

Application Report

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



Application No: 71251
Application Type: Full application
Parish/Ward: SOUTH MOLTON/SOUTH MOLTON
Location: Land off Nadder Lane
South Molton
Devon
Proposal: Erection of 187 dwellings together with associated infrastructure, public open space & landscaping (Amended Plans)
Agent: Mr Stephen Harris
Applicant: Wainhomes (South West) Holdings Limited
Planning Case Officer: Ms J. Watkins
Application Expiry: 15 October 2021
Ext Of Time Expiry: 15 October 2021
Publicity Expiry: 8 July 2021
Departure: N
EIA Development: N
EIA Conclusion: Development is outside the scope of the Regulations
Decision Level/Reason for Report to Committee: At the request of Cllr Henderson

Site Description

The Site is located on the western edge of South Molton, adjacent to Nadder Lane (B3227). The site comprises eight fields, separated by hedgerows and Devon banks and has an approximate area of 7.93ha (hectares).

The western boundary consists of a mature hedgebank, with Belgrave located in the south west corner of the site (see aerial view below). Beyond the western hedge-bank is open countryside with long distance views available to the south west. Nadder Lane forms the southern boundary to the development, with the under-construction Wainhomes Honeymead Meadow development located beyond.

The eastern boundary is formed by rear gardens of the dwellings located along West Park which consist of mostly single storey bungalows. Gunswell Lane forms the northern boundary, which flanked by Devon Hedgebanks on either-side creating a sunken lane. Beyond Gunswell Lane is located the under development housing site (Baker Estates) which will be joined to this site via a new distributor road.

Aerial view of site



The proposed development falls relatively steeply from the north and north east to the south west. Topographic levels in the north east and north west are 144.99mAOD and 141.68mAOD. The south east corner of this site is at approximately 121.17mAOD falling along the southern boundary to 113.01mAOD. The southern side of the western edge is at 111.83 mAOD.

Recommendation

APPROVE

Legal Agreement Required: Yes

Planning History

Land to the North of Gunswell Lane:

Reference	Proposal	Decision	Decision Date
73446	Reserved matters for approval of appearance, landscaping, layout & scale for the erection of 89 residential dwellings and their associated roads, drainage, garages, landscaping & open space (outline planning permission 61953) at Land West of North Road South Molton Devon		
61953	Outline application for mixed use development comprising circa 250 dwellings (Use Class C3), allotments, public open space & other associated infrastructure (amended description) at land off North Road South Molton Devon	Outline +S106 Approval	17 March 2017

Constraints / Planning Policy

Constraint / Local Plan Policy
Area of Special Advert Control

Distance (Metres)
Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Burrington Radar Safeguard Area	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Road Class:R Ownership: Highway Authority	Within constraint
Within 50m of Adopted New or Upgraded Road: SM01	Within constraint
Land west of Parklands	
Within 50m of Adopted Proposed Footpath/Cycle Route:NA Gunswell Lane, South Molton	Within constraint
Within: South Molton Development Boundary ST06	Within constraint
Within Adopted Housing Allocation: SM01 Gunswell Lane	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations	
DM02 - Environmental Protection	
DM03 - Construction and Environmental Management	
DM04 - Design Principles	
DM05 - Highways	
DM06 - Parking Provision	
DM07 - Historic Environment	
DM08 - Biodiversity and Geodiversity	
DM08A - Landscape and Seascape Character	
DM10 - Green Infrastructure Provision	
SMO - South Molton Spatial Vision and Development Strategy	
SM01 - South Molton Strategic Western Extension	
ST01 - Principles of Sustainable Development	
ST02 - Mitigating Climate Change	
ST03 - Adapting to Climate Change and Strengthening Resilience	
ST04 - Improving the Quality of Development	
ST05 - Sustainable Construction and Buildings	
ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres	
ST08 - Scale and Distribution of New Development in Northern Devon	
ST10 - Transport Strategy	
ST14 - Enhancing Environmental Assets	
ST15 - Conserving Heritage Assets	
ST17 - A Balanced Local Housing Market	
ST18 - Affordable Housing on Development Sites	
ST21 - Managing the Delivery of Housing	
ST23 - Infrastructure	

Consultee

The application has undergone two rounds of public consultation. The first commenced on registration of the application. Revised plans and reports were received on the **28th May 2021** which resulted in a further round on consultation. Many of the technical

consultees have been involved in multiple consultations in order to address technical design issues resulting from the proposal.

Name	Comment
Arboricultural Officer	No response
Councillor D Worden	No response
Councillor M Bushell	No response
Councillor P Henderson Reply Received 15 April 2020	Given that this is a Major application and the ability of NDC to carry out an effective public consultation has been severely compromised by the Covid_19 outbreak, I am requesting that the application is referred to the Planning Committee. Proceeding with this application without reference to the Planning Committee may result in judicial review given the current unusual circumstances.
DCC - Childrens Services Reply Received 9 April 2020	<p>Devon County Council has identified that a development up to 173 family type dwellings will generate an additional 43.25 primary pupils and 25.95 secondary pupils which would have a direct impact on South Molton Community Primary School, South Molton United Primary School and South Molton Community College.</p> <p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested as set out below:</p> <p>We have forecast that the nearest primary and secondary schools do not have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure to serve the address of the proposed development.</p> <p>The contribution sought towards primary is £4,108 per family-type dwelling (based on the DfE extension rate of £16,432 per pupil). This equates to a total primary contribution of £710,684. These contributions will relate directly to the expansion of existing primary education provision in South Molton.</p> <p>The contribution sought towards secondary is £3,377 per family type dwelling (based on the DfE extension rate of £22,513 per pupil). This equates to a total secondary contribution of £584,221. These contributions will relate directly to the expansion of South Molton Community College.</p>

Name	Comment
	<p>As a major allocation, contributions are also sought for Special Education provision. Approximately 1.5% of the new school population require a specialist school place. The proposed development of 173 dwellings equates to 1.04 pupils, (0.65 primary and 0.39 secondary), who will have a Special Educational Need (SEN). The SEN contribution rate is £77,890 per pupil, (as per recent Department for Education Guidance Notes: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843957/Developer_Contributions_Guidance_update_Nov2019.pdf).</p> <p>Therefore a total SEN contribution is sought for £81,005, or £468.24 per dwelling. Please note that the SEN contributions for the 1.04 SEN pupils will be deducted accordingly from the primary and secondary totals to ensure these pupils are not double-counted.</p> <p>All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2015 prices and any indexation applied to contributions requested should be applied from this date.</p> <p>The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 9 April 2020</p>	<p>Local transport provision</p> <p>There is no in principle objection to the development of the site as proposed in highway terms. The Transport Assessment (TA) sets out the impact on the local road network, and the Highway Authority is satisfied that there will not be a severe cumulative residual impact in this regard. However, the proposal is in detail, not in outline. The application does not provide adequate detail of the proposed access changes to the highway network on Nadder Lane and Gunswell Lane and, therefore, the access is not considered safe and suitable at the present time.</p> <p>The proposed changes to the roundabout on Nadder Lane, for example, are considered acceptable in principle but insufficient detail has been provided. Further plans are required to be submitted, prior to determination, showing further details of the proposed changes to the roundabout including but not limited to levels, construction materials, drainage, street lighting and vehicle swept path analysis for a 16.5m HGV. A road safety audit is also required prior to determination.</p>

Name	Comment
	<p>Similarly, for the proposed changes to Gunswell Lane, a road safety audit is required prior to determination. In addition to the works to close Gunswell Lane to the west, a turning head is required on this road east of the new spine road through the site. This will allow for vehicles on Gunswell Lane, such as delivery vehicles, to turn around on it adequately. This could go near to the currently proposed pedestrian link in the north east corner of the site. Plans should be provided showing this detail.</p> <p>The proposed spine road through the site will connect onto the Baker Estates site currently under construction and onto North Road in the future, providing a new road for all vehicles to use such that West Street which is subject to a 7.5T weight limit, can be more easily bypassed. The spine road will continue to the south through the Honeymead Meadows site onto the new primary school and beyond in the future, with high quality walking and cycling links which will also connect the south and west of the town with Pathfields Industrial Estate to the north. The proposed foot and cycle connections on the site are welcomed, conditions will be required in order that they are achieved at appropriate points within the development of the site. The DCC Highways Development Management Officer can advise on the wording of such condition following the resolution of the above safety matters.</p> <p>The parking plan is noted, however parking levels are a matter for the LPA to consider. Parking accessing onto the spine road is acceptable, as this, along with parking on this road, will help to reduce traffic speeds.</p> <p>In terms of public transport, the main local bus service in South Molton is the 155, which provides links to Barnstaple, Tiverton and Exeter. The service is operated by Stagecoach, under contract to Devon County Council, and at present the service is not commercially sustainable. The Transport Assessment describes this service as "frequent", and quotes 34 services in one direction and 32 in the other on weekdays. However, Devon County Council consider there are currently 17 journeys to Barnstaple and 18 return. To Exeter there are 8 journeys, plus 2 additional to Tiverton. The basic level of service is hourly, with one or two additional journeys. The service is particularly well used for travel to PETROC college Barnstaple and the morning and afternoon college journeys are often full with standing passengers. The last journey from South Molton is at 2050 as quoted, but probably of more relevance is the last journey back from Barnstaple is 1915. There is no later evening service and no Sunday service.</p> <p>It is noted that Policy ST02 (Mitigation Climate Change) of the North Devon and Torridge Local Plan 2011-2031 looks for development to facilitate a step-change towards the use of</p>

Name	Comment
	<p>sustainable modes of transport, and more specifically Policy SM01 (South Molton Strategic Western Extension) looks for increased opportunities for public transport links and sustainable travel choices. Given this, a total of £180,000 is requested as a proportional contribution towards improving the local bus service to Barnstaple; this would contribute towards the increasing the daytime frequency towards half-hourly and the provision of a Sunday service. Devon County Council would agree to this contribution being payable at £36,000 per year over 5 years. This is considered to relate in scale and kind to other contributions secured within the town from proposals at a similar level.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 22 June 2020</p>	<p>Road safety audits are required at this stage to be part of evidence that the proposals are 'safe and suitable for all road users'. While a safety audit is not the entire picture, it does help towards designing the site as safely as possible at this stage. If the application is approved now, regardless of any future safety audits, they will have permission for what is approved, so it needs to be done prior to determination. Regarding COVID, the travel restrictions have been lifted and an auditors can travel to the site and carry out an audit while maintaining social distance.</p> <p>Regarding the roundabout, it is vitally important that it is shown that large vehicles can use this junction, and it is not approved without such evidence. I believe I had seen plans showing this at pre-app, but they were not with the application.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 24 June 2021</p>	<p>Further response:</p> <p>The application is still not supported by swept path analysis of a 16.5m HGV using the roundabout. All movements through the junction need to be shown to prove that the alterations to the roundabout will safely accommodate vehicles using it.</p> <p>The proposed spine road is exceptionally wide in places, and is an almost direct link north-south. The cycleway is rather convoluted through the site, and will likely result in cyclists using the main road. Therefore, a 3m wide path should be included on the main spine road all the way from north to south.</p> <p>No drainage plans of the roundabout have been included. The drainage strategy indicates possible surface water joining existing highway system. This will not be acceptable.</p> <p>No turning head has been provided for traffic on Gunswell Lane, which will be closed off.</p> <p>Recommendation: DCC - LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION</p>

Name	Comment
<p>DCC - Development Management Highways</p> <p>Reply Received 22 July 2021</p>	<p>I have no objection to this application</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 9 August 2021</p>	<p>Conditions attached (see below)</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 9 April 2020</p>	<p><u>Surface water flooding</u></p> <p>At this stage, the Lead Local Flood Authority object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome this objection, the applicant will be required to submit additional information, as outlined below.</p> <p>It is understood that there is an existing watercourse flowing through the site. It is most noticeable within the area of plots 23 - 35. The applicant should confirm the extent of this watercourse and should remove the proposed buildings over this watercourse. The current surface water drainage plan (drawing No. 106; Rev. A; dated 16th August 2019) may require lateral pipes from plot 1, plots 15 - 17 and plots 168 - 175 to 'fall back' to drain into the main pipework. The applicant should confirm whether this is the case. If this is the case, then the applicant should confirm the depth of these pipes and the construction method for laying these pipes. The highway access to the site is noted to drain into the existing roundabout to the south. This area was not accounted for within the surface water drainage management to the south so the applicant will need to demonstrate that the drainage system has capacity for this. The greenfield runoff rates seem to be calculated for an area of 4.133ha, however, an area of 3.622ha has been used within the model outputs for the proposed surface water drainage system. The applicant should clarify the greenfield runoff rates. The applicant should revise the discharge rate for the long-term storage. This discharge rate seems to have been calculated for the whole site area rather than the positively drained area. The applicant should also submit calculations for the long-term storage to demonstrate that this has been accounted for.</p>

Name	Comment
	<p>As this development is applied for in full, the applicant should confirm the use of permeable paving and tree pits at this stage. The applicant should provide a maintenance plan for the proposed surface water drainage system.</p> <p>The applicant should clarify the proposed exceedance routing in front of plots 5 and 6 and also clarify whether the levels of the road and kerbing will be designed to allow exceedance flows to flow as proposed.</p> <p>The applicant should submit the Ground Investigation Report for this site.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 14 September 2020</p>	<p>Does the applicant have any pictures of the existing feature located within area of proposed plots 23 – 35? Unfortunately I have not been able to get to site to assess this feature to see if there are any inlets or outlets. Is the feature overgrown?</p> <p>We need some further clarification of the calculations of the greenfield runoff rates. The spreadsheet in Appendix D notes the positively drained area to be 4.133ha and the area to be used in the drainage model to be 3.622ha. The MicroDrainage model outputs for the greenfield runoff rates use an area of 7.933ha and this gives 59.4 litres per second for the 1 in 100 year rainfall event:</p> $59.4 / 7.933 = 7.488 \text{ litres/second/hectare}$ $7.488 * 4.133 = 30.9 \text{ litres/second}$ <p>30.9 litres/second is the discharge rate used in the model outputs for a 1 in 100 year (+40% allowance for climate change) rainfall event, but the model outputs only use an area of 3.622ha.</p> <p>Could the applicant provide some further details for the long-term storage calculations please? It is odd that the volume of water is reducing from pre-development to post-development.</p> <p>I cannot see a maintenance plan/schedule (to clarify what activities will likely be required to ensure that the surface water drainage system remains effective) in the FRA, could the applicant submit one please?</p> <p>It is our understanding that South West Water may now allow discharge from tree pits into their system. If this planning application is granted permission, then the applicant should engage with South West Water before the detailed design stage.</p>
<p>DCC - Lead Local Flood Authority</p>	<p>Recommendation: At this stage, I am unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant</p>

