

# **Application Report**

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



**Application No:** 70467  
**Application Type:** Outline application  
**Parish/Ward:** SOUTH MOLTON/SOUTH MOLTON  
**Location:** Land off Southley Road  
South Molton  
EX36 4BL  
**Proposal:** Outline application for the erection of 26 dwellings and associated car parking with some matters reserved (appearance and landscaping)  
**Agent:** H Woodman  
**Applicant:** Spirebourne Limited  
**Planning Case Officer:** Mrs D. Butler  
**Application Expiry:** 31 January 2020  
**Ext Of Time Expiry:** 31 January 2020  
**Publicity Expiry:** 17 July 2020  
**Departure:** N  
**EIA Development:**  
**EIA Conclusion:** Development is outside the scope of the Regulations  
**Decision Level/Reason for Report to Committee:** Committee

## **Site Description**

The site is a flat piece of redundant land in the centre of South Molton adjacent to the Cattle Market car park. The land was previously used as a haulage depot and recycling centre. The land measures around 4965m<sup>2</sup> and comprises of a yard, some grassed area and numerous dilapidated out buildings. There are residential dwellings to the west and south with the Pannier market being to the north.

## **Recommendation**

**APPROVED**

Legal Agreement Required: Yes

## **Planning History**

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
77/1079/58/03	Proposed alteration to existing store boundary wall at King-Moor Garden Centre, Southley Road, South Molton, Devon	Approve - With Conditions	16 August 1977

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
78/1340/58/03	Formation of access at Commercial Vehicles at Southley Road, South Molton, Devon, EX36 4BL	Approved	7 February 1979
15373	Proposed change of use from office to dwelling at 19 South Street, South Molton, EX36 4AA	Full Planning Approval	1 May 1992
15487	Proposed demolition of existing garage building & erection of new at Mill Street Garage Mill Street, South Molton, EX36 4AR	Full Planning Refusal	21 July 1992
15844	Proposed change of use of part of depot to woodworking workshop at Council Depot, Southley Road, South Molton, EX36 4BL	Full Planning Approval	3 September 1992
16020	Proposed demolition of existing garage building & erection of new garage at Mill Street Garage, Mill Street, South Molton, EX36 4AR	Full Planning Approval	15 January 1993
16419	Conservation area application proposed demolition of non-listed building situated in a conservation area in connection with alterations to access (amended plans) at 20 South Street, South Molton, EX36 4AA	Full Planning Approval	2 April 1993
16418	Proposed conversion of part of existing light industrial unit to form dwelling together with alterations to access (amended plans) at 20 South Street, South Molton, EX36 4AA	Full Planning Approval	9 July 1993
19383	Listed building application proposed alterations to dwelling at Molford House, 27 South Street, South Molton, EX36 4AA	Full Planning Approval	5 October 1994
20370	Proposed change of use of former refuse vehicle store for use as furniture store & retail outlet (amended description) at NDDC Depot, Southley Road, South Molton, EX364BL	Full Planning Approval	28 September 1995
20769	Retrospective application in respect of variation of conditions 1 and 2 attached to planning permission 2/85/2109/58/4 to allow retail sales on site together with provision of service layby (amended plans and description) at South Molton Recycle Ltd, Southley Road, South Molton, EX36 4BL	Full Planning Approval	10 December 1996

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
25447	Proposed continued use of building as furniture store and retail outlet (renewal of plan per 20370) (amended description) at former NDDC Depot, Southley Road, South Molton, EX36 4BL	Full Planning Approval	30 June 1998
26468	Proposed continued use of building as furniture store and retail outlet (renewal of plan per 25447) at former NDDC Depot, Southley Road, South Molton, EX36 4BL	Full Planning Approval	23 February 1999
28349	Raising of existing roof height on storage shed at South Molton Tool Hire, Southley Road, South Molton, EX36 4BL	Full Planning Approval	11 January 2000
28782	Continued use of building as furniture store & retail outlet (renewal of 26468) at Former NDDC Depot, Southley Road, South Molton, EX36 4BL	Full Planning Approval	11 April 2000
30773	Continued use of building as furniture store & retail outlet (renewal of planning consent 28782) at Former NDDC Depot, Southley Road, South Molton, EX364BL	Full Planning Approval	29 March 2001
32896	Continued use of building as furniture store & retail outlet (renewal of planning consent 30773) at former NDDC Depot, Southley Road, South Molton, EX36 4BL	Full Planning Approval	23 April 2002
34904	Continued use of building as furniture store & retail outlet (renewal of planning consent 32896) at Former NDDC Depot, Southley Road, South Molton, EX36 4BL	Full Planning Approval	1 April 2003
37185	Continued use of building as furniture store & retail outlet (renewal of planning consent 34904) at Bonds Furniture Store & Retail Outlet, Southley Road, South Molton, Devon, EX364BL	Full Planning Approval	14 April 2004
30255	Outline application demolition of existing buildings & erection of supermarket & formation of car park together with improved access (amended plans) (design statement, acoustic report, & traffic information)	Withdrawn	16 May 2005

