

Application **Committee Report**

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



Application No:	71956	Application Expiry:	10 December 2021
Application Type:	Outline application	Ext Of Time Expiry:	10 December 2021
		Publicity Expiry:	18 November 2021
Parish/Ward:	SOUTH MOLTON/SOUTH MOLTON		
Location:	The Orchard Gunswell Lane South Molton Devon EX36 4DH		
Proposal:	Outline application for residential development of up to 3 dwellings and associated works (all matters reserved) (amended plan)		
Agent:	Mr Alister Smith		
Applicant:	Mr and Mrs K Hoskins		
Planning Case Officer:	Mr R. Bagley		
Departure:	N		
EIA Development:	EIA Conclusion:	Development is outside the scope of the Regulations.	

Reason for Report to Committee: Committee at the request of Councillor Worden

Reason for call in to Committee:

At the request of Councillor Worden for the following reasons:

The town council planning committee tonight has voted to recommend refusal for the following reasons : -

- 1. The access on to Gunswell Lane is at a dangerous point just before the corner and at a narrow point in the road.*
- 2. With the new Baker Estates development one of the main footpath routes into town will be along Gunswell Lane and the footpaths are only on one side of the Lane and it will require pedestrians to cross over at the proposed entrance to the development.*

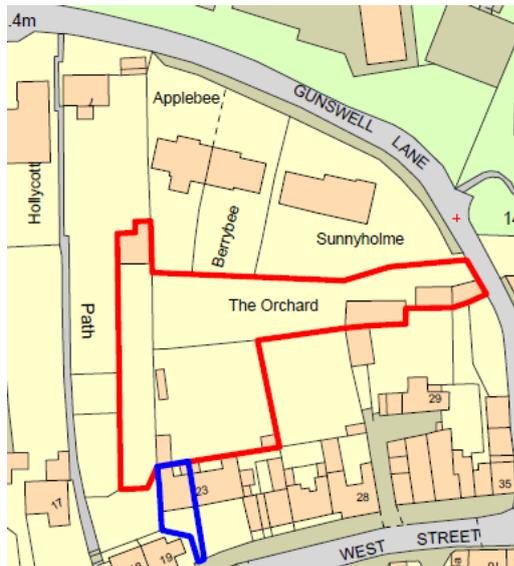
3. Many parents and children use the Lane and the back entrance to the Junior School.
4. Depending on the proposal number 29 West Street is quite likely to be overlooked and their amenities ruined.

I agree with the observations made as Gunswell Lane is well known for its traffic problems and this would make it even worse.

This report sets out the current Local Planning Authority position in respect of the determination of the scheme.

Site Description:

The site is known as The Orchard and is located to the west Of Gunswell Lane.



The site comprises an area of 0.18 hectares of brownfield land within the development boundary of South Molton.



Front of site



Rear of site adjacent to buildings

The site is relatively level with a gentle slope to the south towards the rear of West Street, and currently has permission for use as a workshop/builders store (B8). Within the site are 2 buildings, one a converted building used for mixed office/storage and an unused barn at the front of the site. Parking for the office building is provided to the west. The remaining site has been used for general builders storage, but is disused at present. To the south the site comprises grassed land with domestic paraphernalia including a bird loft.

The site is bounded to the north by the rear aspect and amenity land for Sunnyholme, Berrybee and Applebee, and to the south by numbers 23-29 West Street. It is possible to see the site from Properties along Gunswell Lane and West Street.

Access to the site is currently via West Street, into Gunswell Lane and into the existing site access

The South Molton conservation Area lies approximately 27 metres to the south. Gunswell Lane, leads to a number of residential properties and provides pedestrian access to a Primary School to the North West.

Recommendation

Minded to APPROVE subject to completion of legal agreement

Legal Agreement Required: Yes

Planning History

Planning	Decision	Decision Date
27564	FULL PLANNING + S106 APPROVAL	4 April 2000
Address: LAND OFF GUNSWELL LANE, SOUTH MOLTON, EX364DH		
Proposal: ERECTION OF 2 NO. DWELLINGS AND GARAGES		
29420	OUTLINE REFUSAL	3 August 2000
Address: , , LAND OFF GUNSWELL LANE, , , SOUTH MOLTON, EX364DH		
Proposal: OUTLINE APPLICATION ERECTION OF 1 NO. DWELLING		
31132	FULL PLANNING APPROVAL	14 December 2001
Address: , LAND OFF GUNSWELL LANE, , , SOUTH MOLTON, EX364DH		
Proposal: REBUILDING/REINSTATEMENT OF WORKSHOP/STORE		

63500	WITHDRAWN	28 September 2017
Address: LAND AT, GUNSWELL LANE, , SOUTH MOLTON, , DEVON,		
Proposal: OUTLINE APPLICATION FOR ERECTION OF TWO DWELLINGS & ADDITIONAL PARKING (ALL MATTERS RESERVED EXCEPT ACCESS)		

Relevant planning history

The history for this site shows that an outline planning permission was submitted in 2000 for the erection of a single dwelling (reference 29420), and this proposal was recommended for refusal, and subsequently dismissed at Appeal partly on highway grounds.

In 2017 application 63500 was submitted for 2 dwellings was submitted and subsequently withdrawn as the material planning matters in respect of highway impacts raised previously had not at this time changed.

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adjacent to Conservation Area: 30 South Molton;	Within constraint
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 90 metres in height.	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Unclassified Road	
Within adopted Development Boundary: South Molton Development Boundary ST06	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within:Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	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	

ST01 - Principles of Sustainable Development
 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

Consultees

Name	Comment
Arboricultural Officer	No comments received.
Building Control Manager	No comments received
Councillor D Worden Reply Received 3 September 2020	I am unable to type on the form so I am sending you a request for a call in if you are minded to approve this application. The town council planning committee tonight has voted to recommend refusal for the following reasons : - 1. The access on to Gunswell Lane is at a dangerous point just before the corner and at a narrow point in the road. 2. With the new Baker Estates development one of the main footpath routes into town will be along Gunswell Lane and the footpaths are only on one side of the Lane and it will require pedestrians to cross over at the proposed entrance to the development. 3. Many parents and children use the Lane and the back entrance to the Junior School. 4. Depending on the proposal number 29 West Street is quite likely to be overlooked and their amenities ruined. I agree with the observations made as Gunswell Lane is well known for its traffic problems and this would make it even worse.
Councillor M Bushell	No comments received.
Councillor P Henderson Reply Received 14 August 2020	This development looks to be a good use of an effectively 'brown field' site with minimal dwellings planned so no over intensification. Although a concern could be raised in regard to additional traffic flow onto Gunswell Lane, the existing office buildings have until recently had a number of workers located there all of whom drove to and from work so even with the 3 proposed dwellings having say

	an average of 2.5 vehicles per household would likely to result in minimal increase in traffic flow.
DCC - Childrens Services	No comments received
DCC - Development Management Highways Reply Received 28 August 2020	<p>Observations:</p> <p>The proposal is supported by a technical statement, herein referred to as ‘the statement’, detailing some of the issues surrounding the access to the site, the inadequacies of which was the reason for previous recommendations of refusal on this site.</p> <p>The proposal must be considered against relevant planning policies, and in highway terms these are the Local Plan policy DM05:</p> <p>Policy DM05: Highways</p> <p>(1) All development must ensure safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.</p> <p>(2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so, and National Planning Policy Framework paragraphs 108, 109 and 110.</p> <p>108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>a) appropriate opportunities to promote sustainable transport modes can be –or have been –taken up, given the type of development and its location;</p> <p>b) safe and suitable access to the site can be achieved for all users; and</p> <p>c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p>109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe</p> <p>110. Within this context, applications for development should:</p> <p>a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second– so far as possible –to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;</p> <p>b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;</p>

c) create places that are safe, secure and attractive –which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The statement claims that the site has extant permission with B1 use an office and B8 use as a builders yard and storage area. I leave it to the LPA to confirm whether these uses are permitted on the site or not. The statement uses TRICS data for the level of traffic generated by such uses on other sites in the country to show that the traffic from such uses is above that of the proposed dwellings. I do not agree with this argument in this case, as due to the restricted visibility, access radii and width of the access, the TRICS data used is not appropriate as any extant use of the site (if existing) must be limited by the physical ability to access the site. This was determined by a planning inspector in appeal case APP/X1118/A/14/2227707 (attached). Paragraph 10 of that appeal, regarding proposed traffic figures, states:

‘ □ These are based on the floorspace of the building. It is plain however that no such traffic has ever been generated by any such use of the site. Neither is there any substantive evidence to indicate that such traffic numbers, or movement by a vehicle heavier than a car or light van, would ever occur in relation to the use of the barn which, in my opinion, would be unlikely given the restricted width of the access and the limited parking, servicing and vehicle turning space that is available around these buildings. Although it would be appropriate to take an estimated figure for traffic movements that are permitted from the site, this should reasonably take on board the capability and constraints of the site, as well as the floorspace of the building. It is my view that the figures given are an exaggeration of what would ever be likely to happen if a B1 use were to take hold. Moreover, given that neither of the permitted uses appear to have commenced, it is also clear that actual traffic movements to and from the site, in terms of both numbers and frequency, are significantly below the appellant’s estimated figures.’

It is a similar case here, that any extant use must be limited by the fact that access to the site is so poor that according to comments received from neighbours, the weekly lorry collecting paper from the site can not enter the site. I highly doubt that any vehicles associated with a typical B8 storage use could access the site, and no evidence has been presented in the form of vehicle tracking or videos showing this being possible.

