

# **Application Report**

Planning, Housing and Health  
North Devon Council  
Lynton House, Commercial Road,  
Barnstaple, EX31 1DG



<b>Application No:</b>	64051
<b>Application Type:</b>	Full application
<b>Application Expiry:</b>	14 January 2022
<b>Ext Of Time Expiry:</b>	14 January 2022
<b>Publicity Expiry:</b>	3 November 2021
<b>Parish/Ward:</b>	BURRINGTON/CHULMLEIGH
<b>Location:</b>	Cross Park Farm Burrington Umberleigh EX37 9LA
<b>Proposal:</b>	Erection of 16 dwellings (amended application type, plans & details)
<b>Agent:</b>	Peregrine Mears RIBA
<b>Applicant:</b>	Mr James Woolridge
<b>Planning Case Officer:</b>	Ms J. Watkins
<b>Departure:</b>	Y
<b>EIA Development:</b>	N
<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Reason for Report to Committee:</b>	At request of Cllr Davies – insufficient detail submitted in respect of drainage & highways therefore unable to assess impacts

## **Site Description**

The site is located to the North East edge of the village of Burrington to the rear of properties off Twitchen Lane. The site is surrounded by residential development to the South and West. In vicinity is the listed building - Meadow Park House.

The land is currently undeveloped and used for agricultural purposes. The land is relatively flat with a small fall in gradient North to South

The site is accessed off Meadow Park Drive to the West with an agricultural access near Cross Park Farm to the East. A track runs through the site to give access to now redundant dairy and related buildings to the North West.

The existing site boundaries consist of well-established hedgerows.

## **Recommendation**

**APPROVED**

Legal Agreement Required: Yes

## **Planning History**

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
<b>56831</b>	Erection of dwelling & detached garage at La Maisonette, Twitchen Lane, Burrington, Umberleigh, Devon, EX37 9LA	Full Planning Approval	6 March 2014
<b>58485</b>	Erection of one dwelling with detached double garage (amended certificate) at garden of La Maisonette, Twitchen Lane, Burrington, Umberleigh, Devon, EX37 9LA	Full Planning Approval	29 April 2015

### **Constraints/Planning Policy**

#### **Constraint / Local Plan Policy**

Adjacent to a Listed Building

Area of Special Advert Control

Burrington Radar Safeguard Area

Class III Road

Flood Zone 1

Landscape Character is: 3A Upper Farmed & Wooded

Valley Slopes

Unclassified Road

Within Adopted Housing Allocation: BUR01 Land off

Meadow Park Drive

Within Adopted Unesco Biosphere Transition (ST14)

SSSI Impact Risk Consultation Area

#### **Distance (Metres)**

Within constraint

Within constraint

Within constraint

Within constraint

Within constraint

Within constraint

BUR - Burrington Spatial Strategy

BUR01 - Land off Meadow Park Drive

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

ST01 - Principles of Sustainable Development

ST04 - Improving the Quality of Development

ST07 - Spatial Development Strategy for Northern

Devon's Rural Area

ST10 - Transport Strategy

ST14 - Enhancing Environmental Assets

ST15 - Conserving Heritage Assets

## Consultees

Responses are mainly to the revised application of June 2021

<b>Name</b>	<b>Comment</b>
Arboricultural Officer	Views awaited
Burrington Parish Council  Reply Received 29 July 2021	<p>This application was discussed at a Parish council meeting, the comments put forward from the Parish Council were approving of the application subject to checks that the drain capacity being sufficient from all sources of waste water including storm water to ensure the area was never subject to flooding.</p> <p>The Parish Council would like assurance that the Environment Agency and the DCC Flood team approved a drainage scheme that alleviated the risk of any future problems regarding the dispersal of waste water.</p> <p>The other comment was that assurance was needed that the entrance was wide enough to cope with the extra volume of traffic that would be created from this development.</p>
Councillor K Davies  Reply Received 11 August 2021	Insufficient details in respect of drainage and highways. Therefore unable to assess impacts
DCC - Childrens Services  Reply Received 5 August 2021	<p>Regarding the proposed pre-application, Devon County Council has identified that the proposed 16 family type dwellings will generate an additional 4.00 primary pupil and 2.40 secondary pupils which would have a direct impact on Chulmleigh Primary School and Chulmleigh Community College.</p> <p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>The designated primary school for this site are forecast to have enough capacity for the number of pupils expected to be generated from this development and therefore a contribution towards primary education would not be sought. We have forecasted that the nearest secondary school has not got capacity for the number of pupils likely to be generated by the proposed development and therefore, Devon County Council will seek a contribution towards this additional education infrastructure to serve the address of the proposed development. The contribution sought for secondary would be 54,031 (based on the DfE extension rate of 22,513 per pupil). These contributions will relate directly to providing education facilities for those living in the development.</p>

Name	Comment
	<p>We will also require a contribution towards primary and secondary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary School and 2.25 miles from Chulmleigh Community College. The costs required are as follows:</p> <p>-</p> <p>4.00 Primary pupils  8.25 per day x 4.00 pupils x 190 academic days x 7 years = 43,890</p> <p>2.40 Secondary pupils  3.12 per day x 2.40 pupils x 190 academic days x 5 years = 7,113.60</p> <p>The contribution above has been calculated based on the DCC contract cost of transporting a pupil from the area of development to the named school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil will attend the school. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.</p> <p>All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 prices and any indexation applied to contributions requested should be applied from this date.</p> <p>The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.</p> <p>In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed 500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.</p>
DCC - Development Management Highways	The proposal is significantly larger than previously considered and will now generate significant amounts of movement if approved. It is however, not supported by a transport statement or assessment contrary to NPPF paragraph 111.

