

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE PERMISSION FOR DEVELOPMENT**

PCL PLANNING LTD
1ST FLOOR, 3 SILVERDOWN OFFICE PARK
FAIR OAK CLOSE
CLYST HONITON
EXETER
EX52UX

APPLICATION No: 62544

**DATE REGISTERED: 06-FEB-17
DECISION DATE: 24-MAY-17**

The North Devon District Council in pursuance of powers under the above mentioned Act hereby grant outline planning permission for

**OUTLINE APPLICATION FOR USE OF LAND FOR OUTDOOR SPORTS PROVISION
(USE CLASS D2). AT LAND EAST OF OLD BARNSTAPLE ROAD ILFRACOMBE**

Subject to the following conditions:

Time Limits

(1) In accordance with the accompanying plans, subject to the conditions specified hereunder :

(a) In the case of any 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) The development to which the 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 this permission is 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.

Plans, Drawings and Documents

(2) The development hereby permitted shall be carried out substantially in accordance with the following plans: 1133-SK161212B Site Location Plan received 6th February 2017

Reason:

To confirm the drawings to which the consent relates and to ensure the development accords with the approved plans.

(3) Approval of the details of the layout/scale/appearance/access and the landscaping of the site (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.

Drainage

(4) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Report Ref. 1005w0002, Rev. A, dated 19/12/2016).

Reason:

To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

(5) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason:

To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

(6) No development shall take place unless and until:

- a) A detailed assessment of ground conditions of the land proposed for the sports pitches land as shown on drawing number 1133-SK161212B shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority.

Reason:

To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field.

(7) The sports/artificial grass pitches shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

To protect the sports/artificial grass pitches from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches.

(8) The sports pitches shall be constructed and laid out in accordance with the planning application and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before occupation of the 75th open market dwelling of the housing development permitted by application 56675.

Reason:

To ensure the quality of pitches is satisfactory and they are available for use within the agreed timescale.

(9) Prior to the bringing into use of the sports provision, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. (The approved Management and Maintenance scheme shall include measures to ensure the replacement of the artificial surface within a specified period) The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the development hereby permitted.

Reason:

To ensure that the new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 74).

(10) No development shall commence until a community use scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall apply to the sports pitches and shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason:

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

(11) No development shall commence until details of the design and layout of changing facilities have been submitted to and approved in writing by the Local Planning Authority. The changing facilities shall not be constructed other than substantially in accordance with the approved details.

Reason:

To ensure the development is fit for purpose and sustainable.

(12) No development shall take place on land to which the reserved matters relate until a list of initial infrastructure and site preparation works (to be called 'exempt works') has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that any reserved matters applications pertaining to 'exempt works' can proceed in a timely fashion so that development of the site is not unnecessarily delayed and accords with the development plan.

(13) The reserved matters submission shall include details of the siting, design and materials of construction of all walls/fences and other forms of enclosure to be erected which:

- a) adjoin the public highway or other public pedestrian routes or
- b) adjoin areas of public open space or
- c) adjoin the edge of the site

The agreed boundary details shall be provided before the site to which they relate is brought into use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences or other

means of enclosure shall not thereafter be altered or removed without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving and enhancing the character and appearance of the area by providing a cohesive boundary treatment between development areas and the public realm.

(14) As part of the reserved matters application scaled drawings, including cross and long section showing existing levels on the site and the proposed finished ground levels of the development in relation to fixed datums for the site shall be submitted to and approved in writing by the Local Planning Authority. The fixed datum points shall include the public highway[s] which adjoin and run through the site. The development shall then be carried out in accordance with those approved details unless minor variations are otherwise subsequently agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground within the development site when compared to and in relation with established features, local properties and the wider landscape. To ensure that the amenities of the area are not adversely affected by reason of the size and scale of the proposed development and in the interests of proper planning.

(15) As part of the reserved matters application a detailed lighting scheme for the site to include all proposed works and operating times shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those approved details prior to first use of the site hereby permitted unless minor variations are otherwise subsequently agreed in writing by the Local Planning Authority.

Reason:

To protect the character and appearance of the locality, dark night skies and impact on the AONB.

Highways

(16) The proposed 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 (which shall be from the North with no direct access onto Old Barnstaple Road), 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.

(17) The design, layout, drainage, materials of construction and external appearance of car parking provision shall be included in the reserved matters and the development hereby approved shall not be occupied until this provision has been made. Vehicle parking will be maintained thereafter unless otherwise agreed in writing with the Local Planning Authority

Reason:

To ensure the provision of adequate parking off the highway

(18) The use of the land shall not commence until the access road to the site from the public highway 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, in accordance with details to be agreed with 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 users of the adjoining public highway and to protect the amenities of adjoining residents.