Name	Comment
<p>Reply Received 2 July 2021</p>	<p>has formally submitted the additional information requested below to the Local Planning Authority.</p> <p>Observations: At this stage, the applicant should confirm an alternative drainage arrangement for the southern area of the site. The applicant has noted that at the detailed design stage they will assess the surface water drainage system to the south of the site. However, if this system cannot take additional flows, then the roundabout connection will need to drain somewhere else.</p> <p>The applicant must submit calculations for the greenfield runoff rates (such as from MicroDrainage).</p> <p>The applicant must submitted calculations for the Long Term Storage volumes.</p> <p>Currently, the applicant has only submitted results for the Long Term Storage volumes and greenfield runoff rates. The Ground Investigation and Contamination Assessment Report (dated November 2018) determined areas suitable for infiltration, but the investigation also encountered groundwater. There does not appear to be an exploratory hole location plan within this report. The applicant should submit a location plan.</p> <p>The applicant should assess the inflows into the drainage ditch. Any flows originating off-site will need to continue to be conveyed and managed appropriately.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 27 September 2021</p>	<p>Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the pre-commencement planning conditions are imposed on any approved permission (see below)</p> <p>Following my previous consultation response (FRM/ND/71251/2020; dated 2nd July 2021), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 19th August 2021, for which I am grateful.</p> <p>Although the applicants spreadsheet does not determine long-term storage, the model outputs manage a volume of surface water larger than the proposed greenfield runoff volume (as noted within the spreadsheet). Therefore, at the next stage of planning, the applicant must calculate the long-term storage volume and manage it appropriately.</p>

Name	Comment
	<p>The applicant must assess above-ground features such as tree pits and rain gardens throughout the site to form a SuDS Management Train. The applicant is already proposing trees across the site, these could be designed and constructed as tree pits.</p> <p>The applicant should vary the slopes of the basin (with sides no steeper than 1 in 3) to integrate the basin into the landscape. The applicant should plant the basin appropriately.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 2 April 2020</p>	<p>Police have no objections in principle to the proposal, the implementation of advice and recommendations offered during the pre-application phase is noted and welcomed.</p> <p>It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour. Based on the area in question, neighbouring sites, evidence of previous criminal and anti-social activity in the locale, and by examination of all other available factors to forecast any potential future problems, please note the following information, advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-</p> <p>The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to conservation areas.</p> <p>All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 - 2016 or equivalent.</p> <p>To assist the process in ensuring compliance with the requirements of ADQ it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member company. SBD requires that doors and windows are not only tested to meet PAS 24 (2016) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus reducing much time and effort in establishing the provenance of non SBD approved products. SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.</p> <p>Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Limited on behalf of the UK</p>

Name	Comment
	<p>police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as follows, in conjunction with appropriate physical security measures.</p> <ul style="list-style-type: none"> • Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security • Structure: Places that are structured so that different uses do not cause conflict • Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and managed to prevent creating problem areas which can attract the antisocial to gather, dumping and dog fouling etc • Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community • Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016 • Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times. • Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime and ASB. <p>In general terms the layout will provide active frontages and overlooking to the new internal streets and public spaces. The plot boundary and separation materials are noted. This combination will provide both security and privacy for residents whilst still allowing neighbour interaction. The site has many communal rear access paths serving the dwellings, The presence of which makes the need for robust rear garden fencing even stronger. Communal access gates should be 1.8m high and should be located where possible at the path entrance.</p> <p>An early point to consider is that if existing hedgerow is likely to comprise the sole rear garden boundaries then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting is required to achieve this, temporary fencing may be required until such planting has matured.</p> <p>Newly planted trees should allow, when mature, crown lift with clear stem to a 2 metre height. Similarly, shrubbery should be selected so that, when mature, the height does not exceed 1 metre, thereby ensuring a 1 metre window of surveillance upon</p>

Name	Comment
	<p>approach whether on foot or using a vehicle. This advice also applies to planting in and around the proposed play areas. The parking plan is noted. there should also be adequate street lighting of the parking spaces and areas which may be outside the streets that are formally adopted.</p> <p>The need for Public Open Space (POS) is fully appreciated, as long as it does not run the risk of becoming a problem area or capable of having a negative impact on quality of life issues for residents. POS would preferably be positioned centrally to a development or be sited so it will be well overlooked so as to not undermine the safety and security of those living nearby or users of the space.</p> <p>Mere residual space or land that cannot or is awkward to develop should not be considered as being suitable or appropriate as public open space when it is tucked away and not well overlooked. The plan shows clear and 'open to view' pedestrian links from the proposed development into the proposed Public Open Space (POS), LAP and LEAP which is good. However, care will need to be taken, as from an offenders perspective or those just wanting to get up to no good, this will provide a legitimate excuse for being in the area without fear of being challenged or noticed. Too much permeability in a development makes controlling crime and anti-social behaviour very difficult as it allows easy intrusion around the development by potential offenders and does not serve the community. All planned routes should be needed, well used by generating adequate footfall, well overlooked and well-integrated. Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 17 June 2021</p>	<p>Thank you for this amended application, I have no further comments to those previously made, which remain valid.</p>
<p>Environment Agency</p>	<p>No response</p>
<p>Environmental Health Manager</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Air Quality</p>

Name	Comment
<p>Reply Received 24 March 2020</p>	<p><u>Construction Phase Impacts</u> I believe the potential impacts on local air quality arising during the construction phase of the development can be effectively dealt with by a scheme of mitigation included in a suitable Construction Environmental Management Plan (see below).</p> <p><u>Operational Phase Impacts</u> I have reviewed the Clarkebond Transport Assessment dated 16 August 2019. This document includes predicted traffic flow data for the development and includes a predicted pm peak hour two-way trip rate of 100 car trips. The EPUK & IAQM document: Land-use Planning and Development Control: Planning for Air Quality - January 2017 provides guidance with a view to ensuring air quality is adequately considered in the land-use planning and development control processes. Table 6.2 in the document provides indicative criteria on when an air quality assessment is likely to be required. This criteria includes a threshold of introducing 500 Annual Average Daily Traffic flow (AADT) of light duty vehicles on local roads with relevant receptors. The data provided in the Transport Assessment suggests the 500 AADT threshold will be exceeded for this development and this is an indication that air quality needs to be given further consideration. The EPUK guidance document states that, where an air quality assessment is identified as being required, this may take the form of either a Simple Assessment or a Detailed Assessment. The principle underlying the guidance is that any assessment should provide enough evidence that will lead to a sound conclusion on the presence, or otherwise, of a significant effect on local air quality. In this case, I would expect the local area to enjoy relatively good air quality. As such, the likelihood of significant adverse air quality impacts arising is reduced provided there are no unexpected adverse local circumstances. Given the above, i recommend the Applicant be asked to provide a 'Simple Assessment' of operational air quality impact associated with the development, having regard to relevant standards and guidance including that contained in the EPUK & IAQM document: Land-use Planning and Development Control: Planning for Air Quality - January 2017. The assessment should also take account of existing planning approvals for housing developments at neighbouring sites. This 'Simple' assessment should include recommendations for any more detailed assessment considered necessary where relevant.</p> <p><u>2 Land Contamination</u> The Planning Statement mentions submission of a Ground Investigation report by Ruddlesden Geotechnical. I would like to review this document but I could not find it on-line.</p> <p><u>3 Construction Phase Impacts</u></p>

Name	Comment
	<p>In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the CMP condition be imposed and the Construction Hours Condition</p>
<p>Environmental Health Manager</p> <p>Reply Received 19 June 2020</p>	<p>1 Land Contamination I have reviewed the Geotechnical Investigation and Contamination Assessment Report by Ruddlesden Geotechnical dated 8 November 2018. The report concludes that the levels of contamination recorded in the investigation are not potentially harmful to human health given the proposed end use or to the water environment and no further action or remedial measures are required. However, any unexpected contamination discovered during development should be reported. Given the above, I recommend the unexpected contamination condition be imposed.</p> <p>2 Asbestos The above Ruddlesden report mentioned the potential for existing barns at the site to incorporate asbestos containing materials (ACMs) and recommended employing a specialist contractor to ensure their safe removal.</p> <p>My comments of 24 March included a CEMP recommendation. Given the Ruddlesden comment about ACMs, I suggest the Applicant be asked to include reference to identification and safe removal of ACMs in the CEMP they provide for LPA approval</p>
<p>Environmental Health Manager</p> <p>Reply Received 22 June 2021</p>	<p>I have reviewed the amended and additional information in relation to Environmental Protection Matters and refer you to my previous comments of 24 March 2020 and 19 June 2020</p> <p>Air Quality Assessment Further to my comments of 24 March 2020, I have reviewed the Kairus Air Quality Assessment dated May 2021</p> <ul style="list-style-type: none"> - <u>Construction Phase</u> The assessment identifies a number of potential impacts and recommends a scheme of mitigation for the inclusion in a Construction Environmental management Plan that will be submitted in due course. I accept the findings and recommendations of the report and have already recommended inclusion of a CEMP planning condition - <u>Operational Phase</u> The assessment considers potential traffic related impacts associated with the proposals having regard to relevant standards and guidance. The report concludes that no significant traffic pollution related impacts will arise and that no specific mitigation

Name	Comment
	measures are required. I accept the findings of the report and have no further comments to make.
<p data-bbox="199 344 443 416">Housing Enabling Officer</p> <p data-bbox="199 454 443 526">Reply Received 2 April 2020</p>	<p data-bbox="466 344 1417 674">As the proposed site is allocated in the Local Plan, the affordable housing requirement would be at least 30%. The applicant's Design and Access Statement states at paragraph 6.6.2 that 56 of the proposed 187 dwellings will be affordable dwellings. 30% of 187 is 56.1. The requirement would therefore be for 56 affordable dwellings and a financial off-site contribution equivalent to 0.1 of a dwelling. The formula we use to establish a financial off-site contribution figure is (Open Market Value - Registered Provider Price) x % of affordable housing required.</p> <p data-bbox="466 712 1428 965">Council policy is that the affordable housing tenure mix would need to be at least 75% for Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale). The Design & Access Statement states "Rented dwellings represent 75% (42 units) with shared ownership units representing 25% (14 units)". The proposed tenure mix is therefore in accordance with Council policy.</p> <p data-bbox="466 1003 1428 1406">Paragraph 6.6.4 of the Design and Access Statement states "North Devon District Council requires one fully disabled adapted home per 50 dwellings. For this development it has resulted in the provision of three fully disabled adapted dwellings.". However, paragraph 4.3.4 states "The proposed development has been designed to meet the policy requirement for 3% of affordable housing to be wheelchair accessible.". The Planning Layout Drawing Number 1100 Revision B shows three x 1 bedroom 2 person dwellings as disabled adapted dwellings. Therefore, there appears to be a contradiction between paragraph 6.6.4 and the Planning Layout and what is stated in paragraph 4.3.4.</p> <p data-bbox="466 1406 1428 2018">I confirm that 3% of our housing register require wheelchair accessible housing. Therefore, we would expect 3% of the affordable housing to be provided as wheelchair accessible housing. These should be built to comply with the requirement M4 (3) (2) b of the Building Regulations 2010 Approved Document M: Access to and use of buildings. As 3% of 56 is 1.68, for 56 affordable dwellings two of the affordable dwellings should therefore be wheelchair accessible dwellings. The dwellings should be built to Exeter City Council design guidelines or such other similar standard as approved by the Council. The Planning Layout shows the three disabled adapted dwellings as 1 bed 2 person units. The two required dwellings should however both be 2 bed 4 person units for Social Rent. The dwellings will need to be of sufficient size (other examples of 2 bed 4 person disabled adapted units are of 97.5 square metres) and on plots with sufficient footprints. This would be detailed as a planning condition. I would request that the applicant contacts Housing Enabling to get the</p>

Name	Comment
	<p>most up to date housing need for disabled adapted properties so that this can be factored into the design appropriately.</p> <p>The Planning Layout shows the following proposed affordable housing:- 2 x 1 bed 2 person disabled adapted flat (64.3 square metres) 1 x 1 bed 2 person disabled adapted flat (75.5 square metres) 4 x 1 bed 2 person flat (44.5 square metres) 6 x 1 bed 2 person flat (51.3 square metres) 1 x 1 bed 2 person flat (59.5 square metres) 30 x 2 bed 4 person house (79.4 square metres) 10 x 3 bed 5 person house (81.9 square metres) 2 x 4 bed 6 person house (104.6 square metres)</p> <p>This therefore equates to the following percentages:- 1 bed (14 units) - 25% 2 bed (30 units) - 53.6% 3 bed (10 units) - 17.9% 4 bed (2 units) - 3.6%</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document). The attached table shows the policy requirement for dwelling mix & occupancy levels. Registered providers require housing to be built to National Space Standards; these are indicated in the table. This therefore shows that the proposed number of one, three and four bed affordable dwellings are lower than policy requirements and the proposed number of two bed affordable dwellings are higher than policy requirements. the proposed affordable housing mix will therefore need to be amended to meet policy requirements. The proposed affordable housing property size and tenure mix is:-</p> <p>14 x 1 bed Social Rent 24 x 2 bed Social Rent 2 x 3 bed Social Rent 2 x 4 bed Social Rent 6 x 2 bed Shared Ownership 8 x 3 bed Shared Ownership</p> <p>The proposed property size and tenure mix is not therefore in accordance with the requirements.</p>