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
	at land at, Mill Street/Southley Road Car Park, South Molton, EX36 4AR		
39622	Continued use of building as furniture store & retail outlet (renewal of limited period planning permission 37185) at Bonds Furniture Store & Retail Outlet, Southley Road, South Molton, EX364BL	Full Planning Approval	2 June 2005
41270	First floor extension to dwelling at Barnclose, Mill Street, South Molton, EX364AR	Full Planning Approval	4 January 2006
41732	Continued use of building as furniture store & retail outlet (renewal of limited period planning permission 39622) at Bonds Furniture Store & Retail Outlet, Southley Road, South Molton, EX36 4BL	Full Planning Approval	12 April 2006
41848	Demolition of garage & erection of 2 dwellings at Mill Street Garage, Mill Street, South Molton, EX36 4AR	Full Planning Approval	24 May 2006
43939	Continued use of building as furniture store & retail outlet (renewal of limited period planning permission 41732) at Bonds Furniture Store & Retail Outlet, Southley Road, South Molton, EX36 4BL	Full Planning Approval	28 March 2007
45726	Retrospective application for temporary erection of portacabins & storage & workshop buildings & fuel bunker at Site Office, Land At Mill Street, Southley Road Car Park, South Molton, EX36 4AR	Full Planning Approval	25 January 2008
46217	Continued use of building as furniture store & retail outlet (renewal of limited period planning permission 43939) at Bonds Furniture Store & Retail Outlet, Southley Road, South Molton, EX364BL	Full Planning Approval	14 April 2008
47789	Temporary siting of portacabins & storage & workshop buildings, parking of vehicles & fuel bunker at South Molton Recycle Site Office, Land At Mill Street, South Molton, EX364AR	Full Planning Approval	23 January 2009
47761	Demolition of commercial garage & erection of 2 dwellings (renewal of planning permission 41848) at Mill Street Garage, Mill	Full Planning Approval	26 January 2009

Reference Number	Proposal	Decision	Decision Date
	Street, South Molton, Devon, EX36 4AR		
49440	Continued siting of portacabins, storage & workshop buildings & fuel bunker at site office, land at Mill Street, South Molton, Devon, EX36 4BL	Full Planning Approval	10 February 2010
52729	Extension of time limit for implementation of planning permission 47761 demolition of commercial garage & erection of 2 dwellings at Mill Street Garage, Mill Street, South Molton, Devon, EX36 4AR	Full Planning Approval	7 October 2011
55292	County matters application in respect of change of use from existing (old transport yard) to a waste management bulk storage depot and sorting/ bailing/shredding facility {dcc/3489/2013} at M Way And Son Transport Ltd, Southley Road, South Molton, Devon, EX36 4BL	DCC Approval	29 May 2013
55766	Continued siting of portacabins, storage, workshop, fuel bunker & parking of vehicles at South Molton Recycle, Southley Road, South Molton, Devon, EX36 4BL	Full Planning Approval	15 August 2013
53710	Demolition prior notification for demolition of recycling centre and garage stores at South Molton Recycle Centre, Southley Road, South Molton, Devon, EX36 4BL	Finally Disposed Of	24 December 2013
57356	Demolition of commercial garage & erection of 2 dwellings at Mill Street Garage, Mill Street, South Molton, Devon	Full Planning Approval	5 June 2014
58958	: prior notification for proposed demolition of building at SOUTH MOLTON RECYCLE, SOUTHLEY ROAD, , , SOUTH MOLTON, DEVON, EX36 4BL	Demo App Prior Notification	17 April 2015
63245	Demolition of fire damaged dwelling & erection of replacement dwelling (amended plans) at 2 Albion Place, South Street,0 South Molton, Devon, EX36 4AB	Full Planning Approval	4 September 2017

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
64043	Variation of condition 2 (approved plans) attached to planning permission 63245 (demolition of fire damaged dwelling and erection of replacement dwelling) to allow a change in design (amended plans) at 2 Albion Place, South Street, South Molton, Devon, EX36 4AB	Full Planning Approval	8 January 2018
65019	Demolition of commercial garage & erection of 2 dwellings (amended information - heritage statement) at Mill Street Garage, Mill Street, South Molton, Devon, EX36 4AR	Full Planning Approval	23 August 2018
72884	Cladding of gable end wall apex with slate tiles at 20 South Street, South Molton, Devon, EX36 4AA	Approved	9 April 2021

### **Constraints/Planning Policy**

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Advert Control Area South Molton	Within constraint
Conservation Area: 30 South Molton ;	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Use Class: A1 - Shops - A1a - Sale of goods (other than hot food)	Within constraint
Use Class: Sui Generis - NULL	Within constraint
Within 50m of Adopted Town Centre Expansion: SM04 Cattle Market Site	Within constraint
Within adopted Development Boundary: South Molton Development Boundary ST06	Within constraint
Within Adopted District Centre: South Molton Town Centre	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Listed Building Curtilage	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Conservation Area: SOUTH MOLTON	
DM01 - Amenity Considerations	
DM02 - Environmental Protection	
DM04 - Design Principles	
DM05 - Highways	
DM06 - Parking Provision	

