

# Application Report

Strategic Development & Planning

Place Services

North Devon Council

Lynton House, Commercial Road,

Barnstaple, EX31 1DG



<b>Application No:</b>	72588	<b>Application Expiry:</b>	3 February 2021
<b>Application Type:</b>	Full application	<b>Ext Of Time Expiry:</b>	
		<b>Publicity Expiry:</b>	2 March 2021
<b>Parish/Ward:</b>	Combe Martin/Combe Martin		
<b>Location:</b>	Land to the south of Arley House High Street Combe Martin Ilfracombe Devon EX34 0EB		
<b>Proposal:</b>	Erection of x3 dwellings incorporating biodiversity enhancements, parking, landscaping and entrance works		
<b>Agent:</b>	John Woodward		
<b>Applicant:</b>	Mr D Collacott		
<b>Planning Case Officer:</b>	Mrs M. Pool		
<b>Departure:</b>	N		
<b>EIA Development:</b>		<b>EIA Conclusion:</b>	NO EIA REQUIRED. Please issue relevant letter to applicant / agent.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee. Councillor Gubb has requested the application be considered by the Planning Committee to discuss the highway issues and also the access road to the development.		

### **Site Description**

The application site covers 0.09 hectare and comprises land to the rear of properties Heddon and Little Otley which have a frontage to the High Street in Combe Martin. Vehicular access is obtained from the latter to the site via a lane running between these properties and the Combe Martin Fire Station.

The site itself slopes steeply upwards south to north. Beyond the northern boundary is a belt of mature trees and the access lane, which forms the eastern boundary of the site, then continues to Arley House beyond.

The site lies within a protected landscape designated AONB and Coast and Estuary Zone. It is close to the Heritage Coast.

### **Recommendation:**

Refused

Legal Agreement Required: - No

### **Planning History**

<b>Planning</b>	<b>Decision</b>	<b>Decision Date</b>
<b>31251</b>	Withdrawn	17 September 2001
Address: Combe Martin Fire Station, High Street, Combe Martin, Ilfracombe, EX34 0EB		
Proposal: Extension to existing fire station		
<b>44831</b>	Full Planning Approval	25 September 2007
Address: The Fire Station, High Street, Combe Martin, Ilfracombe, EX34 0EB		
Proposal: Erection of stairwell & first floor extension		
<b>71736</b>	Refused	10 September 2020
Address: Land Adjacent Arley House High Street Combe Martin Ilfracombe Devon EX34 0EB		
Proposal: Erection of 3 dwellings together with Parking, Landscaping & Entrance Works		

### **Constraints/Planning Policy**

#### **Constraint / Local Plan Policy**

Advert Control Area Area of Special Advert Control  
Advert Control Area Combe Martin

#### **Distance (Metres)**

Within constraint  
Within constraint

Article 4 Area: Combe Martin and Berrynarbor	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Class I Road	
Is a Locally Important Building	Within constraint
Landscape Character is: 4C Coastal Slopes and Combes with Settlement	Within constraint
Within 100m of Adopted Heritage Coast	Within constraint
Within Adopted AONB (ST09 & ST14)	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Within adopted Development Boundary: Combe Martin Development Boundary ST07	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:, SSSI 5KM Buffer in North Devon (Exmoor NP),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:Exmoor and Quantock Oakwoods, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
Within:Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
 SSSI Impact Risk Consultation Area	 Within constraint

CMA - Combe Martin Spatial Strategy  
 CMA04 - Combe Martin Field System  
 DM01 - Amenity Considerations  
 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  
 ST03 - Adapting to Climate Change and Strengthening Resilience  
 ST07 - Spatial Development Strategy for Northern Devon's Rural Area  
 ST09 - Coast and Estuary Strategy  
 ST14 - Enhancing Environmental Assets

