traffic:</u> Need to revisit the DCC traffic assessment, which it is believed, does not fully reflect the true position for the Seven Brethren estate. Traffic on the Seven Brethren Estate is recognised as being a problem at peak times and this development is going to add to the current problems.</p> <p><u>Active Travel:</u> Application states it has addressed the cyclist & pedestrian needs through improved footpath/cyclist route along the river, Councillors do not agree. There needs to be evidenced additional space for a segregated cyclist route in the application. An upgrade for Seven Brethren to join to Tesco passed Jewson be included. The Longbridge Junction/Station Road needs to be included in this application (Being difficult to design is not seen as a satisfactory response). Increases in motor vehicle movements as a result of this development will require further improvements / measures to ensure that active travel targets are achieved.</p> <p><u>Public Transport:</u> Is there going to be greater consideration given to ensure access to a local bus services?</p> <p><u>Barnstaple Fair:</u> The license stated that there would be a site similar in size & suitability. The impression was that the original plan for the site was much bigger. Whilst the showmen are being consulted, they appear to remain at a disadvantage in the negotiations. To</p>

Name	Comment
	<p>consider the potential for conflict with the toleration site when the Fair is in use, historically there has been an issue.</p> <p><u>Car Park:</u> The two access routes remain a concern. The walk to the car park stated as "pleasant". What evidence is there of the potential impact assessment on the residential streets closer to the town centre due to the long-stay car park being further away? What consideration has been made for security / safety for users of the car park with it being moved to a more remote site and in particular in the winter months when it will be dark when people are walking to and from the car park?</p> <p><u>Gypsy & Traveller Temporary Site.</u> How long is 'temporary'</p> <p><u>S106</u> It was stated that DCC require a contribution but currently there is no proposal.</p> <p>BTC would like to be an active partner in drawing up the S106 agreement and for the onsite and offsite Public Realm, community, etc activities and in implementation monitoring.</p>
<p>Barnstaple Town Council</p> <p>Reply Received 17 November 2021</p>	<p>Recommend: Objection. The town council is, in principle, in favour of the redevelopment of the seven brethren area with use of part of the site for car parking and housing, but is still not able to recommend approval because there are significant areas of detail that have not yet been resolved.</p> <p>29/11/21 Just to clarify, Barnstaple Town Council did not receive a direct response to the emailed document of Cllrs concerns, receiving the information initially from within the planning application documentation. Councillors reviewed the documentation and felt that there was not enough detail in response to their already stated concerns, to allay those concerns or to allow them to make a recommendation</p>
<p>Barnstaple Town Council</p> <p>Reply Received 14 December 2021</p>	<p>The document titled Questions following NDC presentation was considered by Members but their comments remain as before.</p>
<p>Car Parks Manager</p>	<p>No response (part of project team)</p>

Name	Comment
Councillor D Knight	No response
<p>Councillor G Lofthouse</p> <p>Reply Received 16 July 2021</p>	<p>Environmental Assessment Climate Change.</p> <p>9.63-9.67. The GHG emissions of the construction will need to be calculated to show how much mitigation is required for this to achieve net zero. All construction (Cumulative effect) will have. GHG value when under construction and the gasses will remain in the atmosphere for at least 54 years (study by S E Schwartz 2018), This time scale is beyond the governments 2050 net zero and therefore would contribute towards this. Hence, some form of reduction mitigation is required, for instance using concrete construction where it the process sequestrates CO2 should be used.</p> <p>9.74. New car park- how much CO2 will be released when the vegetation is removed and the earth disturbed? (This also goes for the main site).</p> <p>9.83 How does the impermeable membrane work when laid on top of permeable substrate? The run off should not be allowed to go straight into the stream/river/river, it should be filtered through reed beds or similar.</p> <p>9.85 has a statement- guaranteed life (until 2021)? I believe that the 7.47m AOD flood barrier will not suffice for the lifetime of the buildings and why is the escape route level lower? Surely water will find the same level if it overtops the defences?</p> <p>As the winters will be wetter then a full proof ventilation system is required to stop condensation, this will require a mechanically ventilated intelligent system.</p> <p>9.109 statement is not totally true as we know that buildings can be produced to be zero or negative CO2 emitters.</p> <p>9.111 to deal with overheating then consideration should be given to fitting shutters on the south facing windows.</p> <p>9.112 Active travel- the busses do not stop near this site. David Knight and I have pointed this out before so some measure needs to be considered to place a stop on the Halfords side of the road for people that wish to travel in the Bideford/Torrington direction. Also long stay car park may be considered by some as too far from town and therefore a disincentive for those that wish to spend a day in town and buy much locally only to have to carry it to their car.</p>

Name	Comment
	<p>9.113- I'd be interested in knowing where the. Offsite plantings will be?</p> <p>9.118 lower floor taps?</p> <p>The table shows that all except the water usage areas do not change from the pre to post mitigation residual effect. Therefore one could conclude that the mitigation is not sufficient.</p> <p>There was mention of smart meters to gauge energy usage but who will collect the data and how will it be used?</p> <p>No mention of roof mounted PV's to provide energy for the buildings, also if these are fitter into roof it reduces the number of tiles/slates require.</p> <p>I've not looked at the ecological assessment as yet in terms of the disturbance to existing, mainly bird life and nesting sites. For instance the Common gulls and oyster catchers have nested on the leisure centre roof.</p> <p>I could not identify here the 2 Suds where on the plan.</p>
<p>Councillor G Lofthouse</p> <p>Reply Received 22 October 2021</p>	<p>I read with interest the response to my original queries, however I am still concerned that the suggested mitigations will be insufficient to truly make this proposed development an exemplar and showing what NDC expect from other developers.</p> <p>I also note that the rainwater harvesting mentioned will not be used for flushing toilets, this surely is one way to minimise water usage? I am also concerned that the ground water levels in the area will be adversely affected with the further additional weight of the development, on what was once river mash land, such that it further aggravates current flooding in close by residential properties.</p> <p>I look forward to the detailed plans for scrutiny.</p>
<p>DCC - Childrens Services</p> <p>Reply Received 21 July 2021</p>	<p>Devon County Council has considered the application above and would like to provide an education response. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033.</p> <p>Regarding the above planning application, Devon County Council has identified that of the 180 dwellings proposed, 142 are considered family type dwellings. A development up to 142 family type dwellings will generate an additional 35.50 primary pupils and 21.30 secondary pupils which would have a direct impact on the primary and secondary schools in Barnstaple.</p>

Name	Comment
	<p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>It is set out in the DCC Education Section 106 Infrastructure Approach that approximately 1.5% of the school population require specific Special Education provision, therefore this development is likely to generate 0.85 pupils who will require a specialist place. DCC would request for additional primary and secondary SEN provision that would be required as a result of the development. The request would be a total of 66,362 (based on the SEN rate of 77,890 per pupil) equivalent to 0.53 primary pupil and 0.32 secondary pupils. This equates to 467.33 per family type dwelling.</p> <p>When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local primary schools have enough spare capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a contribution towards additional primary education infrastructure on the application.</p> <p>However, when factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution towards additional secondary education infrastructure to serve the address of the proposed development. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore we will only request secondary education contributions against the remaining 20.98 pupils expected to be generated from this development. The secondary contribution sought would be 472,333 (based on the DfE expansion rate of 22,513 per pupil). This equates to a per family-dwelling rate of 3,326.29. The contributions will be used towards the expansion of existing secondary provision in Barnstaple.</p> <p>All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 prices and any indexation applied to contributions requested should be applied from this date.</p> <p>The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably</p>

Name	Comment
	<p>related in scale to the development proposed which complies with CIL Regulation 122.</p> <p>In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed 500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 13 August 2021</p>	<p>The application is supported by a hefty transport assessment including bespoke traffic data collection and modelling in VISSIM.</p> <p>Some documents refer to the 2019 edition of the NPPF, which has been superseded by the 2021 edition. I do not believe that this makes a material difference in the assessment of the traffic and transport impacts of the proposal.</p> <p>The proposed car park element of the scheme is unlikely to result in any change to the level of traffic on the wider road network, as this will replace the existing car park, there will be some rerouting of traffic in the local vicinity of the site, where there are a number of private roads, including the road south of Tesco linking around to south of BJs Value House.</p> <p>The housing element of the proposal will result in an increase of traffic movements by all modes in the local area and further afield. With the location being close to the town centre, retail and employment opportunities on Seven Brethren, the train station and bus stops, all being within acceptable walking distances, if this location can not result in a low number of car based trips, then nowhere will. There is no better location in the District for the opportunity for trips to be made without the private car. There will of course still be car based trips, and to encourage high levels of walking and cycling improved infrastructure for these modes is needed. The residual cumulative impact of the additional vehicles, which has been modelled by the applicant in great detail, is considered to be acceptable, but will add to existing queuing and delay on local roads in the area.</p> <p>To ensure adequate infrastructure improvements for non-car modes, contributions will be sought through section 106 payments towards a number of schemes including:</p> <ul style="list-style-type: none"> • A new bridge over the A361 and railway to Sticklepath – providing non-car access between the site and Petroc College and areas of employment at Roundswell,

Name	Comment
	<ul style="list-style-type: none"> • An improved cycle connection across the River Taw – the design of the Longbridge and level of traffic is not conducive to cycling, and cycling is prohibited on the footways, • Improvements to the train station forecourt and access. <p>Such contributions are considered necessary and reasonable, however the exact amount is to be discussed with the applicant and agreed. The applicant has also suggested that they would carry out their own improvement to the highway network in their design and access statement.</p> <p>The Design and Access statement states: 5.14 THE LONG BRIDGE PUBLIC SPACE The Transport Assessment anticipates an offsite contribution towards encouraging sustainable modes of transport. North Devon Council; however, would like to explore the possibility of an off site solution, which seeks to redesign the Station Road and Longbridge junctions. At the public consultation event for this project, the functioning of these junctions for all users was raised on a number of occasions. Furthermore, the Barnstaple Vision work recently commissioned by North Devon Council is critical of these junctions as a gateway to Barnstaple from the South. This area is the ‘front door’ to Barnstaple town centre and this project provides the opportunity to deliver a ‘place based’ solution to this space, which functions for all users and provides an attractive gateway to our town. The following conceptual drawings have been developed. These would need to be tested. It would be anticipated that either an off site contribution or designed scheme was secured by way of a Section 106 Agreement, with the latter being the applicant's preference.</p> <p>I agree that a designed scheme secured by way of section 106 agreement should be looked at and is preferred. However, any scheme must be presented for consideration with the application now so that the LPA, Highway Authority and the public knows what is being proposed and what will be approved if permission is granted, and through the planning process will have consultation carried out. This will also enable the estimated cost of these works to be calculated and used in viability assessment as part of the determination of the planning application, rather than possibly impacting on the viability of the development in the future. Furthermore, this will allow a precise and enforceable condition to be attached to any permission if approved. To this end, the applicant should engage highway designers to draw up a proposed scheme in detail for consideration as part of this application. This will require road safety audit and checking with design standards. I would welcome discussion with the designer on any such scheme, and can provide input to this, without charge.</p>

Name	Comment
	<p>Looking further at the application and the impacts of the proposal, the car park access going past the entrance to the recycling centre is likely to result in significant queuing and delay to all vehicles on this road at times when the recycling centre is busy and at the start of the day before it is open when queues form up to the gates. While this is a private road, the blocking of this road, particularly on Saturday mornings, is likely to cause queuing back onto the public highway and cause jams back onto Station Road and the A3125. The issue arises from vehicles wishing to enter the new car park not being able to do so and having to join this queue, which on a Saturday morning would be a significant volume of traffic attempting to enter the recycling centre combined with all traffic trying to access the car park to work or shop in the town at this time. The applicant needs to submit plans of the proposed access, which are not currently submitted, and look at how this issue can be addressed.</p> <p>Cycling links in the area, in addition to the larger infrastructure mentioned above, are essential for the site to be successful in traffic terms. The plans show 'improvements' to NCN3 cycle network along the riverfront, and this is welcomed. However, no details of this are provided – it is expected that a minimum width 4.5m shared use path is provided in accordance with LTN1/20, or segregated cycling and pedestrian paths. Furthermore, the path between the Iron Bridge and Tesco, alongside the new car park, needs considering in detail and plans for this are required to be submitted. This must include provision of cycleway on the section currently without cycleway in front of the recycling centre, linking to the path by Tesco. Links must also be made with the car park, which should have secure cycle parking provided as well as charging for electric vehicles – however I have no policy basis to demand the latter.</p> <p>Physical barriers shall also be needed to stop vehicles from the car park and event space accessing onto or under Iron Bridge or NCN3 cycleway.</p> <p>Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION</p>
DCC - Development Management Highways	I note the additional technical note dated 7th September 2021. While this does not adequately address the concerns raised in regards to a number of points, It does go far enough for me to have no objection to the proposal on the impact on the public highway, however, planning officers, Councillors and decision makers should

Name	Comment
<p>Reply Received 2 November 2021</p>	<p>consider the likely impacts of the proposal, in particularly queues to the recycling centre and new car park when considering whether the scheme should be delivered or not.</p> <p>In regards to the details provided in the technical note: Firstly, the data regarding queuing traffic is only in regards to the number of vehicles entering the new car park. These would be added to the queues already accessing the recycling centre, which on dry days and Bank Holiday weekends are significant and will block the entrance to the new car park for over 30 minutes before opening at 10 am. Even if these queues are significant, and cause tailbacks to the Junction by Jewson/Tesco (causing further queues and delays to accesses to properties such as the supermarket delivery entrance, storage company and fuel company) this will likely result in people altering their route to the new car park and/or finding alternative car parking in the town. Queues are likely to be significant, inconvenient and cause significant additional delay to drivers. However, most of this queuing will be on private land and if extending to the public highway, is questionable as to whether this would be 'severe' with alternative routes and car parks being available in the town.</p> <p>Secondly, the proposed physical works for access arrangements to the car park are considered acceptable, and being on private land are therefore of little concern to Devon County Council as Highway Authority.</p> <p>Thirdly, a 4.5m wide shared cycle and pedestrian path should be provided on the river front, not just a 3.5m path. It is hoped that in the future, as a result of development in this area being sustainable in transport terms, and through other improved transport infrastructure, walking and cycling rates will be vastly higher and more than 300 pedestrians and cyclists will use this route per hour, distributing along other onward routes around the town. However, I have no evidence of the exact number of cyclists likely to use this path.</p> <p>Fourthly, the cycle link by the recycling centre alongside the new leisure centre car park should be provided and has been promised a number of times by North Devon Council. However, other routes are available and it would be unreasonable to refusal this specific application on grounds that this link alone is not provided.</p> <p>Finally, Devon County Council as Highway Authority has no objection to this application subject to financial contributions being secured towards the construction of the cyclebridge over the railway line and A361 and improvements to cycle provision over the River Taw to the town centre. Devon County Council's Transport Infrastructure Plan (March 2020) and supporting</p>

Name	Comment
	<p>documents to the Local Plan provide a list of infrastructure required to support new development in the town. This includes the 'Larkbear cyclebridge' over the A361 and railway line at an indicative cost of £3 million and River Taw bridge at £4 million. Despite likely costs being higher, I have no more detailed cost to calculate a contribution from. Therefore this development should pay towards these schemes totalling £7 million.</p> <p>Turning to the exact level of contribution sought from this application, it could be that all allocated sites across the town should pay a per dwelling amount, but some have been approved/built, and this has previously not been considered 'CIL compliant'. The only two sites that have not yet been entirely approved, and happen to be adjacent, are Seven Brethren (BAR13) and Larkbear (BAR02). These being 180 dwelling and 820 dwellings, this gives a total of 1000 dwellings. Therefore contributions of £7,000 per dwelling towards the required transport infrastructure is sought. This totals £1,260,000 from this application.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 13 December 2021</p>	<p>The applicant has made no attempt to challenge the calculations used in reaching an amount for a requested contribution, but has challenged justification for requesting any such contributions. In terms of the specific amount and calculation, it is acknowledged that there is no defined way to calculate a contribution, and Devon County Council as Highway Authority is open to discussion regarding the methodology used to calculate such a contribution and open to negotiation of the precise amount. The applicant has not offered an alternative methodology to calculate the amount.</p> <p>It should first be noted that through the permission for the new leisure centre it was established that the trip generation for the old leisure centre would be replaced like for like by the new leisure centre and that it would be a requirement of that permission to demolish the old leisure centre and that there would be no residual traffic generation from the old leisure centre site. This is acknowledged in the Transport Assessment for application 73606 and it is unknown why that issue is now being raised again. Planning policies that are relevant to justifying contributions from this site towards the Seven Brethren to Lake Road cycle bridge and improved cycle link over the River Taw to the town centre are set out below, with bold highlighting particularly relevant parts of these policies. It should be noted that these policies are referred to by the applicant in many of their documents including the Transport Assessment and EIA.NPPF (2021)</p> <p>104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p>

Name	Comment
	<p>a) the potential impacts of development on transport networks can be addressed;</p> <p>b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised– for example in relation to the scale, location or density of development that can be accommodated;</p> <p>c) opportunities to promote walking, cycling and public transport use are identified and pursued;</p> <p>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and</p> <p>e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.</p> <p>105.The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.</p> <p>110.In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;</p> <p>b) safe and suitable access to the site can be achieved for all users;</p> <p>c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and</p> <p>d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p>111.Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p> <p>Torrige and North Devon Local Plan (2011-2031) Policy BAR:</p>

Name	Comment
	<p>Over the period to 2031, the Local Plan will enable substantial growth of high quality development supported by necessary infrastructure to meet the needs of Barnstaple and its surrounding area and to strengthen Barnstaple's role as a Sub-regional Centre. The spatial vision for Barnstaple will be delivered through:</p> <p>(k) provision of additional strategic footpaths and cycle routes through and around the town to extend the green infrastructure network and improve opportunities for sustainable modes of travel and healthy living;</p> <p>Policy BAR13: Seven Brethren</p> <p>(3) Land north of the civic amenity recycling centre, as shown on Policies Map 1, is identified to facilitate provision of new footpath/cycle bridges over the A361 and railway line.</p> <p>The supporting text for this policy says specifically that such a bridge 'will provide safer pedestrian access from Seven Brethren towards Petroc and Roundswell'.</p> <p>Devon and Torbay Local Transport Plan 3 (2011-2026) Market and Coastal Town Policies: Make Devon 'the place to be naturally active' through investment in the leisure network</p> <ul style="list-style-type: none"> • Use development contributions to provide more opportunities for, and encourage, walking, cycling, and other outdoor leisure and recreation, to increase levels of physical activity and improve health <p>In some cases, some low cost highway and public transport improvements would help to increase the capacity and safety of the roads serving towns. Transport infrastructure and improvements identified in the LDF will need to be met by developer's contributions and by working with the transport operators.</p> <p>North Devon Council's Planning Policy Team have also responded to this application stating that contributions should be sought towards this bridge:</p> <p>As part of the strategy and development objectives for the regeneration and environmental enhancement of Seven Brethren, Policy BAR13 seeks to improve the highway network and transport interchange facilities in the area as well as delivering improved provision for pedestrians and cyclists towards the town centre and a new footpath/cycle bridge over the A361 and railway line. Enough land needs to be safeguarded to accommodate one end of the proposed footbridge from Larkbear over the main road and railway, as set out in BAR02(3d) and BAR20b. Funding towards its delivery should also be sought. Firstly, I welcome the redevelopment of the existing Leisure Centre incorporates the enhancement of the existing strategic footpath and cycle route along the riverfront although any redevelopment of the Leisure</p>

Name	Comment
	<p>Centre site, including the formation of a replacement car park should also contribute to the delivery of this policy requirement. It is already recognised that existing traffic arrangements within Seven Brethren cause conflict between different users and there is some concern that the increase in traffic movements with the delivery of up to 180 homes and new car park will increase existing problems in the area although due to the location of the proposal on the edge of the town centre and improvements to existing footpath and cycle links are delivered, a number of journeys can be achieved by cycling or walking thereby reducing pressure on the surrounding road network. All highway issues should be considered against Policies ST10, BAR(k), BAR13, BAR20, DM05 and DM06 of the Local Plan.</p> <p>The relevance of these policies is that the Transport Assessment and traffic impact of the proposal has been considered in the context of the site locality and assumes a high level of non-car transport to and from the site. That is the correct approach, but for that to occur contributions are required for the delivery of the infrastructure that will enable that to happen.</p> <p>The policies listed above, and more, set out the requirement for sites to provide high quality design with pedestrians and cyclists at the heart of the proposals to reduce reliance on the private car. This is the most urban of sites that could possibly come forward within the area covered by the Local Plan, in Northern Devon's largest and busiest settlement. If there is opportunity anywhere for mode change and reducing the need to travel by car, then it is at this site, if the appropriate infrastructure is provided.</p> <p>The third Devon Local Transport Plan (LTP3) sets out the DCC approach to seeking developer contributions towards walking and cycling infrastructure, and the reasons for that are matched with the policy requirements of the NPPF and Local Plan.</p> <p>The Local Plan includes all infrastructure requirements for all of the development allocated within it. That includes both of the bridges to which contributions have been requested. There is a cumulative investment required across the area to combat the cumulative impact. With no levy on development in place in North Devon, major developments nearby to the required infrastructure is expected to pay to that infrastructure. The requirement for the infrastructure has been proven at the examination in public by the Planning Inspectorate approving the Local Plan and its infrastructure plan.</p> <p>Regarding the bridge to Lake Road specifically, employment opportunities as well as services and facilities in Roundswell and Stickelpath are well within walking and cycling distance of this site</p>

Name	Comment
	<p>if the new bridge is built. The current route for such users requires cycling on the A3125 along with thousands of vehicles against the latest design guidance for cycling (LTN1/20) and this substandard route is the feature of complaints from NDDC Councillors for the area. The new bridge route would provide a segregated off road route, encouraging cycling to the levels needed for this site if it is to be successful in transport terms. Travel to work census data from 2011 shows significantly higher volumes of vehicle drivers between this area and Roundswell than cyclists and pedestrians, and with future increases in the volumes of people needing to travel between these sites and no additional highway capacity being planned, improving cycling and pedestrian links is key. The failure of this site to mitigate its cumulative impact by contributing proportionately to required infrastructure would be contrary to NPPF paragraphs 110 and 111. Without a contribution to this bridge the proposal fails to enhance and pursue opportunities to promote walking and cycling, fails to provide high quality living environments, does not offer a genuine choice of transport modes and maximise the sustainable travel options contrary to NPPF paragraphs 104 and 105. This application would also be contrary to Local Plan policies BAR(k) and BAR13(3) and the LTP3.</p> <p>In regard to the improved connection to the town centre, the contribution towards a bridge over the River Taw I can provide an update on this scheme.</p> <p>The new cycle bridge scheme over the River Taw was subject to public consultation for different options by North Devon District Council in 2017, and Devon County Council is progressing with the design of a scheme to improve cycle links across the River Taw and add additional cycle links between the Town Centre and Seven Brethren. Discussions with the LPA Conservation Officer as well as Historic England have occurred and detailed design work for a scheme that will widen the Longbridge will commence in April 2022 after large scale 3D survey work and archeologically investigations. Cycle connections at both ends of the Longbridge will also look to be improved for onward connections.</p> <p>This scheme will include changes to the Longbridge Junction to facilitate those improved cycle connections. Contributions to such a scheme are implied as being something that should be contributed to in the applicant's Transport Assessment (para 10.2.1) and EIA (paras 15.52 and 15.53). This scheme is a fundamental aspect of work by North Devon District Council (both the applicant and LPA) on their Vision for Barnstaple and the future of transport in the town.</p> <p>Turning to compliance with planning legislation, The Community Infrastructure Levy</p>

Name	Comment
	<p>Regulations 2010 states Limitation on use of planning obligations 122.—(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.</p> <p>(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <p>(a)necessary to make the development acceptable in planning terms;</p> <p>(b)directly related to the development; and</p> <p>(c)fairly and reasonably related in scale and kind to the development.</p> <p>(3) In this regulation—</p> <p>"planning obligation" means a planning obligation under section 106 of TCPA 1990 and includes a proposed planning obligation; and "relevant determination" means a determination made on or after 6th April 2010—</p> <p>(a)under section 70, 76A or 77 of TCPA 1990(1) of an application for planning permission which is not an application to which section 73 of TCPA 1990 applies; or (b) under section 79 of TCPA 1990(2) of an appeal where the application which gives rise to the appeal is not one to which section 73 of TCPA 1990 applies.</p> <p>I have set out below how each of the requested contributions are compliant with the parts highlighted in bold.</p> <p>For the Seven Brethren / Lake Road cycle bridge this is considered:</p> <p>(a) necessary to make the development acceptable in planning terms because this infrastructure is identified as a key part of the transport strategy in the LPA's own Local Plan and is a deeply rooted requirement in planning policy as set out in my response above. The Transport Assessment for the proposal relies heavily on cyclist and pedestrian movements to reduce the impact of vehicle traffic to the point that vehicle impact is not considered 'severe' and therefore without this contribution the assumptions in the TA could not be realised and the application might be refused on the grounds of vehicle impact.</p> <p>(b) directly related to the development because the application land directly abuts the land required for the cycle bridge and for the same reasons as set out above; and</p> <p>(c) fairly and reasonably related in scale and kind to the development because this has been calculated on publicly available figures of a reasonable value (£3 million) and proportioned between allocated housing developments on both sides of the bridge and will not be required to be paid until a late</p>

Name	Comment
	<p>stage of the housing development (the trigger is yet to be discussed but could be at 90% occupation of the dwellings in order to aid cash flow of the site if that is an issue). The contribution will also be paid back if not spent as specified within 10 years of payment. Furthermore, the entire bridge is not being required to be delivered by the applicant, only a contribution sought towards it making it 'cost effective mitigation' (NPPF para 110(d)) and related in scale to the size of this application. Additionally, the applicant has not challenged how the contribution is calculated, simply that they should not pay at all towards it. If the applicant has an alternative means to calculating a contribution this would be considered by the Highway Authority, however, no alternative calculation has yet to be presented.</p> <p>For the contribution towards improved cycle connection to the town centre by improvement to the Longbridge, this is considered:</p> <p>(a) necessary to make the development acceptable in planning terms because this infrastructure is identified as a key part of the transport strategy in the LPA's own Local Plan and own Vision for the future of Barnstaple and is a requirement in planning policy as set out in my response above as well as being identified in the Transport Assessment and Environmental Impact Assessment as being a required contribution.</p> <p>(b) directly related to the development because the application land directly abuts the land required for the improvement and for the same reasons as set out above; and</p> <p>(c) fairly and reasonably related in scale and kind to the development because this has been calculated on publicly available figures of a reasonable value (£4 million) and will not be required to be paid until a late stage of the housing development (the trigger is yet to be discussed but could be at 90% occupation of the dwellings in order to aid cash flow of the site if that is an issue). The contribution will also be paid back if not spent as specified within 10 years of payment. Furthermore, the entire improvement is not being required to be delivered by the applicant, only a contribution sought towards it making it 'cost effective mitigation' (NPPF para 110(d)) and related in scale to the size of this application. Additionally, the applicant has not challenged how the contribution is calculated, simply that they should not pay at all towards it. If the applicant has an alternative means to calculating a contribution this would be considered by the Highway Authority, however, no alternative calculation has yet to be presented. Finally, provision of such a contribution would be consistent with applications on site BAR12 (Anchorwood) to the north of this application and sharing many similarities.</p> <p>In conclusion, the requests for contributions are considered 'CIL compliant', and I would be willing to negotiate the precise amount and triggers for payment. Issues of not being able to afford the</p>

Name	Comment
	<p>contribution and viability have not yet been presented but are the prerogative of the LPA to determine the priority of contributions should there be a proven viability issue. That is however, different to contribution not being CIL compliant and those two issues should be kept separate.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 15 December 2021</p>	<p>While I maintain that my previous request is justified and necessary, I am willing to accept a contribution of £500,000 as offered by the applicant due to the level of affordable housing being provided and likely viability issues. This is also comparative to other nearby sites and sites across Northern Devon.</p> <p>The contribution should be worded such that it can be used for either the new bridge over the railway and A361, OR improved pedestrian and cycle connection over the River Taw. It will be subject to BCIS indexation and paid back if unspent after ten years of the date of payment. The trigger for payment should be prior to the occupation of 20 open market dwellings on the site.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 24 September 2021</p>	<p>Assessment of the Historic Environment Record (HER) and the details submitted do not suggest that the scale and situation of this proposed development will have any impact upon any known heritage assets with archaeological interest. The areas subject to this proposed development have all been subject to substantial dumping of material to raise ground levels and any heritage assets with archaeological interest are unlikely to be disturbed by groundworks in these area.</p> <p>The Historic Environment Team has no comments to make on this planning application. However, I would advise that the Planning Authority's Conservation Officer and Historic England are consulted with regard to any comments they will have on the impact of the proposed development upon the setting of any designated heritage assets.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 6 August 2021</p>	<p>Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>Observations: The applicant must clarify their calculations of the tide-locking storage. The applicant must confirm how the culvert flows have been determined.</p> <p>The applicant has noted within the Flood Risk Assessment & Drainage Strategy (RMA-RC2209; Rev. 3; dated 1st June 2021) that further features could be assessed for water quality and</p>

Name	Comment
	<p>interception losses. The applicant should change the wording from could to should.</p> <p>The applicant should clarify how the traveller site will be drained.</p> <p>The applicant should assess further features within the long-stay car park. Could a swale convey flows from the car park to the stream instead of pipework?</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 1 December 2021</p>	<p>At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that pre-commencement planning conditions are imposed on any approved permission.</p> <p>Observations: Following my previous consultation response (FRM/ND/73606/2021; dated 6th August 2021), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. The applicant has also clarified, in an email (dated 1st October 2021), how tidal-locking has been assessed. When attempting to discharge the above condition, the applicant will need to confirm how the surface water drainage system shall be constructed. The consultant, working on behalf of the applicant, has noted that they recommend a layer of clean soil before laying the impermeable liner on top. The applicant will need to consider the shallow groundwater levels monitored within the site. The applicant will need to submit details to confirm that groundwater will not impact on the surface water drainage system. The applicant should assess features to form a SuDS Management Train</p>
<p>DCC - Waste & Mineral</p> <p>Reply Received 3 September 2021</p>	<p>Part of the proposed development falls within the Waste Consultation Zone (WCZ) for the recycling centre. Waste Consultation Zones are associated with policy W10 of the Devon Waste Plan which "seeks to ensure that consideration of proposals for non-waste development by the County Council and Devon's district councils and neighbourhood planning bodies takes account of the need to safeguard waste management capacity and avoid constraining its operations."</p> <p>The proposed land use of a car park would not impact upon the operations at this recycling centre and therefore we have no objection to this. However, due to there being a small number of houses that extend onto the edge of the WCZ, the district should be mindful of noise and nuisance arising from the centre and may</p>

Name	Comment
	<p>wish to advise the applicant of this potential constraint, who may wish to reconsider the site layout.</p> <p>In addition to this, paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p>This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.</p> <p>Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 11 August 2021</p>	<p>In addition to my initial response, please note the following further comments received from the Police Diversity Officer.</p> <p>There are concerns that if the land that has been allocated to GRT remains unprepared and poorly drained, the GRT will resort to parking on hard standing of the proposed car park. It is also recommended consideration should be given to including a basic toilet and wash facilities block to reduce the burden on those of the Leisure and Tarka Tennis centres as currently happens and subsequently reduce demand on police resources called to deal with perceived incidents of anti-social behaviour at these locations.</p>
<p>Designing Out Crime Officer</p>	<p>Further to my original comments, which remain valid, the provision of any public open space and associated landscaping must not undermine surveillance opportunities across the site and be able to</p>

Name	Comment
Reply Received 2 November 2021	demonstrate clear definition of private and public space so as to not undermine the safety and security of any adjacent dwellings or facilities.
Designing Out Crime Officer Reply Received 10 December 2021	Many thanks for the attached information and clarification from SarahJane in response to my initial observations regarding the carpark and temporary toleration site and I can confirm I have no further comments at this time regarding this part or the application.
Environment Agency Reply Received 18 August 2021	<p>We have no objections to the proposed development provided that conditions are included within any permission granted in respect of:</p> <ul style="list-style-type: none"> •Flood Resilience; •Site Investigation and Remediation; •Unsuspected Contamination; •Any piling; and •Construction Environment Management Plan. <p>Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application. Your Authority will also need to be satisfied that the provision of appropriate off-site Biodiversity Net- Gain can be secured.</p> <p>The suggested wording for our recommended conditions is set out below, together with advice on flood risk, contaminated land, water quality, biodiversity, pollution prevention and waste management.</p> <p>Advice – Flood Risk</p> <p>Although we are satisfied at this stage that the proposed development is acceptable in principle, the applicant will need to provide further information at the detailed reserved matters stage to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the future residents of this development. We consider that a condition will be sufficient to ensure that this detail.</p> <p>As part of the detailed design we advise that there must be an assessment of the impacts of loading of the flood defence embankment on the dwellings.</p> <p>We advise that raising ground levels on this site will not cause any increase in flood risk to third parties, so we therefore are not looking for this development to compensate for the reduction in flood storage volumes. We support this approach of raising the levels across the site as a means of mitigating against risk because</p>

Name	Comment
	<p>having the residential properties high and dry also offers safe means of access and egress.</p> <p>However, the Flood Risk Assessment (FRA) does state that ‘Some area of south west corner, along centre of eastern boundary and the northern part of proposed residential area could still flood during design flood event’. Given that this is the case, it is not understood why the proposals are not to raise ground levels here above the design flood level. As the ground levels are not raised above the flood level safe access and egress for these properties is not possible. This has not been addressed in the FRA and must be considered as part of the detailed design.</p> <p>The proposed flood defences along the River Taw are outlined in section 3.13-3.18 of the FRA and in drawing ‘Land Raising Plan’ rev.P1. A 240m long section of flood wall is to be constructed under planning application 65312. It is required that this development will extend this defence line. A 40m long flood embankment has been proposed. The agreed height of the embankment is 7.4mAOD. More information is required about this embankment at the reserved matters stage. These defences must be in place before the first residents move into the properties.</p> <p>There must also be information submitted on who will own and maintain the flood defence structure, the watercourses and watercourse easement. Responsibility and ownership of these must not be transferred to individual residents.</p> <p>The current plans show an adequate easement from the River Taw to the properties. As well as the embankment, the river frontage is also raised which will increase the resilience of the site to flooding. Some areas of the river frontage are not currently planned to be raised to 7.74 as can be seen in section D-D in drawing ‘Site Sections C and D’ rev.P1. It is preferable to raise all the ground levels to 7.74 (the same as the defence level) if this is possible.</p> <p>We are happy in principle with the proposals for the long stay carpark and are satisfied that the FRA adequately assesses the risk and mitigates by raising ground levels 0.45m which is above the 7.32mAOD design flood level. There is surface water flood risk in the area of car park, however it is proposed to raise up the ground levels which will mitigate against this risk. More information for the design of the ground raising is required in line with the suggested condition</p> <p>Informative – Environmental Permitting The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:</p>

Name	Comment
	<ul style="list-style-type: none"> · on or within 8 metres of a main river (16 metres if tidal) · on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) <p>In this case a permit will be required for the removal of current defences and replacement, including the embankment and associated works. Compliance checks will be required post construction to ensure the defences are built to agreed plans. Furthermore, a permit will be required for any new outfalls to the main river. This site will be impacted upon by tidal locking. Allowances for this must be made in order to prevent water backing up and flooding the site. One of the proposed outfalls that has been identified by the EA is a distance from the drainage basin. If the applicant wishes to create a new, more direct outfall this could be acceptable to the EA, a flood risk activity permit would be required for this work. For further guidance please visit https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits or contact SW_Exeter-PSO@environment-agency.gov.uk. A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted</p> <p>Advice – Contaminated Land</p> <p>Investigation works completed within the development area and adjacent sites have identified significant areas of contamination with potential risks to controlled waters. The Environmental Impact Assessment reports the results of 4 leachate samples and 4 groundwater samples and compares these against EQS and DWS. A number of previous reports have also been provided including several desk based studies and ground investigations. Due to the size and complexity of the site it is important to fully characterise this former landfill and any other potential sources of contamination within the development area. Consideration of the site as a whole, rather than sectioned redevelopment will also be critical to understanding the wider site risks and ensuring a suitable assessment and management strategy can be implemented. An overarching assessment maybe beneficial if elements of the development are managed independently with separate ground investigations and foundation risk assessments completed.</p> <p>We recommend that Land Contamination Risk Management guidance is followed and that other relevant best practice and British Standards are consulted where appropriate. Reference to these documents will help justify the number, distribution and analysis of samples needed to fully characterise contaminant concentrations across the site. We consider that the above conditions will be sufficient to secure this additional work.</p> <p>Advice – Water Quality</p>