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
DM07 - Historic Environment	
DM08 - Biodiversity and Geodiversity	
DM08A - Landscape and Seascape Character	
SM04 - South Molton Town Centre	
ST01 - Principles of Sustainable Development	
ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres	
ST10 - Transport Strategy	
ST12 - Town and District Centres	
ST15 - Conserving Heritage Assets	
ST18 - Affordable Housing on Development Sites	

### **Consultees**

<b>Name</b>	<b>Comment</b>
Arboricultural Officer  Reply Received 12 September 2019	<p>I have no objection in principle to the proposal but it is disappointing that the supporting ecology report makes no attempt to address our policy expectations for new development to deliver a 10% net gain for biodiversity, demonstrated by use of the DEFRA metric.</p> <p>Despite the loss of some relatively small trees, grassland and an ornamental hedge, the quantum of development proposed on what is brownfield site should be able to demonstrate net gain subject to the provision of well thought out landscaping etc. (I did find it a little odd that the ecologist finds the site to be unlikely to support bats but has suggested bat boxes as being an appropriate means to demonstrate biodiversity gains).</p> <p>On balance I am reasonably content that the proposed development could be achieved without raising a significant conflict with our policies in relation to landscape and biodiversity, but I would suggest that you impose a pre commencement condition in relation to the submission of an landscape and ecological management plan to secure details in respect of the proposed landscaping and biodiversity enhancements that will deliver a net gain based on the existing habitat value of the site.</p>
Councillor D Worden	Councillor Worden has discussed his wish for this application to go to planning committee since it is a departure from the local plan and there are other users who may wish to come to the town.
Councillor M Bushell	No comments received.
Councillor P Henderson	No comments received.

Name	Comment
<p>DCC - Childrens Services</p> <p>Reply Received 2 October 2019</p>	<p>The proposed increase of 26 family type dwellings will generate an additional 6.5 primary pupils and 3.9 secondary pupils which would have a direct impact on the South Molton town Primary schools and South Molton Secondary school. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested.</p> <p>This equates to £88,738 primary school infrastructure and £85,491 Secondary school infrastructure.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 2 October 2019</p>	<p>Southley Road is public highway from South Street to the Pannier Market. The roads passing the west and north sides of the car park are not public highway. It is therefore not within my remit to comment on the impact of the proposal on these roads.</p> <p>The roads within the development are therefore not able to be adopted and will be subject to APC charges. The location of the site is such that people have a good opportunity to walk and cycle to facilities that they need to access within the town, without using a car. The likely level of vehicle traffic generated by the proposal can be accommodated on the immediate highway network near to the site.</p> <p>The proposal will add vehicle trips onto the A361 North Devon Link Road, for journeys further afield. To mitigate these trips the development should pay £26,000 towards improvement of the A361 Borners Bridge Junction which is to be upgraded to a roundabout to cater for housing growth such as this application within South Molton and to improve the safety of the A361.</p> <p>Recommended conditions.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 23 September 2019</p>	<p>No comments - The results of the archaeological field evaluation undertaken here indicates that despite the proximity to the historic core of South Molton that this site has been substantially disturbed and has little potential for the survival of archaeological deposits associated with the early settlement here and, as such, the scale and situation of this development will not have any impact upon any known heritage assets. .</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 1 October 2019</p>	<p>The applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable me to make observations on the proposal.</p> <p>The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere.</p> <p>The submitted Land at Southley Road South Molton Foul and Surface Water Drainage Strategy (Ref:</p>



Name	Comment
	<p>AT2389, dated 15 July 2019) mentioned that the runoff from the development could be reduced by further decreasing the impermeable area from the introduction of permeable surfacing from the private drives and parking areas, and the local use of soakaways. The use of infiltration systems will be subject to the outcome of the ground investigations and testing undertaken in strict accordance with BRE Digest 365 and CIRIA SuDS Manual C753. The applicant will therefore be required to carry out infiltration tests in Reserved Matter stage, in strict accordance with BRE Digest 365 Soakaway Design (2016) in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.</p> <p>The applicant has proposed to continue to discharge the runoff from the redevelopment to the public combined sewer with a reduced total impermeable area. It is, however not currently proposed that the runoff will be attenuated before discharging into the South West Water public sewer to provide betterment compared to the existing situation. The change of use of the redevelopment is likely to increase the flow into the public sewer and hence the surface water runoff rates and volumes.</p> <p>The applicant will therefore be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.</p> <p>The applicant should provide confirmation from South West Water that they have agreement in principle to discharge into their network.</p> <p>The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.</p> <p>The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.</p>