Name	Comment
Reply Received 16 July 2021	The submitted site plan states that access will be compliant with DCC requirements, but does not provide detail of the access width, surfacing, pedestrian facilities, service strips, street lighting or, most importantly, that the applicant is in control of land to join into the public highway – there is no detail on the plan of any improvement to the access from the highway into the site proper. This was previously shown as being widened to 5.5m, but appears to now have no improvement to the narrow trackway leading to the site.
DCC - Development Management Highways  Reply Received 13 September 2021	Considering the new plans I now have no objection to the proposal. However, I think the site plan should show the access arrangement.
DCC - Development Management Highways  Reply Received 27 September 2021	<p>Observations: The revised access layout and site plan is considered acceptable in terms of width, alignment and visibility. I have not checked land ownership that is a civil matter between relevant parties.</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>
DCC - Development Management Highways  Reply Received 13 December 2021	A very comprehensive report. I can confirm that I have no objection to the proposal, despite the traffic generation estimated at 9 vehicles in the peak hour, being significantly higher than the existing traffic using the access road to the site. The road network is acceptable in this location to accommodate this increase and the increase in pedestrian movements. I am satisfied that there would not be a severe cumulative residual impact and there would not be likely to be any significant adverse effects on pedestrians or cyclists.
DCC - Historic Environment Team  Reply Received 21 July 2021	<p>I refer to the above application and your recent re-consultation. The Historic Environment Team have no additional comments to make to those already made, namely:</p> <p>This site lies to the west of two possible prehistoric or Romano-British enclosures identified from aerial photography in 2010. Given the potential for the site to contain archaeological deposits associated with the known prehistoric activity in the vicinity. As such, groundworks for the construction of the proposed development have the potential to expose and destroy</p>

Name	Comment
	<p>archaeological and artefactual deposits associated with this prehistoric activity.</p> <p>The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.</p> <p>If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2021), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.</p> <p>I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.</p> <p>I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further</p>

Name	Comment
	<p>information on the historic environment and planning, and our charging schedule please refer the applicant to:  <a href="https://new.devon.gov.uk/historicenvironment/development-management/">https://new.devon.gov.uk/historicenvironment/development-management/</a>.</p>
<p>DCC - Lead Local Flood Authority</p>	<p>Views awaited</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 27 July 2021</p>	<p>Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>Observations:  The applicant has referred to soakaway tests. However, these test results cannot be found on the Local Planning Authorities website. The applicant should ensure that these results have been submitted. The results should include an exploratory hole location plan to depict the locations of the soakaway tests.  The applicant has proposed to discharge surface water into a ditch within the site. The applicant should submit photographs of this ditch. The applicant must also confirm the route of this ditch off-site.  The applicant should submit a cross-section of the basin and confirm the side slopes.  The applicant should confirm whether underdrained permeable paving could be used at this site.  The applicant has submitted model outputs, however, these outputs do not contain any results. Modelling results must be submitted.  Maintenance details are required. The applicant should confirm who shall be responsible for maintaining the surface water drainage system and should also confirm how the system shall be maintained.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 6 October 2021</p>	<p>I have reviewed the email response (dated 25th August, from Perry Mears) to my queries for the planning application at Croft Park Farm in Burrington. However, this email does not address my queries. The response suggests that some further information has been requested from JRC Consulting, have you received this information?</p> <p>The applicant has confirmed that a management company will maintain the surface water drainage system, however, a maintenance schedule is also required.</p> <p>An exploratory hole location plan is required.</p>

Name	Comment
	It would be useful to see photographs of the ditch
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 5 November 2021</p>	<p>I have reviewed the additional information submitted for this site. However, it doesn't look like the site entirely drains to the ditch. The applicant should reassess the surface water drainage proposals.</p>
<p>DCC Waste Management</p> <p>Reply Received 4 August 2021</p>	<p>Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p>It is noted that this application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.</p> <p>Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <a href="https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document">https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document</a></p>
<p>Designing Out Crime Officer</p> <p>Reply Received 21 July 2021</p>	<p>There are no Police objections to the proposal in principle, the general layout will provide both active frontages and good overlooking to the new internal streets. However, as there appears to be no mention within the Design &amp; Access Statement of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where they have been implemented.</p>

Name	Comment
	<p>As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority, the following information is to inform the applicant. Therefore, to assist from a designing out crime, fear of crime and disorder perspective please find the following information, advice and recommendations.</p> <p>ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouses or barns undergoing conversion into dwellings. It also applies to conservation areas.</p> <p>All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2016.</p> <p>As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.</p> <p>SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.</p> <p>Secured by Design (SBD) is a police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places to live and visit. The above should be considered in conjunction with the following attributes of Crime Prevention through Environmental Design (CPTED):-</p> <ul style="list-style-type: none"> <li>• Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security</li> <li>• Structure: Places that are structured so that different uses do not cause conflict</li> <li>• Surveillance: Places where all publicly accessible spaces are overlooked; have a purpose and are well managed to prevent creating areas which could attract criminal activity, the antisocial to gather or for unacceptable behaviour such as dumping, littering and dog fouling etc. to go unnoticed</li> <li>• Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community</li> <li>• Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019 and ADQ</li> </ul>

Name	Comment
	<ul style="list-style-type: none"> <li>• Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime, fear of crime and a sense of safety at all times.</li> <li>• Management and maintenance - Places that are designed with management and maintenance in mind to discourage crime, fear of crime and ASB</li> </ul> <p>The proposed plot boundary and separation treatments, including existing hedges and new Devon banks are noted.</p> <p>Any hedge must be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in and must be of a type which does not undergo radical seasonal change which would affect its security function. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge.</p> <p>The positioning of rear access gates is welcomed. Whilst gates to the rear gardens provide a barrier to the private space of the dwelling, their effectiveness can be enhanced by moving the gates forward (as close to the front elevation building line as is possible) to remove accessibility to sides of dwellings where surveillance opportunities are limited.</p> <p>Parking provision would appear acceptable and offer good surveillance for both on plot and the proposed court.</p> <p>Please do not hesitate to contact me if any clarification is sought or I can assist further.</p>
<p>Environment Agency</p> <p>Reply Received 18 October 2021</p>	<p>We object to the application on grounds that insufficient information has been submitted to demonstrate that the proposed private package treatment plant is justified in this location and, if so, is viable and will not be detrimental to the environment. We recommend that the application is not determined until a satisfactory Foul Drainage Assessment (with supporting justification, information &amp; data) has been submitted.</p> <p>The reasons for this position are provided below.</p> <p>Reasons – Foul drainage</p> <p>The information submitted with the application indicates that foul drainage will be disposed of to a non-mains foul drainage system. Government guidance within the National Planning Practice Guidance (paragraph 020 in the section on water supply, wastewater and water quality – Reference ID: 34-020- 20140306) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.</p>