Name	Comment
	<p>In terms of water quality, the applicant has confirmed that SWW has capacity to deal with the foul drainage from this site. Provided SWW assessment of capacity considered future demand and any impacts of climate change, and that the addition of the flows from this development do not cause a deterioration in quality in the receiving water course, we believe this to be acceptable. We are also pleased to see that surface water and foul flow will be managed separately, with SUDs being used to manage and treat the surface water flows within the development.</p> <p>Advice – Biodiversity</p> <p>Overall, the ecological survey and reporting is thorough, and we welcome the updated assessment in light of the delayed submission of the application. However, there are a number of issues that need to be resolved or clarified at the detailed stage.</p> <p><u>Biodiversity Net Gain</u></p> <p>The proposal will result in the loss of 0.57ha of marshy grassland, assessed as of Local value for its floral interest and County value for its invertebrate interest. The survey and assessment suggest that the site could meet County Wildlife Site standards, potentially protecting the site from development. Although there is intention to retain part of the site as marshy grassland and to relocate the Southern Marsh Orchids, any potential changes to hydrology, as well as run-off from the new car park, will likely degrade the habitat in time. Off-site compensation is proposed, and the relocation of the Southern Marsh Orchids to the ‘new’ marshy grassland site, should be explored. In addition, the Biodiversity Calculation needs to be amended to reflect the fact that the loss of marshy grassland will be compensated for OFF-SITE and not on-site. The revised calculations for loss of habitat, and off-site compensation, will likely result in the need for a greater area of habitat restoration/creation than that currently calculated. We advise that the Biodiversity Calculation for all habitats is revised to reflect off-site compensation before full planning permission can be approved.</p> <p>While we note the communications with Northern Devon Biosphere regarding off-site compensation, the figures are based on the incorrect Biodiversity Calculations for offsite habitat compensation. There is also a lack of detail relating to the BNG commitment here, with no assessment of the off-site baseline. We would expect this level of detail to have been included in the application and are concerned that the approach taken in this application could set a precedent for future planning applications and BNG. We therefore advise that this aspect of the application is reviewed, with more detail submitted to inform the proposal and to ensure delivery of 10% BNG.</p>

Name	Comment
	<p>The application states that the Landscape Strategy Plan & Habitat Management Plan (HMP) will be developed at the operational phase. We usually expect these to be submitted at the planning application stage because they contain key information regarding ecological mitigation, as well as climate resilience. In addition, considering Biodiversity Net Gain requirements, we would expect the HMP to extend to 30 years as opposed to 10 years. We therefore recommend that these plans are submitted for approval before construction takes place.</p> <p><u>Other matters</u></p> <p>1. Climate (Chapter 9) – Paragraph 9.96 is incomplete and missing key information. We also recommend developing a climate and disease resilient planting proposals using native species wherever possible as a key part of the detailed Landscape Planting plan (refer back to comment on the Landscape Strategy Plan).</p> <p>2. Invasive non-native species – there is an opportunity to control and eradicate INNS on-site for ecological benefit. We feel this would benefit consideration.</p> <p>3. Lighting – the Scoping Opinion referenced the need for lighting to be assessed. Reference to the development of a Sensitive Lighting Strategy has been made in the EIA, but we would usually expect the strategy (or equivalent) to have been provided as part of the full planning application. We therefore recommend that a Sensitive Lighting Strategy is submitted for approval before construction takes place, to protect the ecological interest of the site (in accordance with the ecological assessment).</p> <p>Advice – Pollution Prevention</p> <p>We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 – Works and maintenance in or near water, PPG6 – Working at construction and demolition sites. These can be viewed via the following link: https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg</p> <p>Provided appropriate measures, as referenced in the application, are taken to prevent pollution of the watercourse during construction phase we believe the risk during construction to be minimal. However, we recommend that the Construction Environment Management Plan (CEMP) is revised to reflect mitigation requirements identified in the ecological assessment, in particular the hours of work on site and the potential use of artificial lighting to facilitate construction.</p> <p>Advice – Waste management</p> <p>The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:</p>

Name	Comment
	<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf. Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice</p> <p><u>Use of waste on-site</u> As much material as possible should be re-used on site. If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us. The applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. Should a permit be required, they should be aware that there is no guarantee that it will be granted.</p> <p><u>Movement of waste off-site</u> The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/uploads/system/uploads/attachment_data/waste-duty-care-codepractice-2016.pdf. In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments. Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: https://www.gov.uk/how-to-classify-different-types-of-waste.</p>

Name	Comment
<p>Environment Agency</p> <p>Reply Received 24 November 2021</p>	<p>Clarification has been provided in the 'RMA/LC2209 – Severn Brethren Flood Risk and Drainage Addendum' regarding safe access and egress for which we are grateful.</p> <p>Although all the ground levels are not being raised above the design flood level as stated in paragraph 3.37 of the FRA the finished floor levels and access/egress routes are being raised so this will be safe for residents for the lifetime of the development. Figure 3.2: Flood Risk Mitigation Plan within the FRA demonstrates this.</p> <p>We refer you to our previous response and requested conditions. A copy is attached below for your information.</p> <p>With regard to the flood risk condition requested. A detailed design for the embankment, finished floor levels and raising of the ground should be addressed under this condition.</p> <p>The detailed design should take into account any increases in climate change allowance and update the design flood levels and design the flood resilience measures accordingly, including increasing ground levels, finished floor levels and embankment level as required.</p>
<p>Environmental Health Manager</p> <p>Reply Received 30 July 2021</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Land Contamination</p> <p>I have reviewed the CGL Geoenvironmental and Geotechnical Interpretative Report dated October 2017. The investigations described within the report identify sources of potentially significant contamination at the site requiring remediation and verification. The report describes a number of remediation options for addressing contamination risks and includes recommendations in relation to a number of related issues including dealing with unexpected contamination encountered during the development, piling works and health and safety.</p> <p>I recommend the Environment Agency be consulted in case they have any additional requirements in relation to protection of the water environment.</p> <p>Given the above, I recommend the following condition be imposed:</p> <ul style="list-style-type: none"> Contaminated Land Condition - Remediation <p>2 Air Quality Impacts</p> <p>I have reviewed Chapter 7 (Air Quality) of the Environmental Impact Assessment dated June 2021 and related documents.</p> <p>- Construction Phase</p> <p>The Air Quality Impact Assessment (AQIA) identifies a number of potentially significant construction phase impacts and recommends</p>

Name	Comment
	<p>a scheme of mitigation for inclusion in a Construction Environmental Management Plan (see below). I accept the findings and recommendations of the assessment and have included reference to the proposed mitigation scheme in a recommended CEMP planning condition below.</p> <p>- Operational Phase The AQIA considers potential traffic related impacts associated with the proposals having regard to relevant standards and guidance. The report concludes that no significant traffic pollution related impacts will arise and that no specific mitigation measures are required. I accept the findings of the report.</p> <p>3 Noise I have reviewed Chapter 13 (Noise and Vibration) of the Environmental Impact Assessment dated June 2021 and related documents. The noise and vibration assessment considers potential impacts arising as a result of the proposed development, having regard to recognised standards and guidance.</p> <p>- Construction Phase The report concludes that potentially significant construction phase noise impacts may arise unless suitable noise mitigation measures are incorporated. Chapter 13 includes proposed mitigation measures for inclusion in a Construction Environmental Management Plan (see below). I have included reference to the proposed mitigation scheme in a recommended CEMP planning condition below.</p> <p>- Operational Phase The assessment considers noise impacts associated with operation of the development and concludes that noise is unlikely to cause any significant adverse impacts provided certain noise mitigation measures are incorporated in the detailed design including screening of sensitive outside amenity spaces and appropriate acoustic glazing and ventilation of relevant dwelling facades.</p> <p>I accept the main findings of the report and recommend that any reserved matters application include details of noise mitigation for proposed dwellings and outside amenity space in accordance with the recommendations of the Chapter 13 noise and vibration assessment.</p> <p>Notwithstanding the above, I recommend further details be provided at reserved matters stage in relation to the potential for noise from the new leisure centre / swimming pool to the south of proposed dwellings to impact the detailed proposals. Chapter 13 states that the "noise assessment for the proposed tennis centre</p>

Name	Comment
	<p>redevelopment indicates that noise levels are likely to decrease following the proposed developments and therefore no impacts are likely." Further details are required in order to clarify whether noise emissions from the new centre (such as due to ventilation or other external plant) have the potential to impact the detailed proposals. Where potential impacts are identified these will need to be assessed having regard to relevant standards and guidance.</p> <p>4 Construction Phase Impacts</p> <p>In order to ensure that nearby businesses and other sensitive receptors are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the following conditions be imposed:</p> <ul style="list-style-type: none"> - Construction Environmental Management Plan Condition - Construction Hours Condition
<p>Gypsy & Traveller Liaison officer</p> <p>Reply Received 19 July 2021</p>	<p>The regulation of the already used temporary stopping area in the car park is a really welcome addition to the rising problem of unauthorised encampments across the County. I whole heartedly support the application on the grounds of welfare and support when families protected under race law, can travel through the area for economic purpose and access an authorised space to reside for a short period of time. Having authorised stopping points such as these is the only way to reduce the amount of unauthorised encampments that we see across the district area and County overall.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 5 October 2021</p>	<p>This is a hybrid application therefore my comments are in two parts:</p> <p>Regarding the full application for the long stay car park and the temporary traveller site to the south-west of the Tarka Tennis Centre, I do not consider there will cause harm to the significance of the nearby heritage assets through effect on setting provided that existing tree cover to the east, along the river banks, is maintained, and that the provision of high level floodlighting is avoided.</p> <p>Regarding the outline application for 180 dwellings, this is likely to have an effect on the significance of nearby heritage assets through effect on setting. As noted in the EIA, this may be offset to some degree by the removal of the existing Leisure Centre, which is not a particularly glorious example of this type of building. It is not possible to say to what degree significance will be affected without seeing detailed designs, but a point worth making is that a consistently high storey height across the scheme is likely to have a detrimental effect. The Leisure Centre may not be considered to enhance settings, but it is at least a compact building, and the riverside walk to the south, and car park to the north are well</p>

Name	Comment
	<p>provided with trees and green spaces, which have preserved something of the pastoral nature of this side of the river (and thus make a positive contribution to the setting of the various heritage assets). Nearby buildings are some distance away. If the river frontage is built up with 5 and 6 storey buildings as seems to be indicated on some of the section drawings, then this will change the character of this area quite significantly, and the settings of the various heritage assets will be affected as a result. Consideration may need to be given to stepping back the building heights, inserting meaningful green wedges into the scheme, and providing a pleasant, welcoming and green-edged riverside walk, which should help to soften the development and maintain something of the existing informal character.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 9 November 2021</p>	<p>No further observations at this stage.</p>
<p>Historic England</p> <p>Reply Received 27 September 2021</p>	<p>On the basis of the information available to date, we do not wish to offer any comments. We recommend that you seek the views of your specialist conservation and archaeological advisers.</p> <p>It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request</p>
<p>Housing Enabling Officer</p> <p>Reply Received 28 July 2021</p>	<p>The proposed site is within the Barnstaple development boundary in the Local Plan and forms part of BAR 13 Seven Brethren. In accordance with Council policy, 30% affordable housing provision would be required.</p> <p>The applicant's Affordable Housing Statement states "The applicant's will provide a policy compliant provision of affordable housing, as reduced by the application of Vacant Building Credit (VBC). The application of VBC is to be agreed with the Local Planning Authority and the final figure conditioned. The housing mix and tenure will be agreed between the parties in line with the advice of the Housing team."</p> <p>Government guidance states that "National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the</p>

Name	Comment
	<p>local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.". The application form states that the existing gross internal floorspace to be lost by change of use or demolition is 7,080 square metres. It will be for Planning to determine whether Vacant Building Credit is applicable. If Planning determine that Vacant Building Credit is applicable then we would need the applicant to provide the gross internal floorspace of the proposed residential dwellings in order to calculate the affordable housing provision required.</p> <p>If Vacant Building Credit does apply and the Affordable Housing levels are low, it would be worth the applicant discussing the scheme further with Housing Enabling to see if an interested registered housing provider could apply for funding on this site through their programme to provide additionality on site and increase the level of affordable housing.</p> <p>Council policy is that the affordable tenure mix would need to be at least 75% Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale).</p> <p>The applicant has asked Planning regarding the situation relating to First Homes. The applicant has already done extensive pre-app work with NDC on this site, which would negate the need to provide First Homes. The Council equivalent to this product and within current policy is Discounted Sale.</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document). The attached table shows the policy requirement for dwelling mix & occupancy levels. Registered providers require housing to be built to National Space Standards; these are indicated in the table.</p> <p>Please note that due to the limited supply and high demand for larger family homes and the issues with their allocation we are requesting 4 bed 8 person units.</p> <p>The affordable dwellings should be pepperpotted throughout the site in clusters of no more than 6-10 units.</p> <p>The properties, for rent and sale, would need to be advertised to those persons with a local connection to the administrative area of North Devon Council.</p>

Name	Comment
	<p>The affordable homes should be designed and of the same material and construction as the open market - including car parking.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 4 November 2021</p>	<p>Government guidance states that "National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.". It will be for Planning to determine whether Vacant Building Credit is applicable.</p> <p>The applicant's document titled "Seven Brethren Accommodation Schedule VBC" on the planning tracker refers to Vacant Building Credit and states "39.96% Proportion of total floor area to which VBC doesn't apply". My understanding is that this calculation is reached using the gross floorspace (7,080 m2) of the existing building (North Devon Leisure Centre) and the total proposed floorspace (11,793 m2) of the proposed dwellings, excluding the retirement dwellings. This would therefore mean that 39.96% of the policy affordable housing provision would be required. In the case of 179 proposed dwellings this would mean $30\% \text{ of } 179 = 53.7 \times 39.96\% = 21.46$ dwellings. This should be rounded up to 22 affordable dwellings. However, my understanding is that the total proposed floorspace including the retirement dwellings (14,793 m2) should be used. This would mean that 52.14% of the policy affordable housing provision would be required ($14,793 - 7,080 = 7,713$ divided by $14,793 \times 100$). In the case of 179 proposed dwellings this would mean $30\% \text{ of } 179 = 53.7 \times 52.14\% = 28$ affordable dwellings.</p> <p>The requirements for affordable housing property size, mix and tenure are as stated in Housing Enabling's previous response dated 28 July 2021. Housing Enabling also stated in that response:- "If Vacant Building Credit does apply and the Affordable Housing levels are low, it would be worth the applicant discussing the scheme further with Housing Enabling to see if an interested registered housing provider could apply for funding on this site through their programme to provide additionality on site and increase the level of affordable housing."</p>
<p>NHS England</p>	<p>The planning application above for 180 dwellings will fall within a footprint of three GP Practices from which residents will have a</p>

Name	Comment																				
Reply Received 12 August 2021	<p>choice as to whom they register. Whereas Litchdon Medical Centre has capacity to receive and register patients, Brannam Medical Centre and Queens Medical Centre are already at capacity or oversubscribed, even though they are still registering new patients. The following table outlines the current patient list size and patient capacity for each individual practice and as an accumulation of the three:</p> <table><tr><td>Practice Name</td><td colspan="2">Total Patient Capacity</td><td>Current Patient List</td></tr><tr><td>Litchdon Medical Centre</td><td>17,948</td><td>15,842</td><td>-2,106</td></tr><tr><td>Brannam Medical Centre</td><td>18,042</td><td>17,753</td><td>-289</td></tr><tr><td>Queens Medical Centre</td><td>9,333</td><td>9,779</td><td>+446</td></tr><tr><td>Totals</td><td>45,323</td><td>43,374</td><td>-1,949</td></tr></table> <p>Whilst the current position appears to demonstrate that there is capacity to accommodate an additional 1,949 patient's, consideration is needed to account for previous planning applications that have been either consented or commenced. The latest information from North Devon District Council advises that there are a further 1,210 dwellings that have been consented or commenced which would equate to an additional population of 2,735 (1,210 dwellings multiplied by 2.26 average occupancy). Therefore, once the CCG has taken these into account the actual situation is:</p> <p>-1,949 (current patient list capacity) + 2,735 (population from consented and commenced) = 786 Final position (Over Capacity)</p> <p>Each NHS GP practice in England, has a catchment boundary in which they can give priority to new patients that wish to register with them. In the case of the three GP practices that serve the Barnstaple area the catchment boundaries of each practice, practically cover the same areas. Therefore, new residents in this area can and do register at any of the three practices. With this in mind, the spare capacity at Litchdon Medical Centre will be absorbed by the planning applications that have been commenced or consented. In addition, not all patients will wish to register at Litchdon Medical Centre and many will join the already oversubscribed patient list sizes at Queens Medical Centre or Brannam Medical Centre.</p> <p>The CCG needs to account for the commenced and consented applications and the overall capacities of all three GP practices when a new planning application request is received by North Devon District Council LPA. This then represents a true assessment of the capacity issues that will affect the GP practices if the development is approved and built.</p>	Practice Name	Total Patient Capacity		Current Patient List	Litchdon Medical Centre	17,948	15,842	-2,106	Brannam Medical Centre	18,042	17,753	-289	Queens Medical Centre	9,333	9,779	+446	Totals	45,323	43,374	-1,949
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Name	Comment
	<p>Using this principle and keeping in line with the Devon Health Contributions Approach: GP Provision (https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance), the following calculation can be made:- Methodology for Application 73606</p> <ol style="list-style-type: none"> 1. Residential development of 180 dwellings 2. This development is in the catchment Litchdon Surgery, Queens Surgery and Brannams Surgery which have a total capacity for 45,323 patients. 3. The current patient list size including the consented and commenced developments is 46,109 (43,374 + 2,735) which is already over the existing capacity. 4. The increased population from this development = 407 <ol style="list-style-type: none"> a. No of dwellings x Average occupancy rate = population increase b. $180 \times 2.26 = 407$ 5. The new GP List size will be 46,516 which is over capacity by 1,193 <ol style="list-style-type: none"> a. Current GP patient list + Population increase = Expected patient list size b. $46,109 + 407 = 46,516$ (1,193 over capacity) c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6 6. Additional space required = 27.27 m² <ol style="list-style-type: none"> a. The expected m² per patient, for this size practice = 0.067m² b. Population increase x space requirement per patient = total space (m²) required c. $407 \times 0.067 = 27.27$ m² 7. Total contribution required = £87,264 <ol style="list-style-type: none"> a. Total space (m²) required x premises cost = final contribution calculation b. $27.27 \text{ m}^2 \times £3,200 = £87,264$ (£485 per dwelling). <p>Could you please acknowledge the CCG's request for a s106 contribution request of £87,264 based upon the above and include the request in the s106 Agreement with the developer to mitigate the pressures on the local healthcare facilities.</p>
<p>Open Space Officer</p> <p>Reply Received 27 July 2021</p>	<p>This application generates a requirement for open space and green infrastructure in accordance with policy DM10 (calculation attached).</p> <p>The Council's preference, in line with policy DM10 of the local plan is to see on-site provision, minimum standards will need to be met. Where on-site provision is not viable or off-site provision is more suitable as a result of proximity to existing facilities, an off-site contribution for that particular provision would be sought to deliver a scheme at a suitably linked location. If the application is</p>

Name	Comment
	<p>recommended for approval, we can provide details of specific open space schemes, in line with CIL regulations.</p> <p>From our review of the documentation provided it appears that neither play area, allotments or built recreation facilities are provided on-site. Whilst it appears there is informal open space provided we need to understand if there is any increase/decrease from current provision; and if so what the quantum is so that a deduction/addition against the off-site provision can be made.</p>
<p>Open Space Officer</p> <p>Reply Received 27 October 2021</p>	<p>Baseline Informal Open Space currently provided on site is 3,302sq.m. Calculation for informal open space requirement as a result of the development 73606 is 7,320sq.m. Therefore Total Required: 10,622sq.m.</p> <p>The landscaping plan identifies: Planting buffer 1,792sq.m. Structural Planting 774sq.m. Amenity Parkland 6957sq.m. TOTAL: 9,523sq.m.</p> <p>Therefore based on the above there is a 1,099sq.m. shortfall in informal open space provision to meet on-site requirement in full.</p> <p>Gardens and Green Roofs do not contribute towards informal open space. We need to understand please if the communal gardens (2,780sq.m.) can be accessed by the general public or residents only? Is the river edge accessible open space?</p>
<p>Open Space Officer</p> <p>Reply Received 12 November 2021</p>	<p>As long as the communal gardens are accessible to the general public then all informal open space requirements are met on site and there is no need to make the river edge accessible.</p> <p>Therefore the total off-site contributions required would be: Allotment: £16,469.10 Amenity & Green Space: N/A 12,303sq.m. out of 10,622sq.m. requirement is provided on site. Play Space: N/A 256 sq.m. play space to be provided on site for ages 6+ as an extension to the play area near the new leisure centre but within the red line boundary of the application. Built Rec: £342,557.28.</p> <p>Have we considered safe access to the river from the new long-stay car park to promote the site for water sports use? It would seem a sensible place for groups wanting to access the water for canoeing etc to park up and access the water. The cost of this could potentially come from the Built Rec requirements. If not this could be one option to invest the off-site contribution at a later date.</p>

Name	Comment
<p>Planning Policy Unit</p> <p>Reply Received 3 September 2021</p>	<p>Thank you for consulting the Planning Policy team concerning the above hybrid application as full for a replacement long stay car park and temporary toleration site together with outline application for the erection of 180 dwellings and associated infrastructure.</p> <p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions as is the fact that North Devon, at this present time cannot clearly demonstrate a 5 year supply of deliverable housing sites.</p> <p>This previously developed site, on the edge of the Barnstaple town centre is within the defined development boundary where the principle of development is acceptable in accordance with Policies ST02, ST06, ST12(3) and BAR(e) of the Local Plan. It is also recognised at paragraph 5.24 that 'opportunities exist within and adjoining town centres through redevelopment to deliver regeneration that will improve functionality and encourage intensification of use' and 'the Councils will pursue initiatives, which strengthen and support existing town centre roles'. From a policy perspective, it is considered that additional housing on the edge of the town centre will help to ensure the long-term vitality and viability of Barnstaple Town Centre is strengthened.</p> <p>Paragraph 3.6 of the Local Plan supports the 'reuse and redevelopment of previously developed land will be encouraged where available and environmental constraints allow'. Also, paragraph 120(c) of the NPPF seeks to 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. It is clear that the re-use of sites such as this are encouraged by both national and local planning policy (Policies ST01 and ST02) and therefore there is clear policy support in principle for the site's redevelopment but you must still be assured that the current scheme is policy compliant in terms of the level of development proposed and the potential impacts of the development on environmental and heritage assets.</p> <p>As you are aware, Seven Brethren is identified for environmental enhancement and regeneration to deliver further economic,</p>

Name	Comment
	<p>recreation and leisure development that cannot be located within Barnstaple town centre in accordance with Policy BAR13. Policy BAR13 does not explicitly facilitate the delivery of housing as part of any regeneration and environmental enhancement of Seven Brethren although I accept the future availability of this site is only due to the construction of a new leisure centre attached to the existing tennis centre on Seven Brethren. It is not considered appropriate to allow this previously developed site to remain vacant once the new Leisure Centre is completed and all services and facilities move across to the new building. I also recognise that central Government funding has been secured through the 'Land Release Fund' (LRF) to release this future vacant site (once the new leisure centre is completed) for new homes.</p> <p>Following the Burwood appeal decision in Torridge, the Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031. I recognise the base date for this assumed housing supply is April 2019 and although the Council has not been able to update that position to April 2021, from a policy perspective I do not see that the 4.23 year supply would have improved to a position that we could confidently demonstrate a 5 year supply of deliverable housing sites.</p> <p>National planning policy (Footnote 8, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.</p> <p>If there is no clear reason to refuse an application based on a protected area or asset (footnote 7 – NPPF), including areas at risk of flooding such as this, the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits – the so-called tilted balance (Paragraph 11(d)(ii), NPPF). From a policy perspective, the lack of a 5 YHLS is a material planning consideration and I would suggest you must apply significant weight in the tilted balance to a proposal of up to 180 homes. I am of the opinion that it could make a</p>

Name	Comment
	<p>substantial contribution to the Councils' shortfall in deliverable housing sites if some of the proposed homes were to be developed within the next 5 years. However, I do recognise that the housing element of the proposal is in outline only and therefore such contribution to the Councils' shortfall may therefore be very limited so if this scheme is approved, then I would appreciate details from the landowner/developer as to their proposed timeline in terms of build-out. I also accept that this submission is not on the basis as a 'hostile application' and a challenge to the Council for not being in a position to clearly demonstrate a 5 year supply of deliverable housing sites.</p> <p>The Councils currently accept that clause (2) of Policy ST21 is triggered on the basis that, at this point in time, it is not possible to demonstrate that completions are above 90% of that which was required for the previous monitoring year and that there would be an appropriate recovery demonstrated for the next two years. Whilst Policy ST21 recognises the need to support additional housing sites coming forward where there is a shortfall in the annualised dwelling requirement, clause (2) is clear in that such support will be given to proposals for additional residential development outside of defined settlement limits in accordance with the stated criteria (a to d).</p> <p>The site is within the indicative flood zone 3 where Policies ST03 and BAR(f) will apply. As set out in the NPPF, the 'presumption in favour of sustainable development' does not necessarily apply within areas at risk of flooding as confirmed by Paragraph 11(d), footnote 7 of the NPPF, due to other restrictions placed on such areas elsewhere within the Framework. Annex 3 of the NPPF recognises that housing is a more vulnerable use within areas at risk of flooding and in accordance with paragraph 159, such development should be avoided by directing it away from areas at higher risk but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. As you are aware, flood defence improvements of Seven Brethren were secured through the Anchorwood Bank development. Again, I recognise that part of funding through the LRF is safeguarded for flood mitigation through the raising of site levels to allow residential development which I understand has been agreed in principle with the Environment Agency. However, it may still be appropriate to undertake a 'Sequential Test' to site selection and if, through this process it is not possible for the development to be located in areas with a lower risk of flooding whilst recognising the potential wider sustainability and regeneration benefits of the proposal, the 'Exception Test' may have to be applied in accordance with paragraph 164 and 165 of the NPPF.</p>

Name	Comment
	<p>Should you be minded to support this planning application then I will set out the policy requirements.</p> <p>Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide on-site delivery of affordable housing equal to 30% of the total number of dwellings (gross). In this instance there should be an on-site requirement of at least 54 affordable dwellings. PPG (Paragraph: 028 Reference ID: 23b-028-20190315) sets out clearly that 'the vacant building credit applies where the building has not been abandoned'. The PPG further clarifies the factors the LPA should take into account when determining abandonment which are as follows:</p> <ul style="list-style-type: none"> i) the physical condition of the building; ii) the length of time that the building had not been used; iii) whether it had been used for any other purposes; and iv) the owner's intentions. <p>Paragraph 028 continues, the policy is to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.</p> <p>In doing so, it may be appropriate for authorities to consider:</p> <ul style="list-style-type: none"> • whether the building has been made vacant for the sole purposes of re-development; • whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development <p>From a policy perspective, I accept the North Devon Leisure Centre has not been abandoned yet as it is still operational although it will be for yourself as the decision taker to consider any potential arguments regarding abandonment. However, I do not consider that the application of VBC in this particular circumstance is necessarily as clear cut as suggested. Whilst policy accept the building is not abandoned, I am not convinced the building would even qualify as being vacant as I am of the opinion that it is not at this present time and I understand it will not be vacant until April 2022, presumably post the decision of this planning application? Therefore, if this were the case then in my opinion VBC would not apply until post April 2022. You must also weigh in the balance as to whether the building has been made vacant for the sole purpose of redevelopment as set out within PPG? It may be necessary to seek advice from the Council's solicitor on these particular issues.</p> <p>If you are minded to accept the implications of VBC on the site of the Leisure Centre building and therefore the delivery of affordable housing may be much reduced, I would consider the calculation should be based on the gross internal floor area (including</p>

Name	Comment																				
	<p>garages) of the development as set out within the RICS Code of Measuring Practice.</p> <p>Also, you must be assured that the proposed housing mix will meet the identified housing need in accordance with Policies ST17. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs. For information, Part (1) of the policy could be used to seek particular forms of housing where there is evidence of need. I have provided an extract from the HEDNA (Table 114: Recommended Housing Mix – page 214) which identifies the recommended housing mix across the Plan area.</p> <table><tr><td></td><td>1 – bed</td><td>2 – bed</td><td>3 - bed</td><td>4 - bed</td></tr><tr><td>Market</td><td>5-10%</td><td>30-35%</td><td>40-45%</td><td>15-20%</td></tr><tr><td>Affordable</td><td>30-35%</td><td>35-40%</td><td>20-25%</td><td>5-10%</td></tr><tr><td>All Dwellings</td><td>15%</td><td>35%</td><td>35%</td><td>15%</td></tr></table> <p>As you are aware, on the 24th May 2021 the Government introduced ‘First Homes’ as a type of affordable housing with the intention of helping eligible first-time buyers secure home ownership. These provisions came into effect on 28th June 2021 although such requirements did not appear in the latest version of the NPPF (July 2021). However, National planning policy through the PPG establishes a threshold, requiring a minimum of 25% of all affordable housing secured through a planning proposal to be First Homes on sites that are not within a Designated Rural Area and not subject to transitional arrangements in relation to pre-existing pre-application discussions or submitted planning applications. First Homes are a form of discount market sale housing that meets the definition of affordable housing for planning purposes. They are required to be:</p> <ul style="list-style-type: none">discounted by a minimum of 30% against the market value of the dwelling, with the discount remaining in perpetuity;subject to an initial sales value of no more than £250,000, with subsequent sales values tied to the discounted open market value at that time; andonly eligible for purchase by first-time buyers with a combined annual household income not exceeding £80,000 and where subject to a mortgage or home purchase plan funding a minimum of 50% of the discounted purchase price. <p>However, in considering the national First Homes provisions, the Council has determined, in partnership with Torridge DC that the most legitimate way to consider the routine implementation of First Homes for northern Devon is as part of the review of the North Devon and Torridge Local Plan which was formally instigated by resolution of the Councils in late 2019. This approach recognises</p>		1 – bed	2 – bed	3 - bed	4 - bed	Market	5-10%	30-35%	40-45%	15-20%	Affordable	30-35%	35-40%	20-25%	5-10%	All Dwellings	15%	35%	35%	15%
	1 – bed	2 – bed	3 - bed	4 - bed																	
Market	5-10%	30-35%	40-45%	15-20%																	
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All Dwellings	15%	35%	35%	15%																	

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	<p>the need to robustly consider the wider policy implications of introducing First Homes and to legitimise the formal introduction of the additional local requirements necessary in order for the product to meet identified local needs. Also, the Council has had due regard to PPG and the transition period for decision making where the requirement for 'First Homes' does not apply for the following:</p> <ul style="list-style-type: none"> • sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021; • applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022; and • sites where local and neighbourhood plans are adopted/made under the transitional arrangements, as detailed in paragraphs 18 and 19. These transitional arrangements will also apply to permissions and applications for entry-level exception sites. <p>Of particular relevance to this current application is the fact the scheme has been subject to extensive pre-application discussions so from a policy perspective, Therefore, I am of the opinion that if the application is determined before 28th March 2022 then the implications of 'First Homes' legislation would not apply unless the landowner were minded to deliver this model of affordable housing in which case the LPA would be flexible in accepting First Homes as an alternative type of tenure.</p> <p>Although not specifically set out within policy and therefore not a requirement, the Government are committed to increase the supply of housing whereby local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. This approach is also recognised at paragraph 7.19 of the Local Plan which states 'the Government is seeking to increase the supply of housing through self- build schemes (including individually built properties, custom built developer schemes and the provision of self-build housing through co-operatives and community land trusts). The Councils will support construction of self-build schemes where they accord with the wider spatial strategy and will keep under review how to provide appropriate support for such development'. I refer you again to PPG (Paragraph 025 Reference ID: 57-025-20210508) which states 'Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site). More widely, relevant authorities can play a key role in</p>

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	<p>brokering and facilitating relationships to help bring suitable land forward. This can include:</p> <ul style="list-style-type: none"> • supporting Neighbourhood Planning groups where they choose to include self-build and custom build housing policies in their plans; • effective joint working across service delivery areas and with local delivery partners including Housing Associations, Arms Length Management Organisations and housing developers; • using their own land (if available and suitable) for self-build and custom housebuilding and marketing it to those on the register; • working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom build housing; • when engaging with developers and landowners who own sites that are suitable for housing, and encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested. • working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need. <p>Of particular importance here is bullet 3 where it is a clear intention of the Government that the Council should be using their own land for self-build and custom housebuilding and marketing it to those on the register. Therefore, if such an opportunity would exist on part of this site then, during the decision making process could this be explored with the landowner / developer. For information, to date North Devon have 114 persons registered of which 30 persons would require a serviced plot anywhere in North Devon, 4 persons with a first choice of Barnstaple; 5 persons with a second choice of Barnstaple; and 9 persons with a third choice of Barnstaple. Therefore, although relatively small numbers, evidence would suggest there is some demand for self/custom housebuilding in this area of North Devon and if opportunities were to exist for part of this site to be safeguarded for an element of self-build then this would be fully supported by policy.</p> <p>In January 2019, the Leisure Centre site and adjoining car park was submitted as part of the SHLAA (SHA/BAR/638). Although not formally considered by the Panel and over a smaller site than that proposed within the planning application (also excluding the new car park), it was concluded that 'the site is within the development boundary for Barnstaple, with the principle of development being set out in policy ST06. If it is demonstrated that the proposed residential development will facilitate the delivery of the site's regeneration as set out in BAR13, then an element of housing development would be supported as long as it does not prejudice the requirements of BAR13, subject to being policy compliant on all</p>

Name	Comment
	<p>other matters. The number of units proposed will be better determined as part of a design-led approach as opposed to a density multiplier. The site will need to demonstrate that the proposed number of residential units can be accommodated, taking into account the range of constraints and green infrastructure requirements. Without this work it is not possible to comment on the number of units which could be accommodated on this part of the allocated site. Site could accommodate town houses / flats or a combination of both’.</p> <p>The design and layout of the development should be considered against Policies ST02, ST03, ST04, ST05(1), DM01, DM04, DM08A and BAR of the local plan and the National Design Guide. It is also worth noting that criterion 2 of DM04 will expect all major residential proposals such as this to be supported by a Building for Life 12 assessment (updated to Building for a Healthy Life – July 2020) where the developer must minimise ‘amber’ scores and avoid ‘red’ scores. I welcome that the agent has submitted a BfHL statement in accordance with Policy DM04(2) and that it has shown the development will achieve 12 ‘green’ scores albeit I would wish to see this being critically examined to ensure the intentions of policy DM04 are delivered.</p> <p>The site is adjacent the Barnstaple Town Centre Conservation Area as well as being visible from a substantial number of listed buildings along Taw Vale opposite and the Grade I listed Longbridge to the north. Paragraph 10.66 makes it clear that ‘the character and appearance of the adjacent conservation area and setting of the historic assets of Longbridge and Old Slaughterhouse (Halfords) will be protected’. In accordance with Policy DM07(1) you should expect the planning application to be accompanied by a Heritage Statement to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. All issues around any potential impact on the designated heritage asset should be considered against Policies ST15, BAR13 and DM07 together with the response from Collette Hall.</p> <p>As set out in paragraph 6.5 of the Local Plan, ‘all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support ‘biodiversity offsetting’ to deliver a net gain in bio-diversity off-site’. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. The Defra metric should be used to ensure there is an overall net gain in biodiversity. As the site is within the Braunton Burrows SAC Zone of Influence, the applicant will be liable for a financial contribution towards the long term management and maintenance of the Special Area of Conservation. It would appear from the proposed site layout that</p>

Name	Comment
	<p>the developer is retaining and making best use of existing hedge / tree boundaries to accommodate development which is welcomed particularly as all boundaries form a 'key network feature' within the wider biodiversity network as identified within the document 'Identification of Local Nature Conservation Sites and Biodiversity Networks in North Devon' by the Devon Biodiversity Records Centre (June 2001). All issues around ecology should be considered against ST14 and DM08 including the response from Mark Saunders.</p> <p>The Leisure Centre site is adjoining the undeveloped part of the Coastal and Estuarine Zone where Policy ST09 should be considered.</p> <p>As part of the strategy and development objectives for the regeneration and environmental enhancement of Seven Brethren, Policy BAR13 seeks to improve the highway network and transport interchange facilities in the area as well as delivering improved provision for pedestrians and cyclists towards the town centre and a new footpath/cycle bridge over the A361 and railway line. Enough land needs to be safeguarded to accommodate one end of the proposed footbridge from Larkbear over the main road and railway, as set out in BAR02(3d) and BAR20b. Funding towards its delivery should also be sought. Firstly, I welcome the redevelopment of the existing Leisure Centre incorporates the enhancement of the existing strategic footpath and cycle route along the riverfront although any redevelopment of the Leisure Centre site, including the formation of a replacement car park should also contribute to the delivery of this policy requirement. It is already recognised that existing traffic arrangements within Seven Brethren cause conflict between different users and there is some concern that the increase in traffic movements with the delivery of up to 180 homes and new car park will increase existing problems in the area although due to the location of the proposal on the edge of the town centre and improvements to existing footpath and cycle links are delivered, a number of journeys can be achieved by cycling or walking thereby reducing pressure on the surrounding road network. All highway issues should be considered against Policies ST10, BAR(k), BAR13, BAR20, DM05 and DM06 of the Local Plan.</p> <p>In terms of the proposed provision of a replacement long stay car park and temporary toleration site for travelling communities, I will advise accordingly. Policy ST20(5) seeks to safeguard existing authorised sites such as this where it provides traveller accommodation that meets an identified need. I accept the proposal is only seeking to deliver a temporary toleration site and the long-term plan is to deliver a more permanent facility elsewhere which again is supported by Policy ST20(5) but this temporary</p>