## Consultees

Name	Comment
<p>Combe Martin Parish Council</p> <p>Reply Received 12 January 2021</p>	<p>Combe Martin Parish Council supports this planning application and makes the following observation:</p> <p>That the proposal adopts the biodiversity recommendations of the Sustainability Officer in full.</p>
<p>Councillor Y Gubb</p> <p>Reply Received 6 January 2021</p>	<p>If you are minded to refuse this application I would like it to be considered by the planning committee to discuss the highway issues and also the access road to the development.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 1 February 2021</p>	<p>1/02/2021 12:38 - 1) The proposed development is likely to result in an increase in the volume of traffic entering and leaving the Class I County Road, the A399, through an access that does not provide adequate visibility from and of emerging vehicles due to permitted on-street parking upon the A399 in the north-westerly direction, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic.</p> <p>2) The inadequate width of the access road is likely to cause congestion, with consequent risk of additional danger to all users of the Class I County Road, the A399, and interference with the free flow of traffic.</p> <p>3) The absence of suitable access radii is likely to result in excessive manoeuvring on the Class I County Road, the A399, with consequent risk of additional danger to all users of the road.</p> <p>4) The excessive gradient of the access road serving the proposed development is likely to result in additional danger to all users of the Class I County Road, the A399.</p> <p>5) No provision has been made within the site for the disposal of surface water for the proposed car parking spaces, their access road nor turning area and it is, therefore, likely to discharge onto the Class I County Road, the A399, which is prejudicial to public safety and likely to result in damage to the highway.</p>
<p>DCC - Historic Environment Team</p>	<p>The application area lies within an area of medieval and later silver mining. Several adits have been recorded in the area and also a possible furnace. As such, groundworks for the construction of the</p>

Reply Received  
8 January 2021

proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with

	<p>archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.</p> <p>I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:  <a href="https://new.devon.gov.uk/historicenvironment/development-management/">https://new.devon.gov.uk/historicenvironment/development-management/</a>.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 4 March 2021</p>	<p>I refer to the above application and the Written Scheme of Investigation submitted in support of this application. This document sets out the scope of the archaeological work to be undertaken in mitigation for the impact of the proposed development upon the archaeological resource and is acceptable to the Historic Environment Team.</p> <p>If this document has been submitted prior to determination by your Authority I would advise that any consent that may be granted by the Planning Authority should be conditional upon the following worded condition:</p> <p>‘The development shall proceed in accordance with the Written Scheme of Investigation prepared by South West Archaeology (document ref: CMAH21WSlv1, dated 3rd February 2021) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.’</p> <p>Reason  'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the</p>

	<p>National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'</p> <p>I will be happy to discuss this further with you, the applicant or their agent.</p>
<p>Environmental Health Manager</p> <p>Reply Received 17 December 2020</p>	<p>No objection in principle but conditions suggested regarding investigation of contamination issues through submission of a Phase 1 Preliminary Risk Assessment report, unexpected contamination, and a Construction Environmental Management Plan.</p>
<p>North Devon AONB Service</p>	<p>No response received.</p> <p>However in respect of the previous application the AONB Partnership commented:-</p> <p>Whilst the site lies within the North Devon AONB, it sits within the Combe Martin development boundary. In addition, we note that the site is not within the Conservation area, nor does it lie within former strip field system, protected by Local Plan Policy CMA04.</p> <p>Therefore we have few concerns with regard to the potential effect on the AONB landscape or local heritage.</p>
<p>Parks, Leisure &amp; Culture</p> <p>Reply Received 28 January 2021</p>	<p>Parks confirm same comments as previous application which were:-</p> <p>10/07/2020 15:05 - Having reviewed application 71736, this full application seeks to build 3 dwellings (1x2bed, 1x3bed and 1x4bed) with a total of 9 bedspaces.</p> <p>The scheme does not include allotment, amenity and green space, play space or built recreation facilities.</p> <p>We would therefore seek a contribution of £8,606 s106 funding to deliver appropriate off-site provision. This contribution is requested in accordance with policy DM10. If the application is recommended for approval, we can provide details of specific open space schemes, in line with CIL regulations.</p>
<p>Sustainability Officer</p> <p>Reply Received 14 December 2020</p>	<p>14/12/2020 14:14 - The submitted Ecological Appraisal (EA) concludes that the existing site does not offer significant opportunities for protected species and habitats. The EA provides a summary Biodiversity Metric that states there would be a significant net loss in biodiversity as a result of the proposed development. However the EA states that the site consists of largely low ecological value habitats and that the proposed landscaping and protected species habitat provision would offer a degree of mitigation. The EA proposes two new native species-rich hedges to be planted on the site at the north and south boundaries and that the area between the houses and parking be planted with flowering ornamental shrubs. The submitted Site Plan does not appear to</p>