Name	Comment
	<p>We note that the site is located close to mains drainage, so it is important that the applicant provides sufficient justification as to why their proposal cannot connect to the mains drainage.</p> <p>Paragraph 20 also states that ‘applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment’.</p> <p>Any planning application for a non-mains system should therefore be accompanied by a Foul Drainage Assessment (FDA) form including a justification for why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable in this location and will not be detrimental to the environment.</p> <p>Sufficient information would normally include the provision of the following:</p> <ul style="list-style-type: none"> <li>• Full details of the proposed flows (based on Flows and Loads 4);</li> <li>• A plan showing the location of the proposed treatment plant and appropriately sized soakaway field/discharge point; and</li> <li>• Percolation test results to demonstrate the viability of soakaways in this location.</li> </ul> <p>The FDA form is available online at <a href="https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1">https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1</a></p> <p>In the absence of this information we advise that the proposal is unacceptable because it does not provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.</p>
<p>Heritage &amp; Conservation Officer</p> <p>Reply Received 5 December 2017</p>	<p>This outline application proposes the erection of five houses on land at Cross Park Farm. The land is close to Meadow House, which is listed grade II, and its outbuildings. The setting of this former Vicarage is largely open and rural to the north, east and west. Modern houses have been built to the south, the design and layout of which do not appear to reflect or acknowledge the setting of the listed buildings.</p> <p>Paragraph 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs LPAs to have "special regard" to the desirability of preserving the setting of listed buildings. In my view, development of the whole area as proposed would not achieve this, as development of the northernmost two plots in particular would be likely to affect the setting of the listed building. If development were kept to the south of the existing trackway and related better to existing building in the settlement, the potential detrimental impact could be lessened.</p>

Name	Comment
<p>Heritage &amp; Conservation Officer</p> <p>Reply Received 11 July 2018</p>	<p>The extent of the proposal site has been reduced in line with my previous comments and I therefore consider that the potential for detrimental impact on the setting of the listed buildings has been reduced. The detailed design and materials of the new houses, and any landscaping scheme, should be produced bearing the need to preserve the setting of the listed building in mind.</p>
<p>Heritage &amp; Conservation Officer</p> <p>Reply Received 6 August 2021</p>	<p>This application has been with us for some time, and has undergone various alterations. My main concern has been the effect on the setting of the grade II listed Meadow House, to the west, which was listed in 1967, and the curtilage listed barn directly to the east of Meadow House. In previous comments I suggested that the development should be kept to the south of the access track over the field, in order that the settings of the listed buildings should be protected. IN the latest version of the scheme it seems that this is not been possible, for other reasons, and so my comments in the advisory stages of the current scheme have related to the design and massing of the proposed houses in the north-western corner of the site, which are plots 13 to 16. IN these cases, provided that the materials used are traditional, i.e. natural slates and timber windows and doors, I have no issue with these, and feel that the design is acceptable.</p> <p>I do, however, note from the survey drawings that in the north-eastern corner of the existing barn on the site of plots 13 to 16, there appears to be an historic barn. This appears, on the Tithe and 1st and 2nd edition OS maps, to be directly associated with Meadow House (then the Vicarage) as part of a reverse C shaped courtyard of farm buildings. I have previously assumed that the whole of the existing agricultural building is in the ownership of the farm to the east (Cross Park Farm). If this has been the case since 1967, which is the date when Meadow Park House was listed, then the historic element would not be curtilage listed. If, however, the ownership of the historic barn transferred to Cross Park Farm after 1967, then the historic barn is likely to be curtilage listed, in which case it should either be retained (preferably), or Listed Building Consent would need to be sought for its demolition. Some clarification on the ownership history is needed.</p>
<p>Heritage &amp; Conservation Officer</p> <p>Reply Received 13 December 2021</p>	<p>Thank you for providing this information. On this basis I confirm that the historic barn is not curtilage listed.</p>
<p>Housing Enabling Officer</p>	<p>The proposed site is within the Burrington development boundary and allocated in the Local Plan (Policy BUR01: Land off Meadow Park Drive; shown on Policies Map 37) for residential development</p>

Name	Comment
Reply Received 28 July 2021	<p>that includes approximately 10 dwellings, including affordable homes, the size and tenure of which will be reflective of local needs.</p> <p>As the proposed site is within the Burrington development boundary, 30% affordable housing provision would be required. For 16 proposed dwellings this equates to 4 affordable dwellings on-site and a financial off-site contribution equivalent to 0.8 of a dwelling.</p> <p>Council policy is that the affordable tenure mix would need to be at least 75% Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale).</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards – nationally described space standard", which can be accessed at <a href="https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard">https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard</a> (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document). The attached table shows the policy requirement for dwelling mix &amp; occupancy levels. Registered providers require housing to be built to National Space Standards; these are indicated in the table.</p> <p>The application form states that the 4 proposed affordable dwellings will be 2 x 2 bed and 2 x 3 bed units.</p> <p>In the case of 4 affordable dwellings the property size and tenure mix should be: - 1 x 1 bed Social Rent, 2 x 2 bed Social Rent and 1 x 3 bed Intermediate.</p> <p>In the case of 5 affordable dwellings, the fifth dwelling should be a 1 bed dwelling for Social Rent. The formula we use to establish an off-site financial contribution figure is (Open Market Value – Registered Provider price) x % of affordable housing required. The Council uses data from an Altair Report (which can be accessed at <a href="http://www.torridge.gov.uk/ndt1p">www.torridge.gov.uk/ndt1p</a>) for the Open Market Value.</p> <p>The Altair Data does not apply to off-site financial contributions with regard to 1 bedroom dwellings. The Altair Report recommends that for 1 bedroom dwellings off-site contributions valuations must be sought on a scheme by scheme basis (due to insufficient data for 1 bedroom properties in North Devon). The applicant would need to submit 3 estate agent open market valuations to the Council and the average would be taken. Once the Open Market Value has been determined the recommended Registered Provider offer of 35% would then deducted. The figure would then be multiplied by</p>