Name	Comment
	<p>facility must still meet all the criteria as set out with Policy DM30. In terms of the proposed new car park, Policy ST22 will support the development of new, extensions or improvements to existing community facilities that meet the needs of local communities subject to the stated criteria (a to c). Whilst the location of the car park is further away from the town centre particularly for shoppers, there is no in principle policy objection to its re-location but I would wish to ensure that those parking in this area have safe and easy access to the strategic network of footpaths and cycle links in the area that connect to the town centre. The design, illumination and landscaping around the proposed car park must be made safe for all users especially in hours of darkness.</p> <p>On balance, the principle of housing on this previously developed site as well as the delivery of a temporary toleration site for travelling communities and replacement long stay car park is acceptable subject to the above policy considerations being satisfactorily addressed.</p>
Recycling & Commercial Services	No Response
Sustainability Officer	Views awaited re updated information
Sustainability Officer Reply Received 15 September 2021	<p>The submitted EIA includes an appropriately detailed assessment of the sites habitat composition and condition and is informed by the necessary habitat and protected species surveys. A standard Phase I habitat survey of the site was carried out on the 5th June 2018, with a further update ecological walkover on 22nd February 2021. The update site walkover is appropriate validation of the existing Phase 1 habitat surveys with the findings and recommendations of all protected species surveys updates also presented. Further bat and botanical surveys are ongoing during 2021 and should now be completed. The proposed Addendum to EIA Chapter 10 should be submitted to confirm whether any significant changes to the mitigation and enhancement already outlined within the EIA are necessary. This is of particular importance for the southern area of the site where 59 plant species were recorded with the northern half of the marshy grassland. This area is considered the most botanically valuable and includes southern marsh orchids which will require translocation to an appropriate offsite location.</p> <p>Protected Species</p> <p>Bats</p>

Name	Comment
	<p>The results of the bat surveys demonstrate high levels of foraging and commuting common and soprano pipistrelles, and also less frequent greater horseshoe, long-eared species, Myotis species, and lesser horseshoe bats. Greater horseshoes were recorded on the eastern boundary adjacent to the Tarka Trail and at the southern extent of the site. The majority of bat commuting and foraging is in close association with the eastern and western boundaries which extend to the north and south forming part of a wider network of corridors. The River Taw linear feature and darkened corridor of trees along the adjacent Tarka Trail has been identified as being of high value for a significant number of commuting bats including species of higher conservation concern. The marshy grassland and woodland/scrub habitats associated with the western site boundary also provide commuting and foraging habitat, likely to be used in combination with the adjacent railway habitat corridor. A significant proportion of street trees identified for removal within the Tree Constraints Plan have low potential for roosting bats (T17, T24, T29, T42, T89, T92 and T93) and within group A3, A6, A14, A15 and A16). Given the low suitability, it is unlikely that a significant bat roost is present on site. Trees with moderate potential will be retained on site.</p> <p>The development will result in the loss of around 1.6 ha (65%) of terrestrial foraging habitat (broad-leaved woodland, scrub, tall ruderals, grassland and trees), but has retained key boundary features including the majority of trees along the eastern boundary and the woodland towards the south-west of the site where the greatest levels of bat activity were recorded. This loss of foraging habitat used by moderate to high level of bats would be permanent and not reversible, significant adverse effect at the Local level. With the maturation of 3.25 ha of new and enhanced habitats included as part of the landscape scheme, it is predicted to be an insignificant effect in the long-term.</p> <p>Birds</p> <p>A total of 30 bird species were recorded with 16 of these species confirmed as breeding within areas associated with the woodland, scrub and mature trees on the western and eastern site boundaries. The woodland and scrub areas in the south-western extent of the site supported the highest density and number of bird species, supporting territories for blackbird, blackcap, chaffinch, chiffchaff, dunnoek, goldfinch, great tit, greenfinch, robin and wren. Four RSPB Red listed species were recorded; herring gull, house sparrow, song thrush and starling. Of these species, house sparrow were confirmed as breeding on site and song thrush were recorded as probably breeding. Eight RSPB Amber listed species were also recorded on the site. Of these species, only dunnoek were recorded as breeding on site. Kingfisher is a specially</p>

Name	Comment
	<p>protected schedule 1 species and was recorded during the winter bird survey visits; no evidence of nesting was noted during the surveys. It is considered likely that the importance of this site is limited in the context of the main estuarine habitats and SSSI downstream.</p> <p>The proposed development will result in moderate loss of nesting habitat and a food resource in the form of the broad-leaved woodland, scrub, street trees, tall ruderal and grassland habitat totalling 1.6 ha (65%). A moderate amount of other nesting habitat will be retained and enhanced in the form of treelines and woodland and the proposals include for the planting of new hedgerow/ tree habitat. This loss of nesting and foraging habitat used by breeding birds would be an adverse effect, if unmitigated. The effect would be permanent and not reversible. There will be a significant adverse effect at the Site level in the first instance, but with the maturation of new and enhanced habitats included as part of the landscape scheme, it is predicted to be an insignificant effect in the long-term.</p> <p>Reptiles</p> <p>The proposed development will result in the loss of 0.97 ha (70%) of reptile foraging habitat (grassland and tall ruderals) and 0.5 ha of refuge (57%). A total of 0.45 ha of reptile habitat will be retained and enhanced in the form of some grassland and scrub and the proposals include for the planting of new hedgerow/tree habitat to provide hibernacula. Connectivity to adjacent habitats to the west and south will ensure that the retained habitat is not isolated. This loss of reptile habitat used by low numbers of slow worms and common lizard would be permanent and not reversible. There will be a significant adverse effect at the Site level in the first instance, but with the maturation of new and enhanced habitats included as part of the landscape scheme, it is likely to be an insignificant effect in the long-term.</p> <p>Invertebrates</p> <p>The proposed development will result in the loss of 0.57 ha (58%) of the marshy grassland habitat on site that has been identified as being of local to county importance to invertebrates. The effect would be permanent and not reversible. There will be a significant adverse effect at the Local level. Marshy grassland important to invertebrate fauna should be the focus of any mitigation measures to maintain and enhance the invertebrate interest on site.</p> <p>Visitor Pressure</p>

Name	Comment
	<p>An increase in the number of people may increase pressure on the saltmarsh habitat on the edge of the estuary and retained habitats such as marshy grassland and broad-leaved woodland for dog walking. Unmitigated, this is likely to have a significant impact on over-wintering birds associated with the salt-marsh habitat. It is also likely to deter breeding birds within the retained scrub/woodland habitats. This disturbance, if unmitigated, would be an adverse effect that would be permanent and significant at the Site level. Access within the retained woodland habitat will be discouraged though planting of scrub habitat along the woodland edge, with thorny species such as hawthorn and blackthorn to also discourage public camping/access. Disturbance from people and pets will be controlled by education, though notices, leaflets and the internet. For example, information leaflets will be provided to all new homeowners detailing the habitats and species of interest locally and measures to protect them.</p> <p>Mitigation and Compensatory Habitat</p> <ul style="list-style-type: none"> • Hedgerow habitat will be planted along the western boundary of the southern parcel along the woodland edge to mitigate for woodland edge lost to facilitate the tree protection zones adjacent to the long-stay car park. Additional tree and scrub planting will also be undertaken towards the south-west of the site where the highest level of bird activity was recorded to enhance habitat links along the adjacent railway line embankment • The eastern tree-line will be enhanced through supplementary hedgerow/tree planting, particularly where trees are anticipated for removal, to maintain a bat foraging/commuting corridor along the Tarka Trail. This will also provide a buffer to adjacent saltmarsh and estuary habitats and associated wintering bird populations. • Two attenuation basins are to be provided in the northern area of the site (0.08 ha). These will be dry (i.e. no permanent wet centre), although there is scope for wildflower seeding that will tolerate water. • A small area of grass and wildflower planting will be provided on a flood embankment and culvert structure which will encroach slightly onto the marshy grassland on-site from adjacent flood defence improvement works. • 16 bat boxes would be provided in advance of any felling to compensate for the loss of eight street trees and those within the tree groups with low bat roost potential. The provision of purpose-built bat boxes is likely to provide a greater number of more suitable bat roosting opportunities within the site. • 20 bird boxes would be provided to compensate for the loss of nesting bird habitat and to provide a more immediate resource for nesting birds prior to the maturation of new planting. The provision of bird nest boxes along with the proposed landscaping is

Name	Comment
	<p>likely to provide a greater number of nesting opportunities within the site in the long-term than is currently the case.</p> <ul style="list-style-type: none"> • 5 reptile hibernacula will be constructed on the periphery of the retained marshy grassland to compensate for the loss of suitable refuges for reptiles. Retained and new habitats will be managed for the benefit of reptiles. • Southern marsh orchids will be translocated from the marshy grassland area to areas of retained marshy grassland habitat along the southern boundary which will be confirmed at the detailed design stage. Management of the retained marshy grassland and receptor site will aim to maintain suitability for this species and for species of greatest note to invertebrates including marsh woundwort and water figwort. The success of the relocation and management of the retained grassland and receptor site will depend on the implementation of a Habitat Management Plan (HMP) during the operational phase of the development. • Disturbance from people and pets will be controlled by education, though notices, leaflets and the internet. For example, information leaflets will be provided to all new homeowners detailing the habitats and species of interest locally and measures to protect them. <p>Biodiversity Net Gain</p> <p>An appropriately detailed Defra Metric Net Gain calculation has been submitted which quantifies the extent of habitat loss as assessed in the EIA. The Metric calculates the onsite and offsite mitigation and compensatory habitat necessary to arrive at a 10% gain in biodiversity, however this is based on the indicative Landscape Strategy Plan with the vast majority of proposed landscaping contained within the Outline element of the application.</p> <p>The development will result in a loss of 0.24 ha (54%) of broad-leaved woodland, 0.57 ha (58%) of marshy grassland, 0.08 ha (33%) of street trees and 0.21 km (22%) of tree-lines. The off-setting calculations have revealed a gain of 0.27 habitat units and a gain in 1.43 hedgerow units including all on-site habitat retention/creation anticipated in relation to current development proposals. The total project biodiversity percentage change including all on-site and retained habitats is a gain of 1.6% habitat units and a gain in 49.41% hedgerow units.</p> <p>On-site, areas of open space have been incorporated within the scheme design comprising a native planting buffer (0.18 ha), structure planting (0.08 ha), gardens/communal gardens (0.64 ha), river edge (0.74 ha) and amenity parkland (0.32 ha). Provision of extensive green roofs has also been incorporated (0.1 ha) to maximise biodiversity. Areas of wildflower planting will be provided</p>

Name	Comment
	<p>particularly within the amenity parkland areas comprising native species of known benefit to wildlife.</p> <p>Unavoidable loss of habitats will be compensated for with off-site habitat creation and management to enable a net gain in biodiversity. The off-setting will comprise creation of an area of broad-leaved woodland (at least 0.24 ha), marshy grassland (at least 0.57 ha), wildflower meadow and scrub habitat (at least 0.26 ha) in order to compensate for habitats lost and aim to achieve a 10% net gain in biodiversity across the site. Sufficient areas for off-setting have been identified by North Devon Biosphere in the Penhill area (3.96 ha of grassland with hedgerows along the boundaries as viewed on aerial images, located approximately 4 km west of the site); where riparian woodland is proposed in the Venn and Landkey Streams. North Devon Biosphere is also looking for sites to restore or create marshy grassland in response to sea level rise taking some of the existing marsh areas likely to be upstream on the Taw Valley. North Devon Biosphere have agreed to provide costs and a letter of commitment to create marshy grassland, woodland and scrub habitats.</p> <p>The BNG calculations are broadly supported on the condition that the metric is fully updated as part of any subsequent amendments or reserved matters applications and that verification is received that double counting has occurred with habitat provision on adjacent development sites.</p> <p>Construction</p> <p>A Construction Environmental Management Plan (CEMP) will be required for both areas of development with input from the relevant specialists in order to minimise the damage to retained and adjacent habitats. This must include:</p> <ul style="list-style-type: none"> • The Taw-Torridge Estuary SSSI is located 500 m north-west of the site, downstream of the section of river adjacent to the site. Unmitigated, the proposed development risks degradation of the habitat resulting from the mobilisation of contaminants, dust and run-off. Pollution events, if unmitigated, will be a significant adverse effect at the Regional level. • Habitat degradation of Bishop's Tawton Saltmarsh CWS, which is located 80 m south-east of the site, is not anticipated through dust emissions or surface water runoff during construction. There appears little substantive evidence for this conclusion given the works required to facilitate the traveller/events site. • Adjacent habitats, including the retained marshy grassland will be exposed to risks from dust and surface water run-off from the site throughout construction. Unmitigated, the effect would be

Name	Comment
	<p>permanent and not reversible and could be a significant adverse effect up to the Local level.</p> <ul style="list-style-type: none"> • Heras-type fencing around the construction boundary and tree root protection zones • Dust and run-off prevention and pollution prevention and control methods • Protected species method statements including sensitive lighting strategy, closure of open trenches overnight and litter prevention • Controls for construction noise during works such as 'silenced' plant, use of screening and acoustic enclosures, operating plant at low speed Such measures may only be needed during bird migratory/ winter periods • Construction works between April and September will be restricted to daylight hours and avoid the use of construction lighting. • Woodland/scrub/tall ruderal habitat clearance works to be undertaken outside of the bird nesting season (i.e. March to August inclusive) • Habitat clearance works within the northern, middle and southern sections of the site will be undertaken following a relocation and habitat manipulation exercise of any reptiles within the construction area to suitable areas of retained habitat. These works will be carried out between April and September (inclusive) in order to avoid the reptile hibernation period. • Controls for non-native cotoneaster, montbretia and Japanese knotweed to ensure the works do not inadvertently spread these species both on and off-site <p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> • Compensation for habitat losses and impacts on protected species associated with the development of the car park/traveller site and to be delivered within the southern area of the proposal should be detailed in full with appropriate landscaping plans, planting specifications, Landscape and Ecological Management Plans (LEMP) and Construction Environmental Management Plans (CEMP). • The BNG calculation will be expected to be revised and updated as part of any subsequent detailed application for the residential development, taking full account of any habitat delivered in the southern area and reflecting all proposed detailed habitat provision within the northern area. The resultant biodiversity loss/gain balance may result in significant increases in the stated costs towards offsite habitat mitigation. • Any future detailed application will be required to be supported by an appropriately detailed landscaping plan, planting specification, LEMP and Habitat Management Plan (HMP) and should demonstrate how the habitat connectivity of existing

Name	Comment
	<p>network features has been retained and enhanced throughout both the southern and northern areas of the application.</p> <ul style="list-style-type: none"> • The proposed Addendum to EIA Chapter 10 providing results of further bat and botanical surveys in spring/summer 2021 should be submitted to confirm whether any significant changes to the mitigation and enhancement already outlined within the EIA are necessary. This is of particular importance for the southern area of the site where 59 plant species were recorded with the northern half of the marshy grassland. This area is considered the most botanically valuable and includes southern marsh orchids which will require translocation to an appropriate, but as yet unspecified offsite location. • Significant habitat losses as demonstrated in the EIA and Tree Constraints Plan will have a potentially significant impact on bat foraging and commuting routes on the eastern and western boundaries. The Landscape Strategy Plan (LSP) does not identify appropriate opportunities for the proposed supplementary hedgerow/tree planting to mitigate tree losses and strengthen the important corridor along the Tarka Trail or the area surrounding the Ecological Buffer to the southwest in order to maintain the existing bat flight lines. • Mitigation for the significant roost and feeding bird habitat losses, particularly in the southern area, including those supporting important red and amber list species have not been appropriately demonstrated. The LSP does not identify appropriate opportunities to mitigate habitat losses and strengthen the areas surrounding the retained woodland and Ecological Buffer to the southwest. • Mitigation for the significant losses of reptile and invertebrate habitat in the southern area have not been appropriately demonstrated. The LSP does not identify appropriate opportunities to mitigate habitat losses and strengthen the areas surrounding the retained woodland and Ecological Buffer to the southwest or provide indicative marshy grassland receptor sites. Opportunities for enhancing an extended area to the south and west of the red line boundary should be considered. • Areas of proposed hedgerow planting along the western boundary of the southern parcel to mitigate for woodland edge lost and facilitate the tree protection zones adjacent to the long-stay car park and additional tree and scrub planting towards the south-west of the site where the highest level of bird activity was recorded to enhance habitat links along the adjacent railway line embankment should be illustrated on the LSP. • Indicative locations for the proposed bat and bird boxes and reptile hibernacula should be shown on the LSP. • The proposed retained marshy grassland and translocated Southern Marsh Orchids sites should be identified on the LSP. • Increases in permanent and non-permanent residents and displacement of existing visitors including dog walkers further into the retained habitats to the south would potentially result in habitat

Name	Comment
	<p>degradation and displacement of protected species beyond the site boundary. Woodland edge management is not shown on the LSP and further opportunities to enhance the marshy grassland to the south of the site boundary should be considered. This may include formalisation of the informal network of routes connecting the site to the Iron Bridge.</p> <ul style="list-style-type: none"> A sensitive lighting strategy will be required for both elements of the proposed development to ensure that appropriate dark buffers are created adjacent to retained and new habitats. Reference will be made to current guidance (Institution of Lighting Professionals, 2018). This will include any external lighting within the car park and external and internal lighting within the residential development. Enhancement of boundary habitats through native planting should seek to increase separation of light sources from important bat commuting habitat. A Braunton Burrows SAC contribution of £190 per unit will be required towards the mitigation strategy including additional wardening, education, visitor information and monitoring projects.

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
6	0.00	6	0.00	0.00

- excessive growth in housing
- lack of other amenities such as infrastructure, medical services, schools, care sector
- impact on environmentally protected areas,
- Impact on traffic levels
- Assessment of traffic impact is flawed - under-estimated
- the roads leading to the train station and Tesco have tailbacks, pollution and problems for pedestrians
- Changes to road layout on Seven Brethren Bank to allow turn lanes.
- Contaminated site
- Long term risks of flooding given global warning and rise in sea levels.
- Need affordable houses in the right place/price to serve young
- The height and the density of the buildings are too high,
- Comparisons with Anchorwood are not relevant, development is downstream from the town centre and the river is wider there.
- The proposed long-stay car park is also a "long-way away" car park.
- Car parks should be broken up by trees
- not informed of the meeting in the leisure centre on the 12th
- Significant number of heavy goods vehicles, servicing the recycling centre, builders' yards, and utility depot.
- Provision of an enhanced footpath and cycleway along the riverfront between Long Bridge and Iron Bridge. Although the route extends beyond the boundary of

the site, its provision in its entirety should be made a condition of any planning permission.

- aspiration to improve the junction between Seven Brethren and Long Bridge
- welcomes the proposed enhanced footpath/cycleway on the river
- amendments to the submitted plans needed for the proposed car park/events space/traveller site to show provision of a segregated, lit and fenced cycleway/footpath linking Iron Bridge with the proposed bridge over the rail line/A361, designed in accordance with LTN 1/20.

Considerations

Proposal Description

Figure: Illustrative Artist Impression of Proposals



This application is Hybrid whereby **outline permission** is sought for up to 180 dwellings in a variety of forms (apartments/duplexes and town houses as illustrated in the indicative plan above) and **full permission** is sought for the relocation of the long stay car park (328 car parking spaces) and the gypsy and travellers site/events space. The later elements are proposed on land to the south west of the Tarka Tennis centre as shown below.

Figure: Car Park Layout and Temporary toleration site



In accordance with the Executive resolution of the 1st April 2019, the relocation of the gypsy and traveller toleration site would be a temporary solution until a long-term solution for a transit site in North Devon is found, in line with Local Plan requirements. It has been confirmed by the Head of Place, Property and Regeneration that *'there remains a commitment to find a long term solution for the provision of gypsy and travellers off Seven Brethren. This has been delayed because of the pandemic but the new Head of Housing has now been tasked with securing a site, this will be done alongside the Local Plan review'*.

The annual Barnstaple Fair currently operates from Seven Brethren and the replacement car park has been designed to accommodate the loading requirements of the Fair.

The application is supported by an EIA carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 [Statutory Instruments 2017 No. 571] and associated guidance set out in the former Department of the Environment, Transport and the Regions (DETR) Circular 02/99. This considers:

- Construction and Environmental Management
- Air Quality
- Archaeology and Cultural Heritage
- Climate change
- Ecology and Nature Conservation
- Ground Condition
- Townscape and Visual Amenity
- Noise and Vibration
- Socio-economics and Health Impacts
- Traffic and Transport
- Water Resources, Drainage and Flood Risk

The ES has identified nearby developments that may potentially give rise to cumulative effects. These include:

- Land at Anchorwood Bank;
- Anchorwood Flood Defence Improvements;
- Severn Brethren Temporary Police Station;
- Oliver Buildings Redevelopment; and
- Tarka Leisure Centre Tennis Centre.

Chapter 17 contains the Summary and Conclusions and Volume 3 is the Non-technical summary which is attached to this report

Planning Considerations Summary

1. Principle of Residential Development – Outline
2. Principle of relocating the car park & toleration site – full
3. Design and master planning
4. Amenity
5. Heritage Assets

6. Townscape & Landscape
7. Ecology
8. Highways
9. Site Conditions & Contamination
10. Flood Risk and Drainage
11. Socio Economic Benefits
12. Heads of Terms
13. Planning Balance

Planning Considerations

1. Principle of Residential Development – Outline

- 1.1 In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. Any determination, to be made under the planning Acts, should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes North Devon and Torridge Local Plan and the Devon Waste Plan. The relevant Policies are detailed above.
- 1.2 The NPPF is a material consideration in planning decisions as is the fact that North Devon, at this present time cannot clearly demonstrate a 5 year supply of deliverable housing sites.
- 1.3 Following the Burwood appeal decision in Torridge, the Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031. The base date for this assumed housing supply is April 2019 and although the Council has not been able to update that position to April 2021, from a policy perspective the 4.23 year supply would not have improved to a position that the LPA could confidently demonstrate a 5 year supply of deliverable housing sites.
- 1.4 National planning policy (Footnote 8, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the distribution of housing to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.
- 1.5 If there is no clear reason to refuse an application based on a protected area or asset (footnote 7 – NPPF), including areas at risk of flooding such as this (see below), the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits – the so-called **tilted balance** (Paragraph 11(d)(ii), NPPF).

- 1.6 The site is not specifically allocated for housing but is within the development boundary for the town. The Councils currently accept that clause (2) of Policy ST21 is triggered on the basis that, at this point in time, it is not possible to demonstrate that completions are above 90% of that which was required for the previous monitoring year and that there would be an appropriate recovery demonstrated for the next two years.
- 1.7 From a policy perspective, the lack of a 5 YHLS is a material planning consideration and significant weight should be accorded in the tilted balance to a proposal of up to 180 homes which could make a substantial contribution to the Councils' shortfall in deliverable housing sites if some of the proposed homes were to be developed within the next 5 years.
- 1.8 The ES indicates that the construction period is anticipated to be approximately 5 years from commencement in 2022. On this basis significant weight is accorded to an application that will boost housing supply and meet the Government's aspiration to deliver more new homes.

Location of site Within Development Boundary

- 1.9 The site is on the edge of the Barnstaple town centre and is within the defined development boundary where the principle of development is acceptable in accordance with Policies ST02, ST06, ST12(3) and BAR(e) of the Local Plan. It is also recognised at paragraph 5.24 that *'opportunities exist within and adjoining town centres through redevelopment to deliver regeneration that will improve functionality and encourage intensification of use' and 'the Councils will pursue initiatives, which strengthen and support existing town centre roles'*.
- 1.10 From a policy perspective, it is considered that additional housing on the edge of the town centre will help to ensure the long-term vitality and viability of Barnstaple Town Centre is strengthened.

Brownfield Site

- 1.11 Paragraph 3.6 of the Local Plan supports the 'reuse and redevelopment of previously developed land will be encouraged where available and environmental constraints allow'. Also, paragraph 120(c) of the NPPF seeks to *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'*.
- 1.12 In line with the NPPF and the aspirations to see regeneration at Seven Brethren (see below), it is not considered appropriate to allow this previously developed site to remain vacant once the new Leisure Centre is completed and all services and facilities move across to the new building. The re-use of sites such as this are encouraged by both national and local planning policy (Policies ST01 and ST02) and therefore there is policy support in principle for the site's redevelopment.

- 1.13 Whilst it could be argued that the brownfield element is limited to the site of the leisure centre, it is recognised that to address the flood risk and to provide an attractive development opportunity as well as dealing with the other issues set out below that a larger site area needs to be considered. Looking at areas on a comprehensive basis is also one of the tenants of 'good planning'. Whilst the long stay car park is a facility in active use, this proposal is not seeking to remove car parking but relocate spaces to make effective use of primary river facing land. Some of the site (used as the events area) has limited visual or social value.
- 1.14 It should also be noted that Government funding has been secured through the 'Land Release Fund' (LRF) to release this future vacant site (once the new leisure centre is completed) for new homes. Again this all aligns with policies set out above that seek to deliver housing on these types of sites.

Site Specific Policies: BAR13: Seven Brethren

- 1.15 Seven Brethren is identified for environmental enhancement and regeneration to deliver further economic, recreation and leisure development (including enhanced pedestrian and cycle links along the river frontage between the Longbridge and the iron bridge) that cannot be located within Barnstaple town centre in accordance with Policy BAR13.
- 1.16 Policy BAR13 does not explicitly facilitate the delivery of housing as part of any regeneration and environmental enhancement of Seven Brethren. This site specific policy needs to be considered in the above policy context.
- 1.17 In January 2019, the site was submitted as part of the SHLAA (SHA/BAR/638). It was concluded that *'the site is within the development boundary for Barnstaple, with the principle of development being set out in policy ST06. If it is demonstrated that the proposed residential development will facilitate the delivery of the site's regeneration as set out in BAR13, then an element of housing development would be supported as long as it does not prejudice the requirements of BAR13, subject to being policy compliant on all other matters. The number of units proposed will be better determined as part of a design-led approach as opposed to a density multiplier. The site will need to demonstrate that the proposed number of residential units can be accommodated, taking into account the range of constraints and green infrastructure requirements'*.
- 1.18 There is a long-term aspiration for Seven Brethren to become an attractive and vibrant mixed used area that makes the most of its waterfront location and supports an increased range of activities. This could reasonably include residential, offices, retail, leisure facilities and other economic uses.
- 1.19 In 2016/2017 NDC commissioned JLL to look at options for the delivery of Seven Brethren. This looked at a larger site than just that forming part of this application and considered parts of wider Seven Brethren, including the site of the new leisure centre. Economic analysis considered that residential together with the leisure provision, a cinema, a budget hotel and retail should be the preferred option for the site. The leisure provision was pursued but there was concern around a cinema and retail on this side of the river given the impact that this would have on

the vitality and viability of the town centre and the provision on Anchorwood bank. Instead it was considered that the residential development could increase footfall into the town centre to support its vitality and viability. There is opportunity for further commercial development on the remainder of Seven Brethren as required.

1.20 Since late 2017, the land release fund was granted on the basis of this brownfield land being released for residential development.

1.21 Permission has been granted for the new leisure centre (under construction). The redevelopment of the Anchorwood site has resulted in additional retail floorspace (ASDA and the retail park). It should be noted that not all the commercial units have been let on the retail park and an application has been granted (73964) to vary the range of uses. As with any site redevelopment will only occur if market conditions allow. In that there are other opportunities to delivery commercial expansion, the consideration of a solely residential scheme to achieve regeneration and the economic advantages from increasing footfall close to the Town Centre has merit.

Policy Conclusion

1.22 Having regards to the fact that the site is:

- a brownfield site
- within the development boundary
- allocated for regeneration
- at a time when there is no proven 5 year land supply
- and with consideration to the mix of uses that have already been delivered at Anchorwood Bank

a residential led scheme would not result in an '*in principle*' objection and significant weight needs to be given to housing delivery within the tilted balance subject to being policy compliant on all other matters.

Housing Mix and Numbers

1.23 The proposed housing mix should meet the identified housing need in accordance with Policies ST17. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs.

Table: Extract from HEDNA

	1 – bed	2 – bed	3 - bed	4 - bed
Market	5-10%	30-35%	40-45%	15-20%
Affordable	30-35%	35-40%	20-25%	5-10%
All	15%	35%	35%	15%

1.24 The scheme is in outline so at this stage the only specific details relate to quantum (up to 180 units). The reserved matters would be expected to deliver a range of house sizes (see also Design & Master planning).

Affordable Housing and Vacant Building Credit

- 1.25 Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide on-site delivery of affordable housing equal to 30% of the total number of dwellings (gross) which would equate to at least 54 affordable dwellings.
- 1.26 Government guidance states that *“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”*
- 1.27 The PPG (Paragraph: 028) sets out that *‘the vacant building credit applies where the building has not been abandoned’*. The PPG further clarifies the factors the LPA should take into account the physical condition of the building; the length of time that the building had not been used; whether it had been used for any other purposes; and the owner’s intentions.
- 1.28 The Leisure Centre has reached the end of its useful life and when it closes it will be vacant. The planning permission to re-provide the Leisure Centre at Tarka Tennis demonstrated that the former leisure centre uses will cease and will not reopen due to the building’s condition.
- 1.29 At present the Leisure centre remain open BUT a reserved matters application would not realistically be submitted until after the Leisure Centre closes which is when the building becomes vacant in April 2022.
- 1.30 Legal advice has been taken and is that *‘VBC could be applied in respect of an application made after the building becomes vacant’*. The case-law on abandonment (Hughes v Sec of State[2000]) is clear that factors such as the physical state of the building, the length of time for which the building has not been used, whether it has been used for other purposes and the owner’s intentions are all highly relevant to an assessment as to the abandonment of use. In this instance, unless or until a significant time passes, during which the building deteriorates, and perhaps the building is used for other purposes, the notion of abandonment would not arise.
- 1.31 What may be more arguable is whether the building has been made vacant for the sole purpose of re-development. Whilst on the one hand the building has become vacant because a new leisure centre, more sustainable and fit for purpose, has been built, rendering the existing leisure redundant, and has not been made vacant so that the site can be re-developed, nonetheless the potential re-development of the redundant building would be an inevitable consequence of its becoming vacant and would have been contemplated. On balance, it is probably fair to say the vacating of the building will not be “solely” so that it can be re-developed

- 1.32 There is very little guidance as to when a building can be considered to be “vacant,” to the extent that some authorities have developed their own policy. It is open to NDC to treat the building as vacant, once that is factually the case.
- 1.33 In light of this advice VBC is considered a reasonable part of the incentivisation to bring this site forward. The calculation should be based on the gross internal floor area (including garages) of the development as set out within the RICS Code of Measuring Practice.
- 1.34 Housing advise that the gross floorspace (7,080 m²) of the existing building (North Devon Leisure Centre) and the total proposed floorspace including the retirement dwellings (14,793 m²) should be used. This would mean that 52.14% of the policy affordable housing provision would be required (14,793 – 7,080 = 7,713 divided by 14,793 x 100). In the case of 179 proposed dwellings this would mean 30% of 179 = 53.7 x 52.14% = 28 affordable dwellings.
- 1.35 The requirements for affordable housing property size, mix and tenure is set out in Housing Enabling's previous response dated 28 July 2021 (above). As this is an outline application the mix, tenure and percentage would be secured within the s106 (see also Heads of Terms).

Table: Affordable Housing Requirement

Bed size & dwelling type	Occupancy	NDC dwelling mix requirement	Dwelling type	National Space Standards (m ²)	
4 bedroom house	8 person	5-10%	House (2 storey) Bungalow	124 17	
3 bedroom house	5 person	20-25%	House (2 storey) Bungalow	93 86	
2 bedroom house	4 person	35-40%	House (2 storey) Bungalow	79 70	
1 bedroom house	2 person	30-35%	House (2 storey) Bungalow / flat	58 50	

- 1.36 Housing Enabling also stated in that response: *" it would be worth the applicant discussing the scheme further with Housing Enabling to see if an interested registered housing provider could apply for funding on this site through their programme to provide additionality on site and increase the level of affordable housing."* The Head of Place, Property and Regeneration has advised ‘NDC as land owner will look to increase affordable housing outside of the planning system’.

First Homes

- 1.37 If the application is determined before 28th March 2022 then the implications of ‘First Homes’ legislation would not apply unless the landowner were minded to deliver this model of affordable housing in which case the LPA would be flexible in accepting First Homes as an alternative type of tenure.

Self-build and custom house building.

- 1.38 The PPG (Paragraph 025) states 'Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site). Councils should be using their own land for self-build and custom housebuilding and marketing it to those on the register.
- 1.39 To date North Devon have 114 persons registered of which 30 persons would require a serviced plot anywhere in North Devon, 4 persons with a first choice of Barnstaple; 5 persons with a second choice of Barnstaple; and 9 persons with a third choice of Barnstaple. Therefore, although relatively small numbers, evidence would suggest there is some demand for self/custom housebuilding in this area of North Devon and if opportunities were to exist for part of this site to be safeguarded for an element of self-build then this would be fully supported by policy.
- 1.40 The applicant has consider the issue of self-build plots and has commented that *'this site does not lend itself to a development delivery model for self-build and custom housebuilding 'Right to Build'. This is due to the development types which are deliverable on this site. Plus, NDC are currently midway through an OJEU compliant tender process to appoint a development partner which is subject to clearly defined targets and outputs and at the outset self-build and custom housing was not identified as an opportunity for this redevelopment. Therefore from a procurement standing point and legal complexities in the build lease NDC would not be able to bring forward opportunities for 'Right to Build' in part or whole on this site'.*
- 1.41 Whilst it may be technically possible to disaggregate parts of the site for use of self-builders, the site delivery is very complex and in order to achieve a comprehensive and well planned for scheme which complies with the very high design standards that have been set this proposal is not being suggested for such purposes.

2. Principle of Relocating Long Stay Car Park and the Toleration Site

Long Stay Car Park

- 2.1 In terms of the proposed new car park, Policy ST22 supports the development of new, extensions or improvements to existing community facilities that meet the needs of local communities subject to the stated criteria (a to c).
- 2.2 The short stay spaces associated with the Leisure Centre are being re-provided through the new leisure centre proposals as part of the Tarka Tennis complex. There is no loss in short stay spaces.
- 2.3 The 328 long stay spaces located to the south of the existing Leisure Centre will be re-provided to the south of Tarka Tennis Centre. The distance between the existing Long Stay Car Park and Barnstaple Square is approximately 550m to the

Square. At an average walking speed this takes about 5/6 minutes. The new Long Stay Car Park will be approximately 1k distance from Barnstaple Square. At an average walking speed this will double to 10/12 minutes. This is comparable to other long stay car parks in other commercial centres.

- 2.4 By ensuring that the footpaths and way marking are both attractive and effective, the car park will still serve the needs of the Town Centre. Whilst the location of the car park is further away from the town centre particularly for shoppers, there is no in principle policy objection to its re-location.