Name	Comment
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 17 July 2020</p>	<p>The applicant has now proposed the attenuation option to discharge the runoff from the redevelopment to the public surface water sewer following the comment from SWW.</p> <p>It is proposed that the runoff will be restricted to 5l/s to provide betterment compared to the existing brownfield site due to the shallowness of the sewer to be tapped into and constraint on site. The resulting surface water system incorporates 1.2m diameter oversized pipes and 2.1m diameter manholes laid within the adoptable access road and partially offsite within Southley Lane with a HydroBrake flow control unit at the downstream manhole.</p> <p>The applicant would need to make the LPA aware of this (outside the redline boundary of the development) and provide the clarification regarding the adoption and maintenance of this section of the sewer.</p> <p>Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the suggested pre-commencement planning conditions are imposed on any approved permission.</p>
<p>DCC - Public Health</p>	<p>No comments received.</p>
<p>Environment Agency</p> <p>Reply Received 20 September 2019</p>	<p>The proposed development will only be acceptable if conditions regarding contaminated land are included on any permission granted.</p> <p>The application indicates that the previous use of this site was a Haulage depot and recycling centre where vehicles were also stored. The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission.</p> <p>Without these conditions, we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.</p>
<p>Environmental Health Manager</p>	<p>There are potential sources of contamination which require further investigation. Conditions are recommended in relation to contamination, construction management plan, construction hours and advisory notes regarding asbestos.</p>
<p>Heritage &amp; Conservation Officer</p>	<p>This site lies partly within the South Molton Conservation Area, and development upon it will affect the setting of several nearby listed buildings. This effect may well be positive – at present the site is derelict and there is scope for enhancement. In general terms I</p>

Name	Comment
Reply Received 24 September 2019	would not object to the type and layout of development proposed, however I would say that a two storey height would be appropriate to the location of the sight, and heights of surrounding buildings, whereas a three storey height may be over-dominant of neighbouring buildings to the west.
Housing Enabling Officer  Reply Received 27 September 2019	<p>The site is within the South Molton development boundary in the Local Plan, and within the land identified as SM04.</p> <p>The proposed number of properties (26) is above the affordable housing threshold, which means 30% affordable housing would be required. 30% of 26 is 7.8. There should therefore be 7 affordable dwellings and an off-site financial contribution equivalent to 80% of a dwelling or 8 on site affordable units.</p> <p>Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. In order to calculate the vacant building credit we would need the floor space of the proposed dwellings.</p> <p>The proposed heads of terms state the provision of Affordable Housing comprising 6 x 2 bed units and 2 x 3 bed units and tenure to be agreed. The tenure mix would need to be at least 75% social rent (in accordance with policy) and the remainder intermediate (shared ownership, intermediate rent or discounted sale)</p> <p>The applicant proposes 6 x 2 bedroom and 2 x 3 bedroom affordable units. In order to meet housing need, we would expect the following property size mix:- 3 x 1 bedroom houses/flats all social rent 3 x 2 bedroom houses. 2 social rent and 1 intermediate, 2 x 3 bedroom houses , 1 social rent and 1 intermediate</p>
Parks, Leisure & Culture  Reply Received 13 September 2019	The open space contribution is sought in accordance with policy DM10. The scheme does not propose on-site delivery of public open space, therefore off-site contributions are sought totalling £66,752.
Planning Policy Unit  Reply Received 23 October 2019	<p>The site is within the defined development boundary for South Molton where the principle of housing is acceptable under Policy ST06 of the adopted Local Plan</p> <p>Paragraph 118(c) of the NPPF encourages planning policies and decisions to 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs' such as this.</p>

Name	Comment
	<p>In accordance with Policy DM02, you must be assured that the applicant has satisfactorily demonstrated that the site is safe for the intended use or that any potential problems have been adequately addressed and dealt with. Also, issues around construction waste and management should be considered against Policy DM03.</p> <p>The site forms part of the allocation SM04 within the adopted Local Plan which is identified for the expansion of the town centre in a comprehensive manner to deliver a sustainable, high quality, mixed-use development as set out within the stated criteria. As set out within paragraph 10.418, policy is seeking to deliver additional retailing and services to support the future needs of South Molton where such uses complement, extend and diversify the town's retail offer without harming the vitality and viability of the town centre. Policy SMO also supports community driven regeneration of the central car park area to facilitate town centre expansion. I should also point out that the site is within the identified Town Centre where Policies ST12(3) and DM19(1) will support and encourage residential uses in order to achieve a mix of facilities and active town centres. If there is community support for a residential scheme on this site then, from a policy perspective I have no objection in principle to the western part of this allocation (SM04) delivering open market and affordable housing so long as it would not prejudice the long term strategy over the plan period to deliver a town centre expansion to South Molton. As the site previously provided employment opportunities for South Molton you should be minded to consider whether the loss of this site for employment uses would negatively impact on the objectives to ensure the presence of appropriate infrastructure to achieve a rejuvenated economy in accordance with Aim 1 of the Local Plan and Policy DM13.</p> <p>As the application is proposing 26 dwellings, this equates to approximately 74 dph, a density which is appropriate within this town centre site which mainly comprises a street pattern of high density terraced properties.</p> <p>The design and layout of the development should be considered against Policies ST04, 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. As this is a requirement within adopted policy, I am concerned that from the information provided with the application, it does not appear that such an assessment has been submitted. Therefore, you must ensure that a BfL12 assessment is carried out and critically examined in order to achieve the policy objectives.</p>