Name	Comment
	<p>the percentage of units (in this case 0.8 of a unit) required as a financial off-site contribution.</p> <p>The properties, for rent and sale, would need to be advertised to initially to those persons with a local connection to the parish of Burrington, then to the adjoining rural parishes in the administrative districts North Devon Council and Torrridge District Council, and then to the administrative district of North Devon Council.</p> <p>The affordable homes should be designed and of the same material and construction as the open market - including car parking.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 25 August 2021</p>	<p>I can confirm that Housing Enabling is prepared to accept the proposed 2 x 2 bed and 2 x 3 bed affordable dwellings. In accordance with Policy, both the 2 bed dwellings and one of the 3 bed dwellings to be Social Rent. The other 3 bed dwelling to be Intermediate (Shared Ownership with 80% maximum staircasing or Intermediate Rent at Local Housing Allowance).</p> <p>With regard to the off-site contribution, I wish to amend the paragraph in my response of 28 July 2021 as follows:</p> <p>In the case of 5 affordable dwellings, the fifth dwelling should be a 1 bed dwelling for Social Rent. The formula we use to establish an off-site financial contribution figure is (Open Market Value – Registered Provider price) x % of affordable housing required. The Council uses data from an Altair Report (which can be accessed at <a href="http://www.torrige.gov.uk/ndt1p">www.torrige.gov.uk/ndt1p</a>) for the Open Market Value. The Altair Data does not apply to off-site financial contributions with regard to 1 bedroom dwellings. The Altair Report recommends that for 1 bedroom dwellings off-site contributions valuations must be sought on a scheme by scheme basis (due to insufficient data for 1 bedroom properties in North Devon). The applicant would need to submit 3 estate agent open market valuations to the Council and the average would be taken. The off-site contribution figure would be the average Open Market Value less the value of the homes as affordable housing (social rent) at 35% of its Open Market Value. The figure would then be multiplied by the percentage of units (in this case 0.8 of a unit).</p>
<p>Housing Enabling Officer</p> <p>Reply Received 27 October 2021</p>	<p>I can confirm that Housing Enabling agrees to the proposal of 2 x 2 bedroom houses (both Social Rent) and 2 x 3 bedroom houses (1 Social Rent and 1 Intermediate; the Intermediate to be either Shared Ownership or Intermediate Rent) with no off-site financial contribution. The 3 bedroom Intermediate to be an end terrace.</p>

Name	Comment
<p>Natural England</p> <p>Reply Received 29 July 2021</p>	<p>Natural England has previously commented on this proposal and made comments to the authority in our letters dated 19 November 2017 and 05 July 2018.</p> <p>The advice provided in our previous response applies equally to this amendment, although we made no objection to the original proposal.</p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.</p>
<p>Open Space Officer</p> <p>Reply Received 27 July 2021</p>	<p>Please find attached the revised calculation for 64051 based on the amended application type, plans and details submitted. We will be seeking an off-site contribution of £79,646.20 if this application moves for approval.</p>
<p>Planning Policy Unit</p> <p>Reply Received 29 June 2018</p>	<p>Thank you for re-consulting the Planning Policy team regarding the above outline planning application. Firstly, this response should be read in conjunction with our previous policy response dated 04/12/18.</p> <p>In terms of National policy, Paragraph 49 of the NPPF makes it clear that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. Paragraph 47 seeks to 'boost significantly the supply of housing' with the emphasis on having a supply of viable deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Paragraph 47 continues, where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.</p> <p>As the policy response pointed out previously, the site which is subject to the amended site area is within the defined development boundary for Burrington in the adopted Local Plan and is also a housing allocation within the adopted and emerging Local Plans. Policy BUR1a allocates the site for approximately 20 dwellings whereas the slightly larger allocation BUR01 within the emerging Local Plan proposes the whole site for approximately 10 dwellings.</p>

Name	Comment
	<p>I should remind you that policies within the emerging Local Plan carry significant weight in accordance with paragraph 216 of the NPPF.</p> <p>The Parish Council clarified their vision and strategy for the village over the plan period. The local community wish to see it 'retain its viability and vibrancy, maintaining and developing the range of facilities and accommodating additional young people and families in the area to allow the continuation of the primary school and pre-school. To help achieve this vision, the local community accepts the need for a significant amount of additional family housing and housing for younger people' The spatial strategy and vision for Burrington is set out within Policy BUR of the emerging Local Plan. Therefore, I am concerned the current proposal is not contributing to delivering the strategy and vision for the village as set out within Policy BUR.</p> <p>I note the amended scheme is now only proposing 4 detached properties which is considerably lower (60%) than that proposed within the emerging Local Plan.</p> <p>I also note within the amended DAS a reference to correspondence from the LPA that the site should be seeking to accommodate approximately 7 dwellings in order to make a more efficient use of land, a response I would fully agree with in policy terms. Mr Harrington set out very clearly in his email of the 4/12/17 that 'I feel that a proposal for 5 dwellings is artificially low for this site. Having considered the indicative plan, it would appear to me that 7+ dwellings would now be achievable, by way of utilising a range of housing sizes as required by Para 50 of the National Planning Policy Framework and amending agricultural access arrangements, without any impact on the setting of the adjacent listed building. Currently I have concerns that the proposal will not accord with the allocation Policy due to the artificially low numbers of dwellings proposed and the lack of mix of housing types.</p> <p>However, I can find no reference to correspondence from the LPA that suggests the site should be reduced even further to a maximum of 4 dwellings as suggested by the Agent.</p> <p>From a policy perspective, I will re-iterate again that there is some real concern here that the site capacity and density is deliberately being made artificially low (by excluding the northern paddock) in order to fall below the trigger threshold for delivering affordable housing on site or contributing to their provision elsewhere within the village as well as other financial contributions for the benefit of the village. Policy ST18 (paragraph 7.28A) clearly states that 'where there is reason to believe that a proposal has been formulated with a view to circumventing affordable housing</p>