Figures presented in the statement indicate a 85th percentile vehicle speed of 15mph at the access point. While this is taken from a very low number of recorded speeds, I could accept

	<p>that this is the case due to the narrow nature of the road. In this case the required visibility splay of an access onto a road with this speed according to table 7.1 and figure 7.18 of the national guide Manual for Streets is 17m in both directions from 2.4m behind the carriageway edge. Figure 2 of the statement shows the visibility of the proposed site access as being only 4.0m in both directions from 2.4m back, this being the width of the access only. This is severely substandard considering the already low requirement of only 17m based on the 15mph speed of traffic. The proposal is therefore contrary to Local Plan Policy DM05(1) and NPPF paragraphs 108(b), 109, 110(c) and 110(d). The statement provides details of other development which it considers committed development along Gunswell Lane. That being one single dwelling. While this has no relevance to this application as every application is considered on its own merits, that application site was already subject to an historic approval for a single dwelling, and shows no signs of implementation. Comments relating to highway matters for that site did not come from the Highway Authority, as it was dealt with using the Standing Advice procedure.</p> <p>The statement does not include details of the committed development of over 300 dwellings north and south of Gunswell Lane further to the west, some of which have been completed to the north on Bee Meadow and others to the south which are currently under consideration of the LPA. These are allocated sites for development within the Local Plan and will, as required by the plan, close of Gunswell Lane for vehicle traffic at the west end and use this lane as pedestrian access to the school and town centre. This is therefore likely to significantly increase the level of pedestrian traffic along this lane to the town, passing the substandard site access.</p> <p>Considering pedestrians, the lack of visibility at the site entrance, narrow road width and lack of footway along Gunswell Lane means that pedestrians have to walk in the road, and would not be seen by vehicles attempting to use the site access. This road is heavily used by school children to access the primary school on foot, cycle and scooter, and some pupils are also driven to school this way although this is discouraged by the school. The proposal compromises the safety of children and guardians walking and cycling to and from the school, which regardless of the other deficiencies mentioned above, is reason enough to refuse this application. The proposal is therefore contrary to Local Plan Policies DM05(1) and DM05(2) and NPPF paragraphs 108(b), 109, 110(a) and 110(c).</p> <p>In conclusion, as detailed above the proposal does not have safe and suitable access contrary to Local Plan policy DM05 and NPPF paragraph 108, and there would be an unacceptable impact on highway safety due to the lack of visibility and increase in traffic using the access contrary to NPPF paragraph 109. Additionally the proposal would increase conflict between vehicles and pedestrians and cyclists and not provide for the efficient and safe delivery of</p>
--	---

	<p>goods and access by emergency services contrary to NPPF paragraph 110.</p> <p>Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS</p> <p>1. The proposal does not have safe and suitable access contrary to Local Plan policy DM05 and NPPF paragraph 108, and there would be an unacceptable impact on highway safety due to the lack of visibility and increase in traffic using the access contrary to NPPF paragraph 109. Additionally the proposal would increase conflict between vehicles and pedestrians and cyclists and not provide for the efficient and safe delivery of goods and access by emergency services contrary to NPPF paragraph 110</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 22 February 2021</p>	<p>Observations: Further to my previous response, it remains a matter for Local Planning Authority (LPA) to consider the fallback position of the uses on the site and whether they are lawful or not. If the uses that the applicant/agent claims are allowed are lawful, then with the now proposed layby at the site entrance, I have no objection to the proposal. The issues previously raised regarding pedestrian safety etc. are still relevant, and I would not consider it unreasonable for the LPA to refuse the application on this basis.</p> <p>Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION</p> <p>1. Prior to the occupation of any approved unit on the site the proposed layby at the site access shall have been constructed and made available for public use. REASON: In the interest of highway safety.</p>
<p>Environment Agency</p>	<p>No comments received</p>
<p>Environmental Health Manager</p> <p>Reply Received 26 August 2020</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows: 1 Land Contamination Housing developments are recognised as having high sensitivity to the presence of any land contamination affecting the site. The site has previous uses as a builders yard and offices. Risks associated with potential land contamination will need to be assessed and I therefore recommend the following conditions be included on any permission: - Contaminated Land Phase 1 Condition</p>

	<p>Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with the results of a phase one survey for potential ground contamination. The report shall be prepared by a suitably qualified competent person and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site. Thereafter, depending on the outcome of phase one, a proposal for any phase two (intrusive) survey that may be required shall be presented to and agreed with the planning authority.</p> <p>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 any necessary 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 and, whererelevant, verification reports and completion certificates shall be submitted for the written approval of the local planning authority.</p> <p>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.</p> <p>-- Contaminated Land (Unexpected Contamination) Condition Should any contamination of ground 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 the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination exposed during development is remediated in accordance with the National Planning Policy Framework</p> <p>2 Construction Phase Impacts 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 following conditions be imposed:</p> <ul style="list-style-type: none"> - Construction Environmental Management Plan Condition <p>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:-</p>
--	--

	<p>a) measures to regulate the routing of construction traffic;</p> <p>b) the times within which traffic can enter and leave the site;</p> <p>c) details of any significant importation or movement of spoil and soil on site;</p> <p>d) details of the removal /disposal of materials from site, including soil and vegetation;</p> <p>e) the location and covering of stockpiles;</p> <p>f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;</p> <p>g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;</p> <p>h) a noise control plan which details hours of operation and proposed mitigation measures;</p> <p>i) location of any site construction office, compound and ancillary facility buildings;</p> <p>j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;</p> <p>k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.</p> <p>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.</p> <p>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.</p> <p>- Construction Hours Condition</p> <p>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:</p> <p>a) Monday - Friday 08.00 - 18.00,</p> <p>b) Saturday 08.00 - 13.00</p> <p>c) nor at any time on Sunday, Bank or Public holidays.</p> <p>Reason: To protect the amenity of local residents</p>
<p>Environmental Health Manager</p> <p>Reply Received 17 February 2021</p>	<p>I have reviewed the amended plans and information for this application in relation to Environmental Protection matters and refer you to comments I made by email on 26th August 2020.</p> <p>My previous comments still stand</p> <p>Advisory note: Asbestos</p> <p>The existing buildings on site are of an age where materials containing asbestos may have been used in their construction or subsequent modification. the buildings should be checked for such materials prior to demolition/construction works commencing by a</p>

	suitably qualified person. Where found, materials containing asbestos must be dealt with, and where relevant, be disposed of in accordance with the asbestos regulations and health and safety guidance.
Heritage & Conservation Officer Reply Received 15 September 2020	This site lies outside the boundary of the South Molton Conservation Area, but is close to it. At the entrance to the site are two historic buildings; a stable block, and a larger stone and brick warehouse. Both do not have any statutory protection, but both are structures which contribute to the understanding of past use and development of the area, and which add a certain character to the setting of the Conservation Area. I make no objection to the erection of houses on the site, but would suggest that the historic buildings should be retained - perhaps there is scope for conversion of the larger unit as it could make a very characterful residence.
Conservation Officer Reply Received 10 th November 2021	No objections to the proposed alterations to the hayloft.
Heritage & Conservation Officer Reply Received 17 February 2021	I have read the assessment of significance of the barns on the site, and do not dispute its contents. I remain of the view that the buildings add to the character of the immediate context, and that if there is scope for retention, it would be beneficial to explore this.
Housing Enabling Officer Reply Received 28 August 2020	The application site is within the South Molton development boundary in the Local Plan. As the proposed number of dwellings is below the threshold, there is no affordable housing provision required.
Housing Enabling Officer Reply Received 17 February 2021	As the outline application is still for a residential development of up to 3 dwellings, I therefore re-iterate my comments in my consultation response dated 28 August 2020:- "The application site is within the South Molton development boundary in the Local Plan. As the proposed number of dwellings is below the threshold, there is no affordable housing provision required."
Housing Enabling Officer	As the outline application is still for a residential development of up to 3 dwellings, I therefore re-iterate my comments in my

<p>Reply Received 4 November 2021</p>	<p>consultation responses dated 28 August 2020 and 17 February 2021:- "The application site is within the South Molton development boundary in the Local Plan. As the proposed number of dwellings is below the threshold, there is no affordable housing provision required."</p>
<p>Open Space Officer</p> <p>Reply Received 18 August 2020</p>	<p>Having reviewed the information for application 71956, this application is for 3 residential units. The application does not identify the number of bedrooms in each property and therefore for the purpose of this Outline Application we have assumed it to be 3 x 4 - bed units, but this figure will decrease if the bedroom numbers are lower than this.</p> <p>I attach the calculation. Should this application be approved, I can provide an amount per bedspace for the purpose of a S106 agreement, to take into account detailed matters at a future date.</p> <p>The scheme is not of a scale to provide on site open space provision, we therefore seek a contribution of 10,422 to deliver appropriate off-site provision at a suitably located site. The contribution is requested in accordance with policy DM10. If the application is recommended for approval, we can provide details of specific open space schemes, in line with CIL regulations.</p>
<p>Open Space Officer</p> <p>Reply Received 23 February 2021</p>	<p>I have reviewed the updated documentation which shows that one dwelling will be a 2-bed. However I still await further information on the other dwellings to provide an accurate s106 POS calculation, so am unable to provide a further comment at this stage.</p>
<p>Open Space Officer</p> <p>Reply Received 5 November 2021</p>	<p>POS towards Toddler Play equipment in South Molton, as per attached.</p>
<p>South Molton Town Council</p> <p>Reply Received 3 September 2020</p>	<p>South Molton Town Council Planning Committee unanimously resolved to recommend rejection of this application on the following grounds:</p> <p>Highways Considerations - There are major concerns about the safety of access as also highlighted by DCC Highways Authority. Many school children will be using the road way to access the adjacent primary school, and the new development to the north of Gunswell Lane will also result in increased footfall.</p> <p>Overlooking concerns - The Agricultural Buildings currently on the site form a boundary wall to the garden of 29 West Street. Their demolition will cause 29 West Street to be overlooked by the</p>

	<p>development, particularly as 29 West Street is at the bottom of a small incline.</p> <p>The committee was also concerned that not all of the immediate neighbours had received a consultation letter.</p>
<p>South Molton Town Council</p> <p>Reply Received 24 February 2021</p>	<p>South Molton Town Council Planning Committee once again unanimously resolved to recommend rejection of this application on the following grounds:</p> <ul style="list-style-type: none"> - There are major concerns about the safety of access given the limited visibility, lack of adequate footways and the large number of young children using this road to access the community primary school. The planned developments to the north and south of Gunswell Lane will only add to the footfall; - Overlooking the rear of properties along West Street.
<p>South West Water</p>	<p>No comments received</p>
<p>South West Water</p> <p>Received 22nd October 2021</p>	<p>Thank you for the consultation request.</p> <p>Having reviewed the current information as to proposed surface water disposal for this development, please note that discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.</p> <p>The applicant should demonstrate that the prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p> <ol style="list-style-type: none"> 1. Discharge into the ground (infiltration); or where not reasonably practicable, 2. Discharge to a surface waterbody; or where not reasonably practicable, 3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, 4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation) <p>If you have any queries, please don't hesitate to contact us.</p>
<p>Sustainability Officer</p>	<p>Thank you for renaming the Transport files and its now clear we are missing the The Preliminary Roost Assessment (2019) as</p>

<p>Reply Received 17 August 2020</p>	<p>referenced in the submitted Bat Emergence Survey Report (2020) 'This report should be read in conjunction with the Preliminary Roost Assessment (Blackdown Environmental, July 2019)'.</p> <p>I am also concerned that the ecological surveys are simply focused on the presence of bats within two of the sites buildings and therefore is not an appropriate assessment of the wider wildlife interests and habitat composition of the site. 'The buildings surveyed include a two-storey previously converted barn (currently used as offices) referred to throughout as B1, and a single storey outbuilding immediately east of B1, (referred to throughout as B2)'.</p> <p>The project description also appears out of date 'The development proposals briefly comprise conversion of the current office building (B1) to a residential dwelling, and the demolition of the outbuilding (B2) to provide improved access'.</p> <p>The submitted report maybe appropriate for conversion or demolition of B1 it is unclear if all structures onsite have been surveyed?</p>
<p>Sustainability Officer</p> <p>Reply Received 19 February 2021</p>	<p>The submitted Bat Emergence Survey (BES) only considers potential impacts on protected species arising from the conversion of the current office building (B1) to a residential dwelling, and the demolition of the outbuilding (B2) to provide improved access. The proposed demolition of B1 must be accompanied by a further update from the ecologist stating whether further protected species surveys are necessary.</p> <p>The BES only considers buildings B1 and 2 and there is no further assessment of the remaining structures illustrated on the submitted Site Location Plan. Further protected species assessment should be undertaken across the site and also consider the loss or encroachment of development on any boundary hedges and trees.</p> <p>The submitted Site Layout does not include any landscaping provision which would demonstrate a net gain for biodiversity. All habitat losses should be quantified with opportunities for compensation maximised onsite. Any offsite provision must be secured against any Outline consent.</p>
<p>Sustainability Officer</p> <p>Reply received 15th July 2021</p>	<p>To clarify a few things relating to inconsistencies across plans, most importantly the Site Location Plan Aug 2020 shows the redline extending around a building in the NW corner of the site which looks to be in the garden of a large property on Gunswell Lane. The building is not shown on the submitted Site Layout so will treat as outside of the proposed development unless instructed otherwise. To date the ecological evidence doesn't appear to</p>

mention this building. Also the submitted Site Layout is incomplete with annotation missing from the western edge.