(19) Prior to the commencement of development details of the construction access, site compound and site works car park shall have been submitted to and agreed in writing by the Local Planning Authority and these works shall thereafter be provided in accordance with the agreed details before any other works are undertaken.

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.

(20) Once constructed and provided in accordance with condition (16) 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 to the satisfaction of the Local Planning Authority.

Reason:

To ensure that these highway provisions remain available.

(21) Within twelve months of the first use of the site, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junctions, access, retaining wall and visibility splay works relating to the site shall be wholly completed.

Reason:

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

(22) Provision shall be made as part of the site wide drainage proposals for the disposal of surface water to ensure that no private drainage discharges on to the highway.

Reason:

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

(23) Individual car parking spaces within any communal parking facilities to be provided as part of the development shall not be allocated to individual users unless otherwise agreed in writing by the Local Planning Authority and shall be maintained free of obstructions to their use, such as chains or bollards, by all occupiers of the development and their visitors.

Reason:

To ensure that adequate off street parking facilities are available for all the traffic attracted to the site.

Cycle Parking

(24) Reserved matters submissions shall include details for the provision of cycle parking facilities. These approved facilities shall be installed and available for use on first use of the site and shall be retained and maintained for that purpose only thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To achieve modal shift from private car to other forms of transport in accordance with Policy TRA1A.

Landscaping and Biodiversity.
Submission of Landscape Proposals

(25) Unless otherwise agreed in writing with the Local Planning Authority, no construction shall commence until full details of both hard and soft landscaping works have been submitted to and approved by the Local Planning Authority. These details shall include:

- a) The trees and hedges to be retained and the means of protection thereof (see condition 27).
- b) Hard Landscaping works including the proposed site levels or contours, pedestrian and cycle access and circulation areas, hard surfacing materials, water features
- c) Soft landscaping details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers and densities where appropriate, and

d) Implementation timetable. The details will include the phasing of planting, soft and hard works within each part of that development, so as to ensure that works related to each development area is completed in conjunction with that area.

Reason:

In the interests of enhancing and preserving the amenity of the area.

Implementation and Maintenance of Approved Landscape Proposals

(26) All hard and soft landscape works shall be carried out in accordance with the approved details and any subsequent amendments. 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, or as provided for in implementation timetable 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.

(27) Save such works as may be agreed in writing, no works or development shall take place until a scheme for the protection of the retained trees and hedges [BS5837: 2012 section 5.5 Tree Protection Plan (TPP) and 6.1 Arboricultural method statement (AMS)] has been agreed in writing by the Local Planning Authority. These works shall be carried out as approved or such amended details as may be approved by the Local Planning Authority.

This scheme shall include:

a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (RPA) of retained tree and hedges, and any tree or hedge to be planted as part of the structural landscaping scheme in advance of construction activity, on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars, all such trees and hedges being potentially affected by the development proposed the RPA being within 5 metres of the development. The positions of all trees and hedges to be removed shall also be clearly indicated on this plan and marked with a dashed outline.

b) A tree survey schedule in accordance with section 4.4 of BS5837: 2012.

c) A tree work schedule for all the retained trees and hedges in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall

be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.

d) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones.

e) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase or new barriers erected.

f) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones.

g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs in the proximity of retained trees.

h) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground.

i) The details of any special engineering required to accommodate the protection of retained trees, (e.g. in connection with foundations, bridging, water features and surfacing)

j) The details of the working methods to be employed with any demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.

k) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of 'No-Dig' construction.

l) The details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

m) The details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

n) The details of the method to be employed for the stationing, use and removal of site cabins within any RPA.

- o) The details of tree protection measures for the hard landscaping phase.
- p) The timing of the various phases of the works or development in the context of the tree protection measures.

No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or hedge, 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 (Tree Work)]

If any retained tree, or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted at the same place and that tree or hedge 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.

Reason:

To safeguard the appearance and character of the area.

Biodiversity

(28) A Biodiversity Management Plan (BMP) shall be submitted as part of the reserved matters application. The BMP shall include:

- a) Description and evaluation of features to be managed.
- b) The details of habitat creation and enhancement.
- c) The details of mitigation for protected species
- d) Details of how the SuDS has been designed to achieve environmental/biodiversity enhancements.
- e) Details of the boundaries/buffers adjacent watercourses.
- f) A lighting plan for both construction and operation phases, which shall exclude the use of floodlighting.
- g) Aims and objectives of future management and the ongoing monitoring and remedial measures to ensure the effectiveness of the BMP.