Name	Comment
	<p>requirements, the local planning authority reserves the right to renegotiate the affordable housing provision that should be delivered. In determining the potential dwelling capacity, the local planning authority may have regard to a range of matters including site layout, forms and/or mix of development and the housing density that might be appropriate, reflecting on the context of the site and having regard to the need to make efficient use of land. Where a proposal site is subject to phasing, is sub-divided or where there is a reasonable prospect of adjoining land coming forward for residential development, the local planning authority may consider the site(s) taken as a whole for the purpose of determining the appropriate affordable housing provisions’.</p> <p>I see no justification for excluding the northern part of this allocated housing land and if, as the agent has suggested there are viability concerns with delivering 7 dwellings including an off-site financial contribution equivalent to 2.1 dwellings then I would wish to ensure that this information is submitted as part of the application and independently scrutinised by Lionel Shelley before the application is determined. I again note the agent’s statement that ‘it is understood that if / when the northern part of the site is brought forward for development, any affordable housing will be assessed on the whole site at that time’. Whilst this is perfectly correct and I would agree that phase I (4 dwellings) would not prejudice later phases coming forward however, I am more sceptical and I would suggest there is no long term phasing strategy for the delivery of the allocation in its entirety and the current approach to housing delivery on this site would appear to be structured so as to avoid the delivery of affordable housing and other financial contributions for the betterment of local facilities in the village.</p>
<p>South West Water</p> <p>Reply Received 18 October 2021</p>	<p>With reference to the planning application at the above address, I would advise that South West Water has no objection.</p> <p>Clean Potable Water South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company’s existing network.</p> <p>Foul Sewerage Services South West Water is able to provide foul sewerage services from the existing public combined sewer network approximately 200 metres from the site boundary. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company’s existing network.</p>

Name	Comment
	<p>The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:</p> <p><a href="http://www.southwestwater.co.uk/developers">www.southwestwater.co.uk/developers</a></p> <p>Surface Water Services</p> <p>The applicant should demonstrate to your LPA that its 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"> <li>1. Discharge into the ground (infiltration); or where not reasonably practicable,</li> <li>2. Discharge to a surface waterbody; or where not reasonably practicable,</li> <li>3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</li> <li>4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</li> </ol> <p>Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.</p> <p>I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email:  <a href="mailto:DeveloperServicesPlanning@southwestwater.co.uk">DeveloperServicesPlanning@southwestwater.co.uk</a></p>
<p>Sustainability Officer</p> <p>Reply Received 26 October 2021</p>	<p>The Ecology Report, LEMP and Landscape Plans are appropriately detailed and demonstrate that no impact on protected species is anticipated as a result of demolition of the barn or loss of habitat.</p> <p>The minor loss of hedgerow with trees from the NW boundary is compensated through the provision of trees, hedgebank, shrubs and wildflower meadow. A biodiversity net gain in habitat and linear features is anticipated.</p> <p>The only issues I would potentially seek to resolve prior to determination are:</p> <ul style="list-style-type: none"> <li>• Minor amendment to LEMP p6.2 to state that the monitoring reports will be submitted to the LPA</li> <li>• Amended Proposed Site Plan illustrates a new hedge to provide a boundary between Plot 13-16 and the adjacent field. This feature is not illustrated on the submitted Landscape.</li> </ul>

Name	Comment
	<ul style="list-style-type: none"> <li>• Submitted Landscape Plan does not identify the retained trees to the west of Plot 12 and to the rear of Plot 8. These are identified as retained on the Site Plan.</li> <li>• Submitted Landscape Plan does not include all protected species habitat enhancements as set out in the LEMP; 8 building integrated bat boxes, 10 tree mounted bird boxes, 8 building integrated bird boxes, hedgehog highways in garden fences and building integrated bee units in each house.</li> <li>• Submitted Arboricultural Report shows that Plot 1 and 12 appear to be extensively over shadowed and may result in pressure to reduce height of retained trees.</li> </ul>

### **Neighbours**

Comments	No Objection	Object	Petition	No. Signatures
<u>2</u>	<u>0.00</u>	<u>7</u>	<u>0.00</u>	<u>0.00</u>

- Ownership of bank at site entrance
- Works to the access need to be detailed
- Transport statement needed
- Access should be from the opposite side
- Inadequate access with insufficient road width for traffic to enter and leave
- Inadequacy of layout to serve HGV's
- Village roads are inadequate
- Excessive traffic will create noise and disturbance
- Drainage issues – concerns about surface water discharge rates/local flooding/use of existing drains
- Foul drainage issues
- Loss/impact of a protected lime tree & loss of other trees
- No local need for 4/5 bed units
- Units will be unaffordable
- Impact on the setting of the listed building
- Village has limited infrastructure. The school/public house has closed, and the bus service is inadequate. The shop, albeit very well run, is staffed by volunteers
- Affects the setting of a listed building
- Impact on trees

### **Considerations**

#### **Planning History**

An outline application was originally submitted on the 2/11/17 for 5 detached dwellings retaining a paddock to the north of the allocation.