In terms of my previous response:

The submitted Bat Emergence Survey (BES) only considers potential impacts on protected species arising from the conversion of the current office building (B1) to a residential dwelling, and the demolition of the outbuilding (B2) to provide improved access. The proposed demolition of B1 must be accompanied by a further update from the ecologist stating whether further protected species surveys are necessary. The BES only considers buildings B1 and 2 and there is no further assessment of the remaining structures illustrated on the submitted Site Location Plan. Further protected species assessment should be undertaken across the site and also consider the loss or encroachment of development on any boundary hedges and trees. The submitted Site Layout does not include any landscaping provision which would demonstrate a net gain for biodiversity. All habitat losses should be quantified with opportunities for compensation maximised onsite. Any offsite provision must be secured against any Outline consent.

The Ecological Survey Report (2019) (ES) clearly documents that the assessment of the wider site and that the loss of the sheds/pigeon loft are inconsequential. The ES also states that:

- landscaping proposals include vegetation of benefit to invertebrate species, therefore providing suitable bat foraging habitat.
- terrace nest boxes suitable for use by house sparrow should be installed within new properties to compensate for the loss of nesting opportunities arising from the demolition of the buildings within the site.
- access gaps suitable for use by hedgehogs will be created to allow hedgehogs continued access across the site to and from neighbouring gardens
- an 'arboricultural survey should advise on appropriate root protection zones (and protection measures during construction) for trees'
- site proposals provide opportunities to enhance the site for bat species by installing bat tubes within new properties.
- landscaping proposals should also include planting flowering and fruiting native species of benefit to a variety of wildlife including bats, birds and pollinating insects.

The Bat Emergence Survey (BES) concludes that '*no impacts are anticipated from the conversion/demolition of the buildings*' and therefore no further details are required in relation to bat activity associated with B1, B2 or B3.

I would suggest that all issues have therefore been resolved, aside from seeking an indicative parameters plan informed by an arboricultural survey which demonstrates that the current layout has capacity to deliver the ES recommendations above, retain

	existing trees and boundary habitats and deliver a net gain for biodiversity.
--	---

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
<u>2</u>	<u>0.00</u>	<u>31</u>	<u>0.00</u>	<u>0.00</u>

Summary of objections:

- Objections in respect of additional traffic flow into Gunswell Lane and the impact on all users.
- Access is substandard in terms of visibility.
- The site will generate more traffic from a residential use.
- Safety of children using the lane walking to school.
- Most of the road is already used for parking.
- The informal car parking refuge area to in Gunswell Lane is already used for on street parking. The owners would not give permission for the use of this area for parking associated with the development.
- Carriageway is not wide enough to accommodate additional traffic.
- Impact on 1 Gunswell Lane as the road passing the property is very narrow. People have to reverse on to West Street if meeting oncoming vehicles.
- The current business has a large waste paper vehicle visiting the site which cannot gain access, parking in the street.
- Reference made to 45312 – Change of use of Rosemullion to Hairdressers salon – refused on highway grounds as the business use would generate too much traffic in Gunswell Lane.
- Impact on primary school children.
- Reference made to previous decision for one dwelling which was turned down.
- Access is on to a blind bend and opposite driveway of cottages opposite.
- Road safety should not come second to the Councils need to provide housing.
- The residents are familiar with the comings and goings in the lane and have a good idea of the traffic pressures.
- The applicants have not consulted with the neighbours.
- Property along West Street not notified (Number 35)
- The traffic survey is from over a year ago. Traffic has increased dramatically since then with extra home deliveries etc.
- There is no footpath along most of the road.
- There is only a beta emergence survey submitted with the proposal. This does not take account of all protected species.
- If a residential dwelling is to be positioned along the access road then the windows should be obscure glazed as per previous permissions.
- Inadequate access for fire service vehicles.
- An additional 6 cars will have a detrimental impact on the highway.
- Demolition of the original structure will not benefit the area or the historic quality of the area.
- Size and scope of the proposal would impact on traffic.
- The proposal requires the complete demolition of a venerable building adjacent to a conservation area.
- The proposal would destroy the north wall of No 29s private garden.
- The construction of dwelling would result in loss of privacy and a negative visual impact on the area.
- The proposal would adversely change the character of the area.
- There is a history of rejecting proposals on highways grounds and this scheme is similar and would propose substantial changes to the character of the area.
- Why was 34/35 West Street not notified?

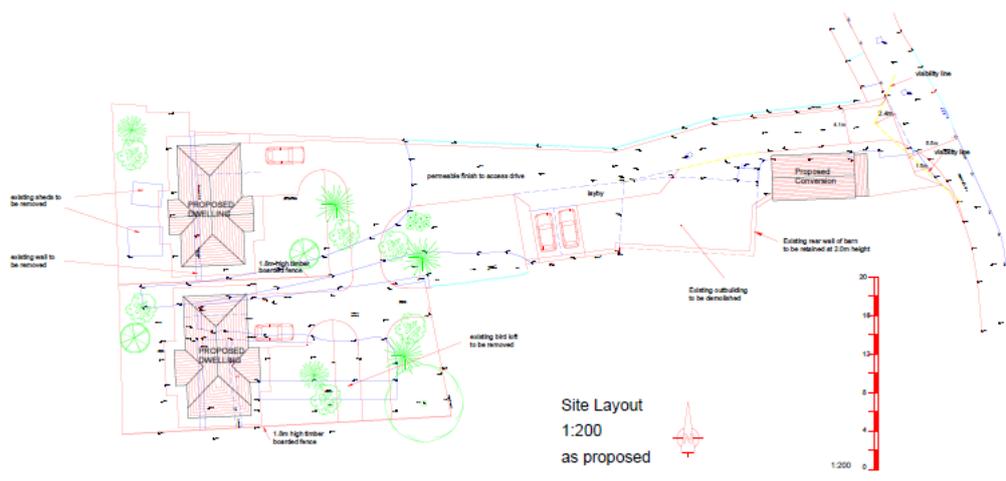
- In time the Bee Homes site access may improve the highway situation in Gunswell Lane but the parking allocation should relieve parking congestion for West Street residents.
- Impact on the amenity of the garden of Number 29 West Street from windows looking over their property (first floor windows). The existing use as an office allows more privacy than a residential use along the northern boundary would allow. Loss of privacy from eastern aspect of the new dwellings also. Complete removal of the wall bounding the site is not acceptable.
- Is asbestos present in the buildings to be demolished?
- Impact on security and privacy through build process.
- Photos of Number 24 West Street are not accurate in showing loss of privacy.
- Knocking down the dilapidated barn would not make any difference to visibility into Gunswell Lane creating a blind bend into the road.
- Amendments to the Hayloft building will not mitigate the highway impacts.
- The plans show that the garden of Number 34/35 will be open to the development as no retaining wall is proposed.
- Why can the developer submit new plans? The plans are sketches and fail to address the concerns raised previously. The small barn has significance as a heritage asset. Section 70 of the NPPF (Previous NPPF) resists inappropriate use of gardens. Paragraph 122 sets out desirability of maintaining the character of an area. Section 194 – any loss of heritage asset should require clear and convincing justification.
- Support for demolition of office building (Sunnyholme)
- Removal of shed at access to Gunswell Lane does not change the position of the access.
- Widening the existing access will make no difference to highway safety.
- The provision of 3 dwellings does not contribute significantly towards the housing targets for South Molton.
- Residents from the Bee Meadow Site will pass the Orchard site.

Considerations:

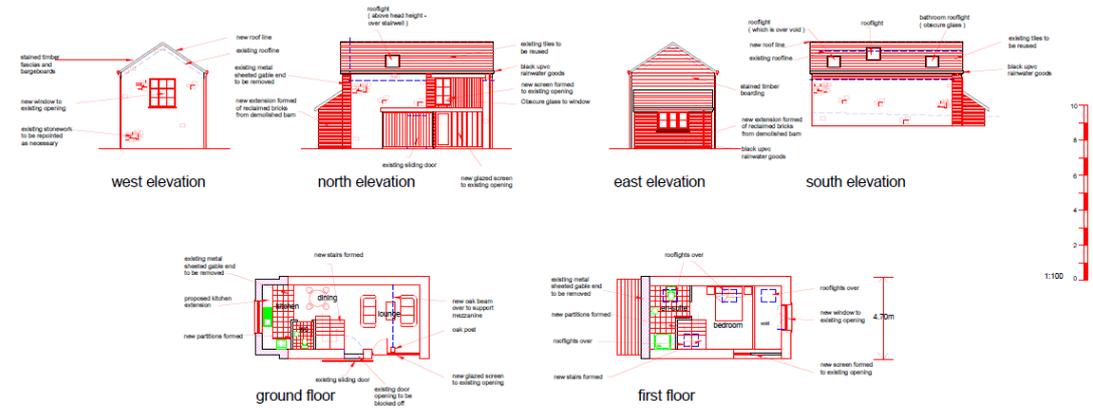
Proposal Description

This application seeks outline planning permission for the development of the site known as The Orchard at Gunswell Lane, for 3 dwellings.

Although all matters are reserved, given that a number of objections have been received raising concern in respect of amenity, the location of the site in the setting of the South Molton Conservation Area, and the need to demonstrate suitable layout and access to the site, the LPA has asked for indicative plans to show how this site may work if an reserved matters application were submitted.



As shown above, amended plan number 0121/2B provides an indicative layout comprising 2 detached dwellings to the west of the site, the removal of the workshop/office building and pigeon loft, and the conversion of an existing outbuilding known as The Hayloft, to the east. The workshop/office building to the west of The Hayloft would be demolished, creating an access/parking and amenity area for occupiers of The Hayloft. An existing outbuilding along the eastern access point would be demolished to provide visibility into the highway. Access to the site would be via the existing access point from Gunswell Lane to the east. The layout illustrates that parking can be provided for at least 2 vehicles per dwelling, and turning could be provided for each unit, via a turning head within the site for the 2 new dwellings, where vehicles and delivery/emergency vehicles can access and turn. Parking and turning for The Hayloft building would be provided to the west of the building, with a turning area providing egress to the north east into Gunswell Lane. The indicative layout also shows that a layby can be provided along the access road, to enable vehicles to pass.



