

Sue Thomas

From: Mark Alcock
Sent: 27 April 2021 16:00
To: Jean Watkins
Subject: 60823: Yelland Quay

Importance: High

Jean

Thank you for sending through a series of questions / statements from Cllr Lofthouse concerning the above site.

Why is it important to develop this site?

This previously developed site is allocated for a mixed-use development, including approximately 250 dwellings within the adopted North Devon and Torridge Local Plan. 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 from a policy perspective I am of the opinion that the planning application process is 'not the occasion' for reconsidering the principle behind the site's allocation.

It can be shown that the local plan, which gained final agreement in 2018, was unrealistic in both its employment and population growth projections and thus the land allocation requirement for housing is overstated. Hence the 5-year land supply argument is now irrelevant. Please refer to the attached spreadsheet for reference which shows that the area has a sufficient supply but not the required distribution.

I must admit that I do not fully understand the context behind this comment. I agree that the Plan has a growth agenda, which is an approach supported by both North Devon and Torridge Council's when it was adopted by a joint Full Council in October 2018. The Plan was fully evidenced to justify the level of housing and economic growth over the plan period to 2031 so if the Inspector considered this growth to be unrealistic then the Plan would have failed to have been agreed for adoption by the Inspector. The 5 YHLS argument 'now being irrelevant' is just not correct. As set out within paragraph 73 of the NPPF; 'local planning authority's should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies'. The housing requirement in northern Devon was evidenced to provide a minimum of 17,220 dwellings (861 dpa). Northern Devon (at the point of adoption) had a housing supply of 20,189 which was felt appropriate in order to build in a degree of resilience in order to meet our housing delivery. I would therefore agree that housing supply in northern Devon is not the problem whereas delivery is and outside the control of the Council but 5 YHLS is what is measured by Government but this allocated site is not an argument around 5 YHLS apart from it contributing towards our current shortfall.

The statement, 'Safeguarding the existing jetty and wharf' what is the purpose of doing this? If it is to enable the landing of aggregate, then any development from the existing situation would jeopardise this function and restrict access through the development when using large heavy vehicles.

As set out within paragraph 10.199 of the Local Plan, 'the jetty and wharf remain and are safeguarded through the Devon Minerals Plan to facilitate continued import and export of minerals. Redevelopment must have regard to the value of the existing concrete plant and the recycled aggregates facility in terms of the Devon Minerals Plan and the Devon Waste Plan respectively. Any development on this site must be in accordance with adopted policies within these documents (or successor documents) to retain future potential as a strategic quay facility for water-borne transport of goods. Flexible space accessible from the wharf will be provided as associated operational land'. The applicant / agent may be able to provide additional information with regard to the level of frequency the jetty is used for such purposes.

The plans do not conclusively demonstrate how this proposal will ‘contribute to its economic regeneration’ there is currently economic activity and employment with the cement batching plant which presumably supplies the many building sites around North Devon and Torridge. How will the proposals improve upon this?

I would not disagree that the site currently derives an economic benefit to northern Devon, in particular the development industry. However, I would suggest that this argument is one to be considered within the planning balance but from a policy perspective I would suggest that the regeneration of this brownfield site with a high quality mixed-use development would derive a greater economic benefit to northern Devon than the current use of a concrete batching plant.

The development is to ‘complement the site’s estuary landscape setting’. How do the visual interpretations provided achieve this? (part d, SW-SCP-1, Policy 14 of ANOB and Policy A1+A4). Surely only the original intention to return the site to nature on decommissioning of the power station would have achieved this. The site is, and has been, of a low profile in the landscape for many years and the tall structures proposed would be very imposing and visible from the surrounding countryside especially as this rises away from the site. As examples please see a few photos, attached, taken from the Instow direction. The review panel remarked that the intensity of development transformed this predominantly rural setting into an urban one which would then be out of character.