Temporary Transit/Toleration site

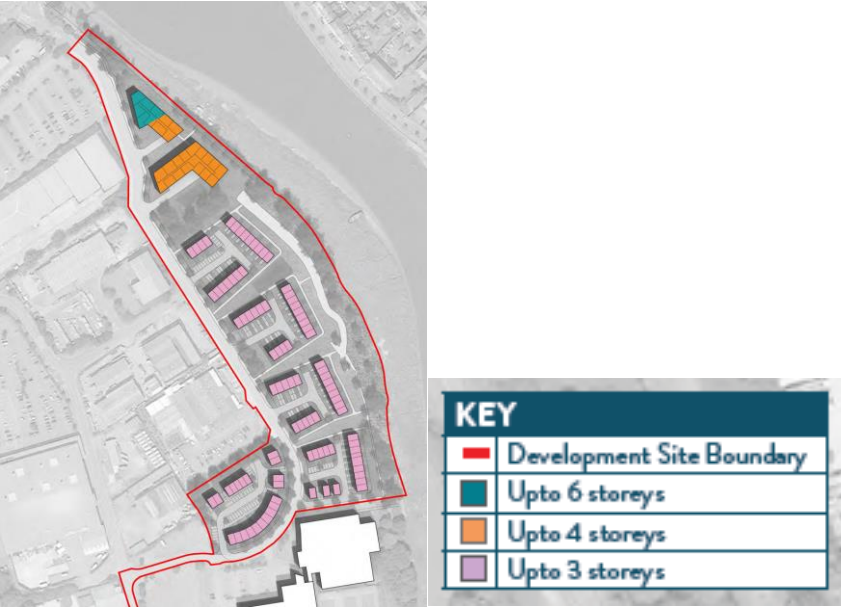
- 2.5 Policy ST20(5) seeks to safeguard existing sites which provide traveller accommodation. The long-term plan is to deliver a more permanent facility elsewhere (Policy ST20(5)) but this temporary facility must still meet all the criteria as set out with Policy DM30.
- 2.6 The Gypsy & Traveller Liaison Officer welcomes the relocation of the temporary stopping area as a means of addressing unauthorised encampments. The temporary site is required on the grounds of welfare and support when families protected under race law, can travel through the area for economic purpose and access an authorised space to reside for a short period of time.
- 2.7 The site area is comparable to that used on land opposite to the Tarka Tennis Centre. The Design Section of the report will consider the relationship of the two areas to each other. It is recognised that a new transit site is required and the Executive at their meeting of the 1st April 2019 minuted (135) that *‘within an agreed timetable, proceed to purchase or otherwise secure an alternative site for long term provision of Gypsy and Travellers to meet the Council’s obligations and obtain the relevant planning permission to allow use of the site. The aim will be to have an alternative site available for use by December 2020’*.
- 2.8 Whilst the timetable has not been met as set by Executive there are no ‘in principle’ issues with relocating this area on a temporary basis. As set out above there is still commitment to finding an alternative permanent solution.

3. Design and Master Planning

- 3.1 All design matters should be considered against Policies ST01, ST02, ST03, ST04, ST05, ST16, DM01 and DM04, and the National Design Guide. New development must be of high quality and integrate effectively with its surroundings to positively reinforce local distinctiveness and produce attractive places to live in accordance with part 12 of the NPPF.
- 3.2 In determining applications Paragraph 131 states that *“great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

- 3.3 The Design & Access Statement (December 2019 (as updated October 2021)) summarises the design principles and outlines the fixed and illustrative proposals. As this is an outline application, sufficient detail needs to be agreed at this stage to guide the reserved matters. The 'Vision' section explores how the site's distinctive features might be enhanced through the design process, and the 'Concept' section explores a methodology of access, movement, and land use, based on the contextual assessment and conveyed as a conceptual plan.
- 3.4 The Parameter Plans fixed as part of the outline planning permission detail Scale, Land Use and Access. Illustrative design strategies are then explored to explain how the principles and parameters will deliver a high-quality place as part of the reserved matters application.
- 3.5 The Design and Access Statement contains Place making Principles summarised as:
- The creation of a legible development structure
 - A network of connected routes, spaces and streets so that movements are direct attractive and safe
 - Streets designed as places rather than solely in response to traffic or engineering considerations
 - The design for a 'walkable neighbourhood'
 - The layout of development to encourage low traffic speeds
 - Parking for vehicles and cycles will be conveniently located
 - The over-arching principle is to provide easy and convenient access to public spaces for all users
- 3.6 The concept plans results in
- Residential for approximately 180 dwellings
 - High quality housing and a new river front park
 - Green links and generous areas of public open space
 - Retention of Existing Vegetation
 - Enhanced pedestrian and cycle routes
 - A gateway building marking the entrance to the site
 - A landscape buffer between the new residential area and current adjoining industrial uses
- 3.7 Section 6 of the Design and Access Statement contains Architectural Principles which provide site specific benchmarks that will inform the detailed design of the scheme. These principles sets out plot parameters for height, scale and massing, colour palettes, roofs, doors and windows and landscaping. The future Reserved Matters will be expected to demonstrate how the proposals accord with these Architectural Design Principles.

Figure: Scale Plan



3.8 The existing leisure Centre has a roof line approximately 13.5 metres above ground level. This will be replaced with two blocks, the tallest at 6 storey (approximately 17 metres above ground level), which forms a focal point by Long Bridge and will act as a counterpoint to the Oliver Buildings development.

Figure: View from footpath to the north of the Long Bridge



Figure: View of site from Taw Vale



Figure: Extract from Design and Access Statement showing scale



- 3.9 The aspiration is that this will be a distinctive exemplar entrance building to define a new gateway, creating a sense of arrival for Barnstaple and the Seven Brethren Site. This building will comprise 1, 2 and 3 bed apartments. This building will benefit from river and townscape views, the northern most apartments having dual aspect. This building steps down to 4 storeys (approximately 11.5 which will be slightly lower than the existing leisure centre as shown above).
- 3.10 Planning permission 66122 relates to the Oliver Buildings. As well as the works of conversion two new buildings are approved. Block 1 is a 4 storey structure (with rooms in roof) with a gable end facing the road. Block 2 is two storey again with rooms in the roof. This part of the scheme was revised to reflect planning policy that sought to limit the height of any new build to that of the Oliver Buildings and to provide a better relationship with the public realm.

Figure: Oliver Building: Approved new works next to road



- 3.11 The proposed 6 storey block on Seven Brethren will be an imposing feature on the site but one that could be partly mitigated by landscaping and through the detailed design as shown below.

Figure: the views show the approximate massing of the proposed blocks in comparison to the existing leisure centre. These show the maximum potential volume of the proposals, which would be reduced through development of the detailed architectural approach (form, fenestration, architectural articulation etc). The sketch gives an illustration of a potential architectural design approach.



- 3.12 The Oliver Buildings proposal was to a hard edge area of public realm so was read in a different street context. The wider Anchorwood redevelopment scheme provides a range of storey heights as the scheme progresses from the Oliver Buildings to the Bridge as illustrated below. The approved scheme contains 4 and 5 storey blocks over under-croft car parking effectively making them 5 and 6 storey in height. The 'scale' is mitigated by how the top floor is designed as each of the blocks uses the roofscape or an inset floor to visually limit impact. These blocks are used to provide visual interest as well as an effective use of premium land and hence the principle of larger scale development along the riverside is accepted.

Figure: Ariel View of 60406



Figure: 60604: View of Oliver Buildings and Eastern Parcel (under construction)



Figure: 60604: View of Western Parcel (constructed)



- 3.13 The second 4 storey building on Seven Brethren has been designed to accommodate 45 retirement apartments. Parking for both of these buildings will be on the ground floor.

Figure: Scale of development plan - extract



- 3.14 To the south of these buildings are some significant London Plane trees which are proposed to be retained and sit within a public open space, forming a natural threshold between the proposed apartment blocks and town houses.
- 3.15 Townhouses in a terrace form will occupy the existing car park area south of the existing Leisure Centre. The four main blocks running alongside the river will be separated by substantial 'fingers' of green infrastructure which will create links and vistas to the river. A fifth group of similar terraced townhouses will be built on the hardened area that lies to the north of the Tarka Tennis centre. The 3 storey town houses will take precedent from and respond to the larger scale brick developments within Anchorwood, and also the larger feature brick buildings within the Town Centre and along the eastern riverbank north of Long Bridge (notably Barnstaple Museum, Bridge Chambers).
- 3.16 These properties will have rear gardens, which will include 2 parking spaces, bin / cycle storage and a generous front garden, fronting open space. These units are proposed be a contemporary response to the formal (river fronting) Regency townhouse terraces on the opposite side of the river, '3-11 Taw Vale Parade' and 'Union Terrace'

Figure: Suggested Architectural Approach Along River Fronting Terraces



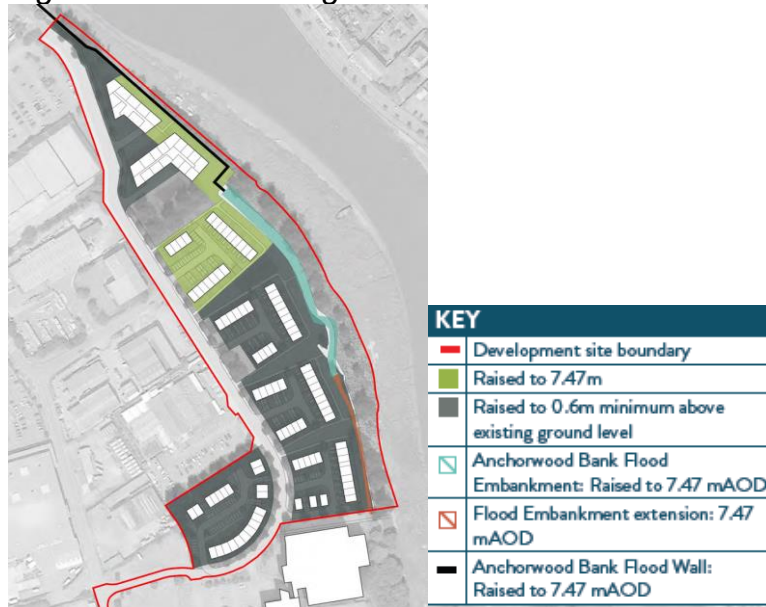
Figure: Suggested Architectural Approach For Terraces Fronting Parkland 'Fingers'



Climate Change and Site levels

- 3.17 Chapter 9 of the ES considers climate change and makes recommendation about how the development could be designed and delivered to mitigate the impact that climate change will have over the lifetime of the development.
- 3.18 The existing site is reasonably level requiring very little modification to create the building platforms. Ground floor levels will need to be raised for flood defence (see below) and to avoid contaminated fill (see below). Finished floor levels of 7.47 m AOD are proposed. The riverside walkway will also be raised to provide an emergency egress route.

Figure: Ground Raising Plan



Sustainable Principles

- 3.19 The Sustainability Statement V4– May 2021 (551077cpMar21) contains the Building for Life 12 Checklist. This outlines the features that have been incorporated into the design proposals and the measures that will be implemented during the construction and operation phases, which aim to reduce the environmental impact of the scheme and contribute positively to sustainable development.
- 3.20 The BfHL statement accords with Policy DM04(2) and has shown the development will achieve 12 ‘green’ scores. These principles would need to be applied and demonstrated at the reserved matters stage.
- 3.21 The general aspiration for the architectural design is to be sustainable, and to have fabric first, efficient low energy buildings. The energy hierarchy principles are to ‘*be lean, be clean and be green*’, whereby first the demand for energy is reduced through a range of passive and active energy efficiency measures.
- 3.22 The dwellings are orientated to maximise solar gains and natural lighting thus reducing the energy requirements for heating and artificial lighting with consequent reduction in energy consumption and greenhouse gas emissions. To minimise overheating risk, it is recommended that the targets an air permeability rate should go beyond the baseline requirements of the Building Regulations. Promoting high levels of air tightness will both improve the energy efficiency of the buildings but also stop unwanted heat or hot air entering the building. To minimise overheating risk, it is recommended that the development incorporates natural/passive ventilation or energy efficient mechanical ventilation to provide comfort cooling to the units and its residents. This will increase the development’s resilience to overheating.
- 3.23 The use of ‘Sustainable’ materials such as recycled steel and aggregates which will help minimises the production of greenhouse gas emissions as will the

recovery and reuse of construction materials, and if possible re-use on site or use on other projects.

3.24 Green infrastructure includes the provision of green roofs for two of the apartment buildings, covering 50% of the roof space. These measures will also provide natural cooling and help to reduce the risk of overheating.

3.25 Policies ST02 and ST03 contain measures aimed at encouraging efficient water use. Water efficiency measures includes low water use sanitary appliances; optimising hot water use; dual flush toilets and within the residential gardens, water butts so that water can be stored and used, which reduces the demand on mains water.

3.26 In summary the sustainable specification could include the following range of measures:

- Cycle storage
- Electric charging points for electric cars to enable a full overnight charge
- Timber specification
- Rainwater harvesting
- Waste water heat recovery to showers
- Ground source heating
- District heating
- Solar panels
- High specification installation
- Solar shading
- High specification glazing
- Smart time and temperature controls to heated zones
- Lower U Values to external walling (0.20), Ground (0.12) and roof (0.11)
- Measured thermal junctions
- Low energy LED lighting

Layout

3.27 The design of the proposed development aims to create a clear distinction between private and public areas. The public realm has been designed to provide '*maximum wellbeing benefit*', with the provision of an enhanced riverfront pedestrian and cycle pathways. The design creates a safe, pedestrian friendly environment which maintains secure private gardens and public spaces which are well overlooked. The principles include:

- street frontage overlooking the public areas;
- boundaries to the gardens which front public areas to be solid walls;
- secure shed storage; and
- planting to public spaces to be low

Refuse

- 3.28 Refuse storage will need to accord with the NDC Design Guide on Refuse Storage for New Residential Properties. Details of the exact location of stores and collection points will be determined at Reserved Matters. Refuse storage will be provided on plot for the town-houses, and within the parking areas, on the ground floor of the apartment blocks. These collection points must be no further than 25m from the nearest point of access for the refuse vehicle.

Design of Temporary Gypsy and Traveller site/Events space/Long Stay Car Park

Events space

- 3.29 The proposed events space has been agreed in principle with Barnstaple Town Council and The Showman's Guild as the future location for the annual fair. The Barnstaple Town Council provided a Letter of Comfort dated the 21st April 2021 which confirmed that *'the area outlined on the attached plan is considered a suitable, alternative site for the Fair'*.
- 3.30 In respect of the consultation response of the Town Council that the license stated that there would be a site similar in size & suitability, the Head of Place, Property and Regeneration has advised *NDC continue to work with the Showmen in this regard. They have always been made aware that this site is smaller but have been working with them to ensure that the space available to them is maximised and that the entirety of the new car park and temporary toleration site is constructed to meet their full loading requirements. NDC have also been working with them and they have been working directly with the Mechanical and Electrical engineer to ensure that the lighting strategy will not impact upon their use of the space and that they have the required services needed to operate the fair.*

Temporary Transit Site

- 3.31 The temporary transit site (toleration site) will have a knee high fence around its perimeter and lighting is proposed as identified in the lighting strategy. The Designing Out Crime Officer has asked that *'consideration should be given to including a basic toilet and wash facilities block to reduce the burden on those of the Leisure and Tarka Tennis centres as currently happens and subsequently reduce demand on police resources called to deal with perceived incidents of anti-social behaviour at these locations'*. In response to this comment the applicant has advised that *NDC have experience in managing toleration sites and note the concerns raised by the Police and will seek to address them through liaison with our housing and property teams and residents of the site. As this only a temporary solution it would not be reasonable to require such facilities.*

Access

- 3.32 Access to the car park will be from the existing estate roads. Access to the toleration site will be via the main carpark which increases potential for conflict with motorists and pedestrians once the space is in use. There is potential for

conflict between motorists and residents children and animals and hence the design and management of the area is therefore critical.

Boundary treatments

- 3.33 The perimeter of the area will clearly defined with a knee high fence (0.9m high) as identified on the car park drawings. This will prohibit easy access to 'green areas' and allow for removal of a vehicle in an unauthorised area. Clear demarcation should encourage drivers and pedestrians to use only designated routes. There will be no barrier at the entrance due to the fair requirements. There is no lockable barrier to the existing long stay car park and NDC will manage this car park in the same way. The car park will be on the Parking order and we would use our security team to patrol the car parks, together with our CEO's, as with other NDC managed car parks.

Surfacing

- 3.34 The surface of the car park and toleration site/events space has taken into consideration the previous use as a landfill site. In order to cater for the existing ground conditions and loading requirements for the annual fun fair, the subgrade will be stabilised with a 450 mm depth Class 6F1 capping granular material with two layers of geogrids overlaid with 100 mm layer of Type 1 granular sub-base material. An impermeable membrane will be installed at formation level to prevent infiltration into groundwater. The proposed parking bay areas and gypsy and travellers toleration site/events space will be of a permeable construction with a 70 mm layer of 20 mm single sized chippings. The circulatory access routes within the car parking area will consist of a 70 mm layer of 20 mm DBM binder course. It will be important to ensure that any run off from this area is clean and does not negatively impact habitat.

Lighting and Services

- 3.35 The Mechanical and Engineering specification for the car park shows the services required by both the Fair and the temporary toleration site. Energy consumption will primarily be associated with lighting installations. Each of the fittings installed will be energy efficient LEDs with daylight sensors to prevent operation during daylight hours and only be used when required. This will help to minimise energy consumption and thus reduce the production of greenhouse gases. The lighting strategy has now been designed to ensure that the car park is adequately lit. In safety terms pedestrians want to see and be seen as they walk to and from their car. People can fear dark areas.
- 3.36 As this is an environmentally sensitive area the lighting needs to be such that the fear of crime and opportunities to commit offences is reduced whilst addressing ecological constraints (see below). It is recognised that minimising light spill onto ecologically sensitive parts of the site including bat corridors and the needs for car park safety will bring with them inherent conflict.

CCTV

3.37 CCTV will be installed. It is intended cover the whole of the car park and toleration site with a system of fixed or patrolling PTZ cameras to specialist contractor's selection. The Design and Build contract for the car park will require the engagement of a CCTV specialist to develop, design, supply, install, commission and set to work a complete CCTV system in accordance with BS 7958, BS 8418, BS 8495, BS EN 50131-1 and BS EN 50132-7. The current system maintainer for the Council is M+E Alarms of Barnstaple and the contractor will be required to speak with them in respect of the installation. The field of view shall be selected so that each camera has a clear view of the next with no gaps. This includes CCTV provision. The Pay and Display stations shall be viewable from a camera which may be either a fixed camera dedicated to the areas or a PTZ with a regular patrol to the Pay and Display machines. Cameras will be full HD 1080P and fitted with colour/monochrome switching to ensure image clarity under low light levels at night. The cameras shall also feature the "Starlight" functionality to enhance night and low light images.

3.38 The provision of CCTV is supported by the Designing Out Crime Officer

Electric Vehicle Charging Points

3.39 Contractors will be required to provide the ducting for EV chargers for the car park. Provision for the installation of electric vehicle charging points is still being investigated in accordance with the Travel Plan, developed by Hydrock. The EV points themselves will be supplied separately. This is a car parks management issue. The layout allows for EV charging points which will enable their future delivery. This matter is within the control of NDC as car park operator.

Landscaping

3.40 Park Mark Safer Parking Scheme is a Police Crime Prevention Initiative (Police-CPI) which is aimed at reducing both crime and the fear of crime in parking facilities. The Designing Out Crime Officer recommends that all landscaping, including that on pedestrian access routes, should be maintained to ensure hedges and bushes do not exceed one metre, and trees should be pruned of any branches below 2.5 metres. Sight lines should not be obscured, where new planting is under taken care should be taken to select shrubs that have low natural growth characteristics. There will be no landscaping within the car park itself.

3.41 Landscaping is however required around the site edges for biodiversity and setting issues and again a balance will need to be reach between ensuring the public are safe but that ecologically sensitive areas are well screened from activities and to prevent ingress into such areas by using dense planting/prickly species. A detailed landscaping scheme will be required along with a Landscape Management Plan (LEMP) to support this full application.

Conclusion

- 3.42 The design measures set out above have responded to the comments raised by consultees and will provide a suitable replacement space for the long stay car park, temporary toleration site and event area with minimal environmental impact subject to appropriate management and conditions.

4. Amenity

- 4.1 Policy DM01 of the NDTLP requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses (which in this case is primarily commercial), future occupiers, visitors to the site and any local services.
- 4.2 In terms of neighbouring residential amenity, such as the ability for dwellings to be delivered whilst preventing any overlooking, overbearing impact or loss of light, given the separation distances involved to the nearest existing neighbour, it is considered that dwellings can be delivered on this site whilst maintaining appropriate amenity to existing dwellings in the area, therefore in compliance with Policy DM01 and through appropriate design DM04 of the NDTLP
- 4.3 Policies DM02 considers atmospheric pollution and noise and DM03 considers Construction and Environmental Management of development.

Air Quality

- 4.4 The site is not located within an Air Quality Management Area (AQMA). There are however several residential properties within 350 m of the proposed site. Chapter 7 of the ES indicates that there is the potential for impacts on local air quality during both the construction and operational phases of the proposed development. During the construction phase, there is the potential for impacts to occur as a result of dust and PM10 emissions (PM10 describes inhalable particles, with diameters that are generally 10 micrometers and smaller).

Construction Phase

- 4.5 The route of the construction traffic is assumed to be via the A3215. The impact of 'track-out' has been considered for a distance of 500 m from the site entrance. There are several sensitive receptors (dwellings) along the roads within this distance, therefore, the sensitivity of the area to impacts from trackout is considered to be **high** for dust impacts and **low** for human health impacts.
- 4.6 The existing leisure centre is primarily brick built with a volume of between 20,000 m³ and 50,000 m³. The magnitude of the dust emission for the demolition phase is therefore considered to be **medium**. Earthworks will primarily involve excavating material, haulage, tipping and stockpiling, levelling and landscaping. During earthworks, there is likely to be a number of heavy duty vehicles on site at any given time. The magnitude of the dust emission for the earthworks phase is therefore considered to be **large**.

- 4.7 Dust emissions during construction will depend on the scale of the works, method of construction, construction materials and duration of build. Main construction materials will be brick and timber, which have a **low to moderate** potential for dust release with the dust emission magnitude is considered to be **medium**. The number of HGV movements (leaving the proposed development site) is likely to be between 10 and 50 per day, therefore, dust emission magnitude due to trackout is considered to be **medium**. The ES recommends a **Dust Management Plan (DMP)** to be approved prior to commencement of any work on the site. This should include the 'Highly Recommended' Measures plus desirable measures set out in the ES. This will be secured as part of the CEMP.
- 4.8 The ES concludes that *'After the implementation of the mitigation measures listed above, the impact risk for each stage of the construction programme will be reduced and the residual significance of impact for the construction phase is expected to be **Negligible**'*. With adequate controls over construction, this conclusion is accepted.

Operational Phase

- 4.9 The results of the detailed modelling assessment predict a **Negligible** impact on local NO₂, PM₁₀ and PM_{2.5} concentrations. No mitigation measures during the operation of the proposed development are considered necessary in the ES. This conclusion is accepted.

Conclusion Air Quality

- 4.10 Through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter releases may be effectively mitigated and the resultant impacts are considered to be **Negligible**. Future occupants of the proposed development would not be exposed to pollutant concentrations above the relevant objective levels, therefore, the impact of the proposed development with regards new exposure to air quality is considered to be **Negligible**.
- 4.11 With adherence to the CEMP (which will include a Dust Management Plan), EH agrees with the findings and recommendations of the Air Quality Impact Assessment.

Noise

- 4.12 Chapter 13 of the ES deals with Noise and Vibration. Existing noise conditions were determined by an environmental noise survey conducted between 28th and 30th May 2019 on the roof of the existing leisure centre. The noise levels have been predicted across the application site for the year 2024.
- 4.13 This is a Town Centre location where noise levels can be expected to be higher. The calculated noise contours indicate that ambient noise levels at all proposed properties would exceed the BS 8233 criterion noise levels within habitable rooms with windows partially open during both daytime and night time periods, therefore, windows would need to remain closed in order to achieve the criteria. Mitigation is

therefore requires such as the use of acoustic air bricks, trickle ventilation and mechanical ventilation. Any passive or mechanical system should allow for sufficient airflow whilst maintaining the integrity of the façade with regard to noise insulation. The specification of the glazing should be selected with consideration to the required façade reduction. When relying on closed windows to meet noise criterion, acoustically treated ventilation should be provided to habitable rooms. The windows should be openable such that the choice of meeting the internal noise levels is provided to the occupants. It should be noted that the sound reduction performances detailed above apply to habitable rooms, such as living rooms and bedrooms, only. For non-habitable rooms, such as kitchens, bathrooms, stairways, halls, landings etc, lower acoustic performance glazing configurations are permissible. The use of such measures would need to be demonstrated at the design stage.

- 4.14 Amenity areas at the closest properties to the road are calculated to fall below the upper guideline value provided by BS 8233. Boundary fences at these locations should comprise a suitably dense continuous construction in order to ensure suitable ambient noise levels are achieved.
- 4.15 The construction noise and vibration predictions have been undertaken for the noisiest construction phases to provide assessment levels at the nearest noise sensitive receptors. The highest noise levels are from plant usually associated with earthworks, piling, concreting, road paving and general construction site activities. Façade noise levels for the nearest existing noise sensitive locations are predicted to achieve the target criteria for all construction related operations due to the intervening distances. General measures to control construction noise and vibration will be incorporated within the Construction Environmental Management Plan (CEMP).
- 4.16 Again EH concur with the findings of the report with mitigation being the CEMP and they recommend that any reserved matters application include details of noise mitigation for proposed dwellings and outside amenity space in accordance with the recommendations of the Chapter 13 noise and vibration assessment further details be provided at reserved matters stage in relation to the potential for noise from the new leisure centre / swimming pool to the south of proposed dwellings and from commercial properties to impact the detailed proposals

Construction Management

- 4.17 Chapter 6 of the ES details that a Construction Environmental Management Plan (CEMP) will be prepared for the construction phases of the proposed development. The ES advises that Mitigation measures are required to reduce as far as possible the impacts the proposed development will have on noise, vibration, dust, pollution and climate change.
- 4.18 The Full application will require its own site specific CEMP which can either be secured by condition or submitted whilst the s106 is being resolved to ensure that the full application can proceed without the need for a discharge of the recommended condition.

5. Heritage Assets

- 5.1 Chapter 8 of the ES refers to Archaeology and Cultural Heritage Policy DM07(1) requires a Heritage Assessment (Prepared for RMA Environmental 29th March 2021) to enable the impact of the proposal on the significance of the heritage assets and their setting to be properly assessed. All issues around any potential impact on the designated heritage asset should be considered against Policies ST15, BAR13 and DM07.

Listed Buildings

- 5.2 When considering granting planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.
- 5.3 Listed Buildings on this side of the river include Halfords (the Old Slaughterhouse) (Grade II), located 70 m south-west; Oliver Buildings at the Former Shapland and Petter Factory (Grade II), located 130 m south-west and Long Bridge (Grade I) located 85 m north.
- 5.4 The ES considers that the existing Leisure Centre is within the visual riverside setting of listed buildings which when built had views over the river into countryside beyond. Given the change to this original historic context, it can be concluded that the existing Leisure Centre and associated car park have a negative effect on the setting and resulting significance of these listed buildings. However, this negative effect is partly mitigated by the below tree level height of the existing Leisure Centre and the trees lining the riverbank.
- 5.5 The proposed mass and height of the proposed development will not compete with, overwhelm or dominate the riverside outlook from any of the listed buildings, with the possible exception of the grade I listed Long Bridge. The setting of the grade I listed Long Bridge will be changed by the proposed development largely due to the increase in height at the northern end of the proposed development.
- 5.6 Similarly, the setting of the grade II listed buildings along Taw Vale will be changed by the mass of the proposed development. The magnitude of change is considered to be **minor adverse** and the overall effect of the proposed development upon the significance of these listed buildings is predicted to be **Minor Adverse** or, in accordance with the criteria in the NPPF, less than substantial.

Conservation Areas

- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority in respect of conservation areas in exercise of planning functions. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 5.8 The site lies within the setting of the Barnstaple Town Centre Conservation Area which is both to the north and to extending over the grade I listed Long Bridge into land directly opposite to the north and west of the site. The existing Leisure Centre is visually prominent from Taw Vale and is considered to have a negative effect on the setting and resulting significance of the conservation area when viewed from Taw Vale. The views into the site are partly mitigated by the trees lining the riverbank. At the north-eastern end of Sticklepath Hill the view is dominated by a road junction leading to Long Bridge and the grade II listed warehouse known as the Old Slaughterhouse, now used by Halfords, with the grade II listed Oliver Buildings opposite. The southern part of the site is well screened from the conservation area. The Conservation Area contains numerous listed buildings quoted above and several listed buildings close to the opposite riverbank. Museum of North Devon; the Imperial Hotel; nos. 1 & 2 Taw Vale Parade; nos. 3-11 Taw Vale Parade; and three houses known as Riverside, Beachcroft and Riversvale.
- 5.9 The Newport Conservation Area is located directly south of the Town Centre Conservation Area and directly opposite the site. The leisure centre can be seen in a view looking north-west from the riverside edge of the designation and the car park to the south of the leisure centre is also visible through the screening provided by the trees lining the Seven Brethren riverbank. The same view includes the grade I listed Long Bridge. The Leisure Centre whilst screened has a negative impact on the riverside setting of the Conservation Area. This Conservation Area also contains numerous listed buildings including a grade II listed war memorial close to the river frontage.
- 5.10 Four wireframes were taken in May 2019 allowing a comparison of existing and predicted views. The proposed development will change views from the western edge of the Barnstaple Conservation Area and the riverside outlook from the Newport Conservation Area. The predicted views shown in the wireframe shows that there will be an increase in mass and height (which will be in the region of 3m) compared to the existing Leisure Centre. The proposed increase in height will also be noticeable from the riverside portion of the Newport Conservation Area including Taw Vale. The proposed mass and height of the proposed development will not compete with, overwhelm or dominate the riverside outlook from the conservation area. However, given the increase in the built riverside mass of the proposed development and the increased height at its northern end the overall effect on the significance of the conservation area from the riverside portion of the conservation area is predicted to be at the very low end of less than substantial.
- 5.11 The ES concludes that it will not compete with or overwhelm the existing riverside outlook from the Conservation Area but the magnitude of change is predicted to be minor adverse. With appropriate design could instead result in a positive effect. This will be further discussed below.

Archaeology

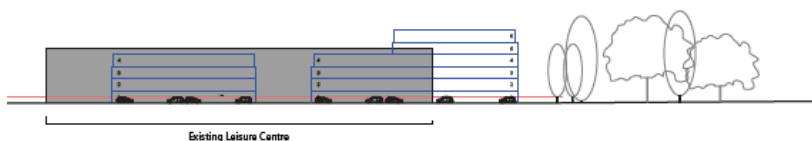
- 5.12 The site is located away from known historic centres of settlement and outside the core of the medieval town. A Desk Based Geo-Archaeological Deposit Model produced by Oxford Archaeology (May 2019) concludes that the geology beneath the site has limited potential to preserve significant paleo-environmental remains.

Due to the dynamic nature of the river system and the presence of meandering tidal channels, it is considered that much of the floodplain beneath the site is likely to have been significantly reworked and the potential for the preservation of extensive in situ archaeological remains is considered to be low.

- 5.13 It is highly unlikely that the site contains evidence for prehistoric, Romano-British, early medieval and medieval activity. Any evidence of agricultural activity is likely to have been destroyed by groundworks required for the Leisure Centre, flood defences and car parks or will be deeply buried under landfill.
- 5.14 The overall archaeological potential of the site is therefore considered to be low and of **neutral to low** significance. The overall magnitude of change caused by construction groundworks is considered to be neutral and the overall effect of the scheme upon the significance of archaeological deposits is predicted to be **Negligible**.

Heritage Conclusion

- 5.15 The Conservation Officer is of the view that *'It is not possible to say to what degree significance will be affected without seeing detailed designs'*. The Conservation Officer considers that consistently high storey height across the scheme is likely to have a detrimental effect. The Leisure Centre may not be considered to enhance settings, but it is at least a compact building, and the riverside walk to the south, and car park to the north are well provided with trees and green spaces, which have preserved something of the pastoral nature of this side of the river (and thus make a positive contribution to the setting of the various heritage assets). Nearby buildings are some distance away. If the river frontage is built up with 5 and 6 storey buildings, then this will change the character of this area quite significantly, and the settings of the various heritage assets will be affected as a result.



- 5.16 The Conservation Officer advises that *'Consideration may need to be given to stepping back the building heights, inserting meaningful green wedges into the scheme, and providing a pleasant, welcoming and green-edged riverside walk, which should help to soften the development and maintain something of the existing informal character'*.

- 5.17 The Applicants response to the Heritage Comments is copied below in full:

The scale and height of the existing Leisure Centre was considered in terms of choosing the appropriate scale and massing for the two northern apartment buildings. The section shows the height and mass of the existing Leisure Centre and the proposed new buildings. The 6 storey element is not hugely higher than the height of the existing Leisure Centre. The proposed

two apartment buildings will enhance the setting of the area, especially the view from Taw Vale across the river, as the current existing Leisure Centre is a large voluminous building, the proposed apartment blocks are two separate buildings, similar in length to the runs of town houses at Taw Vale.

From the east of the scheme (the Taw Vale side of the River Taw) the apartment buildings will read as almost a storey less, this is due to the existing ground levels and proposed flood defences. The 6 storey element marks the gateway in to Seven Brethren. A key design principle within the proposals is to form a transition between the more dense town centre to the north and open countryside to the south of the scheme along the river Taw towards Bishops Tawton.

The buildings will be set back behind existing trees with a substantial offset from this landscaped edge, preserving the informal character of this side of the river. The scheme intertwines large open spaces (green wedges) between the development blocks.

The Architectural Design Principles - Section 6 within the Design and Access Statement, details the architectural approach which strongly draws inspiration from the surrounding heritage assets. These principles sets out plot parameters for height, scale and massing, colour palettes, roofs, doors and windows and landscaping, all influenced by the surrounding historic context. The content of the future Reserved Matters Planning Application will be expected to demonstrate how the proposal accord with these architectural design principles.

- 5.18 The key test in NPPF paragraphs 194-196 is whether a proposed development will result in substantial harm or less than substantial harm. Paragraph 196 states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.
- 5.19 The reserved matters will still need to address the impact on heritage assets and show that the design measures have considered the setting of heritage assets. With reference to the above it is considered that a detailed scheme can be delivered which will result in less than substantial harm to heritage assets and that this level of harm would need to be considered in the planning balance.

6. Townscape & Landscape

- 6.1 Chapter 12 of the ES deals with Townscape and Visual Amenity. The site is currently dominated by the existing Leisure Centre, car parks and events space. The construction of floodlit all-weather pitches and new Leisure centre to the east provide what the ES describes as the formal sporting character of the landscape. This however only relates to a small part of Seven Brethren which should be better characterised as an urban edge of mixed commercial and leisure uses.

- 6.2 As set out above a significant scale of development is proposed which will change the character of this part of the riverfront. Some elements of the two apartment blocks will be taller than the existing leisure centre, but the massing of the blocks could be better articulated to reflect the shape of the site. The comparatively low-rise development (3 storey) of town houses will be in scale with the properties along Taw Vale and will be largely screened by either retained tree cover along the river, the enhanced flood embankment and new tree planting. The format of terraces fronting the waterfront will echo that of the terraces within the conservation area on the opposite side of the river.
- 6.3 A number of trees will be removed along the riverbank, primarily to adjacent to the current leisure centre, to allow the construction of enhanced flood defences, including an emergency escape route.
- 6.4 The construction of the new Leisure Centre is not particularly prominent from the far side bank when the deciduous vegetation is in leaf. The ES concludes that it will be possible to view construction activities and the resultant development from Taw Vale, Long Bridge and Seven Brethren Bank and the loss of some of the trees will be noticeable, particularly those adjacent to the leisure centre car park. The construction of the flood defence works will also be noticeable, as they run along the riverbank. The magnitude of change will be **High**, and the sensitivity of the viewer will range from **Low** in the west to **High** north and east of the site, resulting in an overall **adverse**, effect on visual amenity of **Moderate to Major** significance. The residual effect of the construction works on townscape character will be **Adverse of Minor significance, Temporary and Local**.
- 6.5 Effective landscaping will be required in mitigation.

Long Stay Car Park

- 6.6 In respect of the Car Park within the southern area of the site the magnitude of change will also be **High** and the sensitivity is **Medium**, but the conversion of some of the area of semi-natural scrub to a car park and traveller's site is considered to be detrimental in terms of landscape character, resulting in an adverse effect of **Major - Moderate** significance. To mitigate this, landscape buffers will be planted around the boundaries of the car park to screen the vehicles. The residual impact on townscape character to this part of the Site will be **Moderate adverse**. Again effective landscaping and management of this area is required in mitigation and will need to be secured by conditions.

Landscape

- 6.7 The Leisure Centre site adjoins the undeveloped part of the Coastal and Estuarine Zone where Policy ST09 should be considered. The most significant landscape feature of the site is its riverside setting, with the Barnstaple Long Bridge forming a landmark to the north and the railway bridge of the former Ilfracombe Branch Line (now pedestrian cycle crossing) to the south. The inter-tidal marsh along the frontage with the fringe of mature trees along the riverbank is an attractive feature and is important to the setting of the site.