The Hayloft - as proposed

The outline plans illustrate how The Hayloft building would be converted into a one bedroomed dwelling. To achieve this the applicants propose a new roof with a moderate increase the roof height, and inclusion of a moderate sized brick built extension to the east, providing an internal layout comprising bedroom, ensuit, kitchen, living room and wc. The indicative plans show that the building can be converted using the majority of the exterior stone and brickwork, and introducing stained timber boarding on the first floor. Of note is the first floor north and south elevations which show minimal new

openings, and roof lights which could be positioned above average head heights. The new window on the north and south elevations would propose obscure glazing. The window on the west would use an existing opening and face into the development site, and the window on the east would face towards the access into Gunswell Lane.

Indicative planting is shown within the site in the form of ornamental gardens, trees and shrubs, with boundary treatments to the new dwellings comprising 1.8 metre timber board fencing. A detailed Planting scheme and Arboriculture report is requested by condition. To the south east, the existing rear wall of the demolished barn would be retained to the south of the parking/amenity area for the Hayloft conversion. The access drive would be completed with a permeable finish.

Planning Considerations Summary

- Principle
- Desing, character and impact on the South Molton Conservation Area
- Amenity
- Highways
- Ecology
- Drainage and flood risk

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 site is located outside, but approximately 27 metres form the South Molton Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle

This is a brownfield site located within the development Boundary of South Molton where, in principle, the proposal is supported by the LPA in recognition of the Governments aims to significantly boost the supply of housing (paragraph 60), and contribute to national aims to achieve sustainable development contained at paragraph 8 of the NPPF. The development of this site would contribute towards the strategic aims of the NDTLP to improve the economy of Northern Devon, and to provide a balanced housing market (NDTLP Spatial Planning Vision).

The site is situated in a sustainable position and is within walking/cycling distance of shops and facilities in South Molton. The site is within distance of sustainable modes of transport (bus routes) and is accessible from the main highway network via Gunswell Lane to West Street, providing good transport links to the Main Centre of South Molton,

accordant with ST06. The development of this site for three dwellings would secure sustainable development that would contribute positively towards the local economy and where the LPA would take a positive approach to the facilitation of housing, reflecting the presumption in favour for sustainable development which is contained in the NPPF (Part 2 paragraph 11) and the development plan.

The delivery of the 3 dwellings within the South Molton development Boundary would accord with the overarching economic, social and environmental objectives at paragraph 8 of the NPPF and the strategic aims and objectives contained in the NDTLP, and with the sustainable principles of spatial policies ST01, focussing development in the Main Centre of South Molton and contributing positively towards the local economy. The development of this brownfield site would promote housing growth contributing towards the provision for a minimum of 12400 dwellings contained within the South Molton spatial Vision and Development Strategy (SM0, ST08(2)).

The outline proposal falls below the threshold for the provision of affordable housing, but the scheme delivers 3 dwellings with a mix of dwelling sizes (2x3 bed and 1x 1bed), where the one bed property provides opportunity to offer a lower cost house within South Molton. The position of the dwellings would relate well to the contiguous built form of Gunswell Lane, and with the wider South Molton Street scene, contributing positive, sustainable gain towards the total housing requirement for South Molton. The principle of developing this site for 3 dwellings is acceptable, accordant with the overarching aims of National and Local and Spatial Housing provision accordant with ST01, ST06, ST08 and SM0, subject to accordance with all other parts of the development plan and NPPF.

The scheme is below the threshold for provision of an education contribution. The scheme is above the thresholds for provision of off-site Public Open Space Contributions and this will be secured through a Section 106 agreement in accordance with the requirements of Policy DM10.

To ensure the timely delivery of the site and to accord with paragraph 77 of the NPPF the time condition is reduced to 2 years for submission of a reserved matters application.

Contributions

The contribution towards Public Open Space amounts to £7314 towards New toddler Play Equipment (and ancillary equipment/works) in South Molton. This would need to be secured through a Section 106 agreement, to be agreed. The applicants have indicated acceptance of the amount of contribution required.

Design, character and the Impact on the South Molton Conservation Area.

Part 12 of the framework and policies ST04 and DM04 of the NDTLP require new development to achieve a good quality of design, which responds well to the context of the site, and established plot patterns, and which presents appropriate scale and massing and sympathetic fenestration, external appearance and materials. Paragraph 130 (f) and policies DM01 and DM04 state that new development must ensure that the amenities of existing and future occupiers of the site are safeguarded. In this case the site is located approximately 27 metres from the edge of the South Molton Conservation

Area to the south and therefore the principle of the scheme is considered in terms of the effect on the setting of the Conservation Area and policies ST15 and DM07 apply.

The application is in outline form and all matters of detailed appearance, layout, fenestration, materials and landscaping would be dealt with at reserved matters stage. One of the key considerations in determining this case is the impact of the site on the approach to the South Molton Conservation Area to the south, and how the site may be developed to retain elements of historic significance.

A Heritage Statement has been submitted accordant with DM07 (1).



Office/workshop barn to be removed



Hayloft barn to be retained

The proposal involves the removal of an attractive, but less ‘traditional’ building, to create the car parking area and amenity space for The Hayloft development. The larger barn has been altered over time, The Hayloft demonstrates a more traditional desing form as set out in the heritage assessment.

The Heritage Officer has raised concern considering that that the group of buildings to the front of the site contribute positively towards the character and context of the South Molton Conservation Area, and that the larger barn should be retained as part of the setting of the Conservation Area.

In respect of the building to be removed, the Heritage Statement emphasises that the building, although attractive, has been largely rebuilt using traditional materials, and that the building is not entirely ‘original’. This is evident in the photo below:



Workshop/office building to be demolished

The smaller Hayloft barn retains more of the traditional features and materials, and although in poor repair is capable of conversion, whilst retaining the form and materials of the original building.



HaHayloft Building

Paragraph 203 of the NPPF is clear *that "the effect of an application on the significance of non-designated heritage asset should be taken into account in determining the application."* Although the group of buildings are not-designated, and not located in the Conservation Area, given the proximity of the buildings on the approach toward the Conservation area, the effect on the setting of the Conservation Area requires a balanced judgement having regard to *the 'scale of any harm or loss of significance of the asset.'*

The LPA requested plans to illustrate how the retained Hayloft Barn can be successfully reused. Albeit this is at outline stage the latest plan details the layout of the site, and illustrate how the development of the site as a whole could appear in the context of the Conservation Area.



As illustrated above, the proposed conversion of The Hayloft would necessitate a moderate increase to the height of the roof, and a small extension to the east elevation. The building is not listed, nor within the Conservation Area and the works to the building, add sympathetic, traditional elements to facilitate its residential use as a one bed dwelling. The conversion of the Hayloft, using its original form and adding traditional materials would result in a visually attractive development on the entrance to the site, visible from Gunswell Lane, and that would contribute positively towards the setting of the approach to the Conservation Area. The Conservation officer has recommended no objections to the conversion of The Hayloft in her consultation of 10/11/21.

The 2 new dwellings to the rear would be positioned within the site, and well screened from the setting of the Conservation Area by existing buildings along West Street and Gunswell Lane, and would not be read as an adverse feature in the context of the Conservation Area. From the public realm of Gunswell Lane the access would appear open, and more attractive than the current office and builders area, and would improve the overall cramped layout.

The visual enhancement, and retention of part of the historic significance of the site should be considered in determining the scheme. Further consideration should be given that this development would facilitate the optimal viable residential use of The Hayloft, and the site and that matters of design can be further considered at reserved matters stage. Applying judgement to the removal of the building to the rear, the LPA is of the opinion that as the building to be removed is largely rebuilt, and is set back from the public realm of Gunswell Lane, the removal of this building from within the site would not result in direct harm to, or loss of significance of the heritage asset, from alteration or destruction or from development within the setting. The larger building is not of such material quality that it warrants retention.

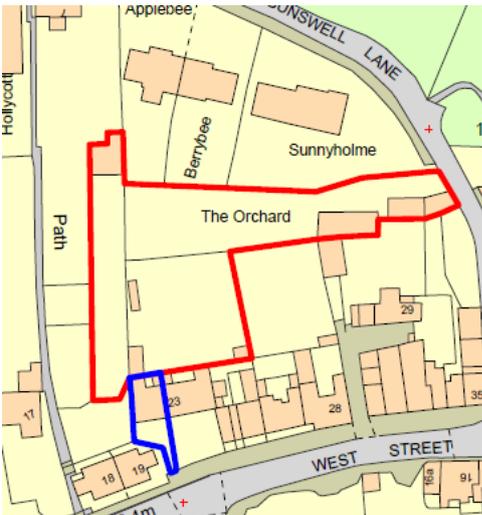
The LPA agrees with the Conservation Officer, that the group of buildings have traditional elements, contributing positively towards the historic setting of the approach to the Conservation Area from Gunswell Lane. However, The Hayloft is more prominent when seen in the public realm of Gunswell Lane, and along with the access itself, forms part of the approach to the historic Conservation Area. In the opinion of the LPA the removal of the dilapidated building, and the sympathetic development of The Hayloft would improve the appearance of the site within the public realm of Gunswell Lane, and will enhance the appearance of this unkempt and untidy builder's yard. The proposal

would introduce relatively minor additions to the height and width of The Hayloft, using traditional form and materials which will enhance the appearance of the building. The retention of The Hayloft, using traditional materials, and the development of the site frontage, and introduction of the modern aspects to the rear, shows consideration to the setting of the Conservation Area. Although there are no space standards within the NDTLP, the extensions are necessary to facilitate accordance with National Space Standards (table 1) to form a 1 bed dwelling to provide 58 M2 of living space.

On balance, the outline proposal illustrates an attractive layout, retaining the more traditional elements at the site frontage, providing a smaller 1 bed dwelling at the front of the site and larger 3 bedroomed dwellings to the rear showing an acceptable context between the original traditional elements of the site and the new development. It is clear that the indicative scheme for the development of The Hayloft can provide an attractive conversion with, sympathetic layout, scale, mass, materials and design form. In this case the Heritage concerns in respect of the removal of the larger building, do not outweigh the positive economic and social benefits to be derived from the provision of 3 units, and the opportunity to improve the appearance of the site overall. Applying the provisions of the NPPF at paragraph 202, the provision of an optimal viable use for this site outweighs the negative impact on the setting of the Conservation Area from the removal of the workshop/office unit from within the site. Within the site appropriate landscaping could be achieved at reserved matters stage accordant with the desing principles of ST04 and DM04, and with the principles of conservation and enhancement of the approach to the historic asset contained within the NPPF and within in ST15 and DM07. in the opinion of the LPA, the proposal would both improve the appearance of the site, and secure the optimal viable use of the site for residential purposes, contributing positively towards the social and economic benefits of providing housing and according with the NPPF.

Amenity

Paragraph 130 of the NPPF and policies DM01 and DM04 seek to ensure that the amenities of neighbouring properties are not adverse affected, and that the amenities of intended occupants are not unduly harmed as a result of the uses.



Site layout (red outline)

The site plan shows that the proposals are positioned within the urban setting of South Molton, bounded to the north by the rear garden areas of properties along Gunswell Lane (Applebee, Berrybee, Sunnyholme), and to the south by rear gardens of properties along West Street (Numbers 23-29 West Street).

The outline site plan shows that the development site extends to the southern boundary but, the extent of development is proposed to finish within the site leaving an area of open space between the rear of West Street and the site.