Name	Comment
	<p>The proposed size of 44.5 square metres for four of the 1 bed flats is below the required size. The proposed sizes of the 3 bed houses and the 4 bed houses are also below the required sizes.</p> <p>The affordable dwellings should be pepperpotted throughout the site in clusters of no more than 6-10 units. With regard to plots 60-67 and 71-76 on the plan, this is acceptable as plots 60-67 are accessed from a different road to plots 71-76, and because of the proximity of open market dwellings. Although the 14 flats are sited in the same part of the site, due to the road separation between the blocks, different access points and the proximity of open market dwellings, this is acceptable. (As stated above, the proposed 1 bed flats designated as disabled adapted dwellings would not be acceptable.</p> <p>The properties, for rent and sale, would need to be advertised to those persons with a local connection to North Devon Council's area.</p> <p>The affordable homes should be designed and of the same material and construction as the open market - including car parking. Paragraph 6.6.3 of the Design and Access Statement confirms the proposal is in accordance with this.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 21 June 2021</p>	<p>The application is for the erection of 187 dwellings. As I stated in my response dated 2 April 2020, as the proposed site is allocated in the Local Plan the affordable housing requirement would be at least 30%. The Affordable Housing Plan submitted with this application shows 56 affordable units. 30% of 187 is 56.1. The requirement would therefore be for 56 affordable dwellings and a financial off-site contribution equivalent to 0.1 of a dwelling.</p> <p>The Affordable Housing Plan shows the following mix:- 20 x 1 bed, 22 x 2 bed (includes 2 wheelchair user dwellings), 11 x 3 bed and 3 x 4 bed units.</p> <p>Council policy is that the affordable housing tenure mix would need to be at least 75% for Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale). The Plan shows 42 Social Rent and 14 Shared Ownership units. The proposed tenure mix is therefore in accordance with Council policy. 3% of our housing register require wheelchair accessible housing. Therefore, we would expect 3% of the affordable housing to be provided as wheelchair accessible housing. These should be built to comply with the requirement M4 (3) (2) b of the Building Regulations 2010 Approved Document M: Access to and use of buildings. As 3% of 56 is 1.68, for 56 affordable dwellings two of the affordable dwellings should therefore be wheelchair accessible dwellings. The Plan shows plots 19 and 20 as the 2 x 2 bed wheelchair user dwellings for Social Rent. The dwellings should be</p>

Name	Comment
	<p>built to Exeter City Council design guidelines or such other similar standard as approved by the Council. The dwellings will need to be of sufficient size and on plots with sufficient footprints. This would be detailed as a planning condition. Further to plans previously provided, I would request that the applicant contacts Housing Enabling to get the most up to date housing need for disabled adapted properties so that this can be factored into the design appropriately.</p> <p>The Plan states that the affordable units are all compliant with National Described Space Standards. The Planning Layout shows the following proposed affordable housing:- 10 x 1 bed 2 person flats (51m²) 10 x 1 bed 2 person flats (57m²) 2 x 2 bed 4 person M4(3) Disabled Units houses (112m²) 20 x 2 bed 4 person houses (80m²) 11 x 3 bed 5 person houses (93m²) 3 x 4 bed 6 person houses (106m²) Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard",</p> <p>The attached table shows the policy requirement for dwelling mix & occupancy levels. Registered providers require housing to be built to National Space Standards; these are indicated in the table. With regard to the 4 bed units, the supply and demand for 4 bed 8 person units and challenges around the use and allocation of 4 bed 6 person units has been reflected in our new consultation responses.</p> <p>The proposed property size mix equates to the following percentages:- 1 bed - 35.7% 2 bed - 39.3% 3 bed - 19.6% 4 bed - 5.4% This mix is acceptable to Housing Enabling.</p> <p>The Affordable Housing Plan and the Planning Layout both show 17 x 1 bed units ("Chin"). It would appear that plots 53, 55 and 57 may be the other 3 x 1 bed plots, but this is not confirmed on the plans. The applicant will need to confirm and amend the plans as appropriate please.</p> <p>The above property size mix will need to apply to both the Social Rent and Shared Ownership units. Our tenure split is 75% Social Rent and 25% Shared Ownership. The applicant is not meeting policy tenure requirements within the 1 bed and 3 bed units. 11 x 3 bed (3 Social Rent and 8 Shared Ownership) means that the 3 bed</p>

Name	Comment
	<p>dwelling would be delivering only 27% Social Rent instead of 75% and delivering 73% Shared Ownership instead of just 25%. On 11 x 3 bed dwellings the tenure split should be the other way around i.e. there should be at least 8 Social Rent & just 3 Shared Ownership. In contrast the 1 bed dwellings would be delivering 100% Social Rent instead of 15 Social Rent and 5 Shared Ownership. We will accept some under-delivery of 3 bed Social Rent dwellings and under-delivery of 1 bed Shared Ownership dwellings if the applicant can deliver the 3 x 4 bed requirement as 4 bed 8 person homes and convert at least 2 of the 3 bed Shared Ownership to Social Rent and conversely 2 of the 1 bed Social Rent to Shared Ownership (plot nos 176-177 may suit as the only 2 x 1 bed flats in one building). This would equate to 11 x 3 bed (5 Social Rent & 6 Shared Ownership) and therefore a 45/55% Social Rent/ Shared Ownership split and 20 x 1 bed (18 Social Rent & 2 Shared Ownership) and therefore a 90/10% Social Rent/Shared Ownership split. This is still under policy requirement set out in the Local Plan but we would accept this with the gain of 3 x 4 bed 8 person units instead of the problems we are experiencing with 4 bed 6 person units.</p> <p>I should be grateful if the applicant would please contact me so that I may forward our Affordable Housing Scheme template to them for them to complete and return.</p> <p>The affordable dwellings should be pepperpotted throughout the site in clusters of no more than 6-10 units. The proposed siting of the affordable dwellings shown on the Affordable Housing Plan is acceptable to Housing Enabling. The properties, for rent and sale, would need to be advertised to those persons with a local connection to North Devon Council's area. The affordable homes should be designed and of the same material and construction as the open market - including car parking. The Design and Access Statement confirms the proposal is in accordance with this.</p>
<p>Open Space Officer</p> <p>Reply Received 18 March 2020</p>	<p>The application proposes a mix of informal open space and equipped play (through a LAP and a LEAP).</p> <p>I have calculated the requirement for on-site provision or equivalent off-site contribution in accordance with policy DM10. I have not been able to offset the on-site provision as I have been unable to see the exact quantum of each type of open space (equipped play & informal). Please can this be provided?</p> <p>LAP - The natural type of equipment and landscaping referred to in the D&A statement is acceptable. Is there a separate plan for this area?</p>

Name	Comment
	<p>LEAP - The LEAP is centrally located. The design shows a number of trees and planting on the road side. Please can this be more open and visible to allow for more natural surveillance of the area. Metal bow top fencing is preferable. In terms of the equipment itself, it provides 5 pieces of equipment seating and a bin. Two pieces of equipment are both balancing in nature of play experience and very similar (Balance beam and discs). Can one of these be replaced to perhaps a piece of rotating or sliding equipment? The in built trampoline can be problematic, particularly if not inspected daily. We would recommend replacing this with an alternative piece of more robust equipment suitable for a housing site rather than a public park. The safety surfacing proposed is grass matting, wet pour is more durable and again a design and longevity preference.</p> <p>The maintenance scheme is detailed. One particular point is in relation to a 1m mown grass path by the meadow flower, referred to in the D&A statement. Will maintenance be adequate/frequent enough to ensure this buffer. Perhaps the Landscape Officer would offer comment on this point.</p> <p>Finally, I note the maintenance will be picked up by a management company, you may wish to approach South Molton Town Council, to see if they have any interest in adopting additional open space.</p> <p>Request - £527,742</p>
<p>Open Space Officer</p> <p>Reply Received 23 June 2021</p>	<p>Please can a plan for the LAP be provided with a quantum for the area included so that this can be off-set against the contributions as outlined in the attached s106 pos calculation.</p> <p>Please can a quantum be added for area provided for the LEAP so this can be off-set against the calculation that has been provided. The quantum should be at least 400m.sq for a LEAP.</p> <p>The LEAP plan identifies 5 pieces of varied play equipment, bin, bench, bowtop fencing and wetpour safety surfacing all of which is all acceptable. Please can the applicant confirm wetpour safety surfacing will be used under all 5 pieces of equipment including the basket swing - the plan seems to indicate a different surface under this item.</p> <p>Please can the applicant update the Landscape Design Statement to mirror the detail provided in the LEAP plan - in particular please update the safety surfacing information and fence type.</p> <p>Can the applicant please confirm the surface proposed for the cycle and pedestrian footpath?</p>

Name	Comment
<p>Open Space Officer</p> <p>Reply Received 13 July 2021</p>	<p>The changes additions to the landscaping plan (regards LAP, LEAP and cycle way surfacing) have been made, so I am happy thanks.</p> <p>We just await quantum for the LEAP and LAP so that we can ascertain if they meet the calculation requirements.</p>
<p>Open Space Officer</p> <p>Reply Received 14 July 2021</p>	<p>I can confirm the LEAP & LAP quantum combined are sufficient to meet the on-site provision requirements for play space. The only thing I will say is usually we would like to see the a design/visual for the equipment being suggested for the LEAP so we can comment/approve – therefore we request that this information be presented to the Open Space Proper Officers for approval before works begin</p> <p>In regards to the question re allotment. In accordance with DM10 our preference is always for on-site delivery of the various elements of POS. As far as I am aware the developer has elected to provide off-site contributions in lieu of the allotment and the built recreation (Parks, Sport & Recreation) elements so we will be expecting £424,704.33 off-site contribution in addition to the play facilities specified. We would of course be more than happy for on-site provision instead if the applicant decides to go that way instead – obviously this will impact on the space available for houses.</p>
<p>Planning Policy</p> <p>Reply Received 28 May 2020</p>	<p>Thank you for consulting the Planning Policy team concerning the full application for the erection of 187 dwellings and associated social and physical infrastructure. You will recall I made comments previously on the pre-application enquiry C115586, dated 16th January 2019 and would still form part of the policy response to this proposal.</p> <p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be ‘Sound’ and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions.</p> <p>However, following the Burwood appeal decision in Torridge, the Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the ‘Liverpool’ method to distribute any</p>

Name	Comment
	<p>backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031.</p> <p>Therefore, National planning policy (Footnote 7, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.</p> <p>Whilst this current application, which as you are aware is on an allocated housing site within the Local Plan and therefore not considered to be a challenge against the Council's 5 year supply of deliverable housing sites, I would wish to fully understand how this development will contribute to the Council's housing trajectory.</p> <p>This greenfield site is within the defined development boundary for South Molton where the principle of housing is acceptable in accordance with Policy ST06 of the Local Plan. Also, as an allocated housing site, Policy SM01(2b) seeks to deliver approximately 160 dwellings subject to the delivery of specific development principles as set out within criteria 3 and 4 of Policy SMO1. As you are aware, this level of housing has been informed by the SHLAA process but is not considered to be a maximum figure. In policy terms, as long as the development works in both planning and highway terms then there would be no policy objection in principle to a higher number of houses being delivered, in this case 187 homes which equates to approximately 33 dph, a density that is not unreasonable in this location.</p> <p>Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide on-site delivery of affordable housing equal to 30% of the total number of dwellings (gross). In this instance there should be an on-site requirement of at least 56 affordable dwellings with the .1 of a dwelling being collected through a financial contribution of broadly equivalent value to that which would have been required on site (ST18, criterion 3). Also, you must be assured that the proposed housing mix will meet the identified housing need in accordance with Policies ST17 and SM01.</p> <p>Policy SMO1(2b) seeks to deliver approximately 160 dwellings with an emphasis on providing a mix of house types, tenures and sizes to reflect local need. It would appear from the proposed site layout</p>

Name	Comment																				
	<p>(drawing no. 1100) that the developer is seeking to deliver the following:</p> <p>1 bed – 14 units (7% of total) 2 bed – 48 units (26% of total) 3 bed – 60 units (32% of total) 4 bed – 65 units (35% of total)</p> <p>Clearly there is a potential imbalance here with an obvious emphasis on delivering 4 bed units on this site. Clause (1) of policy ST17 provides a mechanism to influence the mix of housing on proposals. The HEDNA can be used for evidence of need - including house sizes. More localised evidence, such as housing needs surveys, can be used if they are available and up-to-date. The policy is intended to influence both market and affordable tenures. On smaller schemes, the mix should generally be taking account of local character and context, on larger schemes such as this however, a more 'proportionate mix' should generally be the starting point. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs. For information, Part (1) of the policy could be used to seek particular forms of housing, such as bungalows, where there is evidence of need. I have provided an extract from the HEDNA (Table 114: Recommended Housing Mix – page 214) which identifies the recommended housing mix across the Plan area.</p> <table border="1" data-bbox="475 1153 1417 1272"> <thead> <tr> <th></th> <th>1 – bed</th> <th>2 – bed</th> <th>3 - bed</th> <th>4 - bed</th> </tr> </thead> <tbody> <tr> <td>Market</td> <td>5-10%</td> <td>30-35%</td> <td>40-45%</td> <td>15-20%</td> </tr> <tr> <td>Affordable</td> <td>30-35%</td> <td>35-40%</td> <td>20-25%</td> <td>5-10%</td> </tr> <tr> <td>All Dwellings</td> <td>15%</td> <td>35%</td> <td>35%</td> <td>15%</td> </tr> </tbody> </table> <p>The evidence is clear, the latent demand for 4 bed units is relatively small (15% of all dwellings) although it is accepted that this figure could increase or decrease accordingly based on the specific settlement need. As you can see the highest demand is for 2 and 3 bed units (35% of all dwellings) although the proposed mix would appear to fall below the identified need. Therefore, you must be assured that this proposed housing mix will meet the numbers, type, size and tenure to meet the identified local housing needs.</p> <p>The design and layout of the development should be considered against Policies ST02, ST04, ST05(1), DM01, DM04 of the local plan and the National Design Guide. It is also worth noting that criterion 2 of DM04 will expect all major residential proposals such as this, to be supported by a Building for Life 12 assessment where the developer must minimise 'amber' scores and avoid 'red' scores. I note in the Design and Access Statement that it can be illustrated the design proposals are capable of achieving 12 greens and thus an 'Outstanding' accreditation. Whilst from a policy perspective I very much welcome this initial response, you must ensure this</p>		1 – bed	2 – bed	3 - bed	4 - bed	Market	5-10%	30-35%	40-45%	15-20%	Affordable	30-35%	35-40%	20-25%	5-10%	All Dwellings	15%	35%	35%	15%
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Name	Comment
	<p>report and analysis is critically examined in order to achieve the policy objectives.</p> <p>You will recall that I previously set out concerns regarding the proposals to demolish the small agricultural buildings currently on the site. I note at paragraph 6.4 of the Heritage Statement the following summation ‘three much altered small field barns in generally poor condition lie within the site boundaries to north, south west and south east. Ideally, these would be retained, but their small size and condition make re-use impractical. If a viable use cannot be found, they should be record ahead of their demolition’. As these are quite unique to South Molton and its agricultural heritage, I would still consider that they should be repaired and retained as they currently provide nesting areas for birds and could be utilised as garden outbuildings for future occupants. You may wish to consider this as part of the landscape character assessment and undesignated heritage assets where Policies ST15 and DM07 will apply as well as the response from Collette Hall.</p> <p>As set out in paragraph 6.5 of the Local Plan, ‘all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support ‘biodiversity offsetting’ to deliver a net gain in bio-diversity off-site’. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. The Defra metric should be used to ensure there is an overall net gain in biodiversity. All issues around ecology should be considered against ST14 and DM08 including the response from Mark Saunders / Andrew Jones.</p> <p>Paragraph 13.68 of the adopted Local Plan clearly sets out that new development will be required to make provision for public open space, recreation, sports facilities and green infrastructure and where possible, such facilities should be provided on site as an integral part of the development. As I set out previously, the green corridor is fully supported. Also, I would wish to be assured that the area designated as the Sustainable Drainage System is in fact usable open space. Paragraph 10.423 recognises that South Molton has a deficiency of equipped play areas and informal open spaces. Therefore, you must ensure the proposal delivers green infrastructure in accordance with Policies SM01(3) and DM10 and the standards as set out in Table 13.1 together with guidance from the consultation response of Lucy Wheeler.</p> <p>Paragraph 10.424 requires the creation of a new footpath and cycle link through the proposed western extension which will contribute to an orbital route within an enhanced green infrastructure network. You must therefore ensure that the</p>