	<p>fully reflect these recommendations and therefore overall biodiversity losses are likely to be more significant than predicted. The Site Plan should be amended to reflect appropriately detailed landscaping proposals and planting specifications which would further compensate for the extensive loss of biodiversity and satisfy the recommendations of the EA as a minimum. Additional tree and hedge bank planting should be considered to compensate for the significant loss in area habitat. The EA recommends that a bird box be installed on each of the new dwellings on the north elevation, or three swift boxes could be installed under the eaves on the west gable. The submitted Site Plans indicate that the recommended boxes will be provided on the southern elevation which is considered inappropriate due to over heating. There is no clear demonstration that the recommendation for a sensitive lighting scheme has been adopted. Any external lighting should be kept to a minimum and should follow best practice guidance. (BCT and ILP 2018).</p>
<p>Sustainability Officer</p> <p>Reply Received 5 March 2021</p>	<p>I am broadly content that the revised Site Plan responds to the landscaping recommendations in the Ecological Appraisal and issues raised in my previous response.</p> <p>There still appears to be no internal/external lighting specification which would enable the LPA to ensure light spill is kept within acceptable limits.</p>

### **Neighbours**

Comments	No Objection	Object	Petition	No. Signatures
<u>1</u>	<u>1</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Representations received from the Fire Service who raise no concerns. They state the movement of vehicles in the area does not cause any issue or time delay whilst responding to emergency or other incidents. They additionally confirm the Fire Service are able to access the private road to Arley House and the proposed development with the larger "Type B" fire appliance currently in use with DSFRS. Access is unhindered from either direction along the A399.

Representations received from neighbour to the effect a range of adjustments made to address concerns about increased vehicular and pedestrian traffic past property and privacy impacts to rear of our property and therefore support application provided these mitigations remain.

### **Considerations**

#### **Proposal Description**

This application seeks planning permission for the erection of three open market dwellings, landscaping, parking and works to the highway access.

The submitted plan C332 18 204 F shows a terrace formation of the housing which is



located towards the norther site boundary with decked garden areas to the rear. To the front of the houses a 1.5 metre height retaining wall delineates the small front gardens to each property. Pedestrian access leads south from these to a row of six parking spaces with bin storage facilities at each end. Opposite this curtilage parking are three more spaces; one for visitors and one each for the occupiers of 'Heddon' and 'Little Offley' with a turning area between the two ranks of parking. The layout plan includes soft landscaping proposals, details of surface water management and alterations to the vehicular access which are discussed further below.

### **Planning Considerations Summary**

- Principle of residential development
- Design
- Amenity
- Highways
- Ecology
- Surface water management.
- Landscaping
- Archaeology
- Off-site POS contribution
- 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. At paragraph 10 the presumption in favour of sustainable development is reiterated which is defined at paragraph 8 as having three inter-related and equally weighted economic, social and environmental objectives.

### **Design**

Local Plan policy DMO4 Design Principles requires development to be appropriate and sympathetic to its setting in terms of a number of design matters including scale, massing, height, layout, access, materials and external appearance.

The site has been the subject of pre-application discussion over a number of years and following responses the number of dwellings has been reduced to three in a terrace layout. This is considered a suitable number and form in design terms.