Name	Comment
	<p>The current scheme is proposing the on-site delivery of 8 affordable dwellings (30.7%) which in policy terms is acceptable. Also, you must be assured that the proposed housing mix will meet the identified housing need in accordance with Policies ST17 and SMO.</p> <p>Whilst the adjacent land belonging to NDC is outside of the red site line consideration should be has as to whether this would be better included in this development however I do accept this current application must be considered on its own merits and as currently drafted a later housing delivery on NDC land would not be prejudiced by the proposed layout.</p> <p>The site is partly within but principally adjacent to the defined South Molton conservation area, and in close proximity to a number of listed buildings including the Grade II* Public Market and Assembly Room. In my opinion, the site in its current condition does not positively contribute to the character and appearance of the adjacent conservation area and surrounding listed buildings and you must therefore consider whether there would be a positive benefit from a well-designed small-scale housing scheme on the significance of the heritage asset and its setting in accordance with Policies ST15 and DM07.</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. As this is predominantly a previously developed site it may not be possible to provide a net gain in biodiversity on-site therefore, consideration should be given to such provision being provided off site. All issues around ecology should be considered against ST14 and DM08 including the response from 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. Therefore, you must ensure the proposal delivers green infrastructure in accordance with Policy DM10 and the standards as set out in Table 13.1 together with guidance from the consultation response of Lucy Wheeler. However, I do accept that due to the limited scope for on-site provision an off-site financial contribution would be appropriate in</p>

Name	Comment
	<p>this instance which could help to facilitate the proposed future enhancement of existing facilities within South Molton.</p> <p>On balance, the principle of housing on this site is acceptable subject to the above policy considerations being satisfactorily addressed. I trust the above comments are of assistance to you but should you wish to discuss the matter further then please do not hesitate to contact me.</p>
Planning, Transportation & Environment	No comments received.
Recycling & Commercial Services	No comments received.
South Molton Town Council	<p>It was unanimously RESOLVED that this application should be taken to the next full Town Council meeting for consideration due to the following reasons:</p> <p>i) That it is a major development that is directly contradictory to SMO4 in the recently Adopted Local Plan.</p> <p>ii) That there is a strong feeling within the local community which opposes this housing development. It was also unanimously RESOLVED that, for the same reasons as stated above, North Devon Council remove the delegated powers of the Planning Officers for this application and refers it to their full Planning Committee.</p> <p>This Planning Committee is therefore recommending refusal of this application when it is considered at the next Town Council meeting.</p>
South Molton Town Council	No further comments.
South West Water  Reply Received 25 September 2019	No objections subject to the amendments to the surface water drainage strategy to prevent discharge of surface water run off to the combined sewer and return it to the dedicated surface water network instead.
Sustainability Officer  Reply Received 20 September 2019	The submitted Ecology Report provides a preliminary walkover of the site and its existing buildings. No evidence of protected species or suitable habitats has been documented and therefore no further survey work is recommended.

Name	Comment
	<p>The report recommends the provision of integrated bat and bird boxes throughout the scheme and this should be secured by an appropriately worded condition.</p> <p>Opportunities for further biodiversity net gain across the site should be maximised through a detailed planting specification and Landscape Ecological Management Plan (LEMP) at reserved matters. The LEMP should be informed by an appropriately detailed DEFRA biodiversity metric assessment demonstrating at least a 10% net gain across the site.</p>
Wildlife Trigger List	The application has been supported by an ecological report.

### **Neighbours**

Comments	No Objection	Object	Petition	No. Signatures
9	0.00	1	0.00	0.00

- Housing on this site will prevent any options for future retail outlets.
- The increased growth in South Molton is placing pressure on existing services and infrastructure.
- The sewage works need replacing.
- The development should be arranged so that you can drive in one end and out the other rather than create a cul-de sac.
- The northern footpath is across the vehicular access to South Molton Tool Hire
- The proposed trees will block the access visibility.
- Electric charging points should be installed for all parking spaces.
- Parking provision is inadequate.
- Drainage is already an issue with standing water in South Street and any additional drains would make this worse.
- The South Street sewer/main is not should on the drainage plan.
- There is a right of way across the access in front of Barn close and this needs to be maintained at the same width and length. The use of this as a shared access route for vehicles and pedestrians is dangerous. Could the footpaths be re-organised. What are the boundary treatments adjacent to the footpath.
- Pedestrian movements will be increased from Mill Street and will vehicular access be restricted over the right of way to prevent any obstructions.
- Amenity and loss of privacy to surrounding properties.
- The boundary wall between 18, 18A and 19 South Street should be sympathetically replaced and made secure including around the private courtyard.
- The willow tree to the northern end of the site should be retained.