The BMP shall include trigger points for implementation of proposed mitigation measures and shall be carried out as agreed and thereafter the identified areas shall be managed in accordance with condition (29) below. Development shall be carried out in accordance with the BMP unless otherwise agreed in writing.

Reason:

To sustain and conserve the character, distinctiveness or quality of the biodiversity of the site. To allow the continued ecological functionality of this habitat and avoid adverse impacts on bats.

Management of the Landscaping/Public Open Space/Biodiversity

(29) A management plan for the Landscaping/Public Open Space/Biodiversity interest of the development, including long term management responsibilities, timescales and maintenance schedules and principles shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the site. The management plan shall be carried out as approved.

Reason:

To ensure that there is a clear responsibility for the soft infrastructure within the site and to ensure that it is managed and maintained in accordance with an agreed set of principles to maintain the amenity of the development or the local bio-diversity.

Contaminated Land

(30) If, during development, 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 the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason:

To ensure appropriate assessment of risks to controlled waters arising from unforeseen ground conditions encountered during development.

Construction Environment Management Plan

(31) Prior to the commencement of development, including any demolition, site clearance, ground works or construction (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environment Management Plan (CEMP) to manage the impacts of construction during the life of the works in that phase, shall be submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, the CEMP shall include:

- a) Measures to regulate the routing of construction traffic, which shall be primarily from the new access points off the Old Barnstaple Road and the expected number of construction vehicles per day;
- b) The times within which traffic can enter and leave the site;
- c) Management/importation of spoil and soil on site;
- d) 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 including wheel washing facilities;
- g) Control of fugitive dust from earthworks and construction activities; dust suppression;

- h) A noise control plan which details hours of operation, with regard to the requirements of condition 32;
- i) Details of noise mitigation measures to protect nearby residents;
- k) Details of the protection of private water supplies on the site;
- i) Details of any site construction office, compound and ancillary facility buildings;
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- l) 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 monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason:

To minimise the impact of the development during the clearance, ground works and construction phases in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of local residents the area.

Construction Times

(32) 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 without the prior written approval of the Local Planning Authority:

- a) Monday to Friday 07.30 to 18.00,
- b) Saturday 08.00 to 13.00,
- c) nor at any time on Sunday, Bank or Public holidays.

Reason:

To protect the amenity of local residents.

Infrastructure

(33) All sub-stations and similar utility buildings or structures required by statutory undertakers and all other appropriate bodies, wherever practicable, shall be placed underground or shall be located in suitably concealed locations where they are not visually prominent.

Reason:

In the interests of visual amenity.

Changing Facilities and Community Building

(34) Prior to the commencement of the construction of the sports pitches, details of the siting and design of the changing facilities to be provided shall be submitted to and

approved in writing by the Local Planning Authority. The facilities shall then be constructed in accordance with those details. For the avoidance of doubt, the changing facilities shall be available for use to coincide with the provision of the relevant sports pitches or in accordance with a programme which first shall be agreed in writing with the Local Planning Authority.

Reason:

In the interests of the character and appearance of the locality and to ensure that appropriate amenities are available for all users of the sports facilities.

Sewerage Improvement

(35) Other than such works as may be agreed in writing, the development shall not be used until details of the proposed means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority and have been provided to serve such buildings as are to be occupied. The development shall be carried out in accordance with the approved details.

Reason:

To prevent pollution of the water environment.

(36) Other than such works as may be agreed in writing by the Local Planning Authority no development shall take place until a Waste Audit Statement for waste arising from construction of the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:

- a) Methods to reduce the amount of waste material
- b) Methods to re-use the waste within the development
- c) Methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
- d) Estimated quantities of excavated/demolition materials arising from the site
- e) Evidence that all alternative methods of waste disposal have been considered

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: Waste Audit, of the adopted Devon Waste Plan.

Provision of Refuse Storage

(37) Any reserved matters submission shall include detailed plans showing provision for refuse and recycling storage facilities including parking/dropping off areas. Such provision is to be implemented and thereafter retained in accordance with the approved plans, unless subsequently otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure this amenity is satisfactorily integrated into the design of the development.

NOTES TO APPLICANT

1. Circular 01/2006 defines the reserved matters as:

Layout - the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

Scale - the height, width and length of each building proposed in relation to its surroundings

Appearance - the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

Access - this covers 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.

Landscaping - this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

2. The applicant is advised that the design and layout of the sports facility should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport.

In accordance with paragraphs 186 and 187 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 site visits, amendments and consideration of all material planning matters including the development plan and NPPF.

End of Decision.

Please remove any site notice relating to this application from your property as the decision has now been made.