Again, I would suggest that this argument is one to be considered within the planning balance in consultation with the statutory consultees. Whilst I understand the original intention when the power station was de-commissioned many years ago was to return the site to nature, this site is privately owned and the option to re-naturalise the site is not under consideration by the LPA and we must judge this current application on its own merits based on the adopted policy within the development plan. Undoubtedly, the character and appearance of the estuary will change in this location from an existing low profile development, albeit on a brownfield site which in my opinion does not currently add value to its estuary setting to a proposal that is creating a high quality development along the estuary where the DRP welcomed ‘appropriately sited and designed taller buildings being brought back in to the site’. The Panel also felt that ‘proposals would benefit from a variation of heights being evident when viewed from afar, as the design may then appear more organic’. The site has been independently assessed twice by the ‘Design Review Panel’ where the Panel have been generally ‘supportive of the proposed aspirations and extent of development on the site as they considered that the sites special nature presents a unique opportunity to create a development of both local and regional significance; that is to say the site deserves a very high-quality design response’ (DRP 21-8-19).

When considering the residential element, the local need is for lower cost and social type housing. This proposal does not meet that need (Point B page 15 item 6). The average North Devon property prices according to Right Move over the last year were £283,668 and Zoopla gives the average price in April 2021 as £284,657. The average selling price for the development is proposed as £425,400, hardly comparable to local prices. In meeting and enhancing the local needs what conditions will be used to ensure that all of these properties will be lived in throughout the year and not simply purchased as holiday homes? Continual occupation would be required to support any economic activity.

The policy reference to local needs is more about balancing the housing market with some smaller dwellings, rather than by restrictions on tenure. The only way we can influence tenure is by requiring an element of affordable housing at 30% (subject to viability) but as far as I am aware viability concerns have been agreed and affordable housing will not be delivered (rightly or wrongly). The greatest need in northern Devon is for 2 and 3 bed units (HEDNA) but as this is an outline application then this level of detail will not be known until the RM unless you can appropriately condition?. I would not disagree that in order to deliver a new active community in this location that will add to the economy of northern Devon then the majority of those dwellings need to be occupied on a permanent basis but unfortunately the LPA cannot control second home ownership unless the dwellings are tied through a legal agreement. I am aware that a ‘principle residents’ policy is being considered as part of the Fremington Neighbourhood Plan but this document in its current draft form has no weight in the decision making process.

How does the development 'serve the existing community'? There are no essential services provided within the proposals. Surgeries, shops, schooling? Leisure facilities already exist on the nearby site and tourism is catered for by the Tarka trail and general access to the riverside walks which are the main reasons for attraction. (point c part). The nearby housing estates do not have any facilities included within them and therefore these are of a real need for the locality.

A development of this scale is not large enough to deliver new on-site infrastructure such as new schools but I understand financial contributions are being sought towards the provision of further primary and secondary education. From a policy perspective, I am of the opinion that those facilities being provided as required by criterion (c) of Policy FRE02 which includes space of up to 3000sqm employment (Use Class E(g)(i) and E(g)(ii) was Use Class B1). Retail Space of up to 250sqm gross floorspace (Use Class E(a) was Use Class A1); Space for the Sale of food and drink of up to 2000sqm Gross floorspace (Use Class E(b) Was Use Class A3); Service and Community Space of up to 500sqm Gross floorspace (Use Class E(d) E(e), E(f) and F1(a), F1(b), F1(e), and F2(b)was Use Class D1 and D2) will be available for the existing community so I do not fully understand the concerns raised.

I believe it would be very useful for the planning committee to see the projected tidal range overlays on the site plan and surrounding areas when considering the future flood situation. (f)

No policy comments. Criterion (f) is clear and the flooding details provided will be assessed and scrutinised by the EA.

What level of independent control will be in place to ensure that point (g) is achieved? I believe that the council should appoint an appropriate organisation and recharge the developers to ensure independence. Experience of current developments indicates scant care is taken when clearing site boundaries and wildlife corridors suffer.

No policy comments. Criterion (g) is clear and the remediation of any contaminants must be addressed prior to commencement. Who monitors this and how works are undertaken can be suitably conditioned in accordance with the submitted 'Construction Environment Management Plan (CEMP).

Currently the ash bed area is, unofficially, open to the public, however rarely visited at dusk, roosting times. The wild flora provides food and shelter for the wildlife. The proposals will remove this and turf and area for a football pitch. How will this loss be equally and immediately mitigated? (h)

Criterion (h) is clear in that land which incorporates the former ash beds is for informal open space only and not for the provision of a football pitch so mitigation is not required. However. I understand the current proposal is not proposing a football pitch.