## **Considerations**

### **Proposal Description**

This application seeks outline planning permission for the erection of 26 dwellings and associated car parking with some matters reserved.

This application has already been presented to the planning committee with the resolution being one of conditioned approval and S106 agreement.

Post this resolution the applicants have undertaken a viability appraisal which has been independently assessed by an external viability officer. The purpose of bringing the application back to committee is to assess the viability issues and any related changes to the S106.

All other considerations remain as per the previous report (which is appended)

### **Planning Considerations Summary**

- Affordable Housing
- S106 contributions.

### **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.

Paragraph 58 of the NPPF states that 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).

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.

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<sup>th</sup> May 2019).

### **Requested S106 and developer obligations**

Affordable housing: Policies ST17 and ST18 require the provision of affordable housing and a scale and mix of dwellings to meet the local housing needs. In this instance the development is required to provide 30% affordable dwellings which equates to 7 on site and 0.8 off-site contribution. The scheme originally proposed the on-site delivery of 8 affordable dwellings (30.7%) which would have been compliant with policy ST18.

Financial contributions: The development triggered the requirement for S106 payments towards education, public open space and highway improvements. This equates to:

Highways: £26,000 towards improvement of the A361 Borners Bridge Junction.

Public Open Space: £66,752.

Education: £174,229

### **Viability Assessment**

The Applicant is contesting the full provision of the affordable housing and s106 requirement on the grounds of non-viability and to support this contention has provided a Viability Assessment (“the AVA”) commissioned from s106 Management (SM). The AVA provided by SM tests the development using 0% affordable housing contribution and concludes that even if this development were 100% open market it would not be viable. This has been reviewed by Plymouth City Council (PCC) who have looked at the build costs, sales values, financing costs and other development costs such as fees and contingences.

The view of the PCC is that the NPPF and PPG are the primary source of guidance in relation to viability in planning matters. Having been independently assessed PCC concludes the following:

- In our opinion the AVA submitted in support of the planning application presents a reasonable conclusion that it would not be possible to achieve full policy compliance of 30% affordable housing having considered local and national policy and the evidence available.
- However, based on the evidence provided, it is our opinion that as a minimum the development can viably contribute towards the s106 items that are being sought. Furthermore, it is possible that more value could be achieved through the development and therefore the Council should consider including an upward review mechanism to capture a share of any profit above the expected level to go towards planning gain.
- The above advice does not preclude the possibility of using the minimum value capture to contribute towards Affordable Housing, or some mix of Affordable Housing and s106 items, as considered appropriate in policy terms.

It is the LPA’s view that these conclusions should be accepted based on the Viability Officers expertise and the S106 amended accordingly to secure £266,981 of s106 contributions. The previously agreed Heads of Terms were:

- Highways: £26,000 towards improvement of the A361 Borners Bridge Junction.
- Public Open Space: £66,752.
- Education: £174,229

As far as the LPA is aware the applicants have not disagreed with this conclusion.

### **5 year housing land supply**

The Council still cannot currently demonstrate a sufficient supply of housing land to meet their requirements for the next five years. This development would go in some way to contribute to the housing supply within the development boundary of South Molton on a brownfield site that has remained derelict and vacant for many years. The delivery of housing will help to prevent sites coming forward that are outside of the development boundaries.

Given the current housing situation and demand for affordable housing the Housing Enabling Officer has requested that the £266,981 should be directed towards affordable housing provision on site.

PCC have advised:

In comparison to a scheme that secured £266,981 as a contribution and no on-site affordable housing, a scheme with either:

- 3x 2bed AH dwellings on site and £20,000 in s106, or
- 2x 2bed AH dwellings on site and £100,000 in s106

Would be similarly viable in my opinion

Should the committee resolve to approve the amendments to the S106 discussions with the Ward members have indicated that they would prefer for the monies to be directed towards either public open space, affordable housing or a combination of both. Potentially the £266,981 could be used to deliver either of the above options.

The Housing Officer has advised that their preference would be for 3x2 bed AH on site with the rest of the monies being left for the S106. They would seek 2 social rent and 1 shared ownership.

A review mechanism within the s106 is also recommended.

**A steer from the Planning Committee is requested in respect of their priorities for the s106.** It is suggested that either of the following be secured:

- 3x 2bed AH dwellings on site and £20,000 towards POS , or
- 2x 2bed AH dwellings on site and £50,000 towards Education and £50,000 towards POS

It is noted that the applicant has confirmed that they would be happy to provide the second suggested option of 2x 2bed AH dwellings on site and £50,000 towards Education and £50,000 towards POS but in this instance would propose that the 2

dwellings be offered as First Homes / discounted market ownership at 20-30% of open market value.