The application was then amended down to 4 dwellings along the southern edge of the site.

The Local Planning Authority expressed concerns that this number of units proposed was not an effective use of the site and would not deliver affordable housing and hence negotiations occurred to see if the whole allocation (BUR01) could be brought forward. Originally the site owner was actively using the building to the north west of the site for his dairy herd, this necessitating a route across the site which further compromised the layout. Following investment in new buildings the structure at the top end is now redundant.

Under Class Q the building could potentially be converted into 3 units and hence there was merit in considering how best to use this part of the site. The amended application now includes this land.

The application was then delayed due to the Covid pandemic. The scheme as now submitted was received on the 28<sup>th</sup> June 2021 and has been the subject of a full process of public consultation.

**Proposal Description**

This application seeks detailed planning permission for the erection of 16 dwellings, 4 of which are on the site of an agricultural building to the north west of the allocation (see below).

Diagram: Site Layout Plan



The site will be accessed from Meadow Park Drive and will result in an internal loop road which will surround a green core. The layout provides for both single and two storey development of the following mix:

- 2 x 2 bed
- 4 x 3 bed
- 6 x 4 bed
- 4 x 5 bed

The proposal includes 4 affordable housing units 2 x 2 bed (both social rent) and 2 x 3 bed (one social rent and one shared ownership).

### **Planning Considerations Summary**

- Principle of development
- Design and layout
- Amenity
- Heritage
- Ecology
- Landscape
- Flood Risk and Drainage
- Highways
- Heads of Terms

### **Planning Considerations**

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the Planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

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

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

Spatial Policy ST08 focusses new housing within the development boundaries of the sub regional and main centres to increase sustainable growth.

Burrington is a schedule B Village where development will be enabled in accordance with the local special strategy to meet local needs and growth aspirations. The Burrington Spatial Strategy seeks the provision of a minimum of 59 new dwellings to meet a range of housing needs in the local community. The supply of housing will be delivered through extant planning consents and three additional housing sites for approximately 50 dwellings. This is one of these three allocations.

This application relates to allocation BUR01 Land off Meadow Park Drive

- 1) Land off Meadow Park Drive, as shown on Policies Map 37, is proposed for residential development that includes approximately 10 dwellings, the size and tenure of which will be reflective of local needs.
- 2) The site should be developed in accordance with the following specific development principles:
  - (a) a design and layout that safeguards the historic setting of the nearby listed building at Meadow House;
  - (b) retention and enhancement of existing boundaries to minimise the impact of new development on existing dwellings; and
  - (c) vehicular access from a single point on Meadow Park Drive.

Diagram: Local Plan Extract



Diagram: Site outline



The red outline now also includes an agricultural building to the north of the development boundary as shown above. As set out above, this building could come forward as a Class Q application and hence a proposal which removes a very dilapidated structure and resulted in comprehensive development is supported in principle.

## **Design and layout**

The design and layout of the development should be considered against Policies ST02, ST04, ST05(1), DM01, DM04 of the local plan and the National Design Guide.

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

The site area is 1.22ha which results in approx. 13 dwellings to the hectare which is a reasonable development density on the edge of the village reflective of adjoining properties. The internal road system focuses on a central green area.

The Design and Access Statement Rev D states:

*The scale of development is typical of that in the area with single storey dwellings placed along the southern edge, (adjacent to existing bungalows) and 2 storey dwellings elsewhere. The homes are spaced far enough apart to allows*

*intermittent views through and allow all the units on the main part of the site to have a view over the village green / swale pond.*

*The layout follows existing patterns within the village with larger detached dwellings centred in individual plots facing the access road with garages and driveways to the front / side.*

*A conscious effort has been made to reflect design features found in traditional properties in the village. So steeper roof pitches, lower eaves lines, fenestration style, gabled entrance canopies and chimneys have all been introduced to allow the scheme to relate specifically to the local vernacular. This will help the development harmonise with the character of the village.*

Plots 1-2 and 6-16 are two storey and plots 3-5 are single storey

Diagram: Conceptual Elevations Plots 1 to 5



Diagram: Conceptual Elevations Plots 8-11



Diagram: Elevations Plots 12-16



Materials will include render with timber clad walls under a slate roof with uPVC windows and doors. These materials can be found in the locality as illustrated in the Design and Access Statement Rev D.

The design of the dwellings is considered appropriate and accords with Policy DM04.

### **Amenity**

Policy DM01 of the NDTLP requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, future occupiers, visitors on the site and any local services. Para 12.463 of the North Devon and Torridge Local Plan states:

A number of existing residential properties border the site. Detailed design, layout and landscaping should minimise the impact of development on these properties. Additional tree and hedge planting is required along the site boundaries designed to help reduce the impact of development on existing properties. A satisfactory

relationship between these properties and new housing is required in order to protect the amenities of both.

As can be seen from the photograph below the properties which adjoin the site are both single and two storey. The Old Vicarage (to the south east of the site) has a front (main elevation) looking out over the site with a private rear garden facing the main village road. Twin Firs and Glenayes are both set within generous grounds with the rear elevation facing the site. A boundary hedge and planting also divides the site from these existing properties.

Lime Tree House is a newer two storey property (58485) which looks east over the site. The relationship of each existing dwelling to those proposed has been considered.



Diagram: Conceptual Elevations Plots 1 to 5 (these back onto the properties shown above)



The wall to wall separation distances (at the closest point) are:

- Plot 1 to Lime Tree House – 24m
- Plot 1 to La Maisonette – 21m
- Plot 1 to Glenayes – 31m
- Plot 2 to Twin Firs – 32.5m
- Plot 3 to Twin Firs – 35.5m
- Plot 4 to the Old Vicarage – 24m
- Plot 5 to the Old Vicarage – 22.5m
- Plot 16 to Meadow Park House – 23m

The relationship of Plot 16 to Meadow Park House will also be discussed in the Heritage section of this report. In terms of amenity the side elevation of plot 16 faces west and comprises a blank gable end. The site is separated from Meadow Park House by a range of outbuildings and hence in terms of amenity a wall to wall separation distance of 23 m is considered acceptable.