Objections have been received in respect of the effect on the privacy amenities of occupiers of Numbers 23-29 West Street and on the occupiers of Sunnyholme, Berrybee and Applebee along Gunswell Lane.

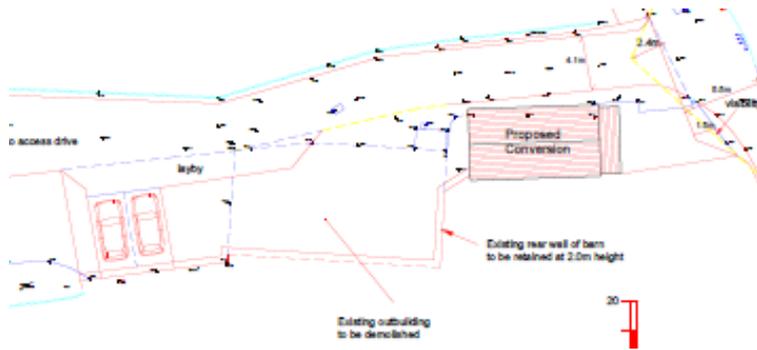
29 West Street:

Occupiers of Number 29 West Street have objected on the grounds that the removal of the workshop/office building will materially impact on the amenities of the garden of 29, which adjoins the site.



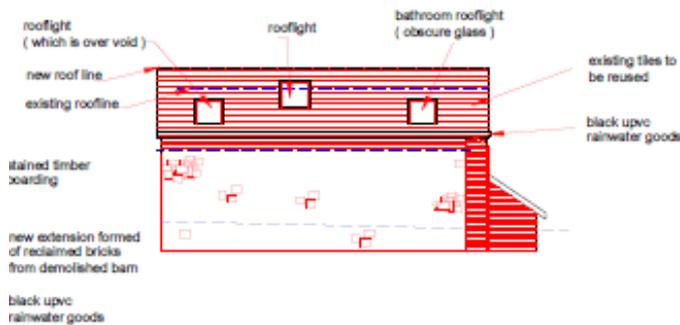
Photo from Objectors garden at Number 29

The above photo shows the building to be removed, and the side wall of the building proposed to be retained to a height of 2 metres, abutting the boundary with Number 29. The occupiers of Number 29 are concerned that the removal of the building would impact on the boundary to the site, that the works would create undue noise and disturbance during construction phase, and that the construction of a dwelling on the boundary line would adverse impact on the privacy of Number 29.



Plan of 2m high wall to be retained

The proposal would mitigate the impacts on amenity to Number 29 from the proposed amenity and car parking area for The Hayloft by retaining a 2 metre high section of the original wall of the demolished building providing an effective boundary treatment. The inclusion of the wall would prevent significant loss of privacy to the garden of Number 29, and to the amenity area of The Hayloft, and would restrict noise and light spill from vehicles using the site. At reserved matters stage details would be required as to the construction/retention and materials to be used in the construction of the wall, and the LPA would expect to see natural stone to match.



south elevation

Amended South elevation of The Hayloft

The amended outline southern elevation plan shows that the first floor of The Hayloft would have 3 roof lights facing back towards Number 29. The roof lights serve a void, an en-suit and bedroom. The amended plan shows the bedroom roof light to be positioned above head height and the bathroom roof light to be obscure glazed. The void roof light would not result in ability to overlook. A condition is included to ensure these windows are obscure glazed and with a restricted opening to prevent significant loss of privacy both to neighbours and to the occupiers of the dwelling.

To restrict undue impact at construction phase, Environmental Health recommend conditions to provide a Construction Environmental Management Plan (CEMP), and a restrictive Construction Hours condition limiting construction times to outside of anti-social hours. Details of the CEMP would be required at RM phase.

These measures would effectively mitigate harm to the amenities of Number 29 accordant with DM01 and DM04.

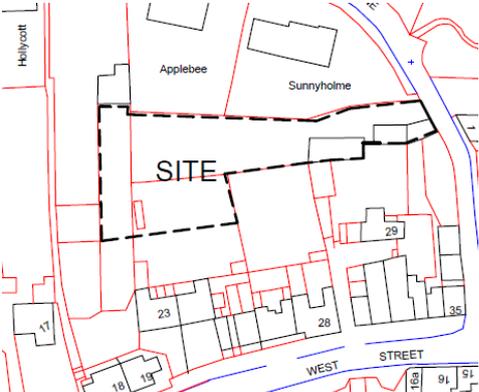
Properties 23 -26 West Street:

Numbers 23 to 27 bound the southern boundary of the site, with first floor windows facing towards the south of the 2 new dwellings to the west of the site.



Photos of rear of 23-27 West Street

Most properties to the south have either high close board timber fencing or vegetation along the boundary with the site preventing impact to ground floor elevations. First floor windows enable views into the site from the rear of properties. Of note is a first floor window to the rear of 24 West Street and First floor windows to the rear of Number 26 West Street which enable views over boundary fencing as illustrated above.



Site plan showing separation from neighbours along West Street.

To prevent direct impact from the development it is proposed to leave a separation distance of approximate 10 metres from the southern boundary of the new dwellings and the rear of properties along West Street. The proposal shows boundary mitigation in the form of a, 1.8m high close board fence which, although an effective boundary treatment, does not provide an attractive outlook from the rear of West Street. At reserved matters stage, additional planting and screening can be included along this southern elevation, as part of the comprehensive development of the site, to soften the appearance of the southern dwelling from the rear of New Street, to restrict the ability to look into the site and vice versa back towards the rear of West Street. This would increase biodiversity within the site. It would be appropriate to include a condition at reserved matters stage removing the ability to include windows in the southern elevation of the proposed dwelling.

With the introduction of these measures the impact on amenity would not be so significant to warrant refusal of this scheme in accordance with DM01 and DM04.

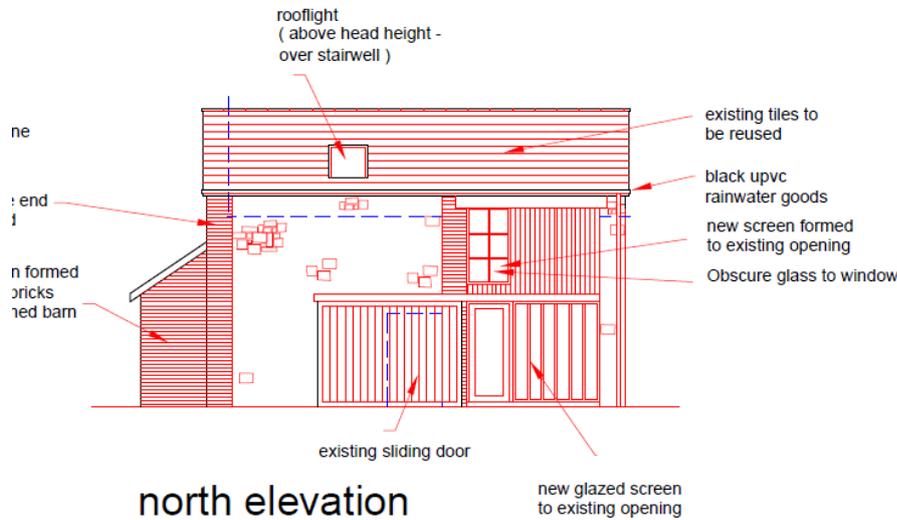
Sunnyholme:

Sunnyholme is located to the north east of the site adjacent to The Hayloft. Objections from Sunnyholme centre on highway impacts and ecological impacts but also raise amenity concern in respect of loss of privacy.



The site photos above show views of the site southwards from the garden of Sunnyholme, from which it is possible to see the building to be demolished, with the obscure glazed first floor windows facing directly back towards the garden, and The Hayloft building shown adjacent to the elevated garden, and from first floor windows in the north elevation of Sunnyholme.

The impact on amenity was considered from the proposed second floor element of the conversion of The Hayloft, to prevent loss of privacy from the first floor window and roof light.

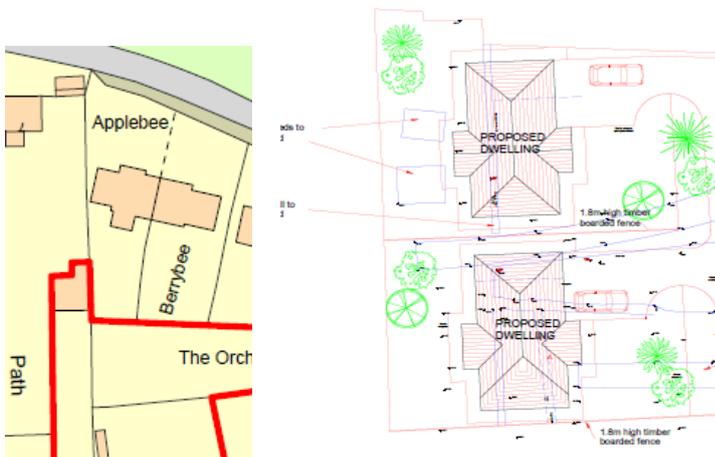


As shown above, to mitigate privacy, the window opening in the north would be obscure glazed, effectively preventing direct loss of privacy. The roof light would be positioned above head height above a stairwell and would not result in direct loss of privacy.

The obscure glazing mitigation proposed would be effective to prevent significant or direct loss of privacy or daylight and, the proposed increase in roof height is moderate and would not reduce daylight to the garden of Sunnyholme. The removal of the larger building directly opposite has attracted positive comment from the owners, as this would provide an increase of daylight to the amenity area of Sunnyholme.

The impact of the development on Sunnyholme have been demonstrated to be effectively mitigated such that there is no significant loss of amenity or adverse impact on the enjoyment of property, accordant with DM01 and DM04.

Applebee and Berrybee:



Site plan and 2 new dwellings to the west



View from Applebee/Berrybee towards the northern part of the site



Rear Applebee/Berrybee

Applebee and Berrybee are located at the north west of the development site facing towards the north side of the new dwellings. The photo above shows the boundary of the site from the gardens of these properties. Both dwellings have first floor windows looking towards the site.

The view shows that the boundary treatment to the north of the site comprises substantial planting, restricting direct views of the development site from the ground floor and gardens. Applebee and Berrybee are located approximately 20 metres from the new properties, providing a good separation distance, and allowing daylight to the rear of the neighbours. At reserved matters stage, the LPA would expect to see suitable landscaping to the northern boundary of the site, to bolster existing boundary planting, and a condition could be included, preventing inclusion of windows in the north elevation, or ensuring that windows are suitably obscured and restricted opening. This would comprise effective amenity mitigation to Applebee and Berrybee accordant with DM01 and DM04.

Environmental Health:

Environmental Health have raised no objections in respect of Environmental Health Matters or wider public amenity. Conditions are recommended as follows:

- Provision of a Contaminated Land Phase 1 Condition to assess the site for contamination prior to commencement of works.
- Contaminated Land Reactive Condition to assess for any contamination during the construction phase.
- Provision of a Construction Management plan (CEMP) which is included as a Condition.
- Construction hour's condition to restrict construction times outside of anti-social hours.