## **Conclusion**

The viability position is a material planning consideration in determining planning applications and that the weight to which it is afforded is a matter for the decision maker in coming to a determination on the balance of planning matters.

The proposed development is within a sustainable location in the centre of South Molton. The development although part of a wider allocation would not prevent a mixed use development coming forward and would help contribute to the 5year housing land supply. There would not be any significant harm to the setting and character of the Conservation Area or nearby listed buildings. The design and scale is appropriate for the land available without impacting on amenity, flood risk, highways and biodiversity. Subject to further details being submitted at reserved matters 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 amended 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

## **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the statutory provisions of the Town and Country Planning Act 1990 (as amended).

2. Approval of the details of the layout/scale/appearance/access and the landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

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

01-48 2016 16 01 4 Rev7 A3 Site Plan Proposed 1 500 received on the 03/07/20

01-5 2016 16 01 5 A3 Constraints Site Plan Proposed 1 500 received on the 09/09/19

01-1 2016 16 01 1 Rev6 A3 Location Plan 1 1250 received on the 09/09/19 ('the approved plans').

Reason

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

4. As part of the reserved matters application, scaled drawing(s) showing existing levels on the site and proposed finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with such drawings.

Reason

To ensure that the amenities of the area are not adversely affected by reason of the size and scale of the proposed development in compliance with Policies DM01, DM02 and DM04 of the North Devon and Torridge Local Plan.

5. 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) or details submitted as part of the reserved matters.

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.

6. The reserved matters shall indicate the siting, design and external appearance, including materials of construction of all walls, fences and other means of enclosure to be used in the development and shall be carried out as approved.

Reason

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

7. Prior to [insert appropriate trigger point] a detailed landscape and ecological management plan (LEMP) shall be 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 and shall include:

- (a) A description and evaluation of landscape and ecological features to be retained, created and managed
- (b) and ecological trends and constraints on site that might influence future management;
- (c) A biodiversity impact assessment in accordance with the North Devon UNESCO World Biosphere
- (d) Reserve Offsetting Strategy 2013-2018 / latest DEFRA methodology
- (e) Aims and objectives of management;
- (f) Appropriate management options for achieving aims and objectives;
- (g) Prescriptions for management actions;
- (h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an
- (i) initial 10- year period);
- (j) Details of the body or organization responsible for implementation of plan;
- (k) Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures;
- (l) 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.

Details of hard and soft landscape shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities); implementation and management programme.

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.

8. Prior to the buildings being first occupied 10 integrated bat boxes and 10 sparrow terraces as detailed in the Protected Species Survey shall be provided and retained thereafter.

#### Reason

In order to ensure the development provides ecological and biodiversity gains and protects any wildlife around the site in accordance with policy DM08.

9. Prior to the commencement of groundworks (excluding site clearance), the local planning authority shall be provided with the results of an intrusive investigation and testing of the site to determine whether contamination remediation is required.

The report shall be prepared by a suitably qualified person and be sufficient to identify any and all potential sources of ground contamination on any part of the development site, having regard to current standards and good practice guidance. Where remediation of any part of the site is found to be required, a remediation scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of quality assurance, verification and certification requirements in accordance with established best practice. The construction phase of the development shall be carried out in accordance with the agreed details.

#### Reason

To ensure that risks from land contamination to future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems are identified and, where necessary, remediated in accordance with the National Planning Policy Framework.

10. 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.

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.

11. 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 07.00 - 19.00,
- (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. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason

To ensure that risks from land contamination to future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems are identified and, where necessary, remediated in accordance with the National Planning Policy Framework

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

#### Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the NPPF.

14. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Traffic Management Plan (CTMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays Inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with Confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.



- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason

To ensure that adequate access and associated facilities are available for the traffic attracted to the site and in order to protect the amenity of the surrounding residents.

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

Reason

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

16. 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 in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason

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

17. 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 written 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

18. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason

To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

19. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme (should infiltration is viable), undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason

To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management

20. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Land at Southley Road, South Molton Residential Development Foul and Surface Water Drainage Strategy Report Addendum (Ref: AT2389, dated 30 June 2020) No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason

To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

21. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address

both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason

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

22. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

Reason

To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

23. Details of the footpath to the north shall be included in any reserved matter to ensure that there is sufficient provision for pedestrians and vehicles accessing the adjacent buildings. This shall then be provided in accordance with the approved plans prior to the first occupation of the approved dwellings.