As an allocated site, development will be apparent from adjoining properties but the separation distances result in an acceptable relationship and will minimise any adverse

harm in line with Policy DM01. The maintenance of existing hedgerow features will also minimise impact.

**Heritage Assets**

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

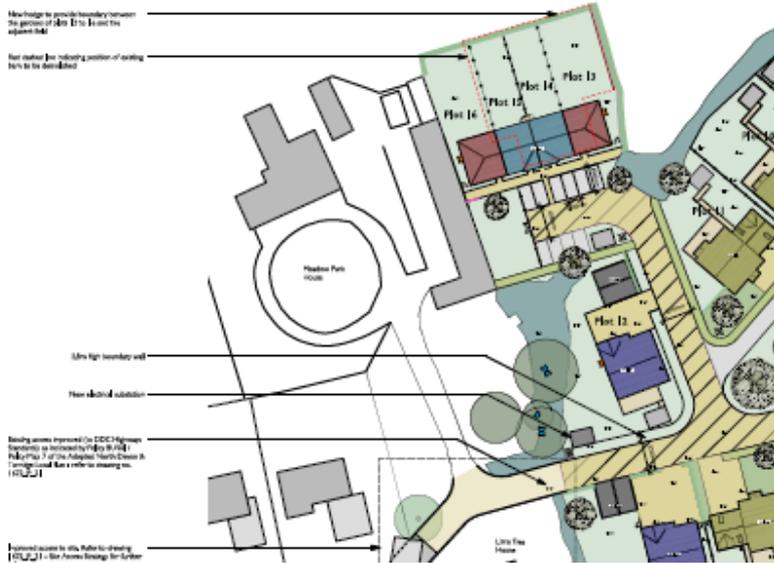
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall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

The village has a linear development form with a relatively compact conservation area, based around the Church of the Holy Trinity, a Grade I listed building. This site is well away from the Conservation Area and hence there are no concerns about impact.

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

The Conservation Officer when considering the earlier layouts which was for a much lower density of development expressed the view that the new built form should be kept away from the listed building (the consultee section sets out all responses). The site is however allocated for 10 units and to achieve this quantum of development it is inevitable that new built form will come closer to the listed building. The Conservation Officer was involved in the discussions over the site layout and made recommendations in respect of how the area of land in front of Plots 12 to 16 should be treated and the use and form of boundary treatments.

Diagram: Meadow Park House in relation to the site



The site adjoins the Grade II listed building at Meadow Park House, the setting of which must be protected. As an allocated site, the development will affect the setting of Meadow Park House as it will bring housing closer to the property. The House will lose some of its agricultural setting which has already been reduced by the development of Meadow Park Drive to the south.

Of the allocated site Plot 12 is to the south east and is separated by mature planting which limits direct views to and from the listed building.

The top end of the site, the design tries to respond to the formal nature of the existing linear outbuilding by providing a coach-house style group of units. The red dashed line indicates the position of the building to be removed and the existing dilapidated shed does not enhance the setting of the listed building. The Conservation Officer has commented that *provided that the materials used are traditional, i.e. natural slates and timber windows and doors, I have no issue with these, and feel that the design is acceptable.*

Diagram: Photos of barns to be removed



Diagram: Plots 14-16 Layout and Elevations



The Conservation Officer has also queried whether a stone barn (now subsumed as part of the agricultural building shown as being removed) has any historic association with Meadow Park House which was listed in 1967.

The Barn appears, on the Tithe and 1st and 2nd edition OS maps, to be directly associated with Meadow House (then the Vicarage) as part of a reverse C shaped courtyard of farm buildings. The Conservation Officer had assumed that the whole of the existing agricultural building is in the ownership of the farm to the east (Cross Park Farm). If this has been the case since 1967, which is the date when Meadow Park House was listed, then the historic element would not be curtilage listed.

It has been confirmed that the land on which the barns stand and a number of fields to the north are part of HM Land Registry title DN240075. According to that document the barns land were sold by Revered Mortimer Buckingham / Ecclesiastical Church Commissioners to Mr Frank Tucker in 1924. So at that point they ceased being associated with Meadow Park House, (which was previously the Vicarage). Mr Tucker sold the land / barns of Cross Park Farm on to a Mr William Short in 1936. His descendants own the local seed merchants in the village and farmed the land until the 1950's when Mr James Wooldridge's grandfather rented it from Mr Short. Mr Woodridge's family purchased the farm, land and barns in 1987 so have farmed it for about 70 years. So the barns have not been part of Meadow Park House since 1924, some 43 years before Meadow Park House was listed. Therefore they cannot be curtilage listed. The Conservation Officer agrees with this assessment and the building to be demolished is not curtilage listed.

This site lies to the west of two possible prehistoric or Romano-British enclosures identified from aerial photography in 2010. Given the potential for the site to contain archaeological deposits associated with the known prehistoric activity in the vicinity. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with this prehistoric activity. Archaeological oversight conditions are recommended.

The works will change the setting of Meadow Park House but the impact is considered to result in less than substantial harm and hence the overall benefits of the scheme have to be weighed in the balance.

## **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).

There are no statutory sites designated for nature conservation within 1 km of the application site. The development site falls within the Impact Risk Zone (IRZ) for Beaford Moor Site of Special Scientific Interest (SSSI) located c. 6 km southwest from the development site.

There are ten non-statutory sites designated for nature conservation within 1 km of the application site. None of these sites are within or near to the application site (all are over 0.6 km distant). Pennyford Fields County Wildlife Site lies to the south west of the village.

The site consisted of species-poor improved grassland fields bounded by hedgerows (some with trees) and fences, and bare ground. The grassland to the south part of the site had been recently sown with a grass ley mix. None of the trees within the site were found to have Potential Roost Features (PRFs) which were suitable for bats.