There are no wider public health impacts from the proposal. Environmental Health matters can be conditioned accordingly and are included on the recommendation for approval of this outline permission, and would require addressing to address future construction and environmental management of the site in accordance with DM03. It is likely that suitable details can be provided at reserved matters stage.

The Hayloft development provides sufficient internal space to accord with National Space Standards for one bedroomed dwellings which would require 58m² for a 1 bed 2 person dwelling. The scheme delivers 58m² GIA of usable space.

Each site is provided with suitable amenity, access and parking areas for the 1 bed dwelling and 3 bed family dwellings, and all properties are well separated from each other and could provide suitable boundary treatments to prevent loss of privacy.

On balance, at this outline stage, the proposal has demonstrated that mitigation could be provided to prevent significant amenity impact. To accord with DM01 and DM04, careful consideration must be given at reserved matters stage to levels, orientation of the dwellings, and position of windows and provision of boundary treatment to result in no direct adverse effect on the amenities of neighbouring property. The LPA is satisfied that the scheme can achieve adequate mitigation for the effects of amenity through effective design which would require further analysis. In principle, the obtuse angle of the proposed dwellings, the retention of boundary treatments and provision of boundary screening, effective conditioning of the buildings, and separation distances between neighbouring properties would mean that although the new dwellings would be apparent, the degree of impact to privacy would not be unacceptable or significant to warrant refusal of the scheme in terms of DM01 a) or b) or DM04 i) or paragraph 130 of the NPPF.

Highways

Matters of Highways are reserved matters. Given the history of the site, and the narrow nature of Gunswell Lane, there is need to show that in principle, safe and suitable access can be provided for the users of the site, and to demonstrate that the site can deliver improvements for all users of Gunswell Lane. Local residents and Councillors have raised concern to the safety of the proposed access into Gunswell Lane, comprising one of the reasons for the call in to Planning Committee. Since the appeal for 29420 was dismissed, and since the withdrawal of 63500 in 2017, there have been material changes to the NPPF (2020), whereby the NPPF clarifies the level of impact

that must be generated before a development can be refused on highway grounds at paragraphs 110 and 111 of the NPPF. Access must be able to be made ‘safe and suitable for all users’, and ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road would be severe.’



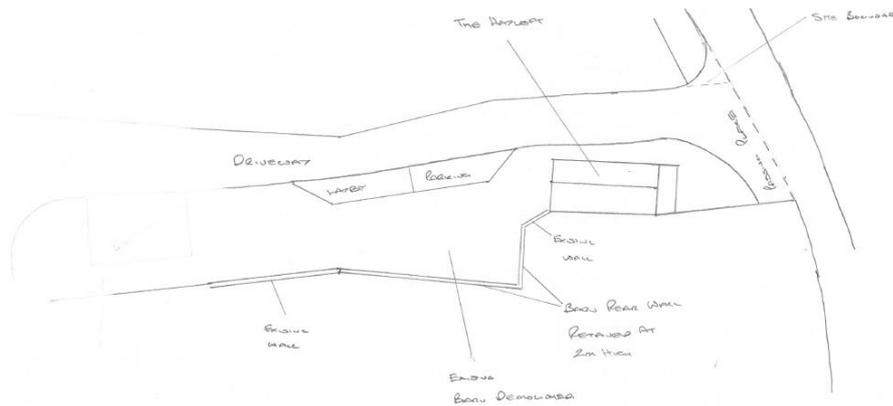
Wall to the south not in applicant’s ownership



Views to the north and south into Gunswell Lane from the access

As can be seen above, Gunswell Lane is a single carriageway road with relatively limited visibility. There is a lay by to the south that is regularly used for parking. Opposite the site is a residential access to Numbers 1 and 5 Gunswell Lane. Parking on the road is controlled by double yellow lines. Gunswell Lane is a 30 mph road and is not a ‘through road’. The road provides vehicle access for a number of residential properties and pedestrian access for the nearby Primary school. It is acknowledged that the road is used for pick up/drop off, albeit discouraged by the school.

This application is accompanied by a Traffic Assessment (TA) document entitled ‘Gunswell Lane Preliminary Assessment’ (document reference 4338) and a basic highways layout as set out below.



Original submission layout plan

DCC Highways originally questioned the validity of the TA based on consideration that the current use of the site for offices was not authorised. The TA data was based on the current use of the larger building on site for commercial activity comprising a clerical/office based company and a heritage conservation company (B1 office - now Class E) as well as the use of the area to the west as a builders storage yard (B8 storage).

The TA sets out that traffic movements from the current office use of the site comprise approximately 4.8 vehicles, which park to the west of the commercial building, and dropping off/picking up of items for the Conservation Company. The remainder of the site has authorised use for storage and could continue to operate as such.

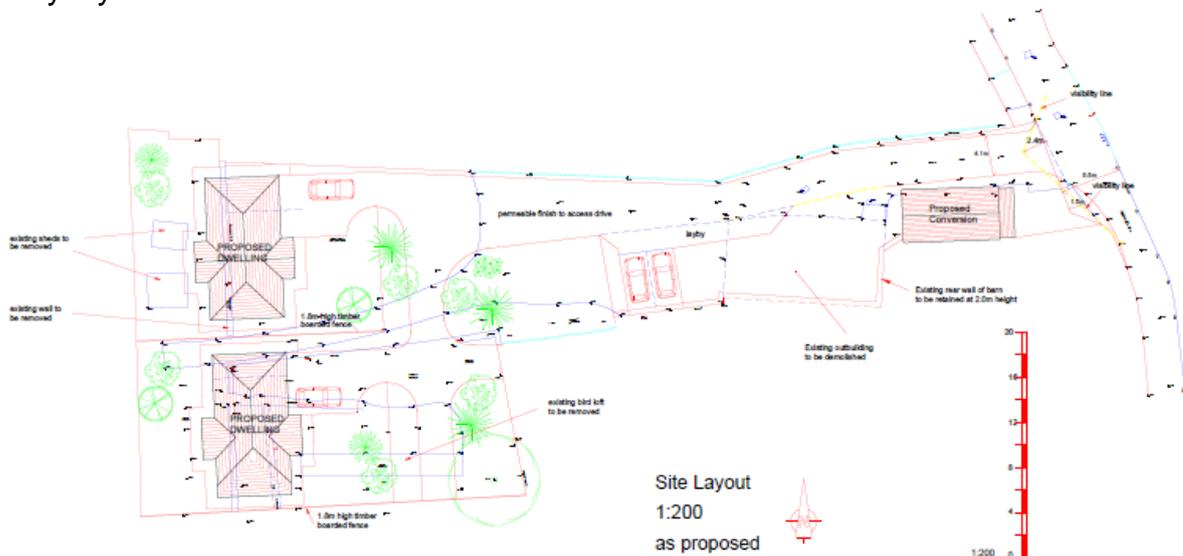
Based on the assumption that the current uses were not authorised, and on the original plans and data in the TA, DCC Highways recommended refusal of the proposal. The highways concerns centred on:

- Is the extent use for office purposes lawful? And if so would this existing use be limited by the poor access to the site? This objection centred on the validity of the Traffic Assessment submitted with the application and if the current B8/office uses could be used as a fall back to comparisons with the proposed uses.
- It is not clear that larger vehicles using the site for B8 purposes could access the site
- The Traffic assessment indicates an 85th percentile vehicle speed of 15mph at the access point which is accepted due to the narrow nature of the road. The required visibility is 17m in both directions from 2.4m behind the carriageway edge. The visibility as first submitted showed 4 m in each direction which was substandard.
- Gunswell Lane is used as access for pedestrians to the Primary School located approx. 118m to the west, and to residential properties along Gunswell Lane. The lack of pedestrian visibility at the site entrance, narrow road and lack of footway along Gunswell Lane results in potential conflict and harm to parents and guardians using the access to the school.

DCC Highways were not convinced that the proposal demonstrated safe and suitable access, contrary to NDTLP policy DM05 (1 and 2) and Paragraphs 110 and 111 of the NPPF. This was a strong highways refusal, and given the highway objections and objections, the LPA requested details demonstrating how improved access

arrangements can be incorporated into the scheme, and to provide clarity on the current use of the site for office uses.

Following this an amended proposal shown on plan 0121/2B shows the following highway layout:



Proposed highway layout

The amended site layout shows the removal of the dilapidated section of building to the east on the front of the site, to create an improved visibility splay at the head of the site into Gunswell Lane of 4.5m to the north and 13 m to the south. Within the site there are 2 opportunities for vehicle passing including a dedicated passing place and layby areas, enabling passing of vehicles, or manoeuvring of a larger vehicle or emergency service vehicle. Further to the west, a turning head is provided to the front of the 2 new dwellings and parking for 2 vehicles per dwelling, which would enable manoeuvring to egress in a forward gear. At the access into Gunswell Lane a new layby is provided, enabling traffic to pull in to make way for traffic emerging from the site. The Layby could also be used by other users of Gunswell Lane to allow improved passing.

Current use of the site:

In respect of the current use of the site for office/clerical purposes, these uses could continue under Class E of the current use classes Order. The Builders storage can also continue under the current authorised use.

To clarify, the site is authorised through application 31132, for a mixed workshop use of the larger barn, and storage of builder's materials in the yard/area to the west. As set out at paragraph 3.1 of the applicants D&A, more recently the building has been used for office functions. Although a formal application has not been submitted for change of use to offices, the use must be considered afresh in terms of the recent changes to the Use Classes order in September 2020. The change introduced the new Class E (Commercial, Business and Service uses), whereby, the consented workshop and store would fall under the Class E use. Under Class E the use of the building for offices would comprise a more 'flexible' use of the site which could now continue to occur under Class

E (Commercial, Business and Service Uses) part 9 (g) (i) as offices to carry out any operational or administrative functions. Therefore, the builder's yard could continue to operate, and, whilst it may be preferable to secure the office use through a formal Certificate of Lawful Use application, under Class E, the current flexible alternative use of the building for offices, could continue to occur as permitted development as Class E use.

In light of the amended scheme, DCC highways have stated in their latest consultation of 22nd February 2021 that '*it remains a matter for the Local Planning Authority to consider the fall back position of the uses of this site and whether they are lawful or not. If the uses that the applicant/agent claims are allowed are lawful, then with the now proposed layby at the site entrance, I (DCC Highways) have no objection to the proposal*'.

Having established that the information submitted with the application relates to a use which may be continued at the site, this enables the delivery of housing and associated vehicle movements to be considered in light of the fall back to the continued use of the site for builders workshop and office function.

In light of the DCC response, the LPA are of the opinion that the traffic data from Trace Design is sound in assessing this case, and can be applied to compare the existing traffic movements from the mixed use to the proposed 3 residential dwellings. There is no evidence to suggest otherwise.

Traffic Assessment:

The submitted TA contains data in respect of Existing Transport conditions, a comparison of the impacts from the current use vs the proposed use and the suitability of the access to serve the proposed development.