Whilst the site is elevated above the line of properties with a frontage to the High Street the new dwellings are dug into the sloping hillside and are of two storey height. They are also positioned at the northern portion of the site removed from the rear elevations of the nearest houses. All these factors reduces their impact in terms of the rising land to the rear of the existing line of housing.

The chosen finished materials of render elevations and pitched natural slate roofs reflects the palette of materials in the locality as does the simple architectural form. In terms of access/parking arrangements these are discussed in the section below.

The proposal is otherwise compliant in design terms with Policy DMO4 of the Local Plan.

### **Amenity**

Local Plan policy DMO1 Amenity Considerations is supportive of new development provided there is no significant harm to the amenities of adjacent occupiers. The nearest potentially affected neighbours to the development are the occupiers of Heddon and Little Ottley the houses directly to the south. Neither occupiers have made representations.

Whilst there will be a degree of overlooking from the south west facing elevation of the terrace because of the levels differences, the provision of the parking/turning area between this and the rear elevation of the nearest housing and the separation distances given the urban nature of the locality mean the potential amenity detriments are not considered so significant as to justify refusal on these grounds.

The proposal is considered compliant with Policy DMO1 above.

### **Highways**

Policy DMO5 Highways and DMO6 Parking Provision apply. The policies specify that 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.

In addition to the plans the application is accompanied by a Transport Assessment prepared by Norman Sanders, Transport Consultant.

In terms of the parking provision this is considered acceptable with two spaces per unit of accommodation and additionally provision being made for the occupiers of Heddon and Little Ottley where currently there is no authorised parking spaces for these properties. No cycle parking provision is made.

The vehicular access to the site is currently from the High Street the Class 1 A399 road along a narrow and in parts steeply sloping road which currently provides access to Arley House to the north. Drawing number C332 18 202 C and 204 F show access improvements as proposed. These include the lowering of the front wall to Heddon and Little Ottley to a maximum height of 600mm and the erection at the top of the access drive a 'Priority to oncoming traffic' sign.

The visibility splay at 2.4 metres from back edge of a carriageway is calculated as 43 metres in both directions.

The Local Highway Authority have been consulted and their response dated 1<sup>st</sup> February 2021 is detailed above. This lists 5 reasons for refusal based upon inadequacies with the access visibility, inadequate width of the access, the gradient and surface water drainage arrangements.

These are the same concerns identified in the earlier refused application 71736 for the same development. The Transport Statement attempts to address three of the refusal reasons. In terms of the access width it is contended there is a waiting area of 6 metre length extending in front of the adjacent fire station permitting intervisibility for drivers when using the access.

With regard to access radii whilst it is acknowledged the access does not have a formally defined radii i.e. marked by a kerb line it is contended there is adequate area available for vehicles to safely enter and leave the site. The turning diagrams

accompanying the submission it is stated indicate that there is adequate room, without the need for excessive manoeuvring on the highway, to safely access the site. Finally with regard to the gradient of the access that ascending the drive is 1 in 7 leading to the proposed parking area/turning area which is considered compliant with County Council standards. A number of references are made to other sites in Combe Martin and an appeal decision in 2017 respect of Grassmere House, Combe Martin. However this was for a different scale of development, a single dwelling and it is a fundamental planning principle that each site is required to be assessed on its individual merits.

AS part of the assessment of the refused application there was dialogue between the agent and the LHA regarding highway concerns. In an e-mail dated 10 August 2020 the LHA responded to state:-

'An access width of 4.1 metres is the standard of a private drive. The Devon County Design Guide is the defining guidance where MfS and MfS2 is not clear on such matters. The relevant advice indicates there should also be a 1 metre edging strip either side of the access arrangements. The identified width you have provided does not make this allowance, has a hard dwelling boundary edge from the adjoining dwelling for the first part which reduces the 'effective' width and necessitates significant encroachment onto the area defined for fire service use, by yellow hatching.