Name	Comment
	<p>necessary cycle / footpath routes are delivered and the necessary connections made between adjoining developments. All highway issues should be considered against Policies ST10, SMO, SM01, DM05 and DM06 of the Local Plan.</p> <p>On balance, the principle of housing on this site is acceptable subject to the above policy considerations being satisfactorily addressed.</p>
<p>Planning, Transportation & Environment</p> <p>Reply Received 9 April 2020</p>	<p>Thank you providing the opportunity to comment on this planning application. This response provides the formal views of Devon County Council in relation to:</p> <ul style="list-style-type: none"> • Local transport provision - see above • Local education provision - see above • Waste disposal • Waste planning • Minerals planning • Potential historic environment impacts • Surface water flooding - see above • Gypsy and traveller provision • Health and wellbeing <p>This response is separated into sections relating to each of the subject areas set out above.</p> <p><u>Waste Planning</u> Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan 2011-2031 requires major development proposals to be accompanied by a Waste Audit Statement. The application is not supported by any such statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development. Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements.</p> <p><u>Waste disposal: Recycling centre provision</u> As residential property numbers and the population increase so too does the demand on recycling centres. Over coming years this increased demand will result in the need for additional recycling centre capacity. Failure to provide adequate recycling facilities for the county may result in the Council being unable to fulfil its statutory role as Waste Disposal Authority.</p> <p>Devon County Council's Waste Management and Recycling: Development Contribution Methodology (June 2017) identifies the need for improvement works at the existing Household Waste Recycling Centre within South Molton, therefore, DCC seeks</p>

Name	Comment
	<p>financial contributions from this development for stabilisation works to enable the site to remain open and help cater for the planned housing growth in the area.</p> <p>Contributions are requested on a 'per dwelling' basis, as per the methodology in the adopted 2017 document. Devon County Council's methodology for calculating the contribution per dwelling is based upon the total estimated cost for the necessary improvements and the total number of homes the facility will serve. This approach considers the number of new homes in the context of the wider total of all homes served by the site and proportions cost accordingly. This ensures that requests are fair and proportionate to the scale of development. The equates to a contribution of £36 per dwelling. Based on this calculation, the total contribution would be £6,732.</p> <p><u>Minerals planning</u> There are no Minerals Safeguarding Areas or Minerals Consultation Areas near the application site, therefore, there are no minerals comments to make on the application.</p> <p><u>Historic environment</u> The proposed development site lies in an area of archaeological potential. Archaeological investigations to the north have demonstrated the presence of prehistoric settlement, and there is the potential that this site contains other evidence of prehistoric activity in the surrounding landscape. As such, the Devon County Historic Environment Team (HET) would concur with the recommendations set out within the Heritage Assessment report submitted in support of this application that some archaeological mitigation is required. This should be guided by an initial geophysical survey and subsequent field evaluation to inform as to the requirement and scope of any further archaeological mitigation that may be required.</p> <p>The HET therefore 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 with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.</p> <p>If a Written Scheme of Investigation is not submitted prior to determination the HET 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</p>

Name	Comment
	<p>below, based on model Condition 55 as set out in Appendix A of Circular 11/95.</p> <p>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.</p> <p>The HET would recommend that the archaeological mitigation should take the form of a staged programme of archaeological works, commencing an archaeological geophysical survey, followed by the excavation of a series of evaluative trenches to determine efficacy of the survey and the presence and significance of any heritage assets with archaeological interest that will be affected by the development that have been identified by the survey. Based on the results of these initial stages of work 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>The County 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: https://new.devon.gov.uk/historicenvironment/development-management/</p> <p><u>Gypsy and traveller provision</u> The need for Gypsy and Traveller accommodation in North Devon is established in the Devon Partnership Gypsy and Traveller Accommodation Assessment 2015. This identifies the need for 6 additional permanent residential pitches between 2014-2034. Policy ST20 (Providing Homes for Traveller Communities) reflects this need. It is noted that Policy SM01 (South Molton Strategic Western Extension) promotes a mix of house types contributing towards the identified local needs.</p>

Name	Comment
	<p>It is also noted that the application does not include any Gypsy and Traveller provision. It is recommended the Local Planning Authority considers whether there is potential within the current application for accommodating any permanent Gypsy and Traveller pitches as it is understood that North Devon have currently not met their need for pitch provision.</p> <p><u>Health and wellbeing</u></p> <p>The comments are based on a range of documents that support the application, in the absence of a health impact assessment.</p> <p>Whilst the majority of people who live in South Molton, live in good health, experience low levels of crime and are in employment, the Joint Strategic Needs Assessment developed by Public Health Devon highlights the following public health concerns for South Molton:</p> <ul style="list-style-type: none"> • Higher injury admissions for those aged 0-14 years (this may suggest issues with road safety); • South Molton (6.7%) has a slightly higher percentage of children not in education, employment or training than Devon (6.6%); and • The area performs less well for the quality of indoor and outdoor environments and barriers to affordable housing and access to services. <p>With these in mind, it is recommended that the local planning authority consider the following:</p> <ul style="list-style-type: none"> • In order to improve indoor environment, and in response to the Climate Change Emergency, it is recommended that the local planning considers how carbon emissions from the development will be reduced and how new technologies could be used to help achieve low/net zero carbon homes; and • It is noted that there are 2 green spaces proposed in the development. Recent evidence suggests that small informal pocket park green spaces are of benefit to those seeking mental health and wellbeing promotion. Larger formal green spaces help to promote physical activity. The quality of both are enhanced where there is access to seating, refreshments and toilet facilities. The comments of the Open Space Officer to help deliver a space that is overlooked to provide natural surveillance, diverse range of equipment and sustainable in its long term maintenance. <p>The amount of affordable housing is noted. The adaptable housing for wheelchair accessibility and active travel infrastructure, including garages and/or cycle storage for all dwellings, is supported</p>

Name	Comment
Planning, Transportation & Environment Reply Received 23 June 2021	We note that the updated information doesn't include a Waste Audit Statement. Therefore, our previous comments as Waste Planning Authority still stand. (See attached DCC's previous strategic response)
Recycling & Commercial Services	No response
South Molton Town Council Reply Received 3 June 2020	It was unanimously RESOLVED that this application be refused due to the following concerns and comments: 1. Housing Mix - An increase in single level living should be considered i.e. Bungalows or chalet bungalows. It was also suggested that the guidelines "Homes for Life" should be followed. 2. The Spatial Standards are inadequate leading to an over-intensification of the site. 3. Hedgerows - all hedgerows should be left intact unless a cut through is deemed essential. 4. The Linhays - due to the owls, little owls and the bats possibly inhabiting them, Cllrs request that the Linhays remain. The Linhays add to the character of the area. 5. Eastern Boundary - all the houses along this section should be either bungalows or chalet bungalows. Also more trees should be planted along this boundary. Cllrs were very concerned about the impact for the residents living in West Park. 6. The size of the dwellings are inadequate. 7. Public Open Space - this is considered to be wholly inadequate. 8. Electric Charging Points for vehicles- these should be included in the application. 9. Disabled Properties - these should have a minimum of two bedrooms to allow for overnight stays for carers and to aid storage etc. 10. Wildlife Corridor - possibility of this being created along the Eastern Boundary.
South Molton Town Council Reply Received 7 July 2021	It was RESOLVED that this application be recommended for refusal on the following grounds: 1. Over intensification based on 2016 SHLAA stating that this site should consist of 176 dwellings not 187. 2. The fact that the Linhay at the North End would be removed 3. Concerned about the number of parking spaces available for visitors which could be accommodated by reducing the number of houses as per first point above. For: 3 Against: 1.

Name	Comment
	<p>Councillors also commented that they would welcome clarification on arrangements for the access to Gunswell Lane at the North end of the site and how access to the eastern part of Gunswell Lane would be restricted.</p> <p>Please note that the original proposal was that another Linhay should be built to replace the one being removed but this was rejected after an amendment modifying this proposal was carried</p>
<p>South West Water</p> <p>Reply Received 19 March 2020</p>	<p>No objection</p>
<p>South West Water</p> <p>Reply Received 30 June 2021</p>	<p>I refer to the above application's revised plans and would advise that whilst there are no objections to the foul and surface water being managed in accordance with the submitted drainage strategy, a public sewer crosses the site. The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p><u>Asset Protection</u></p> <p>Please find enclosed a plan showing the approximate location of a public 225mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.</p>
<p>Sustainability Officer</p> <p>Reply Received 21 April 2020</p>	<p>The submitted Ecological Assessment (EA) provides an appropriately detailed account of all survey work conducted to date and subsequent conclusions on potential impacts on the sites protected species and habitats as a result of the proposal. The EA includes detailed consideration of the sites constraints and opportunities and makes detailed recommendations for protection and management of site habitats.</p> <p>The EA states that all mitigation and enhancement measures identified in the EA will be delivered through a Construction Environmental Management Plan (CEMP) and the implementation of a Landscape and Ecological Management Plan (LEMP). The documents do not appear to be included within the current submission and given that the current application is for full planning permission it is recommended that these documents are secured prior to determination.</p> <p>The EA indicates that the current proposal is likely to produce a net gain for biodiversity of at least 10% and that a loss/gain balance sheet and metric assessment has been included. The current submission does not appear to contain either of these documents</p>

Name	Comment
	and therefore it is unclear whether the current site plan and landscaping proposals are fully informed by an appropriately detailed biodiversity metric.
Sustainability Officer Reply Received 17 June 2020	The amended details appears to relate specifically to the submission of Ecological Assessment and Biodiversity Metric on 21/05/20. The Metric is welcome as noted on my previous consultation response (21/04/20). The EA appears to be a resubmission of the August 2019 EA and therefore does not resolve the previously identified issues relating to lack of a CEMP and LEMP.
Sustainability Officer Reply Received 14 July 2021	Nothing further from me on this particular document which provides strategic objectives but would clearly need to be read alongside further detail provided in the CEMP/LEMP as requested in my attached responses.
Torbay & South Devon NHS Foundation Trust Reply Received 2 April 2020	<p>It is noted that the policy number SM02 in the Torridge and North Devon Local Plan refers in Section 3, paragraph (g) through "contributions towards the expansion of the South Molton Medical Centre" and draw your attention to Section 10.397 of the Local Plan which states that:</p> <p>The town's population has a high level of dependency on state benefits for elderly age groups. Many of South Molton's community facilities are at or close to capacity including the town's infant and junior schools and health centres</p> <p>It is also noted that the South Molton Medical Centre was not part of the S106 Agreement (Dated 29th May 2015) on Phase 1, application number 58050 and not part of the S106 Agreement (Dated 4th November 2016) on Phase 2, application number 60152. It is concerning that the developer was not asked at the time for a S106 contribution towards the expansion of the medical centre even though the then unadopted Local Plan 2011 to 2031 had recognised this need and was available in draft form to the Local Planning Authority. Please reference section 10.406 of the draft Local Plan, namely:</p> <p>An urban extension to the west of the town will be developed in a comprehensive manner to deliver approximately 890 dwellings including a proportion of affordable housing, a new 420-place primary school, together with early years provision and a children's centre delivery base, and contributions towards the expansion of South Molton medical centre. A new 315-place primary school will be delivered during the early phases of construction to accommodate the existing junior school, with sufficient land safeguarded for its future expansion.</p>

Name	Comment
	<p>NHS Devon CCG are hoping that North Devon Council's own policy document will be adhered to in the future. As the original site has been allocated in the Local Plan for 890 dwellings and phase 1 was for 172 dwellings and phase 2 was for 165 dwellings, NHS Devon CCG would like to be consulted on the expansion of the medical centre prior to phase 3 for 187 dwellings, being given approval.</p> <p>The CCG's concern is that the GP surgeries in the South Molton area are already at or close to capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The Torridge and North Devon Local Plan acknowledges this fact by stating that</p> <p>"South Molton has expanded rapidly over recent years as an agricultural and business centre. Its population has grown substantially since 2001, with approximately 18% growth over the period 2001 to 2010, which is significantly higher than rates of population growth in other towns in North Devon."</p> <p>And that "Many of South Molton's community facilities are at or close to capacity including the town's infant and junior schools and health centres."</p> <p>It is also noted that Policy SMO: South Molton Spatial Vision and Development Strategy, states</p> <p>"Social and community facilities required to support new development including provision of a new primary school, site with the expansion of the existing infant school and junior school to become a primary school, provision of a children's centre delivery base, a new medical centre, new sewage treatment works, additional sports pitches, allotments and informal open space;"</p> <p>Could you please acknowledge the CCG's request for consultation and include the probable need for an S106 contribution towards the expansion of the medical centre or other ways to mitigate the pressures on the local healthcare facilities are part of any future correspondence with the Developers.</p>
Torbay & South Devon NHS Foundation Trust	<p>The following is the mitigation which will be required from this planning application to meet the new requirements that the increase in population will create for the South Molton Medical Centre. On 26th March the CCG submitted a consultation response, pointing out the need for a s106 contribution from the developer to be used as capital for the Medical Centre which The North Devon Local Plan recognises was over capacity (see the attached for evidence).</p>

Name	Comment
	<p>I have based the evidence for the mitigation request on the Gross Internal Area of the now extended South Molton Medical Centre and have calculated the following:</p> <ul style="list-style-type: none"> · Current Patient list size – 11,855 · With population increase – 12,278 · Practise capacity based on GIA – 11,913 · GIA in square meters – 953 · Additional Sq Mtr for clinical use – 33.81 · Cost per Sq Mtr (based on Health Care Premises Cost Guide) £2,299 per sq mtr <p>S106 contribution sought for this application - £77,728 or £416 per dwelling.</p> <p>Please could North Devon Planning add this request to the S106 agreement to mitigate the increase in patient list size caused by this development. The contribution will be used at the South Molton Medical Centre to increase patient capacity.</p>
Western Power Distribution	We enclose an extract from our mains records of the area covered by your proposals

Neighbours

This application was received prior to the first national Covid -19 lockdown. In that revisions were required to the application (received May 2021), the application has undergone a further round of re-advertisement.