In summary, at part 2, existing traffic conditions are assessed in terms of the use of the site for Office/clerical and builders yard functions. This part of the report refers to traffic accident data for current uses (personal Injury Collision) data for a 5 year period which shows that during the 5 year period there have been no recorded incidents on Gunswell Lane in the vicinity of the access point or on to West Street. Data in respect of carriage way widths shows that it is possible to allow 2 cars to pass in places but, that the wider road is a single track. Existing visibility splays are substandard at 4 metres to the north and 12.3 m to the south, and obstructed to the north by a high wall, which does not fall within the applicant's ownership or control (owned by Sunnyholme). Visibility is currently obstructed to the north by the dilapidated building which would be removed. The results of the traffic survey show a peak use of Gunswell Lane of 9 vehicle movements over an hour long period between 8.00 – 9.00 peak time, including drop off to school and larger vehicle movements and, pedestrian footfall was predictably heavy at school drop off (and at pick up) time.

A vehicle speed survey was carried out (See Appendix B of TA) which shows recorded 85th percentile vehicle speeds of 15.4mph for vehicles travelling north and 14.9mph for vehicles travelling south. The TA refers to 'DCC Highways Deign Guide' and 'Manual for Streets' in forming a development impact comparison and, to assess the what likely effect of vehicle frequency generated from the proposed development would have on

the road network. Vehicle Trip Generation Data in Table 3 of the TA shows the current movements per day for the existing uses of the site (Table 4).

Unit	Period	Unit Size (M ²)	Trip Rates (per Unit)			Vehicle Trips		
			Arrivals	Departures	Total	Arrivals	Departures	Total
Office	AM Peak	115	1.195	0.163	1.358	1.4	0.2	2
	PM Peak		0.075	0.740	0.815	0.1	0.9	1
	Daily		4.772	4.699	9.471	5.5	5.4	11
Workshop	AM Peak	115	0.321	0.105	0.426	0.4	0.1	0
	PM Peak		0.010	0.181	0.191	0.0	0.2	0
	Daily		1.828	1.914	3.742	2.1	2.2	4
Storage	AM Peak	900	0.119	0.045	0.164	1.1	0.4	1
	PM Peak		0.017	0.095	0.112	0.2	0.9	1
	Daily		1.063	1.076	2.139	9.6	9.7	19
Totals AM Peak			-->			3	1	4
Totals PM Peak			-->			0	2	2
Totals Daily			-->			17	17	34

Table 4. TRICS Trip Generation

As seen in table 4, the trips from the existing uses of the site are roughly similar for morning and afternoon and amount to around 34 movements per day.

By applying estimated Peak trip rates (Table 6) the TA provides an estimated proposed trips per day from 3 dwellings of 21 movements per day:

Number of Dwellings	Period	ARR	DEP	TOT
1	AM	0.2	0.3	0.5
	PM	0.3	0.3	0.5
	Daily	2.5	2.8	5.3
2	AM	0.4	0.6	1.0
	PM	0.5	0.5	1.0
	Daily	4.9	5.6	10.6
3	AM	0.6	1.0	1.5
	PM	0.8	0.8	1.5
	Daily	7.4	8.4	15.9
3 + additional parking space	AM	0.8	1.3	2.1
	PM	1.0	1.0	2.1
	Daily	9.9	11.2	21.1

Table 7. Vehicle Trip Generation

This is less vehicles movements than the combined current use of the site. The TA estimates that at peak times (commuting/school run) the development would produce 2.1 traffic movements during these times, or a vehicle movement every 30 minutes, which the TA assesses is not a high number.

Finally table 8 shows a comparison (based on traffic counts) between the existing uses vs the proposed 3 dwellings and shows a reduction in traffic movements of approx. - 12.9 movements and table 9 shows a reduction based on TRICs data of a reduction of - 13.9 movements:

Period	Existing Trips	Proposed Trips							
	TOT	Total Trips 1 Dwell	Change	Total Trips 2 Dwell	Change	Total Trips 3 Dwell	Change	Total Trips 3+ parking	Change
AM peak (08:00-09:00)	9	0.5	-8.5	1.0	-8.0	1.5	-7.5	2.1	-6.9
PM peak (17:00-18:00)	9	0.5	-8.5	1.0	-8.0	1.5	-7.5	2.1	-6.9
Daily	34	5.3	-28.7	10.6	-23.4	15.9	-18.1	21.1	-12.9

Table 8. Comparison of Trips (Based on Traffic Counts)

Period	Existing Trips	Proposed Trips							
	TOT	Total Trips 1 Dwell	Change	Total Trips 2 Dwell	Change	Total Trips 3 Dwell	Change	Total Trips 3+ parking	Change
AM peak (08:00-09:00)	4	0.5	-3.0	1.0	-2.5	1.5	-2.0	2.1	-1.5
PM peak (17:00-18:00)	2	0.5	-1.7	1.0	-1.1	1.5	-0.6	2.1	-0.1
Daily	34	5.3	-29.2	10.6	-23.9	15.9	-18.6	21.1	-13.3

Table 9. Comparison of Trips (Based on TRICS)

It is clear that the development of the site for residential would result in 'negligible impact' on the local highway network, and the data shows that the scheme would significantly reduce traffic numbers overall from the current uses.

In terms of the acceptability of the carriageway to accommodate the traffic to be generated the TA states that the carriage way is of width to enable passing of vehicles through existing informal refuge areas. Whilst it is acknowledged that some of the passing areas comprise private property, this existing situation would be improved by the inclusion of the new lay-by to the front of the site providing a wider passing place or at worst an area of refuge for vehicles using Gunswell Lane, or an area for pedestrians to utilise if traffic were emerging/egress from the site and Gunswell Lane. This comprises an opportunity to improve the current situation.

Highway conclusions:

What the amended scheme shows is that in principle, whilst the visibility cannot be made to standard, the removal of the dilapidated building at the frontage, enables the provision of a wider access into the site, and provides a new passing place for all users of Gunswell Lane to utilise. The TA demonstrates that when comparing the current use of the site to the proposed use, Gunswell Lane has capacity to accommodate the residential traffic generated from the proposed development, and that this would improve the current situation. If this scheme were refused, the current uses can continue under Class E and B8 and therefore, the higher rate of traffic use, and potential larger vehicles would continue to occur. The lower rate of residential traffic would be beneficial for all road users and there would be an overall reduction in usage from the site. In line with DCC Highways comments, on this basis there are no objections to the submitted TA.

Within the site, the layout enables safe passing and manoeuvring into Gunswell Lane in a forward gear. Suitable parking and turning can be provided for each dwelling within the site, and larger vehicles, including emergency service vehicles would be able to access the site and use the turning head provided. In their observations, DCC highways remain concerned that pedestrian safety may be compromised. However, the existing uses can continue to occur with potential impacts on pedestrian safety from larger vehicles and increased traffic movements. The TA shows that the situation would be improved with a reduction in traffic movements, and that the provision of the new passing place can provide refuge for all users of the highway which is limited by the size of the access at present. This would be beneficial at peak times of day, and especially on school pickup time when pedestrians could use the passing place as there is no footway. On balance, the removal of the dilapidated building enables the creation of improved visibility over the current situation, and an overall reduction in traffic, and although the access remains sub-standard, given the constraints of the site the access arrangement would be safer than the current situation, which can continue in any event.

The economic and social benefits from delivering the housing within the South Molton development Boundary, and the improvements to the highway to be derived from the scheme weigh heavily in the balance for the approval of this scheme. Given the improvements to the site access, the creation of the lay by and the benefits this would bring to users of Gunswell Lane, and taking account of the reduced frequency and change in nature of traffic using the site, and considering the slow speed of this non-through road, on balance, the likely cumulative impact on the road network is not so severe as to warrant refusal of this case in accordance with DM05 and NPPF 110 and 111.

DCC Highways have not raised formal objection in their recommendation of 22nd February 2021 and have recommended a condition that prior to the occupation of any approved unit on the site, the proposed layby at the site access shall have been constructed and made available for public use. This condition is reiterated through the recommendation to Committee.

Ecology

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).

Paragraph 180 of the NPPF and policy DM08 of the NDTLP states that adverse impact on protected species should be avoided where possible and sufficient mitigation used.

The site involves removal and conversion of buildings and the development of an area of land which has remained dormant for some time. Therefore the proposal is accompanied by a Bat emergence Survey from Quantock Ecology carried out 22/7/20, and following comments from the Sustainability Officer of 17th August 2020, a further Ecological Survey report from 'Blackdown Environmental' in July 2019 (ref No 05.064.10.01) comprising a Phase 1 habitat survey and Ecological building Survey.

The executive survey of the report details that:

- There are no designated sites that could be affected by the works
- The 6 buildings within the site were assessed as having low to negligible potential to support roosting bats. There are 26 records of bats within a 1km radius of the site but the closest record to the site is 300m to the west. Some of the on-site vegetation and trees has potential to be used by foraging bats
- There are 13 records of birds within a 1km radius of the site and House sparrows were recorded nesting within two of the buildings on site and could provide future nesting sites.
- The removal of mature apple trees from the site could remove habitat for nesting birds.
- Amenity grassland has relatively low value for wildlife and could
- Habitats are present for hedgehogs and reptilian and amphibian habitat to the southern end of the site. No evidence of Badgers. No evidence of dormice within the site, 2 records within 1km of the site.

Mitigation and biodiversity enhancement contained in Appendix 5 of the report:

- The site has opportunities to offer enhancement for bat species by introducing bat tubes and landscaping to include planting, flowering and fruiting native species.
- Retained trees to be protected during construction by Heras fencing (or similar) Arboriculture report to be submitted at RM stage.
- Emergence surveys to be carried out between May/August, the results of which will inform whether the applicants require a licence from natural England to allow lawful demolition to take place.
- External lighting to be minimum and angled downwards and of low wattage.
- Works to vegetation potentially affecting birds to be carried out during mid-September-end February to avoid nesting season.
- Terraced nest boxes to be installed within new properties, one box per dwelling (Schwegler 1SP)
- Habitat piles to be checked for Hedgehogs. Gaps in boundary fencing to allow access for hedgehogs.
- Maintenance of amenity grassland to avoid adverse effect to slow worms or amphibians/reptiles.
- Bat tubes (Schwegler 1FR) installed in each building on site.
- Inclusion of tree/shrub species of value to biodiversity in landscaping proposals. LPA recommend LEMP at RM stage through planning condition. .

On the basis of the amended report the Sustainability Officer has commented that:

'The Ecological Survey Report (2019) (ES) clearly documents that the assessment of the wider site and that the loss of the sheds/pigeon loft are inconsequential. The ES also states that:

- *landscaping proposals include vegetation of benefit to invertebrate species, therefore providing suitable bat foraging habitat.*

- terrace nest boxes suitable for use by house sparrow should be installed within new properties to compensate for the loss of nesting opportunities arising from the demolition of the buildings within the site.
- access gaps suitable for use by hedgehogs will be created to allow hedgehogs continued access across the site to and from neighbouring gardens
- an 'arboricultural survey should advise on appropriate root protection zones (and protection measures during construction) for trees'
- site proposals provide opportunities to enhance the site for bat species by installing bat tubes within new properties.
- landscaping proposals should also include planting flowering and fruiting native species of benefit to a variety of wildlife including bats, birds and pollinating insects.

The Bat Emergence Survey (BES) concludes that 'no impacts are anticipated from the conversion/demolition of the buildings' and therefore no further details are required in relation to bat activity associated with B1, B2 or B3.