The inadequate width of the access issue is further compounded as you move into the site where there is a need to consider not only the adjoining dwelling on one side but also fire service buildings on the other which has the effect of reducing the 'effective' width further. On this basis, I do not believe you meet the appropriate standards for a private drive.

I do not know how you arrive at the conclusion there is no requirement to provide an appropriate access radii to serve the development. The private road meets with the Class I County Road, the A399, and you will appreciate the need to provide safe and suitable access to the site. A vehicle entering the site from the north westerly direction is required to either pass over any central part of the A399 carriageway in order to enter the site, or possibly, the safeguarded operational area for the fire appliance (yellow hatching). In both instances, I believe this to be unsatisfactory.

The gradient for the first 6 metres is noted. However, I don't believe the safety aspects have been considered of not only the users of the public highway but those of the adjoining dwelling and fire service personnel. In a worst case scenario, if the access road is wet and there is a formation of ice, I believe the access is likely to compromise the safety of all road users in the vicinity, including vehicle, pedestrian and persons with additional needs.'

Whilst the comments of the Fire Service are noted the officer view is that the access arrangements are still unacceptable. The road, after the first six metres, is very narrow with a concrete channel at a lower level to the east side abutting the Fire Station building which then continues as a low stone wall on the boundary of the accessway. In the LHA view the access is below not only an acceptable width, but also below the 'effective width' due to the presence of existing boundary walls flanking the access road. There is no possibility, because of the house on the other side, of widening this narrow section of road or of providing a pedestrian refuse facility.

Visibility is impeded by the authorised on-street parking of vehicles on the A399.

There are a number of vehicles already parking to the rear of the Fire Station and officers remain unconvinced by the agent's contention that the turning area will in the

future prevent such parking and that the vehicular traffic from these four households can be offset against the proposed traffic generation from the three new houses. Thus in addition to these vehicles and the traffic generation from Arley House the development itself would generate an additional 18-24 vehicle movements daily. This is a significant additional traffic generator along an access which the LHA state is sub-standard. The waiting area for vehicles includes the need to use part of the hatched area in front of the Fire Station (land outside the application site), and a proposed sign at the top of the drive giving priority to incoming vehicles will not address this potential conflict arising from the narrow length of the access road.

The proposal is not in the officer's view compliant with Policy DMO5 above.

### **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 DMO8 Biodiversity and Geodiversity states that development should conserve, protect and where possible enhance biodiversity interests. The application is accompanied by an Ecological Appraisal prepared by Richard Green Ecology dated April 2020.

The comments of the Sustainability Officer are reported above. As a consequence an updated revised landscaping plan has been submitted.

In a further response dated 5 March the Sustainability Officer confirms he is content with the revised Site Plan which in his view acceptably responds to the landscaping recommendations in the Ecological Appraisal and issues raised in the previous response with the caveat that there still appears to be no internal/external lighting specification which would enable the Planning Authority to ensure lightspill is kept within acceptable limits. This matter could however be conditioned were the overall development to be considered policy compliant.

### **Surface water management**

Policy STO3 Adapting to Climate Change and Strengthening Resilience requires amongst other objectives the adoption of effective water management systems to minimise surface water runoff.

Surface water is proposed to be disposed of to soakaway according to the application form details. Following concern from the LHA regarding the potential for runoff to the highway the agent has provided additional detail. Drawing number C332 18 204 F shows a pumped connection from the proposed ACO channel across the site entrance to take storm water up to a manhole shown positioned in the turning area from where storm water will be gravity fed to a soakaway shown located under the parking area. These changes should result in no additional surface water flows down the access road.

### **Landscaping**

The site lies within a landscape designated AONB and Coast and Estuary Zone. Policy STO9 Coast and Estuary Zone, ST14 Enhancing Environmental Assets and DMO8A Landscape and Seascape Character require that development should be of an appropriate scale, mass and design which recognises and respects landscape character. Great weight is required to be given to conserving and enhancing scenic

beauty within particularly the AONB.