- 6.8 The trees along the river edge form an important part of the area's landscape character, and therefore should be mostly retained. A group of valuable trees are the London Planes located south of the existing Leisure Centre. It is planned for these trees to be retained with an open space, which will form a gap between the apartments and townhouses
- 6.9 Arboricultural Constraints Appraisal Ref: TH/A345/0519 dated 05/06/19 contains an Optimised Tree Constraints Plan. The reserved matters should seek to incorporate these trees into the overall site layout, noting their rooting, canopy and shade extents which are likely to limit the proximity of future structures, particularly new dwellings. It may be necessary to remove some trees due either to their condition or construction constraints. Residential use will put pressure on these trees for thinning to allow improved visibility of the river in areas where there are dense groups of trees. Whilst some pollarding, crown reduction and shrub removal will be required, the removal of a few trees should be limited to that required to deliver the associated site works, such as the flood defences.

Figure: Landscape Strategy Plan



- 6.10 The saltmarsh, broad-leaved woodland and mature trees within the site that are of local importance will be retained and protected as far as possible and a retained and enhanced ecological buffer will be provided, maintained and enhanced along the western and southern boundaries of the southern area of the site. This will help to enhance the current areas of grassland landscape setting and safeguard ecological habits (see below). The Landscape strategy will need to inform the reserved matters, of which landscaping is one. Tree protection conditions are also recommended.

7. **Ecology**

- 7.1 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 2017 (Habitats Regulations 2017).

- 7.2 Chapter 10 of the ES deals with Ecology and Nature Conservation. All issues around ecology should be considered against ST14 and DM08
- 7.3 There are no environmental features within the application boundary which have a statutory environmental designation. The site lies within the Impact Risk Zone (IRZ) of both Taw-Torridge Estuary and Bradiford Valley SSSIs which lie within a 2 km radius of the site:
- the Taw-Torridge Estuary SSSI is located around 550 m north-west of the site at its nearest point, downstream of the section of river adjacent to the site and was designated due to its importance to overwintering birds, populations of migratory birds and presence of rare plants; and
 - Bradiford Valley SSSI is located around 1.8 km north of the site and was designated for its ancient sessile oak woodland and the presence of over 50 breeding bird species.
- 7.4 The site also lies within the Zone of Influence (ZOI) of Braunton Burrows Special Area of Conservation (SAC).
- 7.5 The Bishop's Tawton Saltmarsh County Wildlife Site lies 80 m south-east and comprises saltmarsh, semi-improved grassland, watercourse and species-rich hedgebank. The site as a whole is assessed as being of ecological importance at a Local level.
- 7.6 The application is supported by:
- Preliminary Ecological Appraisal 5th July 2018 Project Number:RMA-C1843
 - Bat Activity Survey Report No: 18/3341.01 Date: May 2019
 - Preliminary Bat Roost Assessment October 2019
 - Dormouse Survey August 2018 - May 2019
 - Breeding Bird Survey Report No: 18/3341.03 Date: August 2019
 - Winter Bird Survey Report No: 18/3341.05 Date: June 2019
 - Reptile Survey Report No: 18/3341.04 Date: May 2019
 - Assessment of invertebrate fauna at Seven Brethren, Barnstaple – 2018-19 DC Boyce Ecologist May 2019
 - Botanical Survey Report No: 18/3341.02 Date: June 2019
 - Botanical Monitoring Report Ref: SET1900_05: June 2021
 - Bat Surveys April - October 2021 Report Ref: SET1900-06 dated 26/10/21

The final bat transect survey was undertaken on the 13th October. The results of the surveys have been fairly consistent to those of 2018. Given the results the recommendations within the ES chapter will remain the same. These found:

Bats

- 7.7 Five bat species utilising the site (common pipistrelle, soprano pipistrelle, long-eared species, Myotis species and greater horseshoe bats). The ES and Species Surveys conclude that the loss of foraging habitat used by moderate to high level of bats would be permanent and not reversible effect. There will be a significant adverse effect at the Local level.

Mitigation

- 3.25 ha of new and enhanced 'wildlife-friendly' habitats informed by recommendations in the ecology reports
- 16 bat boxes (Schwegler 2FN, Schwegler 2F and wooden Kent bat boxes are recommended) to be provided in advance of any felling to compensate for the loss of eight street trees and those within the tree groups with low bat roost potential.
- Detailed lighting design would also be required
- The design of the housing in the northern extent of the site will include consideration of the retained eastern boundary. Careful design of building layout will reduce internal light spill from the proposed new buildings onto the retained corridor. The corridor will be buffered by the positioning of garden areas adjacent to the retained vegetation and further buffer planting will be included where necessary.
- Where street lighting is required, the Devon County Council 'part night' lighting will be adopted in order to minimise the impact of street lighting on commuting/foraging bats.
- the lighting strategy for the proposed car park and this strategy will need ensure this dark western corridor is maintained
- Bat activity monitoring of the site, commencing in the year following completion of the development, will be undertaken in order to assess whether the mitigation has been successful and inform any future recommendations, if appropriate

With mitigation the residual impact on bats would be would be negligible / minor positive

Birds

- 7.8 Thirty bird species were recorded during the survey visits including four RSPB Red listed species, eight RSPB Amber listed species and the Kingfisher which is a specially protected schedule 1 species. Breeding territories were primarily associated with the woodland, scrub and mature trees on the western and eastern site boundaries.
- 7.9 Eighteen wetland and wildfowl species were recorded during the survey. These included blacktailed godwit, lapwing and herring gull which are red list species. It is considered likely that the importance of this site is limited in the context of the main estuarine habitats and Site of Special Scientific Interest (SSSI) downstream. No wetland and wildfowl species were observed roosting or foraging within the remainder of the development area.

Mitigation

- 3.25 ha of new and enhanced habitats which should concentrate on enhancing habitat links with the existing vegetation present along the adjacent railway line embankment. Additional planting along the Tarka Trail on the eastern boundary would enhance habitat structure and buffer the adjacent saltmarsh and estuary habitats
- 20 bird boxes would be provided to compensate for the loss of nesting bird habitat and to provide a more immediate resource for nesting birds prior to the maturation of new planting
- Scrub and tree removal works will need to consider the presence of nesting birds. Removal of this type of vegetation should ideally be undertaken outside of the bird nesting season
- visual screens such as close-board fencing or Heras fencing with mesh should be used to minimise visual disturbance during any construction activities carried out immediately adjacent to the identified roosting areas between September and March (inclusive)
- It is further recommended that site design includes buffer planting and fencing along the Tarka Trail in order to limit public access to the saltmarsh area and minimise disturbance from dogs

With mitigation it is likely to be an insignificant effect in the long-term

Other

- 7.10 Slow worms and common lizards were recorded throughout this area. No reptiles were recorded.

Mitigation

- Translocation of species where identified
- Recommendation re habitat clearance methodology and timings
- Creation of refuges and over-wintering sites. Five reptile hibernacula will be constructed on the periphery of the retained marshy grassland to compensate for the loss of suitable refuges for reptiles.

As above the loss of habitat would be permanent and not reversible but with the provision of new and enhanced habitats included as part of the landscape scheme, it is likely to be an insignificant effect in the long-term.

- 7.11 There was no evidence of dormouse on site. Overall the invertebrate fauna is assessed as being of no more than local importance for invertebrates. The reports also consider the suitability of the site for badgers, otters, hedgehogs and other amphibians but makes no specific recommendations other than the CEMP and LEMP.

Habitat

- 7.12 The northern area comprises the existing Leisure centre, hard-standing (car parks), bare ground, grassland and trees. The hard-standing and bare ground towards the south is bounded and segmented by trees. The northern area is bounded by a narrow strip of grassland and a tree line to the north and east, beyond which lies the Taw Estuary and associated marginal habitats. To the west, the area is bounded by a road and industrial buildings and to the south it is bounded by the Tarka Tennis Centre. The southern area comprises an area of grassland, scattered trees and a small area of woodland. There is likely to be some connectivity to other habitats via the estuary, the railway line and the road verges of the A361. The indicative site layout retains and making best use of existing hedge / tree boundaries to accommodate development which is welcomed particularly as all boundaries form a 'key network feature' within the wider biodiversity network as identified within the document 'Identification of Local Nature Conservation Sites and Biodiversity Networks in North Devon' by the Devon Biodiversity Records Centre (June 2001).
- 7.13 The site is characterised by a number of tree lines, including those which have clearly been planted for amenity purposes and those with a more semi-natural element.
- 7.14 A total of 59 plant species were recorded within the survey area. The northern half of the marshy grassland area was considered to be the most botanically valuable area containing a diversity of species including the southern marsh orchids. **Southern marsh orchids** are not specifically protected but are of intrinsic value within the landscape and are difficult to seed within a landscaping scheme. It is therefore recommended that the existing colony is maintained within the site. Orchids grow in turf through the development of rhizomes and therefore in order to maintain the population within the site sections of turf can be translocated to areas of post-development landscaping. It is recommended that a receptor area is created for the orchid turfs along the western site boundary.
- 7.15 As set out in the ES, the botanical survey has been completed and whilst a greater number of species were recorded than in 2019, the value of the habitats present remains the same, and the continued presence of southern marsh orchids across the site indicates the soil remains wet and habitats are fairly undisturbed and no significant changes have been recorded as per the original results set out in the Ecology ES Chapter
- 7.16 The landscaping strategy for the proposed development will create opportunities for enhancing biodiversity as well as the safeguarding of biodiversity and retention of trees as far as possible. The landscaping strategy includes planting more trees, hedgerows, plants and large areas of grassland. There will also be an ecological buffer along the western boundary of the proposed car parking and the marshy grassland will be retained where possible. The increased quantity of planting through offsite enhancements and habitat creation will improve the soil structure and also increase the uptake of carbon dioxide (as well as other pollutants) by the plants, thus reducing greenhouse gas emissions.

Ecological Mitigation

- 7.17 Ecological mitigation has been built into the design through retention of the habitats of greatest interest particularly the site boundaries comprising broad-leaved woodland, marshy grassland and tree-lines. Retained and new habitats will be subject to a Habitat Management Plan (HMP). The HMP will include measures to be implemented on site to maintain and enhance the ecological value of retained and created habitats. The HMP will outline both capital and ongoing management prescriptions for the site. If adhered to, the HMP will reduce the risk of neglect and cover areas including litter, thereby limiting effects of habitat degradation to a negligible level during its implementation period. Litter will be minimised through education of the public and through law enforcement relating to removal of dog faeces and litter in public open spaces. The relationship of ecological sensitive areas to the transit site needs to be recognised within the HMP.
- 7.18 The Landscape and Ecological Management Plan (LEMP) will be produced, comprising specifications for creation and management of habitats in line with BS 42020:2013. The LEMP will include but not be limited to the following:
- Details of features to be managed including retained and new habitats, planting specifications and specific management objectives (amenity grassland, amenity planting, trees, artificial structures (bird and bat boxes))
 - Management prescriptions (i.e. management timings and frequency, avoiding use of chemicals, sensitive timings with respect to birds, litter checks, maintenance of boxes etc.)
 - Who is responsible for management (i.e. management company)
- 7.19 The application states that the Landscape Strategy Plan & Habitat Management Plan (HMP) will be developed at the operational phase. This should have been submitted at the planning application stage because they contain key information regarding ecological mitigation, as well as climate resilience. In addition, considering Biodiversity Net Gain requirements, we would expect the HMP to extend to 30 years. Whilst the submission of these plans is conditioned, it would be desirable for the one supporting the Full Application to be submitted whilst the s106 is being prepared

Net Biodiversity Gain

- 7.20 Policy BAR: Barnstaple Spatial Vision and Development Strategy "...provision of accessible natural green spaces to enhance the green infrastructure network adjoining the Taw estuary to deliver a net gain in biodiversity and provide betterment in addressing flood risks by reducing rates of surface water runoff...".
- 7.21 Paragraph 6.5 of the Local Plan states that 'all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support 'biodiversity offsetting' to deliver a net gain in bio-diversity off-site'. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. Anticipated biodiversity net loss or gain across the site has been calculated

through use of the Biodiversity Metric 2.0 Beta Version (Natural England, 2019) and in consultation with North Devon Council and RMA Environmental.

- 7.22 The development will result in a loss of 0.24 ha (54%) of broad-leaved woodland on-site. This loss, if unmitigated, would be an adverse effect. The effect would be permanent and not reversible. There will be a significant adverse effect at the Local level
- 7.23
- 7.24 The development will also result in the loss of 0.57 ha (58%) of marshy grassland on site. This loss, if unmitigated, would be an adverse effect. The effect would be permanent and not reversible. There will be a significant adverse effect at the Local level.
- 7.25 Approximately 0.08 ha (33%) of street trees (ornamental) and 0.21 km (22%) of tree-lines (estuary) will also be removed to facilitate development. This loss, if unmitigated, would be an adverse effect. The effect would be permanent and not reversible. There will be a significant adverse effect at the Site level.
- 7.26 On-site, areas of open space have been incorporated within the scheme design comprising a native planting buffer (0.18 ha), structure planting (0.08 ha), gardens/communal gardens (0.64 ha), river edge (0.74 ha) and amenity parkland (0.32 ha). Provision of extensive green roofs has also been incorporated (0.1 ha) to maximise biodiversity. Areas of wildflower planting will be provided particularly within the amenity parkland areas comprising native species of known benefit to wildlife.
- 7.27 Looking at the on-site provision against the losses there will be a net gain of 0.27 biodiversity (area) units on-site (1.6% net gain in area units which is 8.4% below the 10% net gain) and a gain in 1.43 hedgerow/linear units (49% net gain which is above 10% net gain and hence no additional compensation is required).
- 7.28 Unavoidable loss of these habitats will be compensated for with off-site habitat creation and management to enable a 10% net gain in biodiversity and linear features (hedges and tree lines). The off-setting will comprise creation of an area of broad-leaved woodland (at least 0.24 ha), marshy grassland (at least 0.57 ha), wildflower meadow and scrub habitat (at least 0.26 ha) in order to compensate for habitats lost and aim to achieve a 10% net gain in biodiversity across the site.
- 7.29 Sufficient areas for off-setting have been identified by North Devon Biosphere in the Penhill area (3.96 ha of grassland with hedgerows along the boundaries as viewed on aerial images, located approximately 4 km west of the site); where riparian woodland is proposed in the Venn and Landkey Streams. North Devon Biosphere is also looking for sites to restore or create marshy grassland in response to sea level rise taking some of the existing marsh areas likely to be upstream on the Taw Valley. North Devon Biosphere have agreed to provide costs and a letter of commitment to create marshy grassland, woodland and scrub habitats.
- 7.30 The EA have specifically commented that:

The proposal will result in the loss of 0.57ha of marshy grassland, assessed as of Local value for its floral interest and County value for its invertebrate interest. The survey and assessment suggest that the site could meet County Wildlife Site standards, potentially protecting the site from development. Although there is intention to retain part of the site as marshy grassland and to relocate the Southern Marsh Orchids, any potential changes to hydrology, as well as run-off from the new car park, will likely degrade the habitat in time. Off-site compensation is proposed, and the relocation of the Southern Marsh Orchids to the 'new' marshy grassland site, should be explored. In addition, the Biodiversity Calculation needs to be amended to reflect the fact that the loss of marshy grassland will be compensated for OFF-SITE and not on-site. The revised calculations for loss of habitat, and off-site compensation, will likely result in the need for a greater area of habitat restoration/creation than that currently calculated. We advise that the Biodiversity Calculation for all habitats is revised to reflect off-site compensation before full planning permission can be approved.

- 7.31 In light of the above the Biodiversity Calculations for offsite habitat compensation will need to be checked. There is also a lack of detail relating to the BNG commitment here, with no assessment of the off-site baseline and advise that this aspect of the application is reviewed, with more detail submitted to inform the proposal and to ensure delivery of 10% BNG. Delegated authority is sought to address this.

Ecological Disturbance through Noise, Vibration, Lighting and Construction Activities

- 7.32 The degradation of Bishop's Tawton Saltmarsh CWS, which is located 80 m south-east of the site, is not anticipated through dust emissions or surface water runoff during construction. The anticipated noise levels associated with the Taw-Torridge Estuary SSSI during construction are more than 10 dB below the measured ambient noise level and are therefore unlikely to increase the ambient noise level.

- 7.33 A Construction Environmental Management Plan (CEMP) will include methods of working to minimise the likelihood of damage to retained and adjacent habitats and species:

- Heras-type fencing around the construction boundary,
- Tree root protection zones,
- Invasive species infestations,
- Dust and run-off prevention and pollution prevention and control methods.
- Measures to protect species such as a sensitive lighting strategy, closure of open trenches overnight (or provision of escape routes) and litter prevention.
- measures to control construction noise during works such as using 'silenced' plant and equipment where possible, use of screening and acoustic enclosures where possible and operating plant at low speed as detailed within the Noise and Vibration Chapter 13. Such measures would only be needed during bird migratory/ winter periods.
- Construction works between April and September will be restricted to daylight hours and avoid the use of construction lighting.
- Construction activities will be restricted to daylight hours during the active season when bats are not active.

- The provision of an Ecological Toolbox Talk

Lighting

- 7.34 A sensitive lighting strategy will be implemented for the operational phase of the proposed development to ensure that retained and new habitats remain suitable for bats. Reference will be made to current guidance (Institution of Lighting Professionals, 2018), but, in general, lighting will be minimised, directed downwards and away from suitable habitat, particularly the site boundaries, the vegetation associated with the Tarka Trail and the River Taw. Implementing a sensitive lighting strategy is likely to limit residual effects to being significant at no more than a Site level, i.e. not significant overall.
- 7.35 The north site and its immediate area is well lit light, including streetlights, car park lighting, lighting associated with the NDLC, Tarka Tennis (including exterior floodlighting to tennis courts) and the retail parks. The internal lights within the NDLC are also prominent from Taw Vale.
- 7.36 With use of modern light fittings appropriately located and orientated it should be possible to reduce the amount of obtrusive light and these measures are set out within the lighting strategy section. The lighting for the area shall not exceed the required limitations of ILP Environmental Zone E3, but ideally should achieve Zone E2. For ecological reasons, it will be important to maintain low lux levels along the riverbank, but since the riverside walk will be behind the proposed flood embankment, this should not be an issue.
- 7.37 The proposed townhouses will be lower than the trees and so the trees and embankment will substantially shield the river from the light sources. The main light source from the townhouses will be internal lighting from windows and only when they are unshielded by blinds or curtains, and this will result in far lower lux levels externally compared with the existing car park lighting and lighting from moving cars. While there will be parked cars and street lighting within the proposed development, these lights will be largely screened by the townhouses and the light source from the new streetlights will have far better control, shielding and cut off than the existing lighting
- 7.38 To minimise adverse effects on visual amenity and wildlife the following strategy is recommended:
- use appropriately designed luminaires. Use louvres and shields to prevent undesirable light break-out;
 - lighting should be directed so it does not intrude (or spill) outside of the immediate working area, particularly along the riverbank;
 - preference should be given to several, lower lighting units rather than tall, wide beam lighting units to illuminate large areas as it will limit light intrusion, glare and sky glow from the plant;
 - lighting should be reduced or switched off when not required for safety purposes. Security lighting should be kept at the minimum level needed for visual and security protection;

- the use of infra-red floodlighting and CCTV systems should be used for security to reduce the need for visible lighting outside working hours, and
- avoid working in the hours of darkness whenever practicable

- 7.39 The most significant change in the lit environment will arise from the installation of lighting within the long stay car park and gypsy and travellers site/event space (when in use) since this is currently an unlit area of scrub. Lighting in this area will be seen in the context of the existing lighting associated with the AGP. While the light levels within this area will increase, there are few human receptors nearby to be affected other than users of the footpath who may benefit from a greater level of illumination for safety
- 7.40 If the recommended lighting strategy is followed, the residual effects associated with lighting will be at worst **Neutral** of Minor significance for the north part of the site. The conversion of the area of scrub to the south to a long stay car park and the temporary gypsy and travellers' site/events space will result in a residual effect which is **adverse** of Moderate significance, Local and Permanent in terms of a change in nightscape but is unlikely to result in obtrusive light. If appropriate light fittings are installed, it should be possible to reduce skyglow. There will remain some conflict with ecology.

SAC

- 7.41 In terms of the location of the site, it is within the Zone of Influence identified through the Local Authority's Appropriate Assessment in relation to the Braunton Burrows Special Area Conservation (SAC) under the Habitat Regulations 2017. The applicant will be liable for a financial contribution towards the long term management and maintenance of the Special Area of Conservation to mitigate recreational impacts arising from the development. The applicant has agreed to enter in to a Section 106 agreement which include the payment of the relevant sum in relation to the development proposed.

8. Highways

- 8.1 Chapter 15 of the ES considers Traffic and Transport. It is supported by:

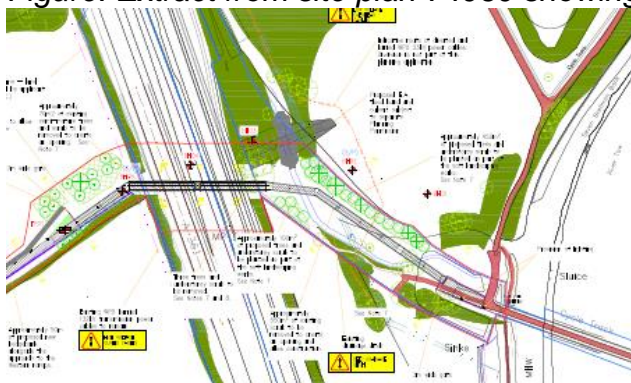
Transport Assessment 10311-HYD-XX-XX-RP-TP-5001 P05(Hydrock; May 2021) and
Seven Brethren Residential Scheme, Barnstaple Residential Travel Plan For North Devon Council Date: 4 May 2021 Doc ref: 10311-HYD-XX-XX-RP-TP-6001.
Technical Note - Rebuttal of Local Highway Authority Comments 10311-HYD-XX-XX-RP-TP-1002 7 September 2021

- 8.2 Policy BAR13 seeks to improve the highway network and transport interchange facilities in the area as well as delivering improved provision for pedestrians and cyclists towards the town centre and a new footpath/cycle bridge over the A361 and railway line. Also of relevance are Policies ST10 Transport Strategy, ST23 Infrastructure, BAR20 Green infrastructure links and DM05 Highways and DM06 Parking. BAR(k), BAR13.

Pedestrian/Cycling

- 8.3 The application site is located within suitable walking / cycling distances to existing services, amenities and facilities including retail, recreation and leisure, education and community facilities, healthcare, employment, open space and sustainable transport links. Both the railway station and the bus stops examined are a short walk/cycle of the site.
- 8.4 There is a good level of pedestrian / cycle provision in the vicinity of the site. Local routes include the Tarka Trail Cycle Path which provides a connection to the West Country Way (National Cycle Route 3) and runs adjacent to the site to the east, providing a traffic free walking and cycling route alongside Seven Brethren Bank towards Long Bridge where it crosses the A3125 junction. This continues in a north-western direction passing the Anchorwood Bank development and ASDA Superstore before routing along the northern extent of the areas of Bickington, Fremington and Yelland.
- 8.5 At the signalised junction with Seven Brethren Bank / Longbridge, controlled pedestrian crossing points are available across all carriageways. From Longbridge, footways are provided on both sides of the road leading to Barnstaple town centre, (an 8-minute walk (750 m) from the northern area of the site and 12 m walk from the southern area of the site).
- 8.6 Short sections of on and off-road cycle provision are available to use between Long Bridge and Barnstaple town centre with access also provided to the SW Coast Path and The Tarka Trail.
- 8.7 Enough land needs to be safeguarded to accommodate one end of the proposed footbridge from Larkbear over the main road and railway, as set out in BAR02(3d) and BAR20b. Planning permission has been granted for the bridge (74060). The proposals for the toleration site and car park do not impact on the delivery of this bridge.

Figure: Extract from site plan 74060 showing approved footbridge



- 8.8 Devon County Council's Transport Infrastructure Plan (March 2020) and supporting documents to the Local Plan provide a list of infrastructure required to support new development in the town. This includes the 'Larkbear cyclebridge' over the A361 and railway line at an indicative cost of £3 million and River Taw

bridge at £4 million. Despite likely costs being higher, DCC have no more detailed cost to calculate a contribution from. The two schemes total an estimated £7 million.

- 8.9 DCC initially requested funding towards the Larkbear cycle-bridge and River Taw cycle-bridge costed at of £7,000 per dwelling, totalling £1.26million. The planning policy response is that 'Funding towards its delivery should also be sought'. The question is whether the scale of the request is reasonably necessary in respect of the pedestrian and cycle movements that will result from the development.
- 8.10 The Seven Brethren / Lake Road cycle bridge identified as a key part of the transport strategy in the Local Plan. The Larkbear bridge is referred to as part of BAR02: Larkbear Strategic Extension, primarily as a means of enhancing accessibility between that site and the town centre. Contributions from the Larkbear development have been reasonably sought towards its provision. DCC consider that its cost (£3 million) should be proportioned between allocated housing developments on **both sides** of the bridge. DCC consider that a contribution to this structure is required as it is *'directly related to the development because the application land directly abuts the land required for the cycle bridge'*. The applicant argues that travel demands from this site towards Petroc and employment areas at Roundswell can already be accommodated within the existing network.
- 8.11 References within the NDTLP to the Taw bridge relate to BAR12: Anchorwood Bank (consented and built-out), and BAR20: Strategic Green Infrastructure Links. It is noted (p114) that the design of the new bridge 'must protect and enhance the historic setting of the Conservation Area and listed buildings along The Strand'. There is no policy specifically linking the Taw bridge to other development allocations.
- 8.12 DCC again consider their request fairly and reasonably related in scale and kind to the development. DCC do not have any published formulae for attributing contributions (unlike Education or Public Open Space for instance) and have indicated that they would consider a suggestion from the applicant. This approach hardly seems rigorous particularly as large sum of money (£1.26m) is being requested.
- 8.13 DCC refer to this as 'cost effective mitigation' as they are only asking for a proportion of the scheme cos (total £7m). It is questioned whether this is a justifiable way of arriving at the cost. Mitigation is needed to make a development acceptable and has to be rigorously defensible.

Figure: Extract from the ES re Impact

Effect	Sensitivity of Receptor	Magnitude of Effect	Effect Significance (pre-mitigation)	Mitigation measures	Residual Effect Significance (post-mitigation)
Cyclists amenity and delay	Negligible	Negligible	Negligible	No mitigation measures are required	Negligible
Pedestrian amenity and delay	Negligible	Negligible	Negligible	No mitigation measures are required	Negligible

8.14 DCC consider that the Transport Assessment for the proposal relies heavily on cyclist and pedestrian movements to reduce the impact of vehicle traffic to the point that vehicle impact is not considered 'severe' and therefore without this contribution the assumptions in the TA could not be realised and the application might be refused on the grounds of vehicle impact. When questioned on this point the actual reason for refusal would be:

The failure of this site to mitigate its cumulative impact by contributing proportionately to required infrastructure would be contrary to NPPF paragraphs 110 and 111. Without a contribution to these bridges the proposal fails to enhance and pursue opportunities to promote walking and cycling, fails to provide high quality living environments, does not offer a genuine choice of transport modes and maximise the sustainable travel options contrary to NPPF paragraphs 104 and 105. This application would also be contrary to Local Plan policies BAR(k) and BAR13(3) and the LTP3.

8.15 DCC have stated that *'the applicant has not challenged how the contribution is calculated, simply that they should not pay at all towards it. If the applicant has an alternative means to calculating a contribution this would be considered by the Highway Authority, however, no alternative calculation has yet to be presented'*.

8.16 In response the applicant has referred to the scheme at Anchorwood (166+6 dwellings) which contributed £500,000 towards the Taw bridge and has referenced other recent highways contributions such as the requested (albeit not agreed) £611,952 at Yelland Quay (250 dwellings). The applicant remains concerned that there *'has been no methodology associated with the calculation of contributions to justify requests and so I cannot establish how the contribution figure has been arrived at. I certainly don't think it is for the applicant to provide a suggested method of calculating the figure'*.

8.17 The applicant can *'understand the relationship between the scheme and the new Taw bridge and its contribution to the enhanced cycle/pedestrian network that*

would directly serve the residents of this site. To that end... the sustainable transport figure be set at £500,000?

- 8.18 *In response DCC maintain that their previous request is justified and necessary, but will accept a contribution of £500,000 as offered by the applicant due to the level of affordable housing being provided and likely viability issues. They would wish 'The contribution should be worded such that it can be used for either the new bridge over the railway and A361, OR improved pedestrian and cycle connection over the River Taw. It will be subject to BCIS indexation and paid back if unspent after ten years of the date of payment. The trigger for payment should be prior to the occupation of 20 open market dwellings on the site' (see Heads of Terms).*
- 8.19 The scheme aims to reduce emissions by the promotion of active travel. A key aim for the proposed development is to improve on site pedestrian and cycle connections through enhancing the existing riverside pedestrian/cycle route that runs along the river. These design measures supported by a Travel Plan will help to encourage the use of sustainable transport measures rather than car use which will minimise greenhouse gas emissions.
- 8.20 DCC have requested a 4.5m wide shared cycle and pedestrian path on the river front. The current infrastructure surrounding the riverbank is provided to a width of 3.5m. DCC have no evidence of the exact number of cyclists likely to use this path. The width at 3.5m accords with existing infrastructure and aligns with technical advice.
- 8.21 DCC have flagged that the cycle link by the recycling centre alongside the new leisure centre car park should be provided but as other routes are available and it would be unreasonable to refusal this specific application on grounds that this link alone is not provided. The applicant has advised that this could potentially be looked at as part of a scheme separate from this application. This has also been requested within the representations.
- 8.22 NDC remains supportive of measures to improve pedestrian and cycle facilities. It is agreed that any highway contributions towards physical highway infrastructure changes should focussed on improving sustainable connectivity into the town centre. The amount of contribution is now agreed (see Heads of Terms). The signalised junction at the end of the Long Bridge allows pedestrians and cyclist to link into the Anchorwood development. The Long Bridge itself connects the site to the Town and the Iron Bridge allows access to the Newport area. The site is well served for sustainable transport connections.

Highway Infrastructure

- 8.23 Existing traffic arrangements within Seven Brethren cause conflict between different users and there is some concern that the increase in traffic movements associated with 180 homes will increase existing problems in the area although.
- 8.24 The TRICS assessment highlighted that during the traditional AM peak period the proposed residential dwellings will generate 23 arrivals and 64 departures totalling

88 two-way vehicular trip movements, while during the traditional PM peak period the proposed residential dwellings will generate 62 arrivals and 28 departures totalling 90 two-way vehicular trip movements.

- 8.25 The residential trip generation equates to approximately one two-way vehicle movement every 40 seconds during the traditional AM and PM peak hours. Analysis of this data indicates that it is unlikely that any increase in the development traffic would adversely affect highway safety. It is considered that there are no overriding safety issues or trends within the area assessed over a three-year period.
- 8.26 The detailed analysis of the microsimulation model demonstrates that the proposed redevelopment will not generate an adverse increase in vehicular movements, therefore allowing for safe movement of traffic along the surrounding highway network. It is noted that on some routes assessed there are some increases to journey times of more than a minute when comparing the committed development forecast years against 2019 baseline conditions. However, this is related to the committed growth outlined and expected during the Local Plan period. Importantly, the additional impact when including the residential redevelopment proposal shows little change across the network.
- 8.27 It should also be noted that in all PM peak future year scenarios there are some capacity issues on the Station Road approach to Station Road roundabout, which means some vehicles are unable to enter the network on this approach. However, the difference in unreleased vehicle totals between the forecast years committed growth and the residential redevelopment are minimal, therefore it is considered that this is an impact associated with the anticipated growth in the area and not specifically down to the impact of the proposed redevelopment.
- 8.28 The issues at Station Road roundabout and Long Bridge traffic signals. Already exist and the TA argues that residential redevelopment is not the contributing factor towards seeking a solution at these junctions. **It is therefore considered that the redevelopment will not have a severe impact upon the future base conditions, up to the end of the Local Plan period.**
- 8.29 Residential redevelopment site would not have a material detrimental impact upon the operation and functioning of the local highway network. It is considered that the site is in a highly accessible location that provides access to an excellent range of services / facilities by sustainable modes of travel.
- 8.30 On the basis of the findings within this TA and in the context of the guidelines within paragraphs. 108 & 109 of the NPPF it is considered that there are no residual adverse cumulative impacts in terms of highway safety or the operational capacity of the surrounding transport network and therefore planning permission should not be withheld on transport grounds
- 8.31 DCC are concerned about queues to the recycling centre and new car park. The Technical Note looks at the residual queue (if no vehicles could enter the car park) and estimates it at 23 vehicles or the equivalent of 134m of queues at the start of the day. Using the agreed distance of 250m as a guide, this leaves 116m of the

carriageway clear before any blocking back would occur (the equivalent of approximately 20 vehicles). However, most of this queuing will be on private land. Even if this extended to the public highway, it is questionable as to whether this would be 'severe' with alternative routes and car parks being available in the town.

- 8.32 The physical works of access to the car park are considered acceptable, and being on private land are of little concern to Devon County Council as Highway Authority.

Mitigation

- 8.33 During the construction phase, vehicle movements will be controlled and regulated by a Construction Logistics Plan (CLP), submitted alongside the Reserved Matters Applications, to provide a framework for the management of construction vehicle movements to and from the site. The CLP will set out measures so that construction materials can be delivered and demolition and construction waste can be removed in a safe, efficient and sustainable manner. This will consider both routing and timing (as per the Leisure Centre).

Travel Planning

- 8.34 The implementation of the travel plan will encourage the use of sustainable travel options by building users and will make the information available to each of the residents through the provision of Travel Information Packs. Measures include:

- appoint travel plan co-ordinator;
- travel information pack;
- promote cycling, walking and public transport;
- free school transport;
- encourage car sharing;
- provision of Electric Vehicle Charging Points (EVCP) ; and
- personal journey planner

Car Parking

- 8.35 In line with Policy DM06, the current parking provision allows for each apartment to be allocated a single car parking space, whilst each of the houses will have an allocation of 2 spaces each. Due to the site's central location, visitors and residents will be encouraged to use alternative forms of transport, such as public transport or the local cycle network. Cycle parking within the residential scheme will be required.
- 8.36 Parking is proposed on the ground floor of the apartment blocks, within the envelope of the building. Having less cars visible will greatly improve the quality of the public realm. In most cases the town houses benefit from two parking spaces on plot at the rear of the property. The units that front the river are proposed to have an integral garage and 1 space on plot. The details will be agreed at the reserved matters stage and controlled by conditions.

- 8.37 The long stay car park is considered too remote to require cycle parking, as cyclist wanting to access the Town would use facilities within central car parks to store their bikes. Cycle parking is available at the Tarka Tennis Centre for users of that facility.

9. Site Conditions & Contamination

- 9.1 Para 178, 179 and 180 of the NPPF set out responsibilities for dealing with site contamination. Policy DM02 requires development to safeguard against hazards, and pollution policy DM02 of the NDTLP are satisfied.
- 9.2 Chapter 11 of the ES deals with Ground Conditions (Contamination). As with all other sections of the ES the magnitude of potential effects during both construction and operation of the proposed development has been assessed. The chapter is supported by:
- Groundsure Enviro+Geo Insight (April 2021) GS-7779522
 - Card Geotechnics Ltd Phase 1 Desk Study (August 2016)
 - Card Geotechnics Ltd Geoenvironmental and Geotechnical Interpretative Report (October 2017),
 - Card Geotechnics Ltd Summary of Ground Gas Conditions (February 2021),
 - North Devon Leisure Centre, Barnstaple Foundation Works Risk Assessment For Speller Metcalfe Date: 12 February 2020 Doc ref: 11596-HYD-XX-XX-RP-GE-1001
 - North Devon Council's 'Environmental Search Enquiry – Seven Brethren, Sticklepath, Barnstaple' provided by Legal Services (Ref: EIR 7797, dated 05 May 2021
 - Card Geotechnics Ltd Piling Works Risk Assessment (May 2021)
- 9.3 The reports show that ground conditions comprise topsoil overlying extensive made ground/landfill material to the maximum recorded depth of 10.5 m below ground level (bgl). The made ground generally comprises clay with a gravel and cobble of flint, brick concrete, mudstone and slate. Landfill waste lies in the north and southern parts of the site and consistent with the outline of the landfill taken from historical maps for the area. This is a known contamination risk that will require mitigation.