Comments	No Objection	Object	Petition	Signatures
14	0.00	27	1	8

- Lack of engagement by the developer with the community
- Concerns over public consultation due to lockdown and Covid restrictions
- Development potential was not revealed as part of search
- Residents opposition does not affect planning decisions
- Excessive number of houses being built in South Molton balanced against jobs/facilities being created
- Lack of infrastructure – sewage, gas, water. Electricity, health, schools, shops
- Density is too great – Local Plan states 160
- Design is inappropriate
- Design Review Panel assessment required
- Scale of development is inappropriate next to bungalows
- Dwellings should be no more than 1.5 storeys
- Loss of privacy
- Loss of daylight
- Impact on elderly residents

- Affordable housing not well distributed
- 2 bed disabled adapted required
- Standard of build questionable
- Visual impact of development on landscape – LVIA is misleading
- Impact on outlook/loss of countryside setting
- Disruption during construction phase – noise and dust
- Increase in traffic
- Issues with using/crossing Dearhill Road and North Road
- Traffic issues in West Street/role of distributor road
- Walking/cycling distances mean car dependence
- TA inaccurate re bus services
- No electric charging points
- Inadequate car parking/Disabled parking
- Loss of hedgerows – all should be retained
- Queries over future hedge management
- Oak Tree should be preserved (request for a TPO)
- Loss of historic field patterns
- Impact on wildlife – bats and owls
- Green belt should not be built on
- A green strip should be maintained next to West Park
- Lack of on-site open space
- Contributions to maintaining green spaces in South Molton needed
- Impact of SUDs and spring on third party land
- Flooding issues B3227/Ford Down Lane
- Suds and open space need to be properly planted and maintained for net biodiversity gain
- Root protection areas of adjoining trees/hedges respected
- Impact on gas main
- Loss of historic linhay
- Boundary ownership issues (hedges)
- Money making venture for developer and Council
- Devalue property

Considerations

Proposal Description

This application seeks detailed planning permission for the erection of 187 dwellings. The application is supported by detailed plans and supporting documents which address the following planning considerations.

Planning Considerations Summary

- Principle of development
- Housing Numbers and Mix
- Layout
- Design and Scale
- Amenity (contamination and air quality)

- Landscape and Ecology (agricultural land)
- Heritage
- Flood Risk and Drainage
- Highway Access and Egress (travel plan)
- Infrastructure
- Scheme Viability

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.

Paragraph 11 of the NPPF emphasises that decisions should be made with a presumption in favour of sustainable development. As such applications that accord to an up-to-date development plan should be approved without delay.

Paragraph 59 of the NPPF is clear that to help deliver the Government's objective of significantly boosting the supply of homes, a variety of land should come forward where it is needed and that permission should be granted where there are no overriding development plan issues. In this instance, as the site is allocated for development, considerations around the five year housing land supply do not result in the need to evoke the 'tilted balance'. The delivery of this allocated site for housing would however contribute to the required housing targets and help support the Council's 5 year supply of deliverable housing sites.

Principle of Development

Spatial Policy ST08 focusses development within the development boundaries of the sub regional and main centres to increase sustainable growth. The site is within the South Molton development boundary as defined within the North Devon and Torridge Local Plan (NDTLP). South Molton's role in the settlement hierarchy is as a Main Centre/local service centre providing a range of retail, education, health and community facilities and employment opportunities.

The site is also part of the allocated South Molton Strategic Western Extension (Policy SMO1). This residential development totalling an estimated 890 dwellings will be delivered in 4 zones as follows:

- SMO1(2)(a) area 1 (north of Gunswell Lane) for approximately 250 dwellings**
 - This part of the allocation is fully consented with 220 dwellings being built out by Baker Estates.

SMO1(2) (b) area 2 (between Gunswell Lane and Nadder Lane) for approximately 160 dwellings. This application is proposing 187 units.

SMO1(2) (c) area 3 (south of Nadder Lane) for approximately 310 dwellings. Half of this allocation has been consented (58050/60152) and is being built out by Wainhomes (165 units). The southern part of this allocation is the subject of reserved matters application 73223 for 129 units. The outline (62919) allows 144 dwellings. Estimated total 294.

SMO1(2) (d) area 4 (west of Exeter Gate and George Nympton Road) for approximately 170 Dwellings. No applications as yet.

This will mean that the allocated should deliver 871 units of the 890 estimated in the NDTLP.

The starting point for the consideration of this application is therefore whether the proposal accords with the criteria of SMO1 as well as the wider policies of the NDTLP.

It is appreciated that this application itself has resulted in significant objection from the public and Parish Council and the generalised concerns about the scale of building within South Molton and the resulting impact on infrastructure are understood. The site has been allocated for development and hence the starting point should be a consideration of whether the scheme adheres with policy SMO1 (2). The policy is seeking the creation of a sustainable, high quality, mixed use development that includes:

- (b) formal and informal recreation facilities;
- (c) a new distributor road between North Road, Nadder Lane, the B3226 and Alswear Old Road;
- (d) a new primary school, early years' provision and a children's centre (*now delivered*)
- (e) provision within the site for physical infrastructure, community facilities, and green infrastructure

The policy (SMO1) is then broken down into a series of specific criteria against which to assess this application in sub sections (3) and (4). These are set out in full within this report. SMO1(3) requires the site to be developed in a comprehensive manner to deliver the following site specific development principles:

- (a) create a distinctive, safe, sustainable, high quality urban extension and new neighbourhood for South Molton;**
- (d) provide a mix of house types, tenures and sizes of open market and affordable homes contributing towards the identified local needs;**

As set out above the 871/890 proposed dwellings are being built in a series of phases. The allocation is divided by the arterial roads that lead from the rural hinterland towards the town centre. This site forms oneself contained phase within the larger allocation. The principle of an urban extension/new neighbourhood is established by Policy SMO1. This is a criteria based policy and as such the application would need to address all aspects of the policy. Where there is divergence or omission this will need to be judged

on its own merits in line with material planning considerations and the wider policy aspirations of the NDTLP and the NPPF.

Housing Numbers and Mix

The policy has given a notional site allocation of 160 units. This level of housing has been informed by the SHLAA process but is not considered to be a maximum figure. This application is testing the merits of 187 units. The site as a whole amount to 8ha. The Design and Access statement indicates that ‘*The net residential development and related infrastructure is 5.08ha (excluding natural open space and attenuation ponds). This equates to an average density of 36d/ha*’. The layout shows that a significant area is left over as for green and blue infrastructure. An overall density of 33 dph is not unreasonable in this location and is comparable to other parts of the allocation.

In respect of housing numbers the question to be answered is whether the layout provides an acceptable standard of housing in respect of the development management criteria of the NDTLP. As land remains a valuable resource, its effective and efficient use will ensure that an adequate number of properties are delivered without the need for additional sites and further green field land to be released.

Within the representations comments are made that South Molton has already delivered a significant amount of houses and that the plan period is up to 2031. The demand for housing is such that bringing this site forward now will contribute to meeting the Districts housing needs and the shortfall in housing supply evidenced in the Burwood appeal decision in Torridge. The site will be delivered over a series of years given the scale of development proposed.

The May 2016 Housing and Economic Needs Assessment [HEDNA] (Table 114: Recommended Housing Mix – page 214) which identifies the recommended housing mix across the Plan area.

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

The evidence is clear, the latent demand for 4 bed units is relatively small (15% of all dwellings) although it is accepted that this figure could increase or decrease accordingly based on the specific settlement need. The highest demand is for 2 and 3 bed units (35% of all dwellings). The recent Covid pandemic has seen the demand for larger units as homeowners seek space for ‘home offices’. In the absence of any local data the applicant has advised:

The current figures, sourced from the current Wainhomes site, show that over 57% of the homes sold were 4 beds, 25% were 3 beds and 18% were 2 beds. As such, through the affordable and open market homes proposed, the proposed mix provides a compromise between the market research gathered by Wainhomes’ current site and the top down guidance provided within the HEDNA report.

The scheme is proposing a range of house sizes to meet market demand

Part 5 of the NPPF supports the approach of requiring an element of Affordable Housing as part of proposals that seek to deliver open market dwellings. Where there is an identified need for AH LPAs must ensure the provision of AH unless there is a robust case for doing otherwise. The scheme is required to deliver 30% affordable housing in order to accord with Policy ST18 of the NDTLP. The Housing Enabling Team have requested:

Bed size & dwelling type	Occupancy	NDC dwelling mix requirement	Dwelling type	National Space Standards (m2)
4 bedroom house	8 person	5-10%	<ul style="list-style-type: none"> • House (2 storey) • Bungalow 	<ul style="list-style-type: none"> • 124 • 99
3 bedroom house	5 person	20-25%	<ul style="list-style-type: none"> • House (2 storey) • Bungalow 	<ul style="list-style-type: none"> • 93 • 86
2 bedroom house	4 person	35-40%	<ul style="list-style-type: none"> • House (2 storey) • Bungalow 	<ul style="list-style-type: none"> • 79 • 70
1 bedroom house	2 person	30-35%	<ul style="list-style-type: none"> • House (2 storey) • Bungalow / flat 	<ul style="list-style-type: none"> • 58 • 50

The proposal is to deliver 20% affordable units as follows:

- 7x Ground Floor 1b2p flats – Social Rent
- 7x First Floor 1b2p flats – Social Rent
- 1x M4 Disabled Unit 2b4p – Social Rent
- 6x Houses 2b4p – Social Rent
- 5x Houses 3b5p – Social Rent
- 2x Houses 4b6p – Social Rent
- 3x Ground Floor 1b2p flats – Shared Ownership
- 3x First Floor 1b2p flats – Shared Ownership
- 2x Houses 3b5p – Shared Ownership
- 1x House 3b5p – Shared Ownership

Twenty eight (75%) units are social rent and 9 (25%) are intermediate. The percentage being delivered will be discussed in the scheme viability section of this report.

Layout

The design and layout of the development should be considered against Policies ST02, ST04, ST05(1), DM01, DM04 of the local plan and the National Design Guide. Criterion 2 of DM04 expects all major residential proposals, to be supported by a Building for Life 12 assessment where the developer must minimise ‘amber’ scores and avoid ‘red’ scores.

The site is accessed from the new roundabout which leads into the Wainhomes Nadder Lane development. The site is then set out around a main spine road which will connect

onwards to the Baker Estates North Road development. From this main spine road lead a series of subsidiary roads and cul de sacs that primarily run east to west.

Development is served from each of these roads to provide a street scene as you enter the site. About half way into the site, the levels start to rise and hence development is then orientated along the side roads.

A green spine with a combined footpath and cycle route runs through two thirds of the site making use of existing hedgerow features.

To the south west is a larger area of blue/green infrastructure and a green edge then continues along the western boundary up to Gunswell Lane.

The housing types are mainly detached, semi-detached or terraced.

Design and Scale

New development must be of high quality and integrate effectively with its surroundings to positively reinforce local distinctiveness and produce attractive places to live and to accord with the design principles of policies ST04 and DM04 and with part 12 of the NPPF.

The majority of units are two storey in design which is reflective of new development to the south and south east as well as the main built up parts of South Molton along West street. Materials will include a buff brick, render (5 colour finishes) and some use of stone cladding at key points in the site (entrances and junctions). Roofs will have a slate effect finish which is in keeping with South Molton. Doors and windows will be uPVC.

View of street scene from West Street.



There is a need for a 'soft green boundary edge' in order to form a transitional boundary between the development and the 'Countryside'. Internally boundary brick walls provide a more high quality boundary within the public realm with additional native hedging to provide greening. 1.8m high brick walls provide boundaries between rear gardens and the roads. Other boundaries between buildings are to be 1.8m high closed board fencing. A hedgerow exists between eth site and properties in West Park and Bulgis Park. This is to be retained.

The layout shows an integrated network of green spaces and play spaces (LEAP, LAP). Blue spaces such as lagoons will aim to improve and enhance water management and support rich and varied biodiversity. Detailed hard and soft landscaping plans have been provided.

Provision is made for waste and recycling in line with the SPD.

Building For Life

Place by Design evaluated the proposed layout under the Building for Life 12 standard. Through this review the layout submitted in this proposal is deemed capable of achieving 12 greens; this score equating to an 'Outstanding' accreditation

All design matters should be considered in the context of Policies SM01, ST02, ST03, ST04, ST05, FRE02, DM01, DM02, DM04, DM08A, and National Design Guide. Any development on this site will result in a significant change to the local context. Whilst this will be a 'new' development on the edge of the current built edge and whilst it will be visually apparent it has been designed and landscaped to provide a rural edge with the countryside beyond and will provide new green spaces and pedestrian and cycle routes.

Amenity (contamination and air quality)

Policy DM01 of the NDTLP requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, future occupiers, visitors on the site and any local services. The relationship to existing properties has been a key consideration. There are two existing properties along the southern site limits.

Belgrave sits to the west of Plots 1-3 as shown in the extract plan below. The wall to wall separation distance is around 44m. The site is enclosed by mature planting and as such the relationship of the proposed units to this property would not be adverse.

Extract Plan of Belgrave



Aerial View of Belgrave



The closest relationship of properties to The Paddock would be those to the north (plots 169- 171). The wall to wall separation distance is around 20m but the plots orientate east-west and not to the south with no windows in the gable ends. The relationship is considered acceptable.