No response has been received from the AONB Partnership to this application but in respect of application 71736 they confirmed there were no significant concerns about the landscape impact of this development.

The site is a secluded backland location within the valley floor and the narrow access and line of existing houses along the High Street means that only glimpsed view are obtainable within the public domain. A belt of trees is maintained to the north of the application site.

The proposal includes a detailed landscaping scheme of new hedgerow planting. The landscape impacts are therefore considered to be minimal within this largely developed part of the settlement of Combe Martin.

### **Archaeology**

Policies ST14, DMO7 Historic Environment and CMA04 Combe Martin Field System are applicable. All proposals potentially affecting heritage assets require sufficient information in the form of a Heritage Statement to assess those development impacts and to mitigate or record as necessary. The response of the DCC Historic Environment Team (HET) dated 8 January 2021 is reported above. Given the area lies within a location where medieval and later silver mining occurred the HET require the submission of a Written Scheme of Investigation setting out a programme of archaeological work to be undertaken prior to commencement of development.

Following this comment a Written Scheme of Investigation report was received on 16 February 2021 prepared by South West Archaeology Ltd. Section 6 of that report details that three evaluation trenches totalling approximately 45 metres length will be excavated across the site to investigate the survival of any archaeological deposits. If required further works will be undertaken in the form of area excavation or Monitoring and Recording of groundworks.

The further comments of the HET dated 4 March 2021 are detailed above. The acceptance of the work to be undertaken is agreed subject to the suggested condition.

### **Off-site contribution**

In accordance with Policy DM10 Green Infrastructure Provision there is a requirement for an off-site Public Open Space contribution of £8,606 required as the development does not include any on-site amenity space. This would need to be secured via a Section 106 Agreement. The agent has confirmed the applicant's agreement to enter into such an obligation.

### **Planning balance**

The application site lies within the Combe Martin development boundary wherein the principle of residential development is acceptable.

In respect of the matters of the scale, design and form of the houses, the impacts upon the landscape and the amenities of neighbours, the provision of landscaping and biodiversity enhancements and addressing potential archaeological impacts the development is considered compliant with relevant policies and guidance.

The applicant is willing to enter into a Planning Obligation to secure the off-site Public Open Space contribution.

However this presumption in favour of the development is outweighed by the significant deleterious highway impacts of the proposed development as stated in the consultation response of the Highway Authority. The small economic and social benefits which would

arise from the provision of three dwellinghouses is outweighed by these identified environmental disbenefits arising because of the highway impacts upon the network.

### **Conclusion**

The application is not considered to accord with the adopted development plan. Refusal of the application is therefore recommended.

### 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**

Refused

Legal Agreement Required: - Yes

### **Reasons For Refusal**

1. The proposed development is likely to result in an increase in the volume of traffic entering and leaving the Class I County Road, the A399, through an access that does not provide adequate visibility from and of emerging vehicles due to permitted on-street parking upon the A399 in the north-westerly direction, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic contrary to the provisions of Policy DMO5 Highways of the North Devon & Torridge Local Plan, 2018.
2. The inadequate width of the access road is likely to cause congestion, with consequent risk of additional danger to all users of the Class I County Road, the A399, and interference with the free flow of traffic contrary to the provisions of Policy DMO5 Highways of the North Devon & Torridge Local Plan, 2018.
3. The absence of suitable access radii is likely to result in excessive manoeuvring on the Class I County Road, the A399, with consequent risk of additional danger to all users of the road contrary to the provisions of Policy DMO5 Highways of the North Devon & Torridge Local Plan, 2018.
4. The excessive gradient of the access road serving the proposed development is likely to result in additional danger to all users of the Class I County Road, the A399 contrary to the provisions of Policy DMO5 Highways of the North Devon & Torridge Local Plan, 2018.

## **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 looked for solutions to enable the grant of planning permission. This has included the submission of a Traffic Assessment and discussion with the Local Highway Authority. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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## **Appendices**

### **Appendix A – Location Plan**

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