

# Application Report

Strategic Development & Planning  
Place Services  
North Devon Council  
Lynton House, Commercial Road,  
Barnstaple, EX31 1DG



## Planning Application 60823 Addendum

Since the drafting of the report the following updates are required:

### REPRESENTATIONS:

A further 11 letters of representation have been received (up to 20/04/21). Each raise points already listed within the report so are not repeated.

### CONSULTATION REPOSES:

Consultee	Comments
TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST  Reply Received 15 April 2021	The CCG was consulted at the time that the Local Plan was constructed and informed North Devon Council that the Fremington Medical Centre was over capacity and required modernisation and improvement if it was going to meet the needs of the developments listed in the Local Plan. In paragraph 10.184 of the Local Plan it states <i>"Many of Fremington and Yelland's community facilities are at or close to capacity including the village school and health centre."</i>  The developer would have been aware of these issues at the time of purchasing the land and drawing up their development plans and therefore viability should not be a reason for refusal of the contribution request. In addition, as the enhancement of the Fremington Medical Centre was recognised at the time of the Local Plan the request is clearly compliant under Regulation 122(2) of The Community Infrastructure Regulations 2010.

### GENERAL UPDATES:

**Noise** – update from agent

### Yelland – Noise Statement for Flogas or the Sandhills Business Park

Further to the noise chapter of the EA for Yelland Quay the LPA have requested further information regarding the noise from Flogas and the Sandhills Business Park. Site observations at the nearest two measurement locations during the baseline noise survey as reported in the ES (sites MP1 and MP8) indicate that the dominant noise source at the time

of the survey was from a concrete batching plant. No noise from Flogas or the Sandhills Business Park was observed during the baseline noise measurements at MP1 and MP8.

Recent site observations indicate that there is a café, pet food shop, gym and roofing sub-contractor at Sandhills Business Park and the noise generated by these commercial uses is negligible and would not affect the noise climate at the nearest proposed residential properties. Site observations from operations at the Flogas site indicate that the only noise source is from vehicle movements as the site is now used for storage. The closest proposed residential properties are located 89m from Flogas and based on site observations the noise impact of Flogas is considered to be negligible.

<p>Environmental Health</p> <p>Reply Received</p> <p>19<sup>th</sup> April 2021</p>	<p>The email from Nick Davey comments solely on noise from the Flogas site and the Sandhills Business Park. My comments on the original 2015 Accon Noise Impact Assessment were as follows:</p> <p><i>"The report considers noise issues based on a proposed development that has subsequently been significantly amended. As such, the assessment will need to be updated and revised to take account of the current proposals and circumstances (including for example existing industrial / commercial businesses currently operating in the vicinity; times of day or night when noise may be an issue; existing and proposed sensitive receptor locations including any outside amenity areas; any proposed significant noise sources such as proposed external plant, operation of commercial units forming part of the amended development etc.).</i></p> <p><i>In addition, any updated assessment should have regard to the latest relevant standards and guidance on such matters. Given the nature and scale of the proposals, I recommend specific reference be made to incorporating a good acoustic design approach as supported within the NPPF. The aim should be to achieve a good quality acoustic environment for existing and future residents and other sensitive receptors in the vicinity.</i></p> <p><i>Professional Practice Guidance (ProPG): Planning &amp; Noise 2017 provides guidance on utilising a good acoustic design approach with a view to ensuring that factors such as site layout, use of noise bunds, buffer zones and so on are considered as part of a general aim of mitigating and minimising undesirable noise levels. "</i></p> <p>The 2015 noise assessment found that "noise would be a constraint at some locations on the site". Existing noise sources noted in the report included a concrete batching plant (which was proposed to be relocated), electrical substation and overhead power line noise and industrial plant noise. Given the findings of the report there is a potential for the revised development proposals to create new noise related issues that should be considered, including in light of currently applicable standards and good practice guidance. It may be the case that current proposals are less vulnerable to noise issues than previous proposals (for example the latest site plan no longer shows a relocated concrete batching plant). However, my comments copied above relating to the need for an updated / revised noise assessment to be prepared remain valid in my opinion.</p>
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## QUESTIONS FROM MEMBERS

1. **Impact of grant and tax relief associated with contaminated land** – please refer to attached email exchange from Agent and Plymouth CC our valuation advisor
2. **Rationale for site allocation in light of local opposition** -

When the current policy was drafted, it was agreed and endorsed at each stage by Full council, both to support facilitating development (SUB2) and formal allocation for 250 homes (MMD01). The Planning Policy Team don't remember any discussion or member opposition (apart from Cllr Cann wanting his vote recorded against it).

Planning Policy have previously provided a chronology of events that led to the site's allocation.

- One of the largest brownfield sites within northern Devon that was considered to be available, suitable and achievable for regeneration;
- Site allocated in old adopted LP for Quasi Industrial uses that require a coastal location (adopted July 2006);
- Site allocated for economic uses in Publication draft of the adopted LP (SUB1 – June 2014) – **subject to public consultation**;
- Site allocation amended in Publication draft (schedule of Main Changes) of the adopted LP to incorporate enabling development in recognition that SUB1 was un-deliverable (SUB2 – June 2014) – **subject to public consultation**;
- LP submitted to Planning Inspectorate for Examination (SUB26 – June 2016) – subject to independent examination by the Inspector;
- Inspector felt that 'enabling development' needed further clarification and required NDC to undertake more work – adjourned for further consideration;
- Policy for Yelland Quay was re-examined by the Inspector in January 2018 including dealing with outstanding concerns from Natural England & RSPB (Statement of Common Ground December 2017);
- MM27 & MM28 was **main modifications subject to public consultation**;
- Inspector's Final Report in September 2018 (para 94 states) – "The Modifications to the allocated sites include a change to the vision for the land at Yelland Quay [MM27]. This former power station site is now proposed for a redevelopment which includes some 250 dwellings [MM28] in order to enable costly remedial action to be undertaken in its regeneration. Natural England is satisfied that such development can take place without harm to the nature conservation interests of the Taw-Torridge estuary SSSI and bird species of international importance"
- Local Plan adopted by a joint Full Council meeting in October 2018.

The allocation has been subject to extensive public consultation and independently examined by the Inspector. Policy FRE02 has evolved over many years to reflect consultation responses so **Planning Policy** would not agree that the site has been included so easily in to the Local Plan. **Planning Policy** cannot comment as to why certain Parish Council's / objectors to the application did or did not respond to the site being allocated in

the Local Plan. As I have set out above, all responses were considered and changes made where relevant objections were received.

Any other Member questions will be responded to verbally at the meeting.

### **Updated Appendix List**

- A. Application Submission Changes January 2020
- B. Environmental Statement – Volume 3 Non-Technical Summary
- C. Building for Healthy Life Assessment & Design Code March 2021 Rev B
- D. Design Review Panel 17<sup>th</sup> May 2019
- E. Design Review Panel 21<sup>st</sup> August 2019
- F. Response to Contamination queries Date 13.05.20 V2
- G. Natural England Consultation response dated 20<sup>th</sup> June 2020 (15 pages)
- H. Sustainability Officer 20 February 2020
- I. Viability Report (Appendices have been circulated separately)
- J. **Planning Committee Update**
- K. **Update on Corporation Tax and Grant Aid (email dated 16<sup>th</sup> April 2021)**

**End of Update**