Biodiversity gain can only be achieved by using indigenous flora this takes time to grow and mature into something that the wildlife can use. For this strategy to be successful a minimal level of disturbance is required. The development will not offer this as it will attract many human activities that do not exist in this area now, thus, any areas set aside for wildlife will need to be dense enough to achieve a buffer, 10M is inadequate, 15M+ should be a minimum for successful bird breeding according to studies undertaken at Knepp Castle estate in West Sussex. (o)

No policy comments. Criterion (o) specifies the provision of a 10 metre landscape buffer along the developable site frontage of the Tarka Trail, which I assume is being delivered. If statutory consultees consider that a 15 metre landscape buffer is required in this location then policy would not preclude this from being delivered. The Local Plan requires all developments to achieve a biodiversity net gain and I assume Mark Saunders has provided an input to this.

Any developed area should be for pedestrians, the only exception being for deliveries. (m and n).

Whilst I understand the sentiment behind this statement, I would suggest it would be impossible to deliver a car-free scheme in this location without having to deliver a dedicated car park south of the Tarka Trail to accommodate enough parking for future residents. However, I would agree that the layout and design of the proposal should deliver a scheme that has a cycle / pedestrian priority rather than a development that

is dominated by the private car. The National Design Guide which is intended to support paragraph 130 of the NPPF sets out that in a well-designed place, an integrated design process brings the ten characteristics together in a mutually supporting way in order to create an overall character of place. Included within these ten characteristics is 'Movement' where development should seek to deliver parking which is attractive, well-landscaped and sensitively integrated into the built form so that it does not dominate the development or street-scene.

There are no actual provision expressed for renewable energy generation only a suggestion of opportunities. (p). No mention of EV charging within the site or car park, especially as the government expect that 50% of cars will be fully electric by 2035.

Criterion (p) encourages the applicant / agent to explore opportunities for the generation of renewable energy. As set out within the Committee report it states that 'all buildings will meet Building Regulations compliance utilising a mixture of a 'Fabric First' approach complemented by either Air Source Heat Pumps, PV systems and Solar Hot water. At detailed design stage we will consider orientation of each unit to mitigate solar gain but allow for light penetration through the building'. As I have set out previously, paragraph 105 of the NPPF recognises that parking standards for residential and non-residential development should take account of a number of factors including 'the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles', this is again re-iterated at paragraph 110(e). Paragraph 87 (National Design Guide) also recognises the need to consider electric vehicle spaces that are suitably located, sited and designed to avoid street clutter. Paragraph 13.51 sets out that 'recognising the transition to a low carbon economy and a move to low emission transport, regard should be given, as part of the provision of an appropriate range of parking, to providing electric vehicle charging infrastructure'. I am of the opinion that such a requirement to deliver electric vehicle charging infrastructure is implied within policy by recognising the requirement to meet 'anticipated needs' which as I have set out above the clear intention of Government is to pursue a rollout of electric vehicles across the UK. I may be mistaken but following our policy input, the agent was proposing to include EV charging points within the residential and commercial spaces.

The expectation is that the site will take 13 years to complete and therefore it should be considered against the planning proposals which will come into being in 4 years' time. The agreed design code should be that recently published by Homes England with all aspects achieving a green status.

I note the development will take 13 years to complete, which I assume is evidenced by the agent. However, I do not agree that the proposals should be considered against unknown policies that will come in to being within 4 years' time. 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. Therefore, 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, the National Design Guide, Building for a Healthy Life Statement (DM04(2)) as well as the agreed design code submitted by the agent.

There should be a statement of the carbon footprint for; the whole construction process and then another for the finish site in use including the increased traffic movements.

Whilst I understand the rationale behind the statement for an existing and proposed carbon footprint of this site, it is not a policy requirement. However, I would assume the existing and proposed vehicular movements has been set out within the submitted 'Transport Assessment' and this may have been addressed within the Committee report.

If we are to achieve a 78% reduction in the level of CO2 in the atmosphere against the 1990 levels, by 2035 then, this and all developments proposed from now onwards will need to, at least, demonstrate that they can meet the target. Therefore, the buildings should meet the EnerPHit certification with the annual heating demand being equal to or less than 25KWh/m2a.

Noted, but not a policy requirement. At this present time and without robust evidence to demonstrate otherwise, development only has to comply with current Building Regulations legislation.

As elected representative of the public members must consider the overwhelming objection to this particular proposal for development as a material matter.

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