Extract Plan showing The Paddock



The properties next to Bulgis Park are shown at two storey with plot 158 being one and a half storeys (in green). Mayfield is a two storey property and Waywinds is single storey.



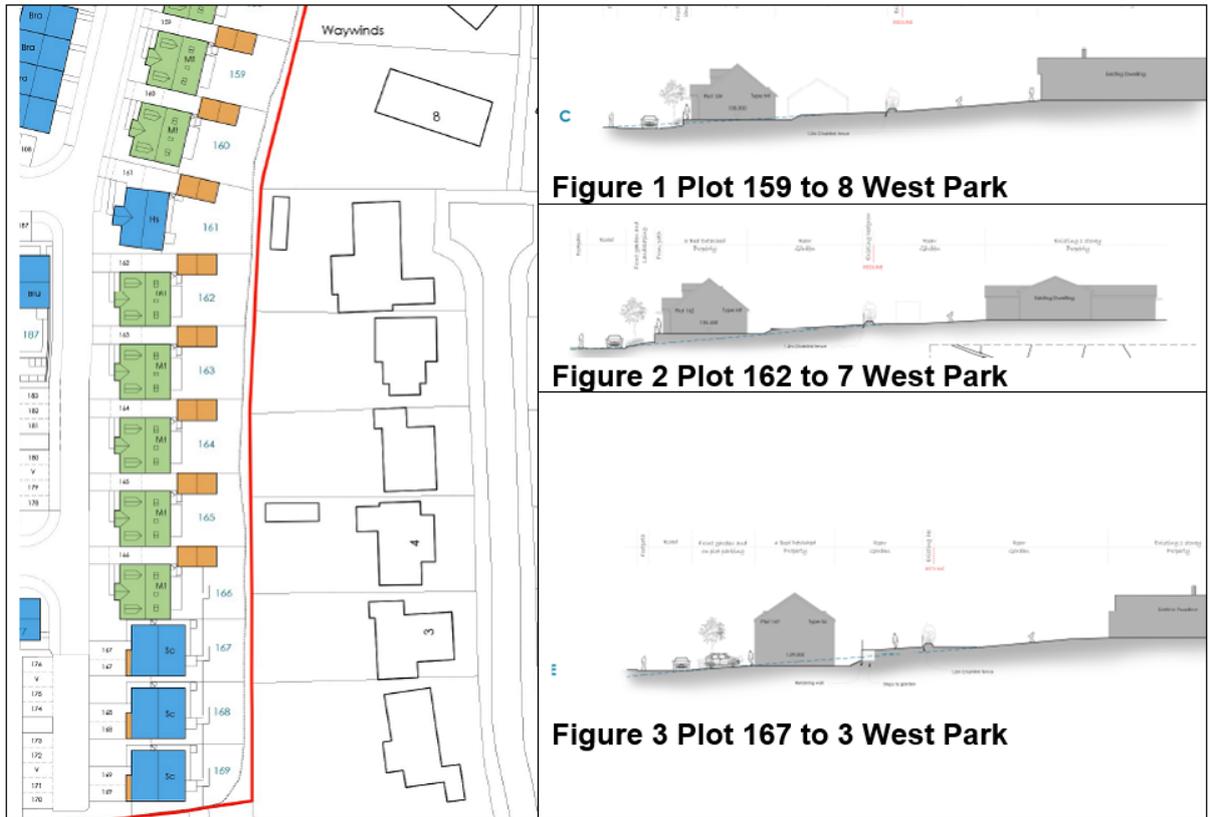
The wall to wall separation distances are as follows:

- Plot 155 to Mayfield – 21m
- Plot 157 to Waywinds – 29m
- Plot 158 to Waywinds – 30m

Mayfield has an extant permission for a dwelling in the garden. This permission has not been implemented and is not shown on the plans below.

The existing properties in West Park are all single storey with rear aspects over the development site. As the sections below show West Park is slightly elevated but concerns were raised over the dominance of the original two storey scheme on these properties. Revised plans have been received which show that some of the two storey plots have been changed to one and a half storey units with the rear face containing rooflights only.

The closest separation distances would be between the site and 7 and 8 West Park which scale at around 28.5m. All of the residents in West Park have expressed concern about the relationship of the proposed development to their properties. In terms of separation distances the relationship is considered acceptable. The key issue is to ensure that the mature planted boundary remains as this will secure the properties and provide some screening of the new development. As shown below the properties in West Park are higher than the adjacent field.



Street scene of road running to the rear of West Park and Bulgis Park (plots 156 to 164)



In terms of neighbouring residential amenity, such as the ability for dwellings to be delivered on site whilst preventing any overlooking, overbearing or loss of light to the nearest existing neighbour, given the separation distances involved, it is considered that dwellings can be delivered on this site whilst maintaining appropriate amenity to existing dwellings in the area, therefore in compliance with Policy DM01 and through appropriate design DM04 of the NDTLP

Contamination

Para 178, 179 and 180 of the NPPF set out responsibilities for dealing with site contamination. Policy DM02 requires development to safeguard against hazards, and pollution policy DM02 of the NDTLP are satisfied.

The Geotechnical Investigation and Contamination Assessment Report and the Risk Assessment and Method Statement for Ground Investigation Works September 2018 TB/TN/18417/RAMSGIW indicates that the levels of contamination recorded in this investigation are not potentially harmful to human health given the proposed end use or

to the water environment. No further action or specific remedial measures are required given the proposed end use. Environmental Health concur with this assessment and recommends an 'unexpected' contamination condition and that the CEMP should address any potential asbestos containing materials (ACM) were used in the construction of the barns in the north and southwest of the site.

Air Quality

Policies DM02 considers atmospheric pollution and noise and DM03 considers Construction and Environmental management of development.

The NPPF identifies 12 core planning principles that should underpin both plan-making and decision-taking, including a requirement for planning to 'contribute to conserving and enhancing the natural environment and reducing pollution'. Policy DM02 of the NDTLP deals with Environmental Protection and the Air Quality SPD to provide further guidance on the consideration of air quality within the planning process. The submitted Air Quality Report looks at construction and the operational phase of development

Controlling dust from construction activities relies upon management provisions and mitigation to reduce dust and limit dispersion. The successful implementation of the CEMP will limit impacts to nearby properties. The proposed development has been identified as a medium-risk site for dust soiling effects during earthworks and construction and as a result of trackout.

The proposed development is not expected to result in a significant impact on local air quality during operation. Measures that will reduce the impact on local air quality include:

- A site-specific travel plan setting out measures to encourage more sustainable travel such as cycling and walking and a shift towards the use of public transport and reducing single occupancy car use;
- Cycle and pedestrian routes will be provided across the Site from north to south connecting the site with the wider cycling and walking network, plus an additional circular walking route will be provided around the Site;
- All properties with garages and driveways will be provided with charging cabling to a dedicated fixed socket. In addition, 10% of all dwellings will have dedicated electric vehicle charging points fitted for first occupation to facilitate the uptake of electric vehicles.

Any construction activity will cause some disturbance to those nearby and the Air Quality assessment has predicted a medium impact prior to the implementation of any on-site mitigation. However, following the implementation of the CEMP, impacts would not be significant. The assessment of traffic has concluded that impacts on local air quality during the operational phase would also not be significant. Based on the results of this assessment air quality does not pose a constraint to development of the Site for residential purposes subject to the measures set out above being adhered with.

In respect of the treatment of waste a full waste management statement will be required and has been conditioned.

Landscape and Ecology

SMO (3) (b) integrate new development within the existing landscape setting of the town and provide an appropriate transitional boundary with the adjoining countryside to the north, south and west;
(c) enhance and make connections to the existing network of local and strategic green infrastructure through and around the site including the provision of new footpaths, cycleways, public open spaces, wildlife corridors, formal and informal recreation facilities;

Tree and Landscape impact

Criterion 3b of Policy SM01 requires the western development to integrate within the existing landscape setting of the town and provide an appropriate transitional boundary with the adjoining countryside to the west.

Landscape and Visual Impact Assessment (LVIA)

The site is within the landscape character type 3A: Upper Farmed & Wooded Valley Slopes. Some of the characteristics of such areas are:

- A pastoral landscape, with some fields of arable cultivation on higher slopes, forming a strong mosaic with copses, interlinking Devon hedges and small woodlands as well as occasional small blocks of coniferous plantation
- Strong pattern of medium-scale fields of medieval and post-medieval origin enclosed by species-rich Devon hedges with flower-rich banks. Thick hedges with frequent hedgerow trees found on more sheltered valley slopes.

The applicants submitted LVIA concludes that *'In summary, both the proposed site itself and the local landscape in general, are assessed as having medium landscape sensitivity. For the proposed site itself, it is assessed to be subject to a medium magnitude of change, due to the partial loss or alteration to key elements or features such as the internal structure of hedges, and the introduction of elements such as housing that may be prominent, but that are not uncharacteristic when set within the attributes of the receiving landscape, and in particular the residential development to the south. Consequently the overall landscape effect for the construction of the residential development is assessed to be moderate'*.

The main visual receptors will be from the main road (junction of Oak Tree Road and Nadder Lane) and residents in West Park. The development will also be visible from the rear facing windows and gardens from the properties alongside the site boundary. The proposed development will foreshorten views of the landscape to the west. The introduction of new development would be comparable to the type of development that already exists in the local landscape and will reinforce its residential character. The development would form a prominent change in the existing view and would be easily noticed. The impact on both is considered Major/Moderate,

The local landscape has been assessed as having medium sensitivity to this form of development. The magnitude of change on landscape character is determined to be

medium. The overall effect on the landscape character resulting from the proposed development is therefore assessed to be moderate'.

It is recognised that any planting mitigation will take some years to become effective. The most successful mitigation will be the development of a substantial landscape framework to reinforce the existing retained hedges and trees.

Site Trees and Hedges

There are no Tree Preservation Orders on the site albeit one has been requested for the oak tree which has been referred to the Arboricultural Officer to consider. The site comprises eight modified grassland fields, bound by hedgerows along with ditches and three agricultural buildings. There are a scattering of mature trees on the site, mostly existing around the perimeter of the site. The majority of the vegetation on site comes in the form of hedgerows, comprised of stone, earth and vegetation.

The revised Arboricultural Impact Assessment & Method Statement indicates that 7 category B/C trees will be removed and 9 Category C/U tree groups. Although the removal of B category trees is not ideal, T33 is located on the interior of the site, and its removal is unlikely to have an adverse impact on the wider landscape. Most of the trees proposed for removal are in the two lower categories (C & U) and as such it is judged that they are not of a quality that should present any constraint to development of the site.

In terms of the effects of the hedgerow loss required to implement the design, most of the hedges to be removed are all located well within the interior of the site, and therefore will not have any significant adverse impact on the surrounding area. Any impact and loss of amenity which may be felt locally will only be short term.

Replacement trees will be proposed through landscape design and will more than mitigate for their removal by providing robust long term tree cover in keeping with the proposal and surrounding properties

The relationship between the buildings and retained trees is judged to be sustainable and does not result in any situations which may result in unreasonable pressure to prune requests from future occupants.

The Arboricultural Method Statement (AMS) has been compiled in conjunction with the Tree Protection Plan (TPP). These detail any mitigation which will be necessary to ensure the protection of retained trees throughout the development and will be conditioned.

Landscape Design Statement

The landscape strategy aims to retain as much existing vegetation as possible along the site boundaries, with connections between areas of existing vegetation to be strengthened further with additional native shrub and tree planting. Retaining the vertical spine of existing hedgerow will provide a strong scenic route that will to enhance the green infrastructure of the site and surrounding landscape. A shared cycle and pedestrian footpath runs adjacent to the existing and proposed native planting, which in

turn connects to the green spine running vertically through the site towards the LEAP. Areas requiring the removal of existing trees/ hedgerow/ hedgebank, such as part of the northern boundary are to have replacement hedgebanks and tree planting provided. Further hedgebanks are to be provided to the southern boundary adjacent to Nadder Lane.

The submission includes detailed plot planting and hard landscaping details.

Extract from site plan showing landscaped zones



The strategy and landscaping plans are supported by a Soft Landscape Specification, a Soft Landscape Management and Maintenance Plan (along with a Ownership/Landscape Management Plan) showing the areas to be looked after by a Management Company and the maintenance schedule that will be applied.

Ecological Interest

Tyler Grange undertook a detailed ecological assessment of the site in 2018 which was updated in April 2021. The site is not covered by any statutory or non-statutory designation although a number of such sites are present within the local area. Exmoor Heaths Special Area of Conservation (SAC) located approximately 6.8km northeast. A number of non-statutory sites are present within the locality such as:

- Common Moors (W) CWS (SS72/007) located approximately 0.7km northwest;
- North Hill Fields CWS (SS62/0154) located approximately 1.0km northwest; and
- Pillavins Moor CWS (SS72/027) located approximately 1.9km northeast

Common Moors is separated from the site by existing built development, open countryside and roads. Due to the distance of the site from this and any other non-statutory designated sites, there are unlikely to be any effects from the proposed development. The measures detailed (CEMP) to prevent impacts during construction,

such as from run-off, dust and noise will also ensure that no impacts occur to any non-statutory designated sites.

Protected Species

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).

The site has potential to support bats, breeding birds, badgers and dormice which resulted in an extended Phase I habitat survey undertaken in April 2018 with walkover surveys in 2019 and 2021. Phase 2 surveys identified the presence of dormice within the site. Whilst badgers may use the site on occasion no evidence of activity was recorded in 2018 and 2019. Bat activity surveys recorded generally low levels of activity, with common pipistrelle the most frequently recorded species, along with low numbers of other species. No roosting bats were confirmed using any of the agricultural buildings. There is some suitable breeding bird habitat although the site is not considered to be of any particular ornithological importance.

The most significant issues with respect to development of the site is potential for adverse effects on bats and dormouse. A sensitive lighting scheme would need to be designed and implemented to ensure that any features that could be in use by bats and other nocturnal species, are not detrimentally affected by lighting. This would need to be conditioned.

The applicant's ecologist has been asked to comment about and mitigate the habitat that may be lost to owls following the removal of the agricultural structures on site. The ecologists didn't recorded any specific evidence of barn owls, but the barn does have some potential. It is likely that the owls would only be present at certain times of the year, so they could have been present in between surveys.

In the representation the barn owl was stated as being in the barn in Autumn, which is outside the breeding season and therefore indicates it uses the barn as a feeding perch and not to nest, and it is nesting habitat which is key. However, to address this point the applicant is happy to propose erection of an owl box on a tree to be included this in the bat and bird box plan.