Ground Contamination

- 9.4 Contamination sources are summarised below:
- existing ground contamination
 - elevated ground gas concentrations associated with made up land/landfill
 - elevated levels of radon gas
 - elevated levels of bulk gas (carbon dioxide and methane) due to organic-rich superficial deposits;
 - potential future contamination associated with hazardous materials or spillages during site development works; and

- potential contamination from imported ground materials used to profile the site and to build the flood defence system

9.5 The potential risks during the operational phase are as follows:

- risks to the future site occupants/site users from contamination during operational phase from any existing ground contamination or other potentially hazardous materials;
- risks to future structures and end users from ingress, inhalation and accumulation of ground gases, including via creation of preferential pathways such as piles;
- risks to controlled waters from contamination during operational phase from any existing ground contamination or other potentially hazardous materials; and
- risks to human health (site residents and visitors) and controlled waters from potential contamination associated with any imported materials and any accidental spillages of hazardous substances, i.e. fuels in the proposed car parking area

Risk to Controlled Waters

- 9.6 The EA Groundwater Vulnerability Sheet 41 indicate that the site is underlain by soils of high leaching potential which readily transmit liquid discharges because they are either shallow, or susceptible to rapid by-pass flow directly to rock, gravel or groundwater. The proximity to the River Taw and the underlying Secondary A Aquifers means that without mitigation measures, the mobilisation of contaminants may result in a moderate adverse effect on the River Taw.
- 9.7 Ground Water Mitigation Measures include reducing contaminant pathways from the use of piles requires mitigation measures and good practices during the construction phase. An on-going groundwater monitoring plan as detailed in the Remediation Strategy may be required.
- 9.8 The building footprints and hardstanding, together with the area to be raised for flood defence and soft landscaped areas to be covered by engineered clean cover system, will limit rainwater infiltration and therefore minimise potential contaminated leachate generations during operational phase.
- 9.9 The surface water drainage strategy for the site includes appropriate Sustainable Drainage Systems (SuDS) features that will attenuate for the increased surface water runoff and provides the required treatment necessary prior to it discharging to the River Taw to ensure no adverse effects in terms of water quality.
- 9.10 The proposed surface water drainage strategy for the Long Stay Car Park area includes a 450 mm deep sub-base with granular material lined with impermeable membrane. This will provide attenuation and the required treatment necessary for the land uses proposed.
- 9.11 With the mitigation measures, the effect human health and controlled waters receptors is reduced to 'negligible' and the residual effect is "Negligible"

Contamination Mitigation Measures

Capping

9.12 The land will be raised due to flooding by 0.6m comprising clean capping materials to prevent contact with underlying organic and inorganic contaminants and localised asbestos containing materials. In the area of proposed public open space in the northern part site, where groups of trees are to be retained with associated root protection areas (RPA) remedial works may comprise careful removal of near surface soils, placement of a suitable geotextile membrane and replacement with suitable clean capping soils subject to Arboricultural recommendations and restrictions for the identified RPAs. All imported material used for reprofiling of the site during construction should be clean or of an acceptable environmental standard

Gas

9.13 Gas risks can be managed through design, i.e. basic radon protection measures and a minimum gas protection measures in accordance with score of 4.5 for Characteristic Situation 3 (as defined in BS8485) or further assessment on a plot-by-plot/ development-specific basis as recommended by within the remediation strategy.

Piling

9.14 Based on ground conditions, foundations for the proposed development structures will likely need to be piled. A Piling Works Risk Assessment (PWRA) prepared for the site by CGL (May 2021) considered the use of cast in situ CFA piles, installed by a competent specialist piling contractor to be appropriate. Once detailed foundation plans revision of the PWRA may be required. Conditions are recommended.

Asbestos

9.15 The application of the Control of Asbestos Regulations (2012) should prevent cross contamination of site soils during any demolition and construction works and to protect workers from exposure to asbestos. Where relevant, materials would be handled by a specialist contractors.

9.16 Whilst the above are generally accepted by EH, conditions will be required in respect of site remediation. These are set out below

Construction Controls

9.17 The sensitivity of construction/maintenance workers is considered high and the sensitivity of site visitors and off-site users is medium. Without mitigation measures, the mobilisation of contaminants may result in a magnitude of moderate adverse effects; therefore, the significance of effects is considered to be "Intermediate" adverse effect on construction/maintenance workers and "Minor" adverse effect on site visitors and off-site users.

- 9.18 During construction works all fuels, oils and chemicals etc. will be stored in appropriate containers within bunded compounds and in accordance with good site practices and EA pollution prevention guidance. Along with a Remediation Strategy a site-specific Construction Environmental Management Plan (CEMP) is required. The CEMP will need to include an appropriate scheme for dealing with contamination prior to construction, in accordance with industry best practice and current regulatory guidance.
- 9.19 Following the implementation of appropriate mitigation measures, the magnitude of the effect is reduced to negligible. Therefore, the residual effect is reduced to “Negligible” significance.

Long Stay Car Park

- 9.20 The proposed long stay car park will be constructed using an impermeable membrane overlain by sub-strata and permeable paving system. This area is be considered of lesser environmental sensitivity with respect to identified and potential contamination as this area will be covered with hardstanding which is considered to mitigate against any risks to human health ground contamination and will limit the potential for infiltration and subsequent contaminant migration.

Conclusion

- 9.21 All the potential effects of the project arising from the ground conditions are commonplace in the redevelopment of brownfield sites and are readily overcome by standard engineering good design and practice. No residual impacts have been identified.
- 9.22 Long-term impacts to human health are not expected to be significant as the site would be covered by hardstanding (car parking areas, access roads and building footprints) or engineered clean cover and materials associated with flood defence structure and end users therefore protected from direct exposure to any ground contamination. In addition, long-term impacts to human health associated with ground gas are managed by installation of appropriate ground gas protection measures in the construction phase. Similarly, long-term impacts to controlled waters are not significant when appropriate mitigation measures and good practises during the construction phase are implemented. Where necessary, these will be supported by an appropriate on-going groundwater monitoring plan which would be detailed in the Remediation Strategy. Conditions are recommended to manage the development and mitigate the identifies issues.

10. Flood Risk and Drainage

- 10.1 Chapter 16 of the ES considers Water Resources, Drainage and Flood Risk. The application is also supported by a Flood Risk Assessment (FRA) and surface water and foul drainage strategy for the proposed development. ST02, ST03 Bar21.
- 10.2 The River Taw Estuary is located along the north-eastern boundary of the site and is classified by the Environment Agency as a ‘main river’. A stream is located

approximately 25 m to the west of the car park development site which flows in a south-easterly direction into the River Taw. A field ditch is located approximately 10 m to the north-western corner of the proposed car park development area of the site and is assumed to flow into the stream

- 10.3 The site lies entirely within Flood Zone 3 at **high** risk of flooding from rivers/sea and where Policies ST03 and BAR(f) apply. Flood risk is considered to be of High sensitivity. Surface water mapping identifies that the residential development area of the site has up to a **medium** surface water flood risk and the car park development area has up to a **low** surface water flood risk. The North Devon and Torridge Strategic Flood Risk Assessment (SFRA) and the EA's flood mapping has identified that the site is not at risk from groundwater or sewer flooding and the site does not lie within a Critical Drainage Area (CDA).
- 10.4 As set out in the NPPF, the 'presumption in favour of sustainable development' does not necessarily apply within areas at risk of flooding due to other restrictions placed on such areas elsewhere within the Framework. Annexe 3 of the NPPF recognises that housing is a more vulnerable use and that such development should be avoided by directing it away from areas at higher risk but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Sequential Test

- 10.5 The Sequential Test is used to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. The NPPF requires that, if following the application of the Sequential Test, it is not possible for development to be located in lower risk zones then the Exception Test must be applied where development is more vulnerable to flooding.
- 10.6 The Sequential test applies even in the event of demolition of an existing building and works to a brownfield site. The Test needs to show that the proposed scheme could not be reasonably located elsewhere in the town. All reasonably suitable and available sites within flood zone 1 should be explored first, including the large urban extensions around Barnstaple.
- 10.7 The site is part of the BAR13 and hence was considered as part of the Strategic Flood Risk Assessment. The redevelopment of this area will provide wider sustainability benefits that outweigh the flood risk. The submitted FRA shows that the development will be safe for its lifetime. Demolition and new build would provide the opportunity for the present site level to be raised in order to mitigate against flood risk and satisfy the Environment Agency's requirements. It is not possible for the development to be located in areas with a lower risk of flooding as no such sites are available to accommodate this scale of development within the development boundary adjacent to the Town Centre. The potential wider sustainability and regeneration benefits of the proposal are also recognised. Planning permission has been granted to relocate the existing leisure centre and therefore consideration needs to be given to the future of this very prominent edge of centre site.

10.8 Policy BAR: Barnstaple Spatial Vision and Development Strategy

“...redevelopment of previously developed sites including those at risk of flooding where effective flood management can reduce the extent and severity of flood risks both on site and elsewhere in the Taw estuary...”.

Exception Test

10.9 The exception test has to be applied in accordance with paragraph 164 and 165 of the NPPF. The exception test shows how flood risk will be managed. In your exception test, the sustainability benefits of the development to the community must outweigh the flood risk. The development must be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere.

10.10 Flood defence improvements of Seven Brethren were secured through the Anchorwood Bank development but have yet to be delivered and hence this scheme cannot rely on third party works but must demonstrate that the scheme in its own right will be defended.

10.11 It is understood that part of funding through the LRF is safeguarded for flood mitigation through the raising of site levels to allow residential development.

Mitigation

10.12 There is currently a flood wall located along the northern section of the eastern boundary of the site and the redevelopment of the Anchorwood Bank site requires the flood defences to be raised. A separate planning application was submitted to upgrade these defences and this has recently been granted planning permission (under planning reference: 65312). The improved flood defences involved construction of a 240 m long flood wall adjacent to the Leisure Centre with a crest level of 7.4 mAOD. An embankment to the south of the Leisure Centre will be constructed to a level of 7.6 mAOD and an approximate length of 200 m. The stream located to the south of the car park will be culverted through the embankment and will have a tidal flap at the downstream end of the culvert.

10.13 Climate change is likely to increase and severity of flooding events in future climate scenarios which will have a permanent, long-term Moderate Adverse impact of High magnitude on the Proposed Development.

10.14 To mitigate this, the crest level of the current flood wall, will need to be increased from 7.4m AOD to 7.47m AOD to account for climate change and ensure that the site will remain protected for its operational lifetime. The flood embankment will also be extended to the south-eastern corner of the northern portion to account for future risk of flooding.

10.15 The proposal includes an 8 m maintenance buffer between the flood defences and any built development on site. This ensures that there is enough working room for the flood defences to be maintained to a high standard to ensure that the residual risk of the defences breaching is low.

- 10.16 Finished Flood Levels (FFLs) of 7.74m AOD mean that more vulnerable land uses will be located 420 mm above the design flood event for their operational lifetime.
- 10.17 Flood warnings and evacuation need to be considered in the design and layout of planned developments. Safe access/egress for occupants within the residential development would be via the Tarka Trail along the eastern boundary of the site .The proposal includes raising the ground level of the paths for the dwellings therefore, safe access/egress will be achievable for the future residential occupants of the site.
- 10.18 Safe access egress for the occupants within the proposed long stay car parking area would be in an easterly direction towards the Tarka Tennis Centre, which would be dry during the design flood event.
- 10.19 The future occupants of the site would be required to sign up to the EA's flood warning service for the River Taw, to ensure that sufficient warning is provided in the event of an extreme flood.
- 10.20 With the improved flood defences, it is considered that the site would remain defended during the design flood event for its operational lifetime. However, the site could become flooded if a breach in the defences was to occur; however, it should be noted that this represents a residual risk and, therefore, the risk of the site being affected by flooding is considered to be low.
- 10.21 If the flood defences associated with Anchorwood are not provided then the defended levels would still need to be provided but this scheme would need to do more work.
- 10.22 The EA have recommended a flood risk condition. A detailed design for the embankment, finished floor levels and raising of the ground should be addressed under this condition. The detailed design should take into account any increases in climate change allowance and update the design flood levels and design the flood resilience measures accordingly, including increasing ground levels, finished floor levels and embankment level as required.

Surface Water Drainage

- 10.23 The residential development area of the site is brownfield land comprising the North Devon Leisure Centre and associated car park, an existing road, an area of hardstanding and areas of open space. The redevelopment of the site will result in a decrease in impermeable material as large areas of green public open space will be provided.
- 10.24 The car park development area is currently greenfield land and the redevelopment of the site involves creating a long stay car park which will surfaced with permeable material. There will therefore be an increase in surface water runoff from this area which could lead to increased flooding elsewhere, if not managed appropriately. However, this risk is reduced through the implementation

of the proposed detailed drainage strategy for the site which is included as part of the FRA.

- 10.25 There will be two attenuation basins incorporated into the design of the northern portion of the site (residential area). The northern portion's drainage is based on the storage required for the 1 in 30 year storm including a 40% allowance for climate change during the tidal locking of the outfalls caused by the 0.5% Annual Exceedance Probability (AEP) tidal event up to the year 2119.
- 10.26 It is proposed to discharge surface water to the tidal stream to west of the site at an unrestricted rate. The proposed car park will comprise of permeable paving overlaying granular substrate and lined with an impermeable membrane. This will provide adequate water quality treatment to runoff prior to it discharging to the stream to the west. The car park will be built up from ground level due to the historical contamination on site.
- 10.27 Following the implementation of the above mitigation measures, there will be a permanent, long-term Minor Adverse residual impact of High Magnitude on climate change.

Foul Drainage

- 10.28 SWW have confirmed that the local sewerage system has available capacity for the predicted flows. Foul sewers are proposed to run from each new building to connect into the existing 400 mm diameter foul sewer that runs along the north-western boundary of the site.
- 10.29 An existing water main is also located along the north-western boundary of the residential development area of the site.

11. Socio Economic Benefits

- 11.1 Chapter 14 deals with the Socio-Economic Benefits and Health Impacts.
- 11.2 The site is a short walk from the Town Centre where shops and community facilities such as the library can be accessed. Leisure facilities are on the doorstep with the Tarka Tennis centre and new Leisure centre and more informal open space can be accessed by the Tarka trail and associated footpath network with links to Rock Park.

Economic Benefits

- 11.3 Policy BAR13 of the NDTLP sets out the vision for Seven Brethren Bank and states that the site provides an opportunity to deliver new economic development.
- 11.4 Construction of the proposed development will generate 434 net operational construction person years employment in the target area which is equivalent to some 43 permanent jobs in the economy. Considering the leakage, displacement and multiplier factors this would have a net additional impact of 27 FTE jobs in the local economy.

- 11.5 The provision of construction jobs increases expenditure in the local area through spend in the supply chain and on local businesses as a result of more people in the area during the construction stage. This will contribute towards economic development of the local area. This is considered to be a temporary Moderate Beneficial impact of Medium magnitude in the short term.
- 11.6 The proposed development will bring forward approximately 179 residential units, which are estimated to be occupied by some 430 residents. It is estimated that the gross weekly expenditure of the residential development will be £104,822 resulting in a gross annual expenditure of £5.4 million. Assuming that 50% of the gross annual expenditure is spent locally on goods and services such as cafes, restaurants and supermarkets, this would be an additional £2.7 million in the local economy. The operational phase is considered to have a permanent Major Beneficial impact on the local economy of High magnitude over the long-term.

Affordable Housing

- 11.7 The proposed development will bring forward up to 179 residential dwellings. 28 should be affordable. As a result of this provision there will be a permanent Moderate Beneficial impact of High magnitude in the long-term (see Heads of Terms).

Education

- 11.8 A development up to 142 family type dwellings will generate an additional 35.50 primary pupils. DCC have forecast that the local primary schools have enough spare capacity for the number of pupils likely to be generated by the proposed development. In respect of the 21.30 secondary pupils this would have a direct impact on secondary schools in Barnstaple. Contributions are therefore requested towards secondary education and SEN. (see Heads of Terms)

Health

- 11.9 There are three GP surgeries within a 2 mile radius of the centre of the proposed development. The average ratio of patients per GP for these three practices is 1,754, which is below the best practice of 1,800 people per GP recommended by the General Medical Council, used by the Department of Health and Primary Care Trusts. This assessment in the ES is not agreed.
- 11.10 The latest information from North Devon District Council advises that there are a further 1,210 dwellings that have been consented or commenced which would equate to an additional population of 2,735 (1,210 dwellings multiplied by 2.26 average occupancy). Therefore, once the CCG has taken these into account the actual situation is:

-1,949 (current patient list capacity)
+ 2,735 (population from consented and commenced)
= 786 Final position (Over Capacity).

Therefore the 184 dwellings that will generate a further 416 new patients will be registering with anyone of the three surgeries that will already be over capacity therefore contributions are required towards improvements to existing services (see Heads of Terms)

- 11.11 There are 6 dental surgeries within a 2 mile radius of the site. Two of these dental surgeries are accepting new patients and one is accepting new patients only by referral. Two of these dental surgeries are not accepting new patients and information regarding new patients for the remaining surgery could not be sourced. There is no mechanism to support dental surgeries within current policy.

Open Space

- 11.12 This application generates a requirement for open space and green infrastructure in accordance with policy DM10. On-site provision, minimum standards will need to be met. Where on-site provision is not viable or off-site provision is more suitable as a result of proximity to existing facilities, an off-site contribution for that particular provision would be sought to deliver a scheme at a suitably linked location
- 11.13 The landscaping design of the proposed development includes the provision of a public open space, with informal amenity spaces, trees, grass and wildflower meadows. This will create open spaces for residents and local community members to enjoy. The proposals are offering an integrated and multifunctional network of open space, incorporating play areas, wildlife corridors, pedestrian and cycle routes. These open spaces, such as the provision of a pocket park to the site entrance, will not only benefit the future residents, but also wider members of the community. In addition, the public park will provide play and seating areas for use by residents and the wider community. These green spaces will also link parts of the development to the wider area including the River Taw.
- 11.14 The provision and enhancement of these green open spaces will create new spaces for residents and local community members to enjoy and encourage activity as well as social interaction, which both have positive impacts on health and wellbeing.
- 11.15 It is considered that the provision of open and play space will have a permanent Minor Beneficial impact of Low magnitude in the long-term. This provision would be secured by conditions and via the Heads of Terms.

12. Heads of Terms

- 12.1 Legal advice that 'NDC cannot enter into an agreement with itself as the landowner, and cannot covenant with itself as the Local Planning Authority. Any obligations would be unenforceable. As we are in an area where there are 2 tiers of Local Authority (i.e. North Devon and Devon County Councils), a Section 106 Agreement can be entered into with the other Authority agreeing to enforce the obligations. Potential issues would purely be political/practical which is unlikely. There are no legal reasons as to why this wouldn't be an option'.

12.2 The following have been requested:

Head of Terms	Detail	Amount
Affordable Housing	75% Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale).	28 units in total – details of mix requested
Sustainable Transport infrastructure contributions	Improved pedestrian and cycle connection over the River Taw. BCIS indexation and paid back if unspent after ten years of the date of payment. The trigger - prior to the occupation of 20 open market dwellings on the site	£500,000
Allotment:	Off-site delivery	£16,469.10
Amenity & Green Space:	12,303sq.m. out of 10,622sq.m. requirement is provided on site	To be recalculated at RM stage to ensure areas of informal open space are delivered
Play Space:	256 sq.m. play space to be provided on site for ages 6+ as an extension to the play area near the new leisure centre within the red line boundary of the application.	
Built Rec:	Off-site contributions	£342,557.28
Primary and secondary SEN provision.	SEN rate of 77,890 per pupil equivalent to 0.53 primary pupil and 0.32 secondary pupils. This equates to 467.33 per family type dwelling.	£66,362
Secondary School contribution towards the expansion of existing secondary provision in Barnstaple	Based on the DfE expansion rate of £22,513 per pupil. This equates to a per family-dwelling rate of £3,326.29.	£472,333
Health – to address capacity at Litchdon Medical Centre, Brannam Medical Centre and Queens Medical Centre	£485 per dwelling	£87,264
Braunton Burrows SAC	£190 per dwelling	£34,200
Off-site habitat creation and management	Creation of an area of broad-leaved woodland (at	Biodiversity Area Units (to be recalculated in line

Head of Terms	Detail	Amount
	least 0.24 ha), marshy grassland (at least 0.57 ha), wildflower meadow and scrub habitat (at least 0.26 ha) in order to compensate for habitats lost and aim to achieve a 10% net gain in biodiversity across the site	with EA advice and at Reserved Matters stage) =1.417 costed at £15,000 per unit. Estimated cost is around £21,255

12.3 Whilst the applicant is NDC, the Heads of Terms still have to result in a deliverable development. In this instance the above Heads of Terms are not as yet agreed. If the s106 can be completed on the basis of the above then the recommendation is that a policy compliant scheme has been secured. If a viability exercise is required then the Heads of Terms would need to be presented gain to Planning Committee.

13. Conclusion – Planning Balance

13.1 Policy ST01 indicates that Councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

13.2 This is a brownfield site, within the development boundary, allocated for regeneration, at a time when there is no proven 5 year land supply. With consideration to the mix of uses that have already been delivered at Anchorwood Bank the principle of housing rather than ‘economic’ based uses on this previously developed site is considered acceptable particularly given the resultant increase in footfall that will support the Town Centre. This is however subject to the delivery of a temporary toleration site for travelling communities and replacement long stay car park to ensure that existing community facilities are replaced in a timely manner. The full aspect of this application deals with this.

13.3 The Council has to show that when it takes a decision, it is considering the issues of equality under the Public Sector Equality duty. That applies to planning as well as any other decision. The re-provision of the toleration site albeit on a temporary basis will enable gypsies and travellers to maintain their way of life by re-providing an accepted transit stop. The relationship to the long stay car park is more direct than the existing area but with proper management is acceptable. A long term/permanent solution is still required.

13.4 The ES and supporting information has demonstrated that the policy considerations can be satisfactorily addressed subject to appropriate mitigation measures, which will prevent, reduce or off-set any likely adverse effect of the proposed development on environmental facets during the construction and operational lifetime. This will be controlled via conditions.

13.5 The ES has not identified any exceptional circumstances which contravene legislation or planning policy in respect of technical issues such as Noise and Vibration, Air Quality, Contamination & Ground Conditions, which pose a constraint to the proposed development, either during construction or once

operational and as such the residual effects are considered to be Negligible again subject to controls imposed through planning conditions.

- 13.6 As this is a significant site, prominent on the river front, care will need to be taken at the detailed design stage of the development to ensure the residual effect of the proposed development on Heritage assets remains Negligible to Minor Adverse. The recommended design parameters will need to be used to inform and guide the reserved matters to provide a quality of development appropriate to the locality and which achieves the stated at least a Moderate Beneficial residual effect on townscape and visual amenity. The scale of development when considered against the existing Leisure Centre or the Anchorwood development is appropriate and will provide a feature approach to this side of Seven Brethren. The supporting documents set out high level design and sustainability principles which will need to be demonstrated at the reserved matters stage and which will deliver a scheme that complies with the National Design Guide and Building for a Healthy Life guidance.
- 13.7 The NPPF at paragraph 127 states that planning should always seek to secure a high standard of amenity for existing and future occupants of land and dwellings. Policy DM01 a) of the NDTLP supports development where it would not significantly harm the amenities of any neighbouring occupiers or users. Policy DM04 i) supports development where the scheme ensures the amenity of existing and future occupiers are safeguarded. The amenities of local residents can be appropriately safeguarded through the detailed design process and conditions imposed in relation to noise, land contamination and construction measures. Conditions would be required to deal with any residual noise impact to proposed residents from Seven Brethren and the new Leisure Centre. Effective design would be the best solution and will be considered at the reserved matters stage.
- 13.8 Paragraph 196 indicates that where developments will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal. The site would result in less than substantial harm to the setting of heritage assets and significant weight is afforded to the social and economic benefits listed below.
- 13.9 By its very nature using land laid to grass/scrub to the rear of the Tarka Tennis centre will bring with it some adverse residual effect associated with the construction of the long stay car park and gypsy and travellers' site/events space on the area of scrub to the south. However, this can be mitigated by appropriate screen planting (such as a native hedge) between the car park and the footpath and around the site edges to create a barrier with the more sensitive areas. As a full application site landscaping and mitigation should have been detailed but can be conditioned. The additional walking time from the Long Stay car park to the Town Centre is within an acceptable range and will be from improved pedestrian links.
- 13.10 The residual effect of the proposed development on Climate Change is considered to be Minor Adverse. A range of measures to adapt and mitigate for these future scenarios has been incorporated into the design, construction and management processes and the works to protect the site from flood risk will need

to be delivered in full. The uncertainty around the delivery of the Anchorwood off site flood defences need to be addressed and it will be the responsibility of this scheme to ensure effective flood defences are in place with reliance on third party works. Conditions secure this. The site can appropriately deal with surface water run-off in accordance with Environment Agency and DCC Flood Risk advice and national requirements over the life time of the scheme.

- 13.11 Paragraphs 170 and Paragraph 175 of the framework indicate that when determining applications, if harm to biodiversity resulting from the development cannot be avoided then it should be adequately mitigated. Policy DM14: Enhancing Environmental Assets of the NDTLP expects new development to protect the quality of northern Devon's natural environment, to contribute positively towards providing a net gain in biodiversity. Whilst harm cannot be avoided, effective ecological mitigation can be secured along with replacement habitat in accordance with policies ST14 and DM08 and with paragraph 170 and 175 of the framework. The ecological impacts from development can be mitigated through appropriate construction management, and monitoring along with green infrastructure provision on and off site, controls over construction and lighting. With the mitigation measures, the scheme will have a Negligible to Minor Beneficial effect on ecology and nature conservation. Not all of the 10% net gain can be delivered on site so off site mitigation will be required. This is a sensitive site with regards to the relationship to ecology and protected species where lighting and recreational disturbance needs effective management as well as new areas of habitat creation and translocation of existing species delivered in a timely manner.
- 13.12 At paragraph 108 of the framework new development should ensure that safe and suitable access to the site can be achieved for all road users, and significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree. This is reflected through policies ST10 (Transport Strategy) DM05 (Highways) and DM06 (Parking) of the NDTLP. It is agreed by all parties that this is a very sustainable location with good access to walking, cycling and public transport. The site is a short walk to the Town Centre and its facilities as well as being served by the Leisure Centre and facilities at Seven Brethren and Anchorwood. There are existing issues with the traffic in this area but DCC have not sought improvement to the highway network but are relying instead on further improvements to cycle and pedestrian linkages. Paragraph 109 is clear that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on the highway safety, or the residual cumulative impacts on the highway would be severe'. The test of severe harm to the highway network is not met and whilst the Heads of Terms are not agreed, some contribution to the local network is supported. Travel planning will be integral to this and is controlled by conditions.
- 13.13 Any new housing including much needed affordable housing will meet the socio-economics needs of our community. The economic benefits of the proposal would be strong, including the creation of jobs, the addition of spending power to the local economy and would result in the regeneration of this some to be redundant building and wider site. Contributions to health, education and recreation will

ensure that residents are provided with the facilities that they need and the ES concludes that operational impacts range from Negligible to Major Beneficial.

13.14 Planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The application is considered to accord with the adopted development plan. Given the above discussion it is considered, on balance, that the identified harm in landscape terms and on the highway network (where mitigation may not offered in full), which would not outweigh the substantial benefits attributed from the provision of much needed housing and public open space. Substantial weight is given in favour of the scheme which can be delivered to a high design standard, addressing biodiversity, amenity, contamination, drainage and flood risk. Having considered the environmental, social and economic strands of sustainable development, the package of works proposed with appropriate controls are considered to deliver an acceptable form of development which addresses Local Plan policies. Approval of the application is therefore recommended subject to the imposition of planning conditions and Section 106.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Recommendation

APPROVED

Legal Agreement Required: Yes - If the s106 can be completed on the basis of the above Heads of Terms then the recommendation is that a policy compliant scheme has been secured. If a viability exercise is required then the Heads of Terms would need to be presented back to Planning Committee.

Delegated authority is also sought to resolve those points within the report that require further information such as the BNG calculations

Conditions

With delegated authority sought to finalise the wording of conditions

1. FULL APPLICATION: provision of a replacement long stay car park and temporary toleration site
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.

OUTLINE APPLICATION: for up to 80 dwellings together with all associated infrastructure

- a) In the case of the first reserved matter, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted ; and
- b) All other reserved matters must be made not later than the expiration of 5 years beginning with the date on which this permission is granted; and
- c) The development to which this outline permission relates must be begun not later than the expiration of three years from the date on which this permission is granted.

Reason

The time limit condition is imposed in order to comply with the requirements of Sections 91 and 92 of the Town and Country Planning Act 1990 and in recognition of the scale of the site which will require more than one reserved matters to be submitted

2. OUTLINE APPLICATION

Approval of the details of the layout/scale/appearance/access and the landscaping of the site based on the Masterplan and as agreed as part of the conditions listed below (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development referred to as part of the outline permission is commenced and thereafter the development shall be undertaken in accordance with the agreed details and the terms and conditions of this permission.

Each reserved matters application shall be supported by a Design and Access Statement, a Sustainability Statement and a phase specific Building for a Healthy Life Assessment which shall set out precisely how the reserved matters are complying with the aspirations for the site set in respect of the design and architectural principles, the sustainable construction principles, the mitigation measures set out in the ES and the use of renewable energy as set out in the framework documents referred in to in the conditions listed below.

Reason

To ensure adequate information is available for the proper consideration of the detailed proposals and that the aspirations of the ES are achieved and delivered as part of the detailed proposals.

3. OUTLINE APPLICATION

As part of the reserved matters application(s), scaled drawing(s) showing existing levels/sections on the site and proposed finished floor levels/sections of the proposed dwellings within each phase of the development and their relationship to each other and their relationship to adjoining buildings shall be submitted to and approved in writing by the Local Planning Authority. These shall fully adhere with the Flood Risk Assessment detailed in the conditions listed below. The development shall be undertaken in accordance with such drawings.

Reason

To ensure that flood risk is addressed, contamination adequately dealt with and the amenities of the area are not adversely affected by reason of the size and scale of the proposed development in compliance with Policies DM01, DM02 and DM04 of the North Devon and Torridge Local Plan.

4. The full application hereby permitted shall be carried out in accordance with the following approved plans/details:

18091 LHC D1 XX DR UD 01.01P1 Location Plan received on the 15/06/21
18091 LHC D1 XX DR UD 01.03P1 Landscape Strategy Plan received on the 15/06/21

ENG/A7800/100A Car Park - Location Plan received on the 15/06/21
ENG/A7800/101 Draft - General Layout Plan received on the 15/06/21
ENG/A7800/101A Car Park - Scheme Plan received on the 15/06/21
ENG/A7800/101A Car Park - Scheme Plan received on the 20/10/21
ENG/A7800/102A Car Park - Cross Sections 1 received on the 15/06/21
ENG/A7800/103A Car Park - Cross Sections 2 received on the 15/06/21
ENG/A7800/104A Car Park - Longitudinal Sections received on the 15/06/21
SK001A Car Park - Surface Water drainage Layout received on the 15/06/21
10311 HYD XX DR TP 0002P01 Car Park Access Design received on the 20/10/21
21 0011 ME 100 Car Parking Mechanical & Electrical received on the 20/10/21

DOCUMENTS LIST TO BE ADDED

The reserved matters shall be informed and shall adhere with the following plans/details unless an alternative scheme is agreed or as required by the conditions:

18091 LHC D1 XX DR UD 01.01P1 Location Plan received on the 15/06/21
18091 LHC D1 XX DR UD 10.02C Illustrative Masterplan received on the 20/10/21
18091 LHC D1 XX DR UD 01 10P1 Land Raising Plan received on the 15/06/21
18091 LHC D1 XX DR UD 01.03P1 Landscape Strategy Plan received on the 15/06/21
18091 LHC D1 XX DR UD 01 09P1 Parameter Plan - Open Space received on the 15/06/21
18091 LHC D1 XX DR UD 01 04P1 Proposed Sections A and B received on the 15/06/21
18091 LHC DR UD 01 05P1 Proposed Sections C and D received on the 15/06/21
18091 LHC DR UD 01 06P1 Proposed Section E received on the 15/06/21
18091 01 10 Open Space Plan received on the 20/10/21

('the approved plans and documents').

Reason

To ensure the development is carried out in accordance with the approved plans which set the framework for the delivery of a development which addresses flood risk, landscape and visual impact, ecology and design in the interests of proper planning and adherence with the Environmental Statement, the policies of the North Devon and Torridge Local Plan and the National Design Guide.

5. No part of the development hereby permitted shall be commenced until a phasing programme ('the programme') has been submitted to and approved by the Local Planning Authority in writing and the development shall be carried out in accordance with the programme; always providing that all the works comprised in any one phase of the development shall be completed prior to the commencement of any subsequent phase (unless otherwise agreed). This programme shall demonstrate the timetable for the delivery of the replacement long stay car park and temporary transit site and how areas of public open space, public realm, cycle and pedestrian routes, landscaping and ecological mitigation are to be delivered.

Reason

To ensure that the replacement car park and transit site are provided in a timely manner along with their associated facilities/landscaping and ecological mitigation and in the interests of highway safety, amenity and to ensure the proper development of the site in accordance with Policies DM01, DM04, DM05 and DM06 of the North Devon and Torridge Local Plan.

6. At the same time as the housing reserved matters, a detailed noise mitigation strategy which addresses the potential for noise emissions from commercial properties on Seven Brethren and the new leisure centre / swimming pool (ventilation or other external plant) to the south of proposed dwellings as well as the design measures required set out in Chapter 13 of the ES deals with Noise and Vibration shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out as approved.

Reason

In order to limit the impact on residential amenity through ensuring that the detailed proposals take into account the noise and associated disturbance that can arise from a Town Centre site in close proximity to commercial and leisure activities.

7. Contaminated Land Condition - Remediation

(a) Prior to the commencement of the development hereby permitted a remediation strategy document, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The remediation scheme shall be prepared by a suitably qualified and accredited consultant/contractor in accordance with recognised standards and guidance and having regard to the proposed end-use of the site, the surrounding environment and controlled waters. This strategy will include the following components:

A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

Based on the results of the site investigation and the detailed risk assessment an options appraisal and remediation strategy giving full details of the remediation

measures required and how they are to be undertaken

Prior to occupation of the buildings hereby permitted:

(b) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the approved methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority in writing.

(c) A verification report shall be submitted to and be approved in writing by the Local Planning Authority. The verification report shall include details of the completed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary waste transfer documentation detailing any waste materials that have been removed from the site.

(d) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the verification report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in line with paragraph 174 of the National Planning Policy Framework.

8. Unsuspected Contamination

If, during any development (full or outline application), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

9. Piling

Any Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority and in accordance with an agreed Piling Works Risk Assessment which relates to the proposed foundation plans and which shall be submitted to and approved in writing by the Local Planning

Authority at the same time as the reserved matters for the outline scheme. The development shall thereafter be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

10. Construction Environmental Management Plan Condition - FULL APPLICATION & OUTLINE

Prior to the commencement of development of either the full application works or the outline application works, including any demolitions works, site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a scheme specific Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include reference to construction phase mitigation and health and safety measures recommended within the CGL Geoenvironmental and Geotechnical Interpretative Report dated October 2017; The Highly Recommended and Desirable Measures to inform Dust Management Chapter 7 (Air Quality) of the Environmental Impact Assessment dated June 2021 and; Chapter 13 (Noise and Vibration) of the Environmental Impact Assessment dated June 2021.

This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site.

Additionally, and where relevant, the CEMP shall include:

- (a) measures to regulate the routing of construction traffic (Construction Logistics Plan (CLP)),
- (b) the times within which traffic can enter and leave the site;
- (c) details of any significant importation or movement of spoil and soil on site;
- (d) details of the removal /disposal of materials from site, including soil and vegetation;
- (e) the location and covering of stockpiles;
- (f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- (g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;(dust Management Plan)
- (h) foul water run-off and pollution prevention and control methods.
- (i) a noise control plan which details hours of operation and proposed mitigation measures; measures to control construction noise during works such as using 'silenced' plant and equipment where possible, use of screening and acoustic enclosures where possible and operating plant at low speed as

detailed within the Noise and Vibration Chapter 13. Such measures would only be needed during bird migratory/ winter periods.

- (j) Heras-type fencing around the construction boundary, identification of Tree root protection zones,
- (k) measures to deal with Invasive species infestations,
- (l) Measures to protect species such as a sensitive lighting strategy, closure of open trenches overnight (or provision of escape routes) and litter prevention.
- (m) Construction works between April and September will be restricted to daylight hours and avoid the use of construction lighting. Construction activities will be restricted to daylight hours during the active season when bats are not active.
- (n) The provision of an Ecological Toolbox Talk
- (o) location of any site construction office, compound and ancillary facility buildings;
- (p) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- (q) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.
- (r) measures for identifying and dealing with any asbestos containing materials that may be present.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and be monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway. To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

11. Construction Hours Condition - OUTLINE & FULL

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

- a) Monday - Friday 07.00 - 18.00,
- b) Saturday 08.00 - 13.00
- c) nor at any time on Sunday, Bank or Public holidays.

Reason

To protect the amenity of local residents

12. Flood Resilience

No development approved by this outline planning permission shall commence until such time as a scheme is detailed to ensure that the development is flood resilient has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the detailed design for the embankment and

all other flood protection works required to ensure the site is protected and details of the finished floor levels of all buildings and ground raising. The scheme shall take into account any increase in climate change allowances. Should the design flood level increase as a result of updated climate change allowances, these updated levels shall inform the design the flood resilience measures, including increasing ground levels, finished floor levels and embankment level. The scheme shall also include a management and maintenance plan for the embankment. The scheme shall be fully implemented prior to any occupancy of the residential dwellings and subsequently maintained over the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and its future users over the lifetime of the development.

13. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved Flood Risk Assessment.
 - (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - (c) Confirmation that groundwater will not impact on the surface water drainage system.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason

The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

14. At the same time as the reserved matters a detailed external lighting design shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the documents listed within the conditions. The lighting strategy should be informed by industry best practice
<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Reason

To ensure that lighting is designed with regard to dark skies and ecological impact

15. **FULL & OUTLINE**

In this condition 'retained trees, hedges and shrubs' means an existing tree, hedge or shrub, which is to be retained in accordance with the approved plans and particulars listed within the conditions; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the occupation of the

building for its permitted use].

(a) No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any tree, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.

(b) If any retained tree, hedge or shrub is removed, uprooted or destroyed or dies, another tree, hedge or shrub shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of protective barriers and any other measures identified as necessary for the protection of any retained tree, hedge or shrub shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, or in accordance with an approved method statement and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

To safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

16. FULL & OUTLINE

Provision, implementation and maintenance of detailed landscape proposals

i) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

ii) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities); implementation and management programme.

Reason

To assimilate the development into the landscape and to safeguard the

appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

17. FULL & OUTLINE

Prior to the commencement of any work to the proposed car park and at the same time as the reserved matters for the outline scheme a site specific detailed landscape and ecological management plan (LEMP) and a ten year Habitat Management Plan (HMP) relating to either the full or outline application areas shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The content of the LEMP/HMP will address and expand upon the provision and management of all landscape and biodiversity avoidance, mitigation and enhancement measures of the development as set out within the ecological appraisal and preliminary ecological appraisal and ES and shall include:

- a) A description and evaluation of landscape and ecological features to be created managed and ecological trends and constraints on site that might influence management;
- b) A biodiversity impact assessment in accordance with the North Devon UNESCO World Biosphere Reserve Offsetting Strategy 2013-2018 / DEFRA Methodology. This shall indicate the stages at which the metric has achieved the biodiversity targets in the ES based on the delivery within the Full and any future reserved matters applications. Where on site delivery is not achieved the offsite requirements shall be recalculated as required by the s106 agreement
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an initial 10- year period);
- g) Details of the body or organization responsible for implementation of plan;
- h) Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures;
- i) Means of reporting of landscape and ecological monitoring results to the Local Planning Authority and provisions for seeking written agreement to any changes to the management actions and prescriptions that may be necessary to ensure effective delivery of the aims and objectives of the LEMP over time.

The LEMP/HMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP/HMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the scheme. The development shall be implemented in accordance with the approved details.

Reason

In order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

18. Before any work commences on site details of the scheme to translocate the Southern marsh orchids from the marshy grassland area to areas of retained marshy grassland habitat along the southern boundary shall be submitted at the same time as the detailed landscaping scheme for the car park and transit site.

Reason

To maintain suitability for this species and for species of greatest note to invertebrates including marsh woundwort and water figwort. T

19. Prior to the occupation of the first dwelling a scheme detailing the number and position of bat and bird boxes and reptile hibernacula (and any other habitat features required with in the Ecology Reports listed in condition *) shall be submitted to and approved in writing by the Local Planning Authority. These shall be sited on either the south or west elevation of any building identified and shall be retained thereafter.

Reason

To achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

20. OUTLINE

Prior to the laying out/construction of the areas of public open space within any phase precise details shall be submitted to and agreed in writing by the Local Planning Authority. This shall include where applicable to that phase:

- a) the precise design, position and layout of the LEAP including surface treatment, 5 pieces of play equipment, seating, signage and means of enclosure
- b) the precise planting schedule, means of enclosure of the areas of informal open space
- c) the position of seats, dog bins and signage within the informal public open space

The works shall thereafter be carried out as agreed and completed on site alongside the phase of development to which they relate and terms of the Section 106 agreement unless otherwise agreed in writing by the Local Planning Authority

Prior to the transfer of the public open space to the responsible management party, post development monitoring of the ecological site interest shall be carried out, the results of which shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed in accordance with the LEMP?HMP and in accordance with any further recommendations resulting from the monitoring studies.

Reason

In the interest of providing appropriate recreational areas for the development in accordance with Policies DM04 and DM10 of the North Devon and Torridge Local Plan.

21. OUTLINE

A waste audit statement shall be submitted as part of the reserved matters

application for each strategic phase of the development. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason

To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document

22. The site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with plans that shall be submitted for approval as part of any future application for the housing element of this permission where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be at least 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43 metres in both directions.

Reason

To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

23. No part of the development hereby approved shall be commenced until details of the treatment of the visibility splays required by the listed conditions and the means of defining the boundary between the visibility splay and the remainder of the application site have been submitted to and approved by the Local Planning Authority.

Reason

To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority

24. The site access road to the car park and all access to parcels of housing developments shall be built and maintained thereafter to not less than 5.5 metres for the first 10 metres back from its junction with the public highway and shall be provided with minimum 8 metre kerb radii at the junction and shall be no steeper than 1 in 20 gradient towards the public highway for the first 10 metres.

Reason

To minimise congestion of the access and in the interest of highway safety

25. Provision shall be made within the site(s) 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

26. Garaging/hardstanding and parking spaces required by this permission shall be provided in addition to and separate from the required turning space.

Reason

To ensure that vehicles parked on the site are able to enter and leave in forward gear

27. The reserved matters shall be supported by a car and cycle parking strategy setting out the car and cycle parking standards for the residential units. The car parking provision shall include electric car charging points. For the residential parts of the scheme this shall be related to the size of the dwelling proposed with adequate visitor space being provided in communal parking areas. Secure cycle parking shall be provided within the public realm parts of the site. The design, layout, drainage, materials of construction and external appearance of this provision shall be included in the reserved matters.

Reason

To ensure that adequate off street parking facilities are available for all the traffic attracted to the site.

28. No dwellings hereby approved shall be occupied until a minimum width 3.5 metre shared footway and cycleway has been constructed and made available for use between the Longbridge and Iron Bridge with connections to other paths in the area.

Reason

To minimise the impact of the development on the highway network and ensure adequate provision of cycle infrastructure in accordance with document LTN1/20.

29. Any proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason

To ensure that adequate information is available for the proper consideration of the detailed proposals.

30. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with the agreed details

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that

dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
C) The cul-de-sac visibility splays have been laid out to their final level;
D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason

To ensure that adequate access and associated facilities are available for the traffic attracted to the site

31. No other part of the development hereby approved shall be commenced until:
- A) The access roads have been laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the satisfaction of the Local Planning Authority

Reason

To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

32. No dwelling shall be occupied until the means of enclosure and the bin storage area for that dwelling have been provided in accordance with the approved plans submitted as part of the reserved matters.

Reason

To ensure adequate facilities are available to occupants of the dwellings in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

Informatives

1. Planning Practice Guidance defines reserved matters as:
- 'Access' - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - 'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

‘Landscaping’ - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

‘Layout’ - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

‘Scale’ - the height, width and length of each building proposed within the development in relation to its surroundings.

2. Advice – Flood Risk

Although we are satisfied at this stage that the proposed development is acceptable in principle, the applicant will need to provide further information at the detailed reserved matters stage to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the future residents of this development. We consider that a condition will be sufficient to ensure that this detail.

As part of the detailed design we advise that there must be an assessment of the impacts of loading of the flood defence embankment on the dwellings.

We advise that raising ground levels on this site will not cause any increase in flood risk to third parties, so we therefore are not looking for this development to compensate for the reduction in flood storage volumes. We support this approach of raising the levels across the site as a means of mitigating against risk because having the residential properties high and dry also offers safe means of access and egress.

However, the Flood Risk Assessment (FRA) does state that ‘Some area of south west corner, along centre of eastern boundary and the northern part of proposed residential area could still flood during design flood event’. Given that this is the case, it is not understood why the proposals are not to raise ground levels here above the design flood level. As the ground levels are not raised above the flood level safe access and egress for these properties is not possible. This has not been addressed in the FRA and must be considered as part of the detailed design. The proposed flood defences along the River Taw are outlined in section 3.13-3.18 of the FRA and in drawing ‘Land Raising Plan’ rev.P1. A 240m long section of flood wall is to be constructed under planning application 65312. It is required that this development will extend this defence line. A 40m long flood embankment has been proposed. The agreed height of the embankment is 7.4mAOD. More information is required about this embankment at the reserved matters stage. These defences must be in place before the first residents move into the properties.

There must also be information submitted on who will own and maintain the flood defence structure, the watercourses and watercourse easement. Responsibility and ownership of these must not be transferred to individual residents.

The current plans show an adequate easement from the River Taw to the properties.

As well as the embankment, the river frontage is also raised which will increase the resilience of the site to flooding. Some areas of the river frontage are not currently planned to be raised to 7.74 as can be seen in section D-D in drawing ‘Site Sections C

and D’ rev.P1. It is preferable to raise all the ground levels to 7.74 (the same as the defence level) if this is possible.

We are happy in principle with the proposals for the long stay carpark and are satisfied that the FRA adequately assesses the risk and mitigates by raising ground levels 0.45m

which is above the 7.32mAOD design flood level. There is surface water flood risk in the area of car park, however it is proposed to raise up the ground levels which will mitigate against this risk. More information for the design of the ground raising is required in line with the suggested condition

3. Informative – Environmental Permitting (Flood Risk Activity Permit) The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

In this case a permit will be required for the removal of current defences and replacement, including the embankment and associated works. Compliance checks will be required post construction to ensure the defences are built to agreed plans. Furthermore, a permit will be required for any new outfalls to the main river. This site will be impacted upon by tidal locking. Allowances for this must be made in order to prevent water backing up and flooding the site. One of the proposed outfalls that has been identified by the EA is a distance from the drainage basin. If the applicant wishes to create a new, more direct outfall this could be acceptable to the EA, a flood risk activity permit would be required for this work.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact SW_Exeter-PSO@environment-agency.gov.uk.

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

4. EA Advice – Contaminated Land

Investigation works completed within the development area and adjacent sites have identified significant areas of contamination with potential risks to controlled waters. The Environmental Impact Assessment reports the results of 4 leachate samples and 4 groundwater samples and compares these against EQS and DWS. A number of previous reports have also been provided including several desk based studies and ground investigations. Due to the size and complexity of the site it is important to fully characterise this former landfill and any other potential sources of contamination within the development area. Consideration of the site as a whole, rather than sectioned redevelopment will also be critical to understanding the wider site risks and ensuring a suitable assessment and management strategy can be implemented. An overarching assessment maybe beneficial if elements of the development are managed independently with separate ground investigations and foundation risk assessments completed.

We recommend that Land Contamination Risk Management guidance is followed and that other relevant best practice and British Standards are consulted where appropriate. Reference to these documents will help justify the number, distribution and analysis of samples needed to fully characterise contaminant concentrations across the site. We consider that the above conditions will be sufficient to secure this additional work.

5. Advice – Pollution Prevention

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 – Works and maintenance in or near water,

PPG6 – Working at construction and demolition sites. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> Provided appropriate measures, as referenced in the application, are taken to prevent pollution of the watercourse during construction phase we believe the risk during construction to be minimal.

However, we recommend that the Construction Environment Management Plan (CEMP) is revised to reflect mitigation requirements identified in the ecological assessment, in particular the hours of work on site and the potential use of artificial lighting to facilitate construction

6. Advice – Waste management

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf.

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

Use of waste on-site

As much material as possible should be re-used on site. If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

The applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. Should a permit be required, they should be aware that there is no guarantee that it will be granted.

Movement of waste off-site

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

https://www.gov.uk/uploads/system/uploads/attachment_data/waste-duty-care-codepractice-2016.pdf.

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct

onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

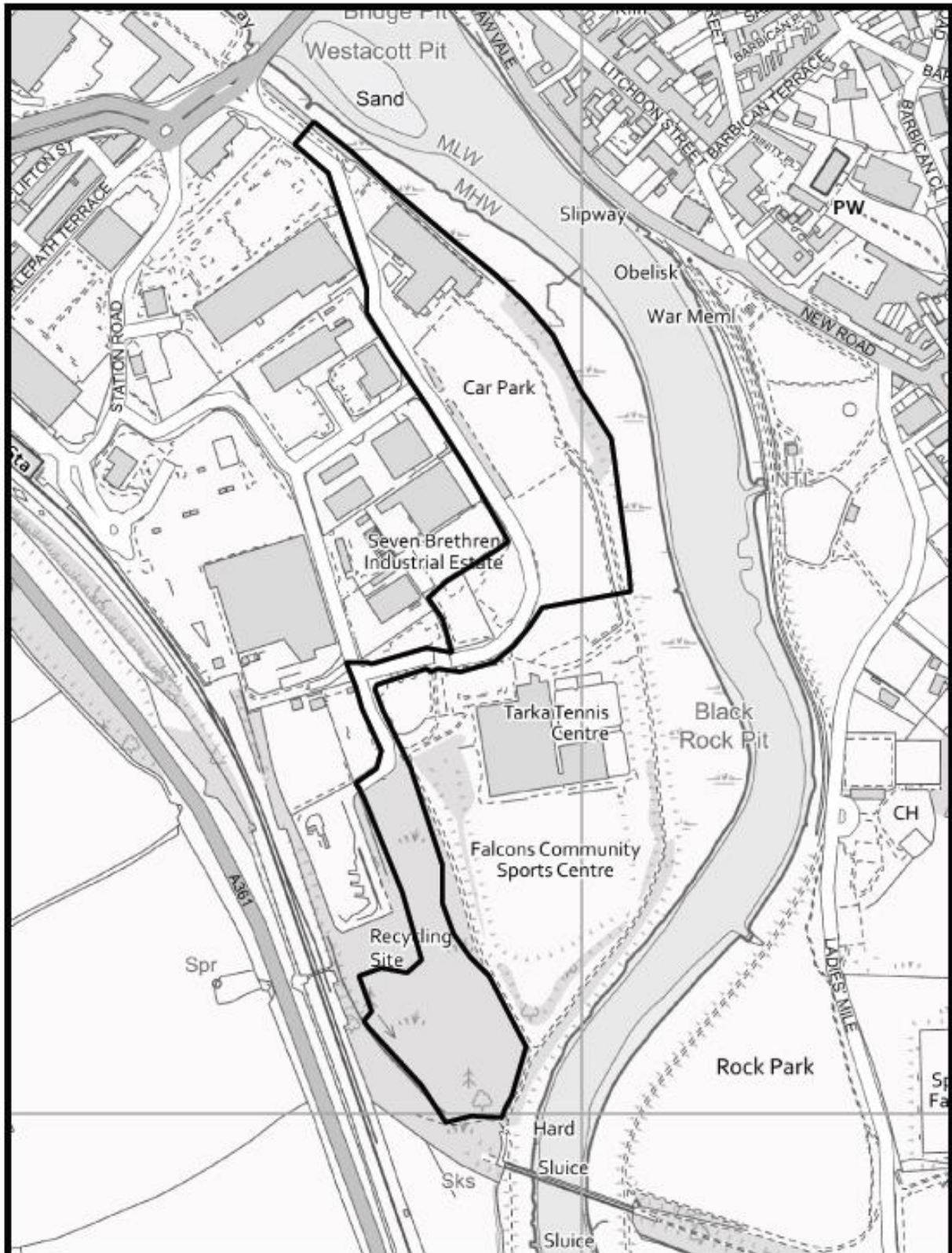
7. EA Advice re Water Quality

In terms of water quality, the applicant has confirmed that SWW has capacity to deal with the foul drainage from this site. Provided SWW assessment of capacity considered future demand and any impacts of climate change, and that the addition of the flows from this development do not cause a deterioration in quality in the receiving water course, we believe this to be acceptable. We are also pleased to see that surface water and foul flow will be managed separately, with SUDs being used to manage and treat the surface water flows within the development.

8. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included negotiating a comprehensive package of planning obligations, and seeking additional information requested by consultees.

END OF REPORT



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

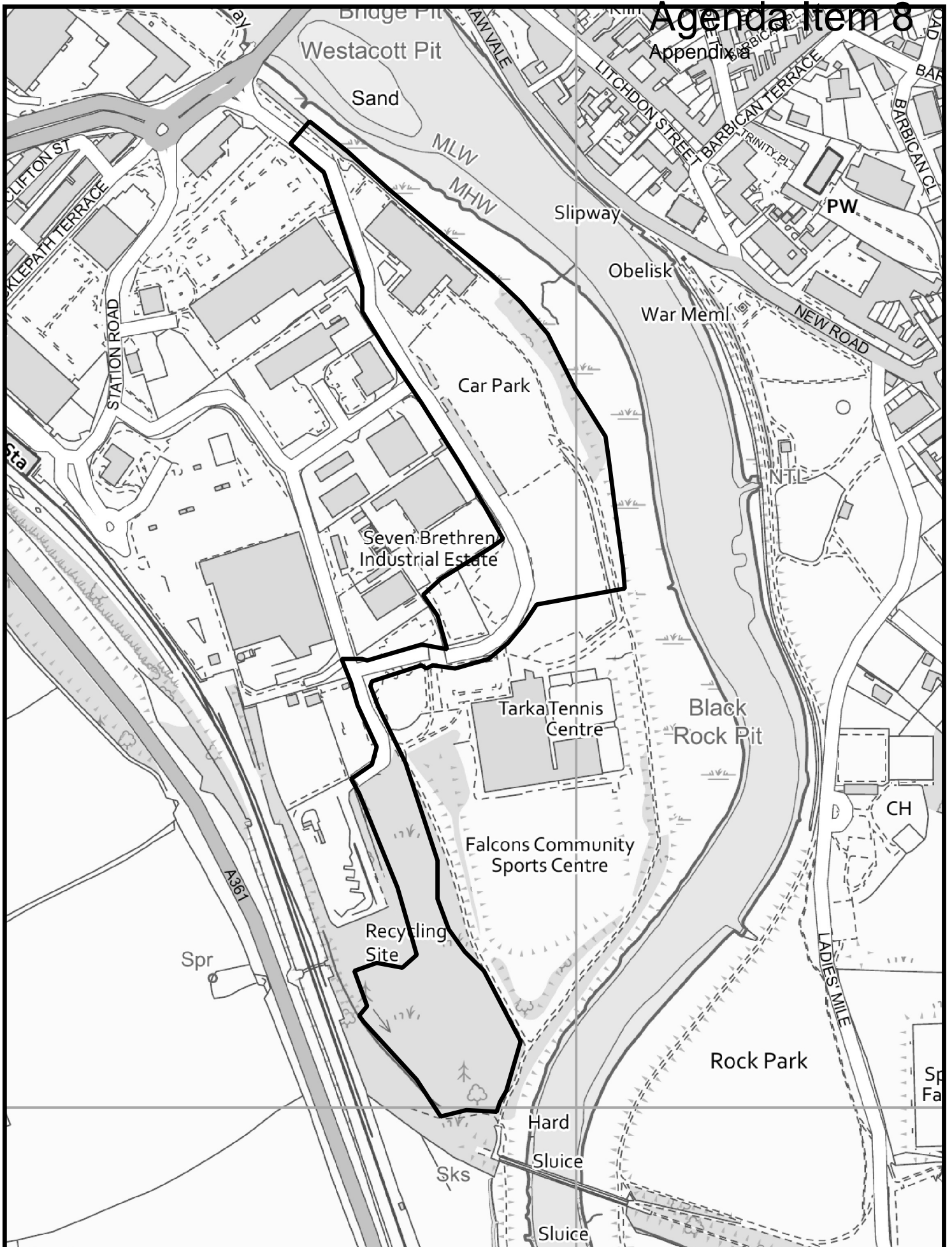
73606 - North Devon Leisure Centre EX31 2AP

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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No: 75407
Application Type: Full application
Application Expiry: 7 October 2022
Extension of Time Expiry: 7 October 2022
Publicity Expiry: 28 September 2022
Parish/Ward: FREMINGTON/BICKINGTON
Location: Queen Elizabeth II Playing Field
Tews Lane
Bickington
Devon

Proposal: Installation of multi use games area (MUGA) and associated works to include new agri-flex footpaths
Agent: Fremington Parish Council
Applicant: Fremington Parish Council
Planning Case Officer: Miss C Roissetter
Departure: N
EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Committee – North Devon Council own the land

Site Description

Queen Elizabeth II Playing Field is located within Bickington on the west side of Tews Lane. The site is neighboured by residential dwelling to the north and south, the highway to the east and open fields to the west.

Recommendation

Approved
Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
34086	Erection of sports pavilion together with sports pitches, access & car parking & associated landscaping (amended plans) at, land Pt OS 1575, Tews Lane, Bickington, Barnstaple, EX31 3XL	Full Planning Approval	25 March 2003

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Critical Drainage Area	Within constraint
Historic Landfill Buffer	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Unclassified Road	
Within 50m of Adopted New or Upgraded Road: BAR03 Tews Lane, Roundswell	16.80
Within Adopted Sports Hub: Tews Lane, Roundswell	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 500M Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint

Consultees

Name	Comment
Councillor H Walker	no comments received
Councillor J Cann	no comments received
Councillor W Topps	no comments received
Designing Out Crime Officer	Re Installation of multi-use games area (MUGA) and associated works to include new Agriflex footpaths at Queen Elizabeth II Playing Field Tews Lane Bickington Devon - 25th August 2022

Agenda Item 9

Name	Comment
Reply Received 25 August 2022	Thank you for this application, having spoken at length with the facility provider, tk play, I have no objections in principle from a designing out crime and anti-social behaviour perspective to the proposal.
Environment Agency	no comments received
Environmental Health Manager Reply Received 30 August 2022	<p>Flood Lighting</p> <p>i note the planning Statement confirms that no flood lighting is proposed for the MUGA. I suggest any future proposal to install flood lights should require the prior approval of the LPA. This would provide an opportunity to consider any potential for noise associated with use of the MUGA after dark to affect residential neighbours.</p> <p>I have no objection to permission being granted.</p>
Open Space Officer Reply Received 23 August 2022	<p>We support this application as it will provide an all weather sports facility that will be free to use for the residents in this area.</p>
Sport England Reply Received 18 August 2022	<p>Thank you for consulting Sport England on the above application.</p> <p>Sport England - Statutory Role and Policy</p> <p>It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.</p> <p>Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 99), and against its own playing fields policy, which states:</p> <p>'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:</p> <ul style="list-style-type: none"> • all or any part of a playing field, or • land which has been used as a playing field and remains undeveloped, or • land allocated for use as a playing field <p>unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'</p>

Name	Comment
	<p>Sport England's Playing Fields Policy and Guidance document can be viewed via this link</p> <p>The Proposal and Impact on Playing Field</p> <p>We have sought views from the Football Foundation (FF) have no objection to the proposal. They advise that they have no concerns over the MUGA location as this is sited outside of the fenced playing field area so will not affect the ability to retain the current pitches. The FF have no comments on the design of the MUGA. The facility could host informal football use but would not meet any standards for match play due to the hard tarmac surface.</p> <p>Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 (E3) of our playing fields policy, in that:</p> <p>The proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> • reduce the size of any playing pitch • result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); • reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; • result in the loss of other sporting provision or ancillary facilities on the site; or • prejudice the use of any remaining areas of playing field on the site. <p>The project also has the potential to broadly meet exception 5 (E5)</p> <p>The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.</p> <p>Summary This being the case, Sport England does not wish to raise an objection to this application.</p> <p>If you would like any further information or advice please contact the undersigned at the address below.</p>
Sustainability Officer	no comments received

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
1	0.00	0.00	0.00	0.00

J, Ellmore - received 24/09/22

- surprised this is being proposed as in 2012-2014 the Outdoor Gym from the Cedar Grove Field had to be removed. which was heavily opposed by the local Residents Association but proposal went ahead with the result of complaints of noise and vandalism. This Gym was removed which restored peace at night and stopped the vandalism.
- the risk of noise and disruption overnight to houses nearby as well as the risk of vandalism similar to that experienced at Rooks Close
- proposal will inevitably produce an increase in traffic on Tews Lane. The speed at which cars travel along this Road have already caused near misses with pedestrians.

Considerations

Proposal Description

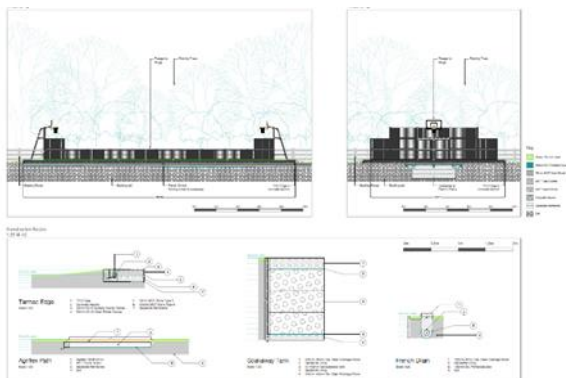
This application seeks detailed planning permission for the installation of multi use games area (MUGA) and associated works to include new agri-flex footpaths



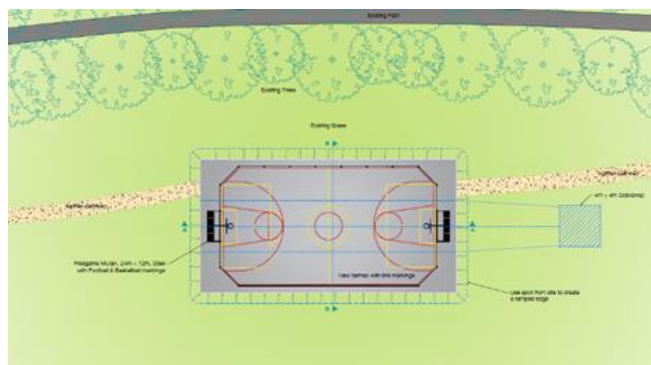
Site photo



Site photo



Proposed sections



Proposed layout of MUGA

Planning Considerations Summary

- Principle of Development
- Design
- Amenity
- Ecology
- Flood Risk and Drainage
- Highways and Parking

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan (NDTLP). The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of Development

The principle of development should be considered under Policy ST22 of the NDTLP which is copied below:

'Policy ST22: Community Services and Facilities

(1) Development of new, or extensions or improvements to existing community facilities that meet the needs of local communities will be supported within or adjoining defined settlements and Rural Settlements where:

(a) it does not harm the character of the area and the amenities of the surrounding uses;

(b) it is well related to public transport infrastructure, where possible, and is accessible by walking or cycling; and

(c) it can be accessed without generating unacceptable levels of traffic on the local road network and / or reducing highway safety.'

Fremington Parish Council have been provided Section 106 monies to provide the Community of Fremington Parish Council with a Multi-Use Games Area (MUGA). The proposed development would increase the leisure and sporting facilities within Bickington for local sport teams and local residents to use. The principle of development is acceptable and support would be dependent on the proposals compliance with relevant development management policies detailed below.

Design

Policy DM04 (Design Principles) of the NDTLP requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

The proposed MUGA would be situated in the open field area of the site adjacent to the tree line facing the highway. The development would measure approx. 25m by 12.4m. The proposed development is considered appropriate in scale for the proposed uses and will be screened from the highway by the existing tree line. As such, the proposal is considered to comply with DM04.

Amenity

Policy DM01 (Amenity Considerations) of the NDTLP states development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses; and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

One letter of representation has been received. Comments relate to a previous community development that has since been removed at Cedar Grove Fields due to noise and vandalism as well as the potential increase in traffic.

The proposed development would be situated within Queen Elizabeth II Playing Field to the west of Tews Lane. The proposed MUGA would be situated near the eastern boundary and would be screened from the residential dwellings east of Tews Lane.

The proposed development would not result in any overlooking or overbearing implications. The proposed development does not include the installation of flood lights so there are no lighting spill concerns. As the site is an existing playing field with a football pitch it is not considered that the proposed development would result in a significant increase in noise. Therefore, the proposed development is considered to comply with DM01.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Policy DM08 (Biodiversity and Geodiversity) of the NDTLP requires development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance.

Given the information received, the proposed development would impact on any protected species or their habitats and is in accordance with DM08.

Flood Risk and Drainage

The site is partially located within a Flood Zone 2 and is located within a Critical Drainage Area. Therefore, flooding and surface water drainage are considered to be constraints. As a result, the proposed development would include the installation of a French Drain system into a soakaway south of the proposed MUGA. As such this would comply with Policies ST02 and DM04 of the NDTLP.

Highways and Parking

Policy DM05 (Highways) of the NDTLP states all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users.

Policy DM06 (Parking Provision) of the NDTLP requires development proposals to provide an appropriate scale and range of parking provision to meet anticipated needs.

The Local Highway Authority have commented that the application should be considered using Standing Advice. The proposed development would not impact on the safety or function of the local road network and would not impact on the parking provisions for the

site as the proposal would utilise the existing site access and parking. The proposal is considered to comply with DM05 and DM06.

Conclusion

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

NDC001 Location Plan received on the 01/06/22

NDC002 Block Plan received on the 01/06/22

1085-0567 01.1 Layout received on the 01/06/22

1085-0567 01.12 Section Details received on the 21/07/22

1085-0567 01.1 Dimensioned Plan received on the 01/06/22

('the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:
Multi-Use Games Area - tarmac footprint
Footpath - agri-flex path

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

4. No lighting shall be installed at the site without the further grant of planning permission.

Reason:

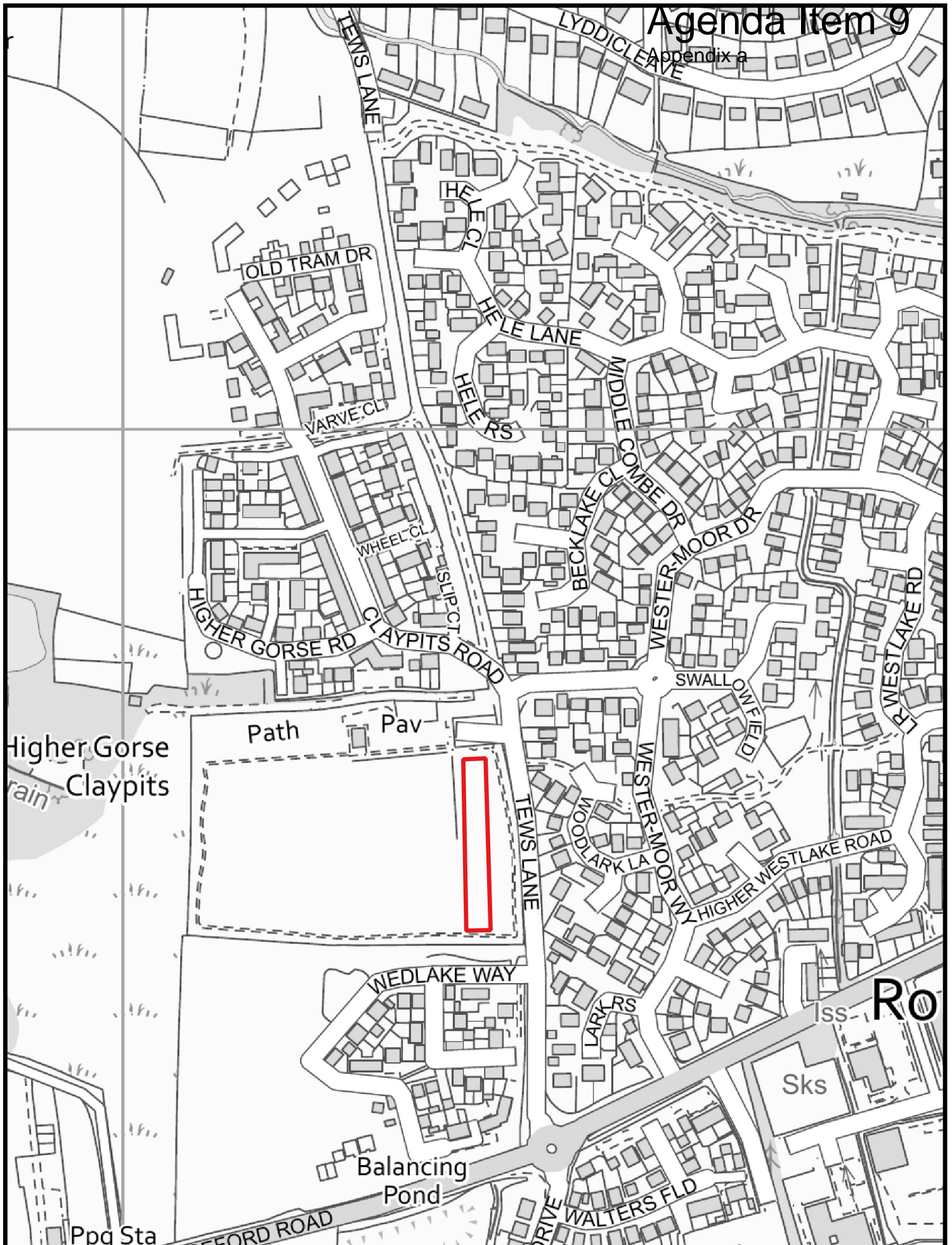
To protect neighbouring amenity and ecological interests in accordance with Policies DM01, DM02, DM08 and ST14 of the North Devon and Torridge Local Plan.

Informatives

1. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included design and amenity.
2. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>

END OF REPORT

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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No: 75613
Application Type: Listed Building consent
Application Expiry: 20 September 2022
Extension of Time Expiry:
Publicity Expiry: 25 August 2022
Parish/Ward: BARNSTAPLE/ROUNDSWELL
Location: Long Bridge
The Square
Barnstaple
Devon
EX32 8LN
Proposal: Listed building application for the insertion of an expanding foam seal on the west, east side & the junction of the proposed new flood defence walls
Agent: Mrs Tara Jenkins
Applicant: Mrs Tara Jenkins
Planning Case Officer: Miss C Roissetter
Departure: N
EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Delegated

Site Description

Long Bridge is located within Barnstaple over the River Taw and is a Grade I Listed Building, situated within Barnstaple-Town Centre Conservation Area. The site is visually prominent in the public realm in that it adjoins pedestrian and cycle routes along the River.