I would suggest that all issues have therefore been resolved, aside from seeking an indicative parameters plan informed by an arboriculture survey which demonstrates that the current layout has capacity to deliver the ES recommendations above, retain existing trees and boundary habitats and deliver a net gain for biodiversity.'

Appropriate conditions to secure an Arboriculture Report and detailed landscaping scheme, and appropriate recommended ecological mitigation, have been included on the recommendation for approval which will secure the required details at reserved matters stage, accordant with ST14 and DM08.

Flood Risk and Drainage

The site is located within Flood Zone 1 where the principle of residential development is acceptable subject to the site delivering effective water management including Sustainable Drainage Systems to accord with ST03 and DM04.

In this case the scheme is proposed to connect to the mains system and South West Water have commented as follows:

*'Having reviewed the current information as to proposed surface water disposal for this development, please note that discharge to the public combined sewerage network is **not** an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.*

The applicant should demonstrate that the prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,

3. *Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,*
4. *Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)'*

The scheme is at outline phase and matters of drainage can be secured through reserved matters phase. A suitable condition is included.

Planning Balance

In summary, the site is within the development boundary for South Molton and is a Brownfield site, where the principle of residential development is accepted. The site meets the tests of sustainable development, and the principle of 3 dwellings is acceptable subject to accordance with the Development Plan.

In line with Highways advice, the LPA is satisfied that the current uses carried out on the site could continue, with associated traffic movements, and that the TA is sound in demonstrating that the proposed residential use would, overall result in a net decrease in traffic movements from the site. The proposed new layby and passing place at the entrance, provide sufficient improvements to the access such that DCC Highways have no objection to the scheme on highways grounds, subject to a condition to ensure the inclusion of the access improvements. The site delivers adequate parking, turning and passing areas for the scale of the development to enable egress in a forward gear, and the additional traffic to be generated would not result in a severe cumulative impact on the local highway network. The site offers good links to local bus routes and to local footpaths. There are no overriding severe or unacceptable highways issues arising from the layout or the use of the site.

The amended outline design demonstrates reuse of part of the traditional element of the site, showing suitable massing, layout and indicative design form for the 2 new properties within the site. The site layout would respect the setting of the South Molton Conservation Area and, could demonstrate suitable massing, design form, materials, and landscaping, to produce an attractive development. The outline design for the barn conversion addresses all matters of amenity associated with this element of the scheme. The outline layout for the 2 new units shows that suitable boundary mitigation and separation distances could be provided, and that these properties could be designed to prevent significant amenity impact to neighbouring properties. Matters of design and amenity would be further assessed at reserved matters stage.

The site can deliver significant gains in terms of biodiversity which could be provided through a detailed landscaping plan considered at reserved matter stage. The proposal would deliver gains in terms of off-site public open space towards the overarching economic and social and environmental aims of the development plan. The Committee is therefore asked to consider the impacts on the local highway network and the impacts on amenity against the acceptable principles and wider benefits of delivering this application for 3 dwellings which accords with the development plan and the NPPF.

The application is recommended for approval subject to the imposition of the conditions attached to this report and subject to the agreement of Legal agreement to secure the Public Open Space.

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:- No

Conditions

1. (1) a) In the case of any reserved matter application for approval must be made not later than the expiration of two years beginning with the date on which this permission is granted ; and

b) The development to which the permission relates must be begun not later than whichever is the later of the following dates :

(I) the expiration of two years from the date on which this permission is granted; or

(II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

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

NDC002A Site Layout received on the 15/10/21
NDC003 Location Plan received on the 13/08/20
022B Hayloft Proposed Site Plan received on the 22/10/21
(‘the approved plans’).

Reason:

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

3. 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.

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 and contextual drawings of the site in relation to the wider area 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 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. Provision, implementation and maintenance of detailed landscape proposals

i) No development shall take place until full details of both hard and soft landscape works, including an indicative parameters plan informed by an Arboricultural survey to demonstrate that the layout has capacity to deliver the Ecology Statement recommendations have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details 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.

ii) Soft landscape works shall include detailed landscaping, species type and methodology and 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.

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.

7. Provision and implementation of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP)

No works or development shall take place until a scheme for the protection of the retained trees and hedges [BS5837: 2005 section 7 - Arboricultural method statements (AMS) and the tree protection plan (TPP)] has been agreed in writing with the by the Local Planning Authority and these works shall be carried out as approved LPA.

This scheme shall include [include those that are pertinent]:

(a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (RPA) in accordance with paragraph 5.2.2 of BS5837: 2005 of every retained tree and hedge on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees and hedges to be removed shall also be clearly indicated on this plan and marked with a dashed outline.

(b) a tree survey schedule in accordance with paragraph 4.2.6 of BS5837: 2005.

(c) a tree work schedule for all the retained trees and hedges in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.

(d) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

(e) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

(f) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

(g) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).

(h) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (paragraph. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

(i) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

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

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

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

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

(n) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (paragraph 9.2.3 of BS5837).

(o) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

(p) the timing of the various phases of the works or development in the context of the tree protection measures.

(q) no retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or hedge, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)]

(r) If any retained tree, or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason :

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

8. As part of the reserved matters application plans shall show the roof light and first floor window on the north elevation of The Hayloft to be obscure glazed and top opening only and the bathroom window on the south elevation of The Hayloft shall be obscure glazed and top-opening.

Reason:

To safeguard the privacy of neighbouring occupiers in accordance with Policy DM01 and DM04 of the North Devon and Torridge Local Plan.

9. As part of the reserved matters application the plans and details shall show, a bat and bird box shall be sited on either the south or west elevation of each of the buildings hereby approved and shall be retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan and paragraph 174 of the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) express planning permission shall be obtained for any development within class(es) AA, A-E of Part 1 and/or class(es) A and B of Part 2 of Schedule Two of the Order.

Reason :

To allow the Local Planning Authority to consider the impact of future development on the appearance and character of the development in the area and adjacent to the Conservation Area, neighbouring amenity, highway safety in accordance with the requirements of Policies DM04, DM01, DM05 and DM07 of the North Devon and Torridge Local Plan.

11. - Contaminated Land Phase 1 Condition

Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with the results of a phase one survey for potential ground contamination. The report shall be prepared by a suitably qualified competent person and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site. Thereafter, depending on the outcome of phase one, a proposal for any phase two (intrusive) survey that may be required shall be presented to and agreed with the planning authority.

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 any necessary 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 and, where relevant, verification reports and completion certificates shall be submitted for the written approval of the local planning authority.

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.

12. 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 and to protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway in accordance with Policies DM01, DM02 and DM05 of the North Devon and Torridge Local Plan.

13. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

14. 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 in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

15. As part of the reserved matters application details showing the parking provision to be provided for the development shall have been submitted to and approved in writing by the Local Planning Authority. The design shall show that two spaces for hard standing and casual car parking space(s) shall be provided for use by the development hereby permitted prior to its occupation and once provided shall not be used for any purpose other than the parking of vehicles. The design, layout and materials of construction and external appearance of this provision shall be included in the reserved matters application.

Reason :

To prevent the obstruction of the adjacent highway and maintaining the free flow of traffic to them in accordance with Policies DM05 and DM06 of the North Devon and Torridge Local Plan.

16. Prior to the occupation of any approved unit on the site the proposed layby at the site access shall have been constructed and made available for public use.

Reason:

In the interest of highway safety and to accord with policy DM05 of the North Devon and Torridge Local Plan and Paragraphs 110 and 111 of the NPPF.

17. Provision shall be made within the curtilage of each dwelling for the disposal of surface water so as to restrict its discharge onto the highway to the satisfaction of the Local Planning Authority.

Reason:

In the interests of public safety and to prevent damage to the highway in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

18. As part of the reserved matters Application a detailed drainage strategy shall be provided to illustrates that surface run-off will discharge as high up the South West Water hierarchy of drainage options as is reasonably practicable (with

evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface water body; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Reason:

To demonstrate that the development can deliver a suitable and safe water management drainage strategy for the site, including Sustainable Drainage Systems to show that there will be no adverse impact to the local highway network or to the amenities of Neighbouring occupiers, in accordance with policies ST03 and DM04 of the North Devon and Torridge Local Plan.

Informatives

1. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction including the completion of a Section 106 Agreement or Unilateral Undertaking to secure Public Open Space Contribution.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, and legal agreement which can be completed online via the planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the North Devon Council website, www.northdevon.gov.uk.

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

2. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
3. The applicant is advised that the foul drainage system installed may also be required to comply with Environment Agency requirements and Building Regulation requirements therefore they are advised to contact the relevant

organisations to ensure compliance.

4. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.
5. The building is of an age where materials containing asbestos may have been used in its construction or subsequent modification. The building should be surveyed for such materials prior to conversion by a suitably qualified person. Where found, materials containing asbestos should be removed and disposed of in accordance with current legislation and guidance.
6. As the proposed works are in close proximity to the boundary with a neighbouring property, this decision does not convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Guide to the Party Wall etc. Act 1996 booklet. Copies available from the Communities and Local Government website www.communities.gov.uk/publications/planningandbuilding/partywall.
7. For the purpose of interpreting the restrictions expressed in condition 10 of this consent, permitted development rights have been removed in respect of the following classes:
 - Part 1: Class AA – Enlargement of a dwelling house including construction of additional storeys
 - Part I: CLASS A The enlargement, improvement or other alteration of a dwelling-house
 - Part I: CLASS AA Enlargement of a dwellinghouse by construction of additional storeys
 - Part I: CLASS B The enlargement of a dwelling-house consisting of an addition or alteration to its roof
 - Part I: CLASS C Any other alteration to the roof of a dwelling-house
 - Part I: CLASS D The erection or construction of a porch outside any external door of a dwelling-house
 - Part I: CLASS E The provision within the curtilage of a dwelling-house of -
 - a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
 - b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas
 - Part II: CLASS A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

Part II: CLASS B The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule [other than by Class A of this Part]

Further detailed information can be obtained from the Local Planning Authority, including a guide to householder development, and the Planning Portal at www.planningportal.gov.uk

8. The applicants are advised that any connection to the public sewerage system will result in the South West Water Limited levying charges in accordance with the provisions of the Water Industry Act 1991. The applicants are advised that there should be no increase in the rate of discharge of surface water to the public foul sewer. The use of soakaways on the site must be referred to the Environment Agency who will comment on their suitability.
9. From the Flood Defence aspect the Environment Agency advise that surface water run-off from the proposal should be managed by the use of Sustainable Urban Drainage Systems [SUDS]. These systems mitigate the potential effects of urban development including increased quantity of run off, increased rate of run off and deterioration of water quality through pollution. Such systems would include infiltration trenches, swales, infiltration basins and porous paving. Ground conditions will need to be investigated to determine the most efficient methods or if alternative solutions will need to be investigated. In the first instance it is advised that the design of such a system is investigated in accordance with CIRIA C522 - Sustainable Urban Drainage Systems - design manual for England and Wales. An outline or preliminary design should then be submitted to the Environment Agency for comment.
10. **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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included amendments to the design and layout to provide amenity and highway mitigation and solutions.