Habitat

The eight fields at the site are dominated by species-poor modified grassland that is relatively uniform in character and species composition, although species variation occurs in wet areas adjacent to ditches. These fields are all subject to intensive sheep or horse grazing, as well as cutting on occasion. The proposals include the retention and protection of most of the most ecologically important habitats on site, namely the hedgerows, with the majority to be buffered from the proposals. The majority of these hedgerows are also subject to regular management, being box cut to a height of approximately 0.5m above the banks, with only occasional standard trees present. The

hedgerows are however, generally intact with dense structures and few gaps. All the hedgerows are grazed close to the base with no undisturbed margin present.

The submitted report conclude that the site is of *'Low ecological importance, comprising intensively managed modified grassland, with most of the habitat of highest ecological importance, the species-rich hedgerows, being retained and enhanced, thereby avoiding impacts.* The specific proposals for site enhancement include:

- Wildflower meadow grassland will be created across the site
- The SUDs feature will be over sown with a damp neutral/wildflower species mix which will attract a range of wildlife to the site, creating further gains in biodiversity
- New tree planting will occur across the site achieving a gain in trees post-development
- Areas of mixed scrub will be created within the areas of open space through extensive planting with native species
- New native hedgerows and hedgebanks will be created across the site linking the retained hedgerows with new areas of planting and improving connectivity both within and across the site
- All hedgerows/hedgebanks will also be managed to
- Bat boxes are to be installed within buildings at the site that will lead to an increase in roosting provision post-development.
- Bird boxes are also to be installed within buildings at the site that will lead to an increase in nesting provision post-development

Existing hedgerows that are to be retained will need to form part of the 'Landscape and Ecological Management Plan and associated s106 agreement so as to ensure that they are not removed by future residents and subsequently replaced with fencing.

Lighting

The NPPF states...By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation...". To minimise the impact of the scheme on the natural environment a lighting strategy will be required and is conditioned.

Biodiversity Net Gain

Biodiversity off-setting is required in accordance with Policy ST12/4 and DM08 of the NDTLP. The application is supported by a Biodiversity Net Gain (BNG) Assessment prepared by Tyler Grange. Using this metric, the proposal provides a 10.13% overall gain in biodiversity from the current baseline. In addition, measures – proposed in Tyler Granges report – will attract an increase in wildlife to the site, which will further increase biodiversity on site. These proposed further measures have not been used in the calculating of the metric. This is considered to be in line with policy.

Loss of Agricultural Land

Executive Summary from Agricultural Land Classification Reference No: 1010290 date: 15th October 2018:

The Agricultural Land Classification of 7.98 ha of agricultural land north of Nadder Lane, South Molton was assessed by ADAS in September 2018. When surveyed in September 2018, all of the proposed application site was in agricultural use as grassland grazed by sheep. Most of the site is fairly consistent, with well-drained, deep loamy soil but is classified as no better than Subgrade 3b because of the high clay content of the topsoil coupled with the long period of the year when the land is at field capacity. There is an area at the north and north west of the site, where the soil profiles are more poorly drained, restricting the land to Grade 4 due to the wetness limitation. The classification of the land for this report indicates that the site is mostly Subgrade 3b with some Grade 4 and so none of the land can be considered as 'best and most versatile'

Whilst the development will change the edge of settlement by introducing a new housing development, the landscape strategy will soften the scheme over time. With appropriate mitigation and planning conditions overall, the development could occur ensuring that significant harm to the natural environment in line with policies Policy ST12/4 and DM08 of the NDTLP.

Heritage

In considering whether to grant planning permission which affects the setting of a listed building the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This scheme is not considered to impact on the designation Conservation Area which is a significant distance from the site.

Policies ST15 and DM07 of the NDTLP require development to 'preserve and enhance' heritage assets and great weight should be afforded to such protections

The closest designated heritage asset is 300m north east of the site being the Grade II listed former South Molton workhouse known as 'Beech House' (HER 51378). To the north and half a kilometre from the site lies the Grade II listed vicarage (HER 94459). A listed farmhouse lies to the west but would also be unaffected. The Heritage Assessment concludes that *'Most of the listed buildings lying within the site study area would clearly not be affected by the proposals as they are domestic structures which are surrounded by later development and have no inter-visibility with the site'*.

The HER record (HER 66929) records an extensive 'field system' to the west of South Molton of a possibly medieval date which suggests farming of the land in narrow and long strips. The site represents less than a tenth of the area covered by the record. The conservation area appraisal confirms that the landscape around South Molton has largely been characterised as reflecting medieval enclosure, but that some has been

lost to the modern expansion of the town. It highlights the quality of the landscape to the west: *'As well as being characterised as medieval, the fields adjacent to Nadder Lane and south to the B3226 are distinct from the surrounding agricultural landscape by the frequency of linhays (small field barns) present.'*

On the site are a network of hedgebanks defining a field system which has been in place for centuries and ideally the field boundaries should be retained as far as practicable. The loss of the fieldscape is a negative aspect of the site's allocation

Some evidence for prehistoric activity has been identified to the north east of the site, but recent investigation south of Nadder Lane did not indicate any significant archaeological remains. However an archaeological oversight is recommended (planning condition recommended).

Three small field barns/linhays are shown as being removed which will need to be recorded.



As set out above these buildings have no inherent importance and whilst they are characterful and reflect South Molton's agricultural heritage, two have limited visual presence.

The works are not considered to conflict with policies DM07 or ST15 and in that the harm to heritage assets is with the less than substantial, the test is whether the public benefit outweighs the harm.

Flood Risk and Drainage

SMO (3)(e) provide a sustainable water strategy that reduces water usage, incorporates sustainable drainage systems and does not increase the risk of flooding elsewhere in the town or downstream;

SMO (3)(e) (f) connect to a new foul sewage treatment works at Ford Farm if required

Flood Risk

The NPPF at para155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Policy ST03 requires that

development takes account of climate change and should be located and designed to minimise flood risk.

The Indicative Flood Zone Maps proposed by the Environment Agency shows the entire site to be in Flood Zone 1; which is land assessed as having less than a 1 in 1000 annual probability of river or sea flooding (<0.1%) and therefore fluvial flood risk is considered to be low. There is no recorded surface water flood risk at the site.

The proposed residential use is classified as 'More Vulnerable' as described in Table 2 of the Planning Practice Guidance (PPG) associated with the National Planning Policy Framework (NPPF). The Flood Risk Assessment produced by Clarkebond demonstrates that flood risk on site can be managed without either risk on site or increasing flood risk elsewhere within the catchment and is appropriate for the proposed development.

Surface Water Drainage

Policy ST03 requires a reduction in surface water run off rates and the adoption of effective water management including SuDs. Policy DM04 requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rain water. The proposed surface water drainage strategy will also ensure the development is not at risk of surface water flooding and does not increase flood risk elsewhere.

The proposed drainage strategy for the site will make use of a large Detention Basin to manage the surface water onsite. Flows will be controlled by a flow control prior to discharge to the wider water environment by means of a Swale. The surface water drainage infrastructure and attenuation features will be designed to accommodate flows up to and including the 1 in 100-year return period event with a 40% increase for climate change. Infiltration testing has been undertaken at the site which shows variable rates and high groundwater which means the site is not suitable for infiltration-based drainage.

This system allows for the surface runoff from the site to be controlled and disposed of without increasing the current rate of runoff from the site and thereby impacting on downstream receptors.

The area will also be planted to enhance local biodiversity.

DCC as Lead Flood Risk Authority advise that providing conditions are applied that the scheme design is acceptable in terms of surface water run off.

Foul Drainage

It is proposed that foul drainage flows from the site will be collected via a series of manholes and pipes and discharge to existing foul sewer located in the residential development south of Nadder Lane. Discussions are in progress with South West Water as to the adoption of this sewer. Flows in this network are lifted by a pumping station into an adjacent sewer within Nadder Meadow to the east. There is likely to be a requirement to provide additional foul water storage for the pumping station on the

adjacent development to the south to accommodate the additional properties and the pumps may need upgrading to cope with the additional flows. These upgrades will be required to be performed prior to the adoption of the southern network being completed.

No objections have been raised by South West Water.

There are no issues supplying this site with water or making provision for foul waste. With appropriate conditions as suggested by DCC Lead Flood Risk Authority it is considered that surface water can be disposed of in an acceptable manner both in the construction and operational phases of this development. No additional mitigation is required.

Gas Main

The applicant has been advised of the presence of a gas route to properties in West Park that will need to be accommodated as part of the development. The rerouting of statutory undertakers equipment is not a planning consideration as such but one that the developer will need to address.

Highways

SMO1(4) The transport and connectivity strategy for the western extension of South Molton will:

- (a) provide a new distributor road between North Road and Alswear Old Road;**
- (b) establish a permeable and connected network of streets, footpaths and cycleways across the site that connect to adjoining parts of the town and Pathfields Business Park;**
- (c) facilitate connections for motor vehicles, cycles and pedestrians between the proposed development, the town centre and Pathfields Business Park including increased opportunities for public transport links and sustainable travel choices within and around South Molton to reduce reliance on the private motor car;**
- (d) contribute towards an orbital footpath and bridleway route around the town; and**
- (e) ensure there is no direct vehicular access eastwards on to Gunswell Lane**

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

Access and Road Layout

The primary access will be from Nadder Lane/West Street at the roundabout which was built as part of the Wainhomes 'Nadder Lane' Development to the south. A three-arm roundabout junction has already been provided and a fourth (northern) arm will be the site entrance. To ensure an adequate deflection for vehicles travelling to the new

northbound arm from the existing south bound arm a 4.3 metre over run area will be added to the roundabout.

A spine road or distributor road required by SM01 will connect the development to North Road via the Baker Estates development. The new distributor road will be designed to provide a comprehensive route on the western side of South Molton Town Centre and will be delivered in phases alongside the residential development. It will assist in alleviating the congestion in the Town Centre and providing access to the employment area at Pathfields.

Extract Plan showing onward connection to Baker Estates development



The development will be served by a series of side roads either in the form of cul de sacs or internal loop roads.

Transport Assessment

Clarkebond have produced a Transport Assessment which indicates that there will be up to 93 additional two-way trips in the AM peak period and up to 100 two-way trips in the PM peak period. The impact of the proposal on the performance of the roundabout, which acts as the site access, is deemed to be negligible. The key conclusions are that the proposal is in accordance with national and local transport policy and can be developed with suitable access without detriment to the existing transport network

Accessibility

The site has good accessibility in terms of sustainable modes of travel. Services and facilities are within walking and cycling distance of the site. South Molton is also well served by various bus services providing access to the town and facilities further afield. DCC have requested contributions to public transport (see infrastructure section below).

It is proposed to upgrade the crossing points located on the access roundabout in order to allow both pedestrians and cyclists to cross at this location. This measure will provide a betterment to the current accessibility on the route to the town centre, for all users.

Parking

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). Policy DM06(1) clearly sets out that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs

It is proposed to provide 422 car parking spaces, including 20 visitor, 11 double and 22 single garages. Electric charging points are also proposed within on plot parking areas.

Cycle Parking

Cycle parking will generally be provided within the curtilage of the dwellings or garages. For dwellings without a garage, secure cycle parking will be available within proximity to the properties, or designated cycle storage will be provided in communal stores.

Travel plan

The NPPF defines a Travel Plan as: *A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.* A Residential Travel Plan (RTP) has been prepared and sets out:

- Introduction including details of the proposed development;
- Travel Plan Policy and Guidance providing a summary of relevant national and local policy and travel planning guidance;
- Site Accessibility and Local Services and Facilities describing the accessibility of the site to local facilities by different sustainable travel modes;
- Travel Plan Management setting out how the travel planning process will be managed at the development;
- Objectives, Targets and Indicators;
- Travel Plan Measures identifying the walking and cycling, public transport, car travel and marketing and promotion measures to be implemented at the development; and
- Implementation, Monitoring and Evaluation providing details on the implementation of the travel plan and how it will be monitored and reviewed and including the Action Plan.

No objections are raised by the Highway Authority. The proposed development accords with national and local transport policies TRA5 and TRA6. The layout can be provided with suitable access and without detriment to the safe operation of the local transport network.

Infrastructure

SMO(3)(g) provide social and community facilities required to support new development including contributions towards the expansion of South Molton Medical Centre.

Following engagement with the stakeholders the following requests have been made:

1. Sports and recreation

Policy DM10: Green Infrastructure Provision: Development is required to provide new accessible green infrastructure, including public open space and built facilities, to meet the green infrastructure quantitative and accessibility standards, as set out in Table 13.1 and Infrastructure Delivery Plan of the Local Plan.

On-site provision is approximately 9,300msq of accessible public open space and green infrastructure (which exceeds the requirement of 6883msq). This figure is taken from all of the main strips of POS through the site and does not include any hard surfacing (footpaths/ cycle paths), except for any hard surfacing within the play area fencing. This figure also excludes any hedgerows, hedgebanks (existing or proposed), shrub planting, except for the planting within the fenced areas of the play areas.

This figure also excludes the additional 3,200msq of wildflower grassland within the fenced attenuation basin.

The proposal provides areas of open space, a local equipped area for play (LEAP), a local area for play (LAP) (combined size) 638msq. The LAP is located to the south west of the site near to the informal open space, attenuation area and entrance, and is aimed at a younger age range of children. The indicative plans show informal natural play elements such as mounding, smooth boulders and a wooden log. The LAP has a more naturalistic feel. The LAP is enclosed by a combination of black metal bowtop fencing and a dense hedge. A variety of play equipment will be provided to ensure a range of play experiences that include swinging, jumping, social, rocking, climbing, agility and balancing. Several seats also allow for children and their carers to sit.

The development is compliant in terms of amenity and green space and play space.

Local requests have been made for allotments but this scheme will not deliver such facilities. The nearest ones will be at the North Road development being undertaken by Baker Estates.

		On Site Requirement		Off-Site Contribution		Offset On Site Provision		
		On Site Provision		Off-Site Contribution				
Rural	Requirement per SQM per person	On site requirement in sq.m	Cost per sq.m per person	Amount requirement	Provision Sq.m	Deficit in Sq.m	Offset Amount required (£)	
Allotment	1.5	649.395	£30	19,481.85	0	649.395	£19,481.85	
Amenity & Green Space	0	0	£15	0.00	0	0	0	
Play Space	1.4	606.102	£170	103,037.34	638	0	0	
Parks, Sport & Recreation	13	5628.09	£72	405,222.48	0	5628.09	405,222.48	
Totals		6883.587		£527,742			£424,704.33	

However a **£424,704.33** off-site contribution is required towards Sport and Recreation and allotments to address a shortfall in on site delivery.