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
73606	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and		

Reference Number	Proposal	Decision	Decision Date
	temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure (additional information) at North Devon Leisure Centre, Seven Brethren Bank Barnstaple Devon EX31 2AP		
74245	Removal of condition 37 (flood defence scheme) attached to planning permission 59837 to allow the condition to be removed from the application. at Land at Anchorwood Bank, Taw Wharf Sticklepath, Devon		
173	Approval of Details: proposed shopping (Class 1 retail non-food) development. (amended application) at Barnstaple Junction Goods Yard, Sticklepath Terrace, Barnstaple, Devon, EX31 2AU	Full Planning Approval	9 December 1987
14724	T & C P Gen Regs 1976 proposed erection of fire escape at North Devon Leisure Centre, Seven Brethren, Barnstaple, EX31 2AP	Full Planning Approval	26 November 1991
18570	Proposed replacement illuminated fascia sign at North Devon Leisure Centre, , Seven Brethren, Barnstaple, EX31 2AP	Full Planning Approval	7 April 1994
23114	Application under Regulation 4 of The T & C P General Regulations 1992 in respect of Outline Application proposed erection of Tennis Centre, Gym Club, Skate Board Park, Roller Hockey Pitch, together with formation of new car park and extension to existing car park (amended description and plans) at land adj. North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	Full Planning Approval	11 February 1997
29354	Extension to provide children's play facilities at North Devon Leisure Centre, Seven Brethren Bank, Sticklepath, Barnstaple, EX31 2AP	Full Planning Approval	1 August 2000
31715	1. Siting of 2 No. illuminated canopy signs C & D 2. Siting of 2 No. illuminated wall mounted signs A & B at North Devon Leisure Centre, Seven Brethren Bank, Sticklepath, Barnstaple, EX31 2AP	Advert Refusal	12 October 2001
32442	Siting of 2 no. externally illuminated wall mounted signs & 1 no. wall mounted sign with internally illuminated lettering & logo (amended description) at North Devon Leisure Centre, Seven Brethren Bank, Sticklepath, Barnstaple, EX31 2AP	Advert Approval	27 March 2002

Reference Number	Proposal	Decision	Decision Date
34217	County Matter Application - Proposed replacement kiosk to house control & monitoring equipment to adjacent underground pumping station at land on junction of Sticklepath Terrace and access to North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	DCC - Recommend Approval	15 November 2002
36660	Application under Regulation 3 of the T & C P General Regulations 1992 Notification by Devon County Council In respect of proposed provision of a cycleway between the Longbridge and the entrance to the Leisure Centre car park as Stage 1 of a proposal to connect the Longbridge to the Tennis Centre with a parallel route to the road at footpath between Longbridge & North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	DCC - Approval	8 March 2004
38249	Application under Regulation 3 of the T & C P General Regulations 1992 in respect of demolition of existing toilet block & erection of new charter toilets at public conveniences, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	Full Planning Approval	7 September 2004
47650	Development to provide new college building totalling 35,981 sq.m GEA of Class D1 (education) floorspace, associated cycle & disabled car parking, access & landscaping & the re-provision of 267 public car parking spaces (amended description) (amended & additional plans & information) at land fronting River Taw, Seven Brethren Estate, Sticklepath, Barnstaple, Devon, EX31 2AG	Withdrawn	28 December 2011
65277	Listed Building Application for installation of lights to bridge at Long Bridge, The Square, Barnstaple, Devon,	LB (execution works) approval	24 October 2018
65312	Flood defence improvement works comprising the part removal & replacement of a flood wall along the southern bank of the River Taw at open space, Barnstaple, Devon,	Full planning approval	15 November 2018
65329	Listed Building Application for the insertion of an expanding foam seal on the west, east side & the junction of the proposed new flood defence walls at Long Bridge, The Square, Barnstaple, Devon,	Lb (execution works) approval	15 November 2018
74108	Approval of details in respect of discharge of Conditions 4 (CEMP) and 5 (CMP)	Approved	21 October 2021

Reference Number	Proposal	Decision	Decision Date
	attached to planning permission 65312 in respect of Zone 5 (Flood Defence Improvement works comprising the part of removal and replacement of a flood wall along the southern bank)(amended description) at Taw Wharf, Anchorwood Bank, Stickletpath, Barnstaple EX31 2AA		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adjacent to Conservation Area: 5 Barnstaple-Town Centre Adopted 20/04/2010;	Within constraint
Adopted Existing Strategic Footpath/Cycleway:Other Footpath/Cycle Routes	Within constraint
Advert Control Area Barnstaple	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Class I Road	
Class I Road	
Historic Landfill Buffer	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Listed Building Adjacent: 1478 EH Ref 1384979 Long Bridge, Barnstaple	11.90
Listed Building Curtilage (Adjacent to)	9.82
Public Right of Way:Footpath 204FP9	Within constraint
Risk of flooding from: Wistlandpound, reservoir with risk level High-risk	Within constraint
Unclassified Road	
USRN: 27501132 Road Class:A Ownership: Highway Authority	3.71
USRN: 27502140 Road Class:A Ownership: Highway Authority	13.68
USRN: 27502141 Road Class:R Ownership: Highway Authority/Private	4.68
USRN: 27504399 Road Class:G Ownership: Highway Authority	7.14
USRN: 27505006 Road Class:G Ownership: Highway Authority	Within constraint
USRN: 27505373 Road Class:YFP Ownership: Highway Authority	Within constraint
Within 50m of Adopted Proposed Footpath/Cycle Route:BAR20(e) Strategic Green Infrastructure Links	Within constraint
Within adopted Development Boundary: Barnstaple South Development Boundary ST06	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Within Adopted Mixed Use Allocation: BAR13 Seven Brethren	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 500M Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Listed Building Grade: 1	
DM01 - Amenity Considerations	
DM04 - Design Principles	
DM05 - Highways	
DM07 - Historic Environment	
DM08 - Biodiversity and Geodiversity	
ST03 - Adapting to Climate Change and Strengthening Resilience	
ST14 - Enhancing Environmental Assets	
ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Barnstaple Town Council	RECOMMEND: Approval (NC)
Reply Received 19 August 2022	
Councillor D Knight	no comments received
Councillor G Lofthouse	no comments received
DCC - Public Rights Of Way	no comments received
Georgian Group	no comments received

Name	Comment
Heritage & Conservation Officer Reply Received 18 August 2022	I do not consider that this proposal will cause harm to the significance of the heritage asset.
Historic England Reply Received 9 August 2022	Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at https://historicengland.org.uk/advice/find/ It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.
SPAB	no comments received
Sustainability Officer	no comments received
The Twentieth Century Society	no comments received

Neighbours / Interested Parties

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

Considerations

Proposal Description

This application seeks Listed Building Consent for the insertion of an expanding foam sealant between Long Bridge and the new flood defence walls to the South West Bank of the River Taw to prevent ingress behind the new flood walls during high tides. Forms part of the Zone 2 flood defence works, and to aid re-development of the Seven Brethren/Old Leisure Centre site.

The proposed scheme was previously approved in 2018 (ref. 65329) however, the time period for the works to commence has now lapsed and as such this application seeks to renew the previous permission.



Site Photographs

Planning Considerations Summary

- Principle of Development
- Design and Impact on Heritage Asset
- Ecology

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan (NDTLP). The relevant Policies are detailed above.

Section 16 of the Listed Building Act, in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of

planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of Development

'Policy ST03: Adapting to Climate Change and Strengthening Resilience Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by:

- (a) locating and designing development to minimise flood risk through:
 - (i) avoiding the development of land for vulnerable uses which is or will be at risk from flooding, and*
 - (ii) managing and reducing flood risk for development where that has wider sustainability or regeneration benefits to the community, or where there is no reasonable alternative site;**
- (b) reducing existing rates of surface water runoff within Critical Drainage Areas;*
- (c) upgrading flood defences and protecting key transport routes from risks of flooding;*
- (d) re-establishing functional flood plains in accordance with the Shoreline Management Plan, Flood Risk Management Plan and Catchment Action Plan;*
- (e) locating development to avoid risk from current and future coastal erosion;*
- (f) adopting effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater;*
- (g) ensuring development is resilient to the impacts of climate change through making effective use of renewable resources, passive heating and cooling, natural light and ventilation;*
- (h) ensuring risks from potential climate change hazards, including pollutants (of air and land) are minimised to protect and promote healthy and safe environments;*
- (i) conserving and enhancing landscapes and networks of habitats, including cross-boundary green infrastructure links, strengthening the resilience of biodiversity to climate change by facilitating migration of wildlife between habitats and improving their connectivity;*
- (j) protecting and integrating green infrastructure into urban areas, improving access to natural and managed green space; and*
- (k) promoting the potential contribution from ecosystem services that support adaptation to climate change.'*

The proposed development is acceptable in principle and is supported provided the design and impact on the heritage asset is considered acceptable.

Design and Impact on Heritage Asset

Policy DM04 (Design Principles) of the NDTLP requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

Policy DM07 (Historic Environment) of the NDTLP states all proposals 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. As part of such an assessment, consideration should be given, in order of preference, for avoiding any harm, providing enhancement, then minimising and mitigating any harm.

Policy ST15 (Conserving Heritage Assets) of the NDTLP states great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by: conserving the historic dimension of the landscape; conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated; identifying and protecting locally important buildings that contribute to the area's local character and identity; and increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community.

The proposed development includes the insertion of an expanding foam sealant between Long Bridge and the new flood defence walls to the South West Bank of the River Taw to prevent ingress behind the new flood walls during high tides. The design of the new flood wall is considered to be appropriate for its proposed function whilst reflecting the character of the local heritage asset and street scene. Historic England has not raised any objection to the application and the Heritage & Conservation Officer has commented that they do not consider that the proposal would cause harm to the significance of the heritage asset.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Policy DM08 (Biodiversity and Geodiversity) of the NDTLP requires development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance.

Policy ST14 (Enhancing Environmental Assets) of the NDTLP aims to protect and enhance northern Devon's natural environment by ensuring that development contributes to providing a net gain in biodiversity where possible.

The proposed development will result in the loss of habitats for local wildlife during the construction of the development. The submitted Ecological Report, comments that the ecological impact would be low despite being close to important ecological receptors and outlines mitigation and compensation measures. The appropriate planning details have been detailed in the submitted plans.

Conclusion

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the Consent is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby permitted shall be carried out in accordance with the following approved plans/details:
NDC002A Location Plan received on the 26/07/22
NDC001 Site Plan received on the 19/07/22
TVO-MS-ZZ-DR-C-0006 S8P1 Location Plan 180725 received on the 13/07/22
TVO-MS-Z2-DR-Z-0020-S8P2 General Arrangement 1 received on the 13/07/22
TVO-MS-Z2-DR-Z-002-S8P2 General Arrangement 2 received on the 13/07/22
TVO-MS-Z2-DR-Z-00230S8P2 Elevation Wall Zone 1 received on the 13/07/22
TVO-MS-Z2-DR-Z-0024-S2P2 Sections Details received on the 13/07/22
Flood Defence Ecology Report Update 0628 Eru Fm June 2018 received on the 19/07/22
(‘the approved plans’).

Reason:

To ensure the works are carried out in accordance with the approved plans in the interests of the heritage asset.

3. The development shall be carried out in accordance with the recommendations in Section 6 as detailed in the Ecology Report prepared by Green Ecology dated June 2018.

Reason:

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet the statutory duties of the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Informatives

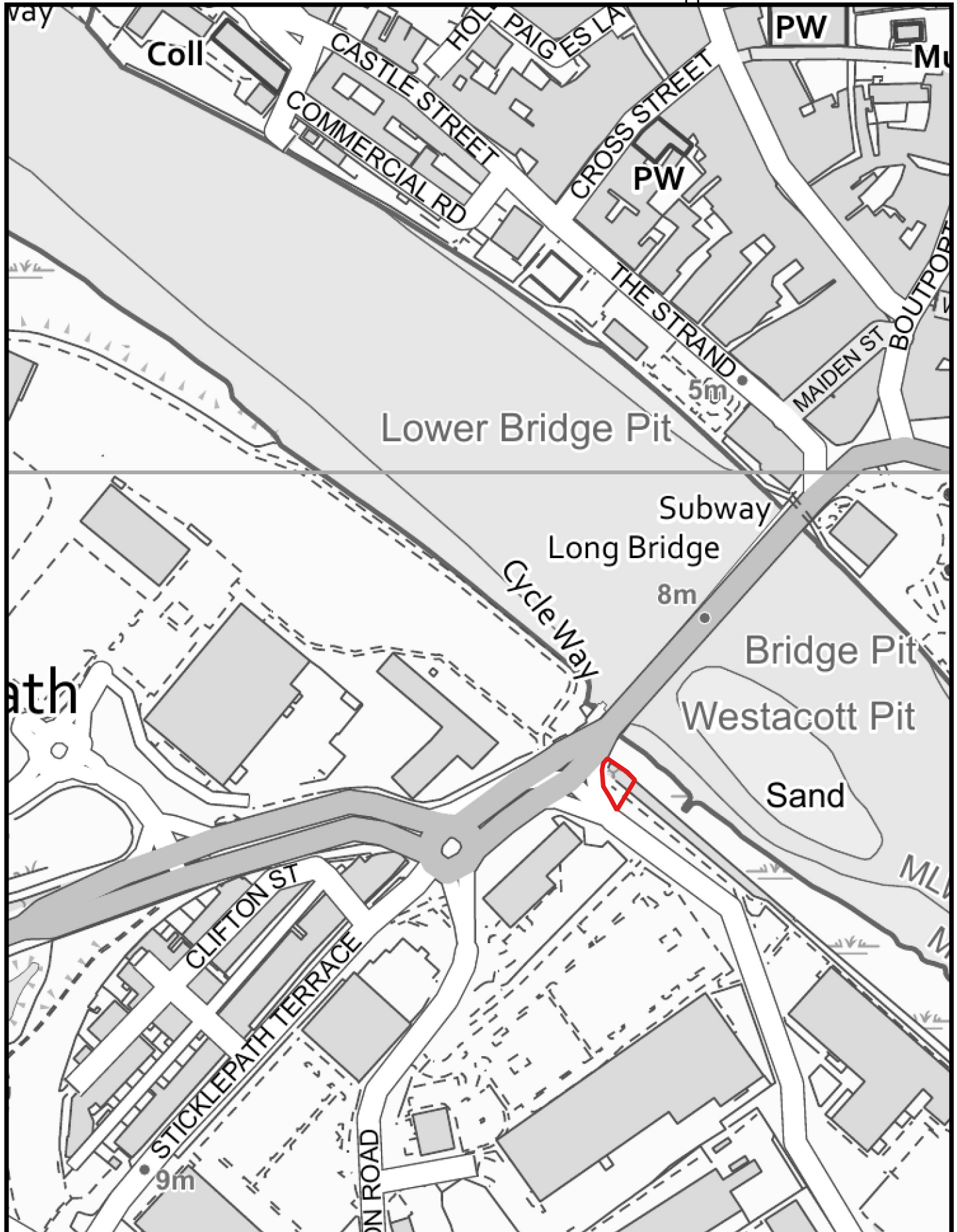
1. This decision does not give or convey any form of consent to any other works other than those specified in the submitted and approved drawings / schedule of works or the alteration or removal of any fixtures or fittings which may require separate specific listed building consent. If any other such works are intended the applicant is advised to contact the Local Planning Authority for advice before commencing these on site.
2. INFORMATIVE NOTE: -

The Planning [Listed Buildings and Conservation Areas] [England] [Amendment] Regulations 2003

SUMMARY OF REASONS FOR THE DECISION TO GRANT LISTED BUILDING CONSENT.

The Local Planning Authority considers that listed building consent should be granted as it does not consider that permitting the proposed works would conflict with its duty under Section 16 of The Planning [Listed Buildings and Conservation Areas] Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	75907
Application Type:	NDC reg 3
Application Expiry:	7 November 2022
Extension of Time Expiry:	
Publicity Expiry:	12 October 2022
Parish/Ward:	BARNSTAPLE/BARNSTAPLE CENTRAL
Location:	Kentucky Fried Chicken 47 High Street Barnstaple Devon EX31 1BZ
Proposal:	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for alterations to the ground floor retail unit shop frontage including new retail unit entrance doors and a new separate entrance to upper floor accommodation.
Agent:	
Applicant:	North Devon Council
Planning Case Officer:	Mr M. Brown
Departure:	N
EIA Development:	
EIA Conclusion:	
Decision Level/Reason for Report to Committee (If Applicable):	The applicant is North Devon Council

Site Description

This site forms part of the Green Lanes shopping complex with the shopfront the subject of this application fronting on to the High Street. The existing frontage is formed of timber with pilasters on the extremities and a signage fascia above. Brickwork is used for the formation of the walls.

There are a number of listed properties nearby with the site itself also sitting within the Barnstaple Town Centre Conservation Area.

Recommendation

APPROVE subject to the receipt of appropriate amended plans.

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
74616	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 notification by North Devon council for variation of condition 14 of planning consent 2/86/916/4/3 and variation of condition 4 of planning permission 3765 to remove reference to condition 4 of planning permission 2/86/916/4/3 and remove condition 8 of planning permission 1795 and condition 5 of planning permission 20190 in so far its reference to condition 4 of planning permission 2/86/916/4/3 to allow for the shopping centre to be re-classed for designation as commercial, business and service use under Class E (a, b, c, d, e, f, g(i) (amended description) at Green Lanes Shopping Centre, Barnstaple, Devon, EX31 1UL	Awaiting completion of S106	
14896	Proposed change of use from class a1 shop To Class A3 (Food and Drink) plus alteration and extension at 47 High Street, Barnstaple, EX31 1BZ	Full Planning Approval	5 February 1992
15484	Proposed illuminated replacement signs to entrances to Green Lanes Shopping Centre at Green Lanes Shopping Centre, Barnstaple, EX31 1UJ	Full Planning Approval	17 July 1992
15382	Proposed illuminated fascia and hanging signs at formerly Fosters Menswear, 47 High Street, Barnstaple, EX31 1BZ	Full Planning Approval	21 August 1992
27100	Change of use of pavement area for the siting of 2 no. Seating areas in connection with Wimpy at Wimpy Bar, 47 High Street, Barnstaple, EX31 1BZ	Full Planning Approval	7 June 1999
26915	Proposed alterations to existing high street entrance at Green Lanes Shopping Centre, Barnstaple, EX31 1UJ	Full Planning Approval	17 June 1999
27237	Alterations to existing high street entrance at High Street Entrance, Green Lanes Shopping Centre, Barnstaple, EX31 1UG	Full Planning Approval	17 June 1999
30323	Change of use of pavement area for siting of 2 no. Seating areas in connection with wimpy (renewal of planning consent 27100) at Wimpy Bar, 47 High Street, Barnstaple, EX31 1BZ	Full Planning Approval	19 February 2001
26791	Proposed first floor extension to existing shop unit at 4 Green Lanes Shopping Centre, Barnstaple, EX31 1UG	Full Planning +	20 August 2001

Reference Number	Proposal	Decision	Decision Date
		S106 Approval	
30181	Siting of 2 no. Fascia signs & 1 no. Projecting sign (amended description) at Wimpy Bar, 47 High Street, Barnstaple, EX31 1BZ	Advert Approval	22 August 2001
38599	Erection of 4 directory signs on entrance pillars at Green Lanes Shopping Centre, 40 Green Lanes, Barnstaple, EX31 1UL	Advert Approval	7 September 2005
49466	Retrospective application for alterations to shopfront (amended description) at 47 High Street, Barnstaple, Devon, EX31 1BZ	Full Planning Approval	27 January 2010
49467	Retrospective application for siting of replacement non-illuminated fascia signage & one non-illuminated projecting sign (amended description) at 47 High Street, Barnstaple, Devon, EX31 1BZ	Advert Approval	27 January 2010

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Barnstaple	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Conservation Area: 5 Barnstaple-Town Centre Adopted 20/04/2010;	Within constraint
Is an Adopted Primary Shopping Frontage: Barnstaple Town Centre	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Listed Building Adjacent: 1425 EH Ref 1385155 No. 44, High Street (east side), Barnstaple	15.45
Use Class: A1 - Shops - A1a - Sale of goods (other than hot food)	Within constraint
Use Class: Vacant - vacant - Vacant	Within constraint
USRN: 27500977 Road Class:R Ownership: Highway Authority	2.57
USRN: 27502148 Road Class:G Ownership: Highway Authority	9.46
USRN: 27505360 Road Class:YFP Ownership: Highway Authority	10.41
Within adopted Development Boundary: Barnstaple North Development Boundary ST06	Within constraint
Within Adopted District Centre: Barnstaple Town Centre	Within constraint
Within Adopted Primary Shopping Area: Barnstaple Town Centre	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Within Adopted Primary Shopping Area: Barnstaple Town Centre Area	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within:, SSSI 500M Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Conservation Area: BARNSTAPLE, TOWN CENTRE	
DM01 - Amenity Considerations DM04 - Design Principles DM07 - Historic Environment DM22 - Shop Front Design and Signage ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Barnstaple Town Council Reply Received 30 September 2022	30/09/2022 14:33 - RECOMMEND: Approval (4 For, 3 Abs) Cllr York, Cllr J Phillips and Cllr I Roome abstained from voting on this item.
Councillor R Mack	No objection received.
Heritage & Conservation Officer Reply Received 5 October 2022	5/10/2022 14:07 - This application proposes various alterations to the shopfront. I do not consider that this proposal will cause actual harm to the significance of the heritage asset, which is the Conservation area in this case, but I do feel that the proposal could be better designed to reflect the characteristic of symmetry which is evident in the facade. If some slight alterations could be made to address this, it would be a benefit.
Sustainability Officer	No objection received.

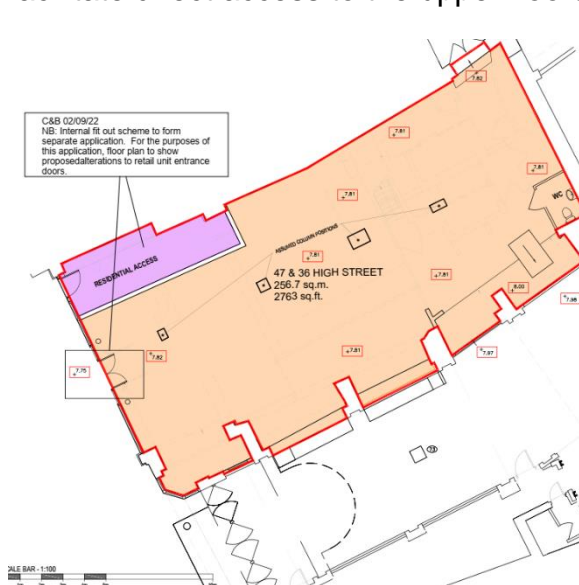
Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0	0	0	0	0

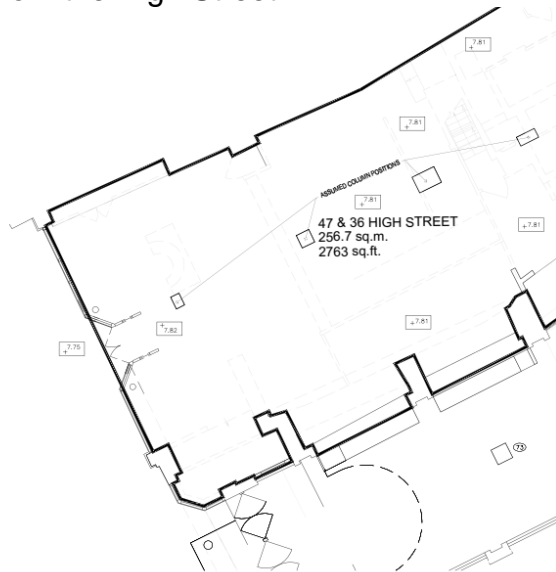
Considerations

Proposal Description

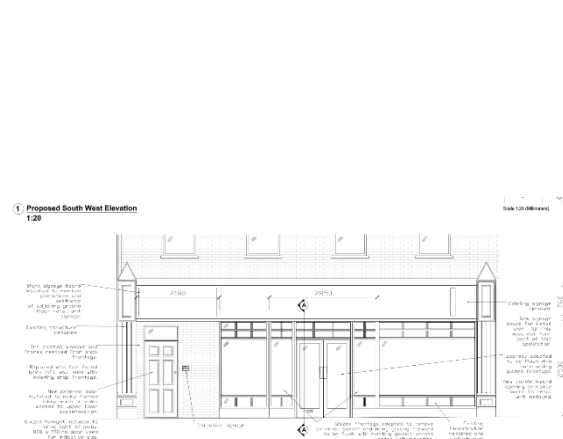
This application seeks detailed planning permission for the sub division of a shopfront to facilitate direct access to the upper floors from the High Street.



Proposed Floor Plan



Existing Floor Plan



Proposed Frontage



Existing Frontage

Planning Considerations Summary

- Design and Heritage
- Highways

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) is a material consideration.

Design/Heritage

This site is located in a conservation area and near listed buildings.

The heritage and design policies of the Local Plan seek to secure appropriate design. The policies conclude that proposals which conserve and enhance heritage assets and their settings will be supported.

Design Policies seek good design, whilst Policy DM22 (Shop Front Design and Signage) confirms:-

- (1) Development altering existing and proposing new shop frontages will be supported where:
 - (a) the local character and features of traditional shop fronts are retained and enhanced, the local street scene is conserved and they are appropriate to the design and character of the building on which they are installed;
 - (b) shop fronts and fascia signage relate to individual buildings rather than retail frontages as a whole;
 - (c) excessive signage is avoided; and
 - (d) any security shutters are internally mounted.

The detailed design shows the use of traditional materials which will enhance and preserve the character of the conservation area and building as a whole whilst not impacting on the unlisted buildings significance.

This is reflected by the consultation response of the Conservation Officer which states *“This application proposes various alterations to the shopfront. I do not consider that this proposal will cause actual harm to the significance of the heritage asset, which is the Conservation area in this case, but I do feel that the proposal could be better designed to reflect the characteristic of symmetry which is evident in the facade. If some slight alterations could be made to address this, it would be a benefit.”*

Revisions to address the foregoing have been requested from the applicant. Providing these revisions are secured it is concluded that the scheme will be acceptable in design and heritage terms.

Amenity

No issues identified.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural

Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

No impact on protected species is identified. Scale of proposal and its nature does not facilitate a requirement for biodiversity enhancements.

Flood Risk and Drainage

No issues.

Highways

No highway safety issues are identified due to the flush fitting nature of the shopfront.

Conclusion

The development will not impact unacceptably on the significance of the heritage asset or building as a whole. Also, it will enable a vacant unit to be brought back in to use. The small loss of ground floor trading area is regrettable, however, given that this will allow for a more sustainable use of the property as a whole it is concluded that the benefits of the scheme outweigh the harm, whilst protecting the vitality and viability of the Town Centre. As such the application is considered to accord with the adopted development plan and Duty set out above, subject revised drawing being submitted. Approval of the application is therefore recommended subject to the imposition of planning conditions and the securing of revised plans improving the design.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

APPROVE subject to the receipt of appropriate amended plans.

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
502637-P-00 Location Plan received on the 09/09/22
502637-P-01 Site Plan received on the 09/09/22
22031-F112 Proposed Ground Floor Plan received on the 09/09/22
TO BE SUPERSEDED 502637-P-04 Proposed SW Elevation received on the 09/09/22
(‘the approved plans’).

Reason

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The shop front detailing including the pilaster and fascia as shown on the approved plans shall be implemented in full on site prior to the first use of new door.

Reason

In the interests of the appearance of the development, heritage asset and locality in accordance with Policy DM04, DM07 and DM22 of the North Devon and Torridge Local Plan.

4. The development shall be constructed in accordance with the schedule of materials set out on the approved plans.

Reason

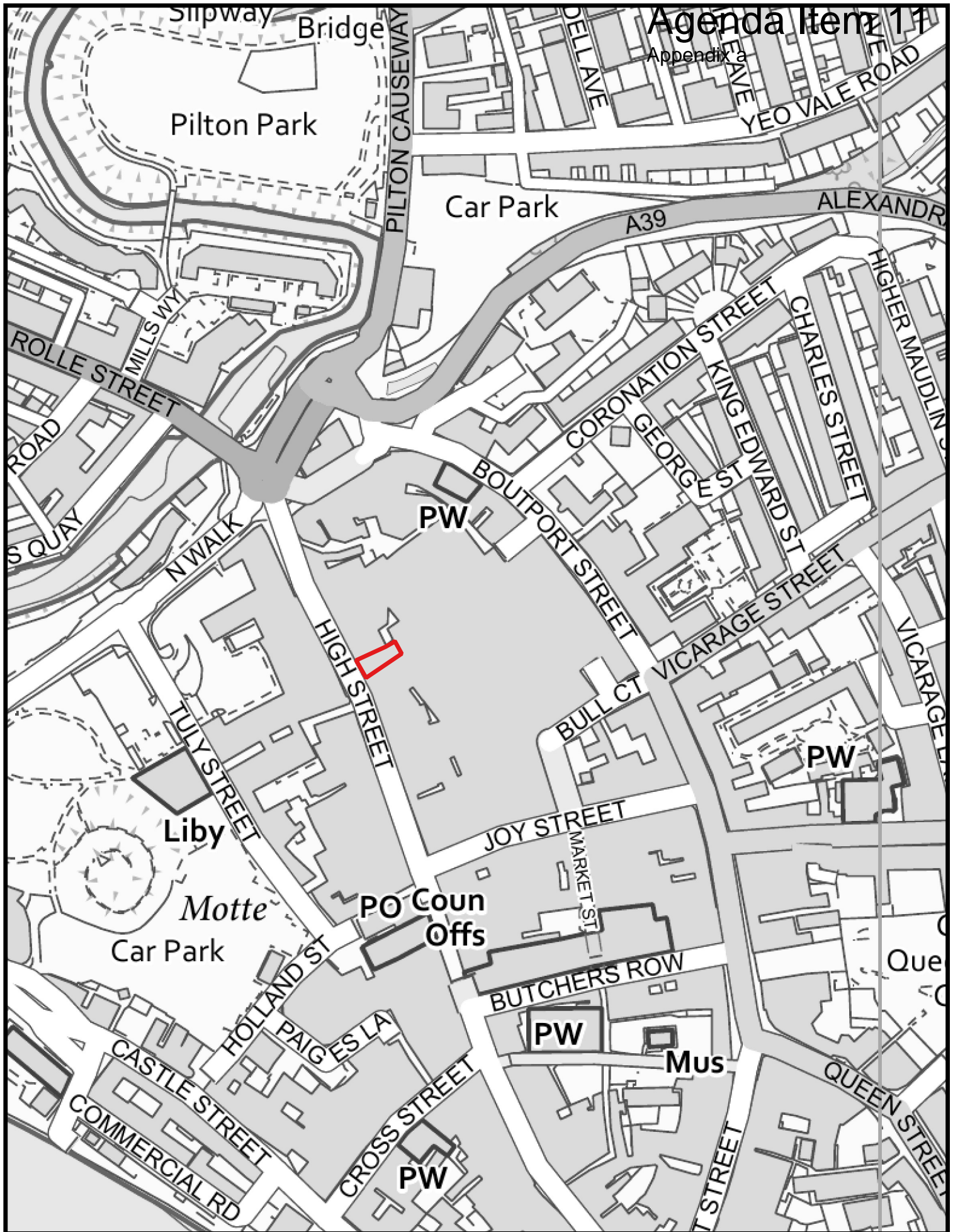
In the interests of the appearance of the development and locality in accordance with Policy DM04, DM07 and DM22 of the North Devon and Torridge Local Plan.

Informatives

1. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included consideration of design, heritage and the vitality and viability of the town centre.

Inserts

- 1) Location Plan



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North Devon Council

Report Date: 10th October 2022

Topic: Planning and Enforcement Appeal Decisions received since last report to Planning Committee. See Agenda for Planning Committee held on 28th Sept 2022.

Report by: Sue Thomas – Senior Planning Support Officer (Appeals)

1. INTRODUCTION

1.1. This report is to inform Planning Committee Members of the Planning and Enforcement Appeal Decisions received from the Planning Inspectorate.

2. RECOMMENDATIONS

2.1. That Members and other interested parties note the appeal decisions reported.

3. REASONS FOR RECOMMENDATIONS

3.1. The Appeal Decisions are reported for general information and to enable consideration of any implications they may have on future cases.

4. REPORT

4.1 Appendix A – Planning Appeal Decision re 73372 – Erection of single storey detached outbuilding for ancillary use following demolition of existing garage at 34 Beach Road, Ilfracombe EX34 9QZ - Appeal Allowed on 3rd October 2022.

Explanatory Note re Appeal Decision:

The appellant objected to two of the conditions (3 & 4) of the planning permission (73372). The Inspector states in her decision that condition 3 is "entirely reasonable and necessary" (paragraph 8 of Appeal Decision). She goes on to say that condition 4 of the planning permission is deleted but substituted with "Notwithstanding the details shown on the approved plans, the development shall be constructed using horizontal timber cladding for external walls and roof tiles to match the host dwelling". The appeal is ONLY allowed in respect of condition 4 and the planning permission only varied in that regard.

5. RESOURCE IMPLICATIONS

5.1. Where an application by the appellant for an award of Appeal Costs is successful it is expected that this will be paid from the Planning budget (financial resource implication)

5.2. Where an application by the LPA for an award of Appeal Costs from the appellant is successful it is expected that this will be paid into the Planning budget (financial resource implication)

5.3. There may be a financial implication if Consultants are employed to confirm that any claim for Appeal Costs is reasonable/acceptable (financial resource implication)



5.4. There may be a call on NDC staff (Planning/Legal) to confirm that any claim for Appeal Costs is reasonable/acceptable (staffing resource implication)

6. EQUALITIES ASSESSMENT

6.1. There are not any equalities implications anticipated as a result of this report.

7. ENVIRONMENTAL ASSESSMENT

7.1. It is considered by the Author that, as this report is simply to advise Planning Committee Members and other interested parties of recent Planning and Enforcement Appeal decisions, there are no Environmental implications arising from its contents.

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: - Positive as will learn lessons to reduce potential costs awards against the Council

8.1.2. Improving customer focus and/or – Positive as will learn lessons for future consideration

8.1.3. Regeneration or economic development – Positive as will learn lessons for future consideration

9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annexe 1 paragraph: - Not applicable

9.2. Referred or delegated power? – Not applicable

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

11.1 Planning Inspector's Appeal decision re 73372 (Appendix A)

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Sue Thomas – Senior Planning Support Officer (Appeals) - Planning, Housing & Health



Appeal Decision

Site visit made on 20 September 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2022

Appeal Ref: APP/X1118/W/22/3294290

34 Beach Road, Ilfracombe EX34 9QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Shaun Galliver against the decision of North Devon District Council.
- The application Ref 73372, dated 7 June 2021, was approved on 9 November 2021 and planning permission was granted subject to conditions.
- The development permitted is erection of single storey detached outbuilding for ancillary use following demolition of existing garage (revised description and amended plans received).
- The conditions in dispute are Nos 3 and 4 which state that:
 - 3) - *The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on the application site, namely no.34 Beach Road, and specifically shall not be used as a separate unit of residential accommodation.*
 - 4) - *The proposed development shall be constructed in accordance with the following schedule of materials: horizontal timber cladding, roof tiles to match the host dwelling and timber framed double-glazed doors and windows.*
- The reasons given for the conditions are:
 - 3) - *The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings contrary to Policy DM01 of the North Devon and Torridge Local Plan and the relevant policies of the NPPF.*
 - 4) - *In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.*

Decision

1. The appeal is allowed and the planning permission Ref 73372 for erection of single storey detached outbuilding for ancillary use following demolition of existing garage (revised description and amended plans received) at 34 Beach Road, Ilfracombe, EX34 9QZ, granted on 9 November 2021 by North Devon District Council, is varied by deleting condition 4 and substituting it for the following condition:
 - 4) Notwithstanding the details shown on the approved plans, the development shall be constructed using:
 - Horizontal timber cladding for external walls; and
 - Roof tiles to match the host dwelling.

Procedural Matters

2. The appeal form completed on behalf of the appellant indicates that the description of the development has not changed from that stated on the

application form (Section E). However, the original application form described the proposal as the “*Demolition of existing garage and construction of single storey ancillary outbuilding to contain a single bedroom holiday let*” (my underlining). During its processing, it appears that the Council and appellant negotiated on the nature of the application and changes were made to both the plans and the description of the development. I deal with the substance of this matter below, but this is a relevant factor and I have used the description of the development as approved on the decision notice in the banner heading of this appeal and in defining my decision.

Main Issues

3. The main issues are whether the conditions are necessary and reasonable, having regard to (a) the intended use of the building, and (b) the character and appearance of the area.

Reasons

Use of the building

4. The effect of condition 3 is that the approved building can only be used as additional accommodation in association with the main dwelling, No 34 Beach Road, and not as a separate unit of accommodation. Whilst the evidence describes that the main dwelling has been used for holiday letting purposes for a substantial period, it does not have a condition limiting its use as such.
5. An email submitted to me appears to suggest that the appellant was happy to accept separate conditions to deal with the ancillary nature of the proposed building and its use as a holiday let. The description, changed shortly before the decision was issued, appeared to reflect this acceptance of an ancillary use but omitted any reference to the holiday letting purposes. The appellant goes on to detail that the ‘ancillary’ use restriction was accepted on the basis that it would only prevent the units from being sold separately, but this highlights a misunderstanding of the way in which such a term applies. Anything to be used for purposes *ancillary* to a host dwelling will contain facilities that extend its normal residential accommodation. In this arrangement, should the main dwelling be used for holiday letting purposes rather than as anyone’s main residence, then it could be used as an extension of the accommodation for the guests staying as a single family unit for the duration of their stay. Any ancillary building is not itself an independent unit of accommodation.
6. In any event, as established by caselaw¹, an application to vary conditions may not be used to obtain a permission that would require a variation to the terms of the “operative” part of the planning permission. The description of the development cannot be amended; only the condition can be varied. If amending or removing a condition would result in a conflict between it and the description of development, then that particular amendment is beyond the scope of such an application and a fresh planning application is required instead. Essentially, any alterations cannot fundamentally alter the original planning proposal for which permission had been granted.
7. If I were to remove the condition limiting the use of the building for ancillary purposes, then it would create a conflict with the description of the development and so cannot be granted. Both versions of the description of

¹ Finney v Welsh Ministers & others [2019] EWCA Civ 1868

development have included the word 'ancillary' and therefore, any consultation with interested parties has also only been on that basis. Furthermore, as this is not the appropriate vehicle to consider such a request, I have not considered the merits in detail as to do so could be prejudicial to any future decision-maker.

8. For the above reasons, condition 3 is considered to be entirely reasonable and necessary having regard to the basis of the extant permission.

Character and appearance

9. Condition 4 stipulates the materials to be used in the construction of the building which appear to reflect the materials specifically listed on the approved elevation plans. The appellant now requests discretion to use an alternative material for the windows and doors rather than that specified.
10. There is a wide range of materials found locally. Timber windows and doors, whilst generally more aesthetically appealing and characterful, are not found as abundantly as PVCu or other modern materials of joinery. I consider that to allow any change to the roof or wall materials would degrade the character and appearance of the building to an unacceptable degree, but that the change to windows and doors could be tolerated without undue harm or conflict with Policy DM04 of the North Devon and Torridge Local Plan (2018).
11. For the reasons above, the variation of condition 4 is considered acceptable.

Conclusion

12. For the foregoing reasons, the permission is varied as set out.

Hollie Nicholls

INSPECTOR

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