Reasons

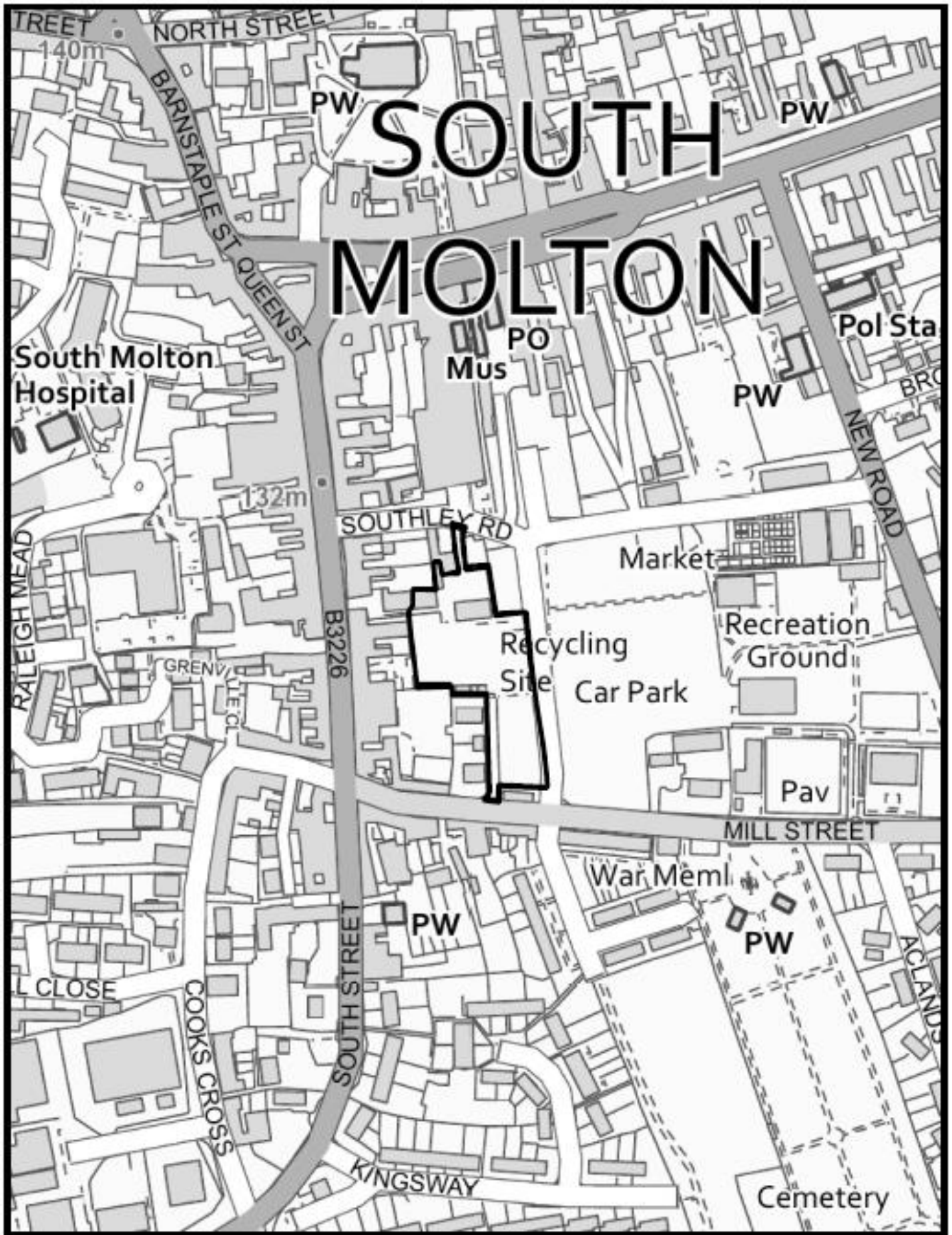
In the interests of highway safety and to ensure that there are no conflicts between pedestrians and vehicles using the access in accordance with policy DM06 of the North Devon and Torridge Local Plan.

**Informatives**

1. The existing buildings on the site are of an age where materials containing asbestos may have been used in their construction or subsequent modification. The buildings should be surveyed for such materials prior to demolition by a suitably qualified person. Where found, materials containing asbestos must be removed and disposed of in accordance with current legislation and guidance.
2. The recommendations of the report reference JW/SR/18169/PGCAR are supported. We recommend that when designing the scope of the intrusive investigations, suitable techniques are employed to ensure that representative samples and monitoring of groundwater can be achieved as this will be essential to demonstrate the presence or absence of a significant contamination source within groundwater or soils. In addition, with consideration of the former use of the site including a garage workshop and some potential unknown uses, additional analysis for contaminants of potential concern (e.g. those associated with solvents, paint constituents, additives etc..) should be considered to ensure that the investigation is robust and that all significant risks can be identified with a high level of confidence.
3. The roads within the development are not able to be adopted and will be subject to Advance Payment Code charges. In order to discuss this the applicant should contact the Highway Authority.

4. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included consideration of the use, amenity, scale, access and highway safety.



Lytton House, Commercial Road,  
Barnstaple, EX31 1EA

## 70467 - Land off Southley Road, South Molton

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Committee Report

Scale: 1:2500  
Date: 10th November  
2021