2. Education

Appropriate infrastructure in accordance with Policy ST23 of the NDTLP is required which includes contributions towards education facilities.

Devon County Council has identified that a development up to 173 family type dwellings will generate an additional 43.25 primary pupils and 25.95 secondary pupils which

would have a direct impact on South Molton Community Primary School, South Molton United Primary School and South Molton Community College. They therefore request:

- Primary contribution of **£710,684** for the expansion of existing primary education provision in South Molton.
- Secondary contribution of **£584,221** for the expansion of South Molton Community College.
- Special Educational Need (SEN) of **£81,005**, or £468.24 per dwelling.

3. Public Transport

£180,000 is requested as a proportional contribution towards improving the local bus service to Barnstaple

4. Waste Management and Recycling: Development Contribution

DCC have identified the need for improvement works at the existing Household Waste Recycling Centre within South Molton costed at a £36 per dwelling. The total contribution would be **£6,732**.

5. Medical Centre

Torbay & South Devon NHS Foundation Trust request **£77,728** or £416 per dwelling. The contribution will be used at the South Molton Medical Centre to increase patient capacity.

6. Other Heads of Terms

Maintenance of existing hedgerows and open space and on site SUDs features.
Traffic Order to control the future use of Gunswell Lane

Viability

The National Planning Policy Framework (NPPF) was revised in 2019 and states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.” (para 57, p16)

The accompanying Planning Practice Guidance² states:

“Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.” (Paragraph 008 Reference ID: 10-008-20190509, revised 9 May 2019)

“The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.” (Paragraph 008 Reference ID: 10-008-20190509, revised 9 May 2019)

Plymouth City Council (PCC) were appointed to advise NDC on the viability position and section 106 contributions in line with the National Planning Policy Framework and Planning Practice Guidance on Viability. This have involved considering two Viability Assessment (“the AVA and AVA2”) commissioned from William Lean Property Development Consultants (WL). PCC were asked to consider whether the requested:

- £2,065,074.30 in s106 contributions (£11,043 a plot)
- 30% affordable housing.

Resulted in a deliverable development package. External works come to a total of £4,590,263, or 22% of base build costs with a further £1,576,234, or 7.5% of base build costs allowed for abnormals. PCC have also reviewed build costs and sales values.

The benchmark land value has been calculated using the existing use value plus method. The additional incentive element for agricultural land has been calculated with the standard practice of 10x the existing use land value. This results in a benchmark land value of £1,900,000 agreed in the AVA2.

PCC are of the opinion that the AVA2 submitted in support of the planning application presents a reasonable conclusion and demonstrates that full policy compliance with regard to s106 and affordable housing is not viable having considered local and national policy and the evidence available.

The position proposed in the AVA2 and by the applicant of £1,481,639 for s106 and 20% affordable housing is considered appropriate and a good negotiated package.

In that requests exceed the monies recommended in the Viability appraisal a decision has to be taken about how the funds should be spent. There is pressing need to support health and education in South Molton. The site is delivering a cash equivalent of £100,000 in on site green amenity and play space but is not delivering allotments. The open space Team have also requested funds to be directed to sports and built recreation in the Town.

The table below shows how the monies could be allocated on a pro rata basis with each consultee taking a 71% reduction or how they could be prioritised.

The consultees have been asked for feedback on the approach. As the AVA2 was only agreed shortly before the agenda was finalised, their comments will need to be reported to the Planning Committee verbally.

Obligation	Requested Financial Contribution	OPTION 1: 71% of Financial Contributions	OPTION 2: Prioritised Financial Contributions
Sports and Recreation & Allotments	£424,704	£304,682	£21,269
Education Primary	£710,684	£509,844	£710,684
Education Secondary	£584,221	£419,120	£584,221
Education (SEN)	£81,005	£58,112	£81,005
Public Transport	£180,000	£129,132	
Waste Management & Recycling	£6,732	£4,829	£6,732
Medical Centre	£77,728	£55,920	£77,728
Total	£2,065,074	£1,481,639	£1,481,639

Other Heads of Terms

- Maintenance of existing hedgerows, open space and on site SUDs features.
- Traffic Order to control the future use of Gunswell Lane

The Planning Committee will be asked to agree which approach to follow within the S106.

Conclusion

Policy ST01 indicates that 'Councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Plan identifies the site as a strategic site for growth within South Molton, which is categorised as a Local Centre within Policy ST06: Spatial Development Strategy for northern Devon. The starting point for consideration of this site is its allocation in the NDTLP. Policy entirelySMO1 should be accorded significant weight.

Environmentally the development will be read within the landscape terms as an extension to the built form of South Molton. There will be a loss of hedgerows that subdivide the site. The visual impact will be most noticeable from adjoining properties and the roads that pass the site. Mitigation in the form of retaining some hedges and a

comprehensive landscaping plan would partly reduce these impacts over time and beyond a local context, but not negate them completely. Residents who adjoin will lose their current panoramic views of countryside but due to the separation distances will not be adversely affected to warrant a recommendation of refusal.

The economic benefits of the proposal include the creation of jobs in the construction process, the addition of spending power to the local economy and the new homes bonus.

Social benefits would include meeting general housing needs but would not meet the requested affordable housing level. It is recognised that affordable housing is a pressing issue but the viability of the scheme has been fully tested and only the financial package set out above is available. The delivery of housing in itself must be given significant weight. Housing development on this allocated site would help contribute towards the Council's 5 year housing land supply.

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions and Section 106.

Human Rights Act 1998

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

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

Recommendation

APPROVED

Legal Agreement Required: Yes

Delegated Authority is sought to resolve the wording of the following conditions and to add any recommended by the consultees. The drafting of the s106 will give the applicant an opportunity to address any pre-commencement conditions (such as archaeology/drainage/construction management) which can then be reworded as compliance conditions to ensure that this site is delivered without delay.

Conditions

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

Reason

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

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

- PLAN NUMBERS TO BE INSERTED

and all measures and recommendations contained in the following documents:

- Air Quality Assessment AQ051724 Revision V2 FINAL Issue Date 27/05/2021 (including the Travel Plan/electric car charging points/CEMP)
- Geotechnical Investigation and Contamination Assessment Report November 2018 TB/SR/18417/GICAR (including addressing any asbestos in the buildings to be removed and radon protection measures)
- Risk Assessment and Method Statement for Ground Investigation Works September 2018 TB/TN/18417/RAMSGIW
- Arboricultural Impact Assessment & Method Statement - WAIN22076aia-amsB dated 19.05.2021
- TREE PROTECTION PLAN REFERENCE: WAIN22076-03C
- Ecological Assessment Report Number: 11506_R02_AH_LP (including all mitigation measures)
- Biodiversity Net Gain Report 11506_R03 dated 21st May 2021
- Landscape and Visual Impact assessment WAIN22076lvia October 2018
- Landscape Design Statement - WAIN22076state Rev A
- Soft Landscape Specification- WAIN22076spec August 2019
- Soft Landscape Management and Maintenance Plan - WAIN22076man Revision: A
- Flood Risk Assessment and Drainage Strategy E04924/FRA 08/03/21
- Surface Water Drainage Scheme Operation and Maintenance Plan for E04924 Land at Nadder Lane, South Molton. Clarkbond
- Transport Assessment E04924
- Residential Travel Plan E04924

('the approved plans and documents').

Reason

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

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

Reason

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

4. 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.

5. Prior to the development hereby approved being occupied, a detailed lighting scheme for the site shall be submitted to and agreed in writing with the Local Planning Authority. The development must then be carried out in accordance with these agreed details. This lighting scheme must follow ecological advice and provide dark corridors where required.

Reason

To preserve the visual amenities of the locality and to ensure that the lighting proposed does not have an adverse impact on the ecology of the area. Sensitive lighting scheme would need to be designed and implemented to ensure that any features that could be in use by bats and other nocturnal species, are not detrimentally affected.

6. In this condition 'retained trees, hedges and shrubs' means an existing tree, hedge or shrub, which is to be retained in accordance with the approved plans and particulars [Arboricultural Impact Assessment & Method Statement - WAIN22076aia-amsB dated 19.05.2021 and TREE PROTECTION PLAN REFERENCE: WAIN22076-03C]; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the occupation of the building for its permitted use].
 - (a) No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any tree, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.
 - (b) If any retained tree, hedge or shrub is removed, uprooted or destroyed or dies, another tree, hedge or shrub shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (c) The erection of protective barriers and any other measures identified as necessary for the protection of any retained tree, hedge or shrub shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, or in accordance with an approved method statement and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within

those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

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

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

Reason

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

8. Prior to the occupation of the first dwelling a scheme detailing the number and position of bat and bird boxes (and any other habitat features required with in the updated Ecology Report) shall be submitted to and approved in writing by the Local Planning Authority. These shall be sited on either the south or west elevation of the building identifies and shall be retained thereafter.

Reason

To achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

9. Prior to commencement of development] a detailed landscape and ecological management plan (LEMP) shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The content of the LEMP will address and expand upon the provision and management of all landscape and biodiversity avoidance, mitigation and enhancement measures of the development as set out within the ecological appraisal and preliminary ecological appraisal shall include:
 - (a) A description and evaluation of landscape and ecological features to be created managed and ecological trends and constraints on site that might influence management;
 - (b) A biodiversity impact assessment in accordance with the North Devon UNESCO World Biosphere Reserve Offsetting Strategy 2013-2018 / DEFRA Methodology
 - (c) Aims and objectives of management;
 - (d) Appropriate management options for achieving aims and objectives;
 - (e) Prescriptions for management actions;

- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an initial 10- year period);
- (g) Details of the body or organization responsible for implementation of plan;
- (h) Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures;
- (i) Means of reporting of landscape and ecological monitoring results to the Local Planning Authority and provisions for seeking written agreement to any changes to the management actions and prescriptions that may be necessary to ensure effective delivery of the aims and objectives of the LEMP over time.

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

Reason

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

10. The equipped play areas (LEAP and LAP) identified on the approved drawings shall be provided and be available for use prior to the occupation of no more than 54 dwellings within the development hereby approved or as agreed in writing with the Local Planning Authority. Prior to its installation, details of the equipment, means of enclosure, surfacing and seating shall be submitted to and agreed in writing and shall comprise 5 pieces of play equipment, wetpour safety surfacing, 1.2m bow-top fence, 2 self-closing gates, litter bin bench and signage.

Reason

To secure the provision of Public Open Space to meet the reasonable requirements of occupants of the development hereby approved.

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

Reason

To protect the amenity of local residents

12. **Construction Environmental Management Plan Condition**

Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:

- (a) measures to regulate the routing of construction traffic;
- (b) the times within which traffic can enter and leave the site;
- (c) details of any significant importation or movement of spoil and soil on site;
- (d) details of the removal /disposal of materials from site, including soil and vegetation;
- (e) the location and covering of stockpiles;
- (f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- (g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- (h) a noise control plan which details hours of operation and proposed mitigation measures;
- (i) location of any site construction office, compound and ancillary facility buildings;
- (j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- (k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.
- (l) The Geotechnical Investigation and Contamination Assessment Report by Ruddlesden Geotechnical dated 8 November 2018 mentions the potential for existing barns at the site to incorporate asbestos containing materials (ACMs) and recommended employing a specialist contractor to ensure their safe removal. The CEMP must include reference to identification and safe removal of ACMs.
- (m) The Kairus Air Quality Assessment dated May 2021 identifies a number of potential impacts and recommends a scheme of mitigation that must be included in this CEMP.

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 works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.

13. There shall be no access for construction traffic to the site via Gunswell Lane.

Reason

To ensure safe and suitable access during construction

14. Prior to the completion of the development the new road through the site as shown on the approved plans shall be built from the roundabout to the south of the site to Gunswell Lane to the north of the site and made available for public use.

Reason:

To ensure adequate infrastructure is provided to access the site and to be in accordance with the Local Plan

15. When the new road is connected to Gunswell Lane as required by condition [14] Gunswell Lane shall be closed such that no traffic can travel between Gunswell Lane and the site.

Reason

In the interest of highway safety.

NOTE TO APPLICANT: This shall require a traffic regulation order to prohibit vehicles to be secured within the s106 agreement.

16. Prior to the occupation of 50% of dwelling on the site or as agreed in writing by the Local Planning Authority a minimum width 3.0m shared pedestrian and cyclist path shall be constructed and made available for use by the public between the southern and northern boundaries of the site as shown on the approved plans.

Reason

To ensure adequate non-car infrastructure is provided to enable travel patterns of new occupants to be formed early in their occupation of the site.

17. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway or adjacent properties.

Reason

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

18. All existing field accesses into the development site other than those shown on the approved plans shall be effectively and permanently closed within 12 months of the commencement of development.

Reason

To limit inappropriate access to and from the site

19. Any proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason

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

NOTE TO APPLICANT: Agree Highway drawings with the Highway Authority first, then submit to discharge this condition

20. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason

To ensure the proper development of the site.

21. No other part of the development hereby approved shall be commenced until:
- (a) The access roundabout and road has been laid out, kerbed, drained and constructed up to base course level for the first twenty metres back from its junction with the public highway
 - (b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - (c) A site compound and car park have been constructed to the satisfaction of the Local Planning Authority

Reason

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

22. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the satisfaction of the Local Planning Authority:
- (a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - (b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - (c) The cul-de-sac visibility splays have been laid out to their final level;
 - (d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - (e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - (f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

- (g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason

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

23. Unexpected Contamination

Should any contamination of soil or groundwater not previously identified be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof, shall be temporarily suspended until such time as a procedure for addressing such contamination, within that subphase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason

To ensure that any contamination exposed during development is remediated in accordance with the National Planning Policy Framework

24. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason

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

25. Prior to the commencement of development, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with the Waste Planning Authority, to demonstrate how the construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy. The development shall be carried out in accordance with the details approved. For guidance please visit

[https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste\[1\]policy/supplementary-planning-document](https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste[1]policy/supplementary-planning-document)

Reason

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

Informatives

1. Asset Protection

SWW advise of a public 225mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. Further information regarding the options to divert a public sewer can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/