The ecology report concludes that '*The proposed development will impact on local biodiversity, albeit it that the impact would be low. Therefore, compensation measures*

for biodiversity (habitat) loss are required. This has been accounted for in the iterative design process’.

The proposed development includes native planting throughout. This consists of broadleaf trees, Devon grass banks, native shrub hedges and hedge-banks, semi-native shrub mix planting, and areas of wildflower meadow. The National Planning Policy Framework aims to achieve a net gain in biodiversity through habitat creation and enhancement. The measures listed above will ensure that any loss of improved grassland will be adequately compensated for through providing a mosaic of habitat types within the site.

To supplement this assumption the net change in habitat biodiversity has been calculated using the Defra 2.0 calculator<sup>12</sup>. Table 1 and 2 list the current habitats found within the planning application boundary. There are a total of 2.28 Habitat Units and 2.21 Hedgerow Units within the application boundary. There will be a loss of 2.28 Habitat Units and 0.11 Hedgerow Units due to the proposed development (most hedgerows being retained). The proposed development includes: 0.5961 of amenity grassland within public spaces, gardens, and roadside verges; 0.012 ha of meadow grassland; 0.012 of native shrubs; 0.05 km of native species-rich hedgerow associated with a bank; and 0.178 of native hedgerow. This data, along with the 0.4793 ha of developed land, demonstrates that the proposed development will deliver 2.50 Habitat Units and 3.13 Hedgerow Units on-site. This equates to a 10% net gain in Habitat Units and a 41.64% net gain in Hedgerow Units.

In addition to the habitat compensation, the placement of 8 bat and 10 bird boxes in or on the proposed houses, or on retained trees, would add valuable breeding sites for protected and notable species. Recommendations are also made in respect of hedgehogs and bees (bee bricks). A detailed Landscape & Ecology management Plan has also been supplied.

The management and maintenance of the proposed development will be undertaken a private landscape management company appointed by the operator. The successful contractor will be required to manage and maintain the landscapes of the proposed development in accordance with this LEMP.

A detailed Construction Environment Management Plan: Biodiversity which aims for “*The preservation of the sites ecology, with regards to hedgerows and trees, nesting birds, hazel dormouse, and West European hedgehog.*” This details the timings of works and the methodology in respect of site clearance and demolition to limit impact on protected species and habitat.

The only issues that require resolution prior to determination are:

- Minor amendment to LEMP p6.2 to state that the monitoring reports will be submitted to the LPA
- Amended Proposed Site Plan illustrates a new hedge to provide a boundary between Plot 13-16 and the adjacent field. This feature is not illustrated on the submitted Landscape.
- Submitted Landscape Plan does not identify the retained trees to the west of Plot 12 and to the rear of Plot 8. These are identified as retained on the Site Plan.

- Submitted Landscape Plan does not include all protected species habitat enhancements as set out in the LEMP; 8 building integrated bat boxes, 10 tree mounted bird boxes, 8 building integrated bird boxes, hedgehog highways in garden fences and building integrated bee units in each house.
- Submitted Arboricultural Report shows that Plot 1 and 12 appear to be extensively over shadowed and may result in pressure to reduce height of retained trees.

These details are being prepared and will be submitted before the Planning Committee meeting.

## Landscape

The village is not located within any designated landscape although there are attractive river valleys to the north, east and south and the elevated position allows extensive views towards Dartmoor.

Diagram: Aerial View of Landscape Features



An Arboricultural Implications Assessment has been made and a Tree Constraints Plan has been detailed. An Arboricultural Method Statement and Tree Protection Plan have been drawn to enable safe retention of trees during and beyond the development. The site comprises trees of moderate value in terms of arboricultural value, especially in respect of visual amenity but the hedges and Oak trees have considerable ecological value. There are no existing TPO's covering the site. Whilst only a few of the trees meet the Class A Criteria, most have merit in their continued existence and the aim should be to retain where suitable, including the Category B trees. Through the proper execution of protection measures they can be retained successfully.

According to the landscaping proposal 745\_01 Planting Plan\_REV A.pdf there is an appreciable attempt to offset the loss of trees to be removed (Horse Chestnut and Common Beech in the centre of the site and a mix group of elms at the north) with the planting of 3 x English Oak trees, 1 x Silver Birch, a new hedgebank of native woody species and generous use of Hornbeam hedging between gardens.

Whilst the development will change the edge of settlement by introducing a new housing development, the landscape strategy will soften the scheme over time. With appropriate mitigation and planning conditions overall, the development could occur

ensuring that significant harm to the natural environment in line with policies Policy ST12/4 and DM08 of the NDTLP.

## **Flood Risk and Drainage**

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

The Indicative Flood Zone Maps proposed by the Environment Agency shows the entire site to be in Flood Zone 1; which is land assessed as having less than a 1 in 1000 annual probability of river or sea flooding (<0.1%) and therefore fluvial flood risk is considered to be low.

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

The site currently has ditches that discharge water in two locations, one to the north west, via the concrete drainage channel that runs beyond the barns east of Meadow Park House and the other to the south west, a 150mm diameter pipe that runs under the access road westward. The application is supported by:

1. Proposed Plan of Impermeable Areas - showing which sections of the site drain to the attenuation pond and which to the attenuation tanks
2. Proposed Drainage Layout - showing would and surface water drain runs, levels and connections
3. Proposed Drainage Details - showing a section through the attenuation pond along with manhole, headwall and pipe bedding details
4. Proposed Construction Phase Surface Water Management Plan - showing protection to properties beyond boundary
5. Proposed Drainage Statement - including operation and maintenance schedule
6. Proposed Design Calculations - for attenuation tank
7. Proposed Design Calculations - for attenuation pond
8. Existing plan of percolation test hole locations
9. Percolation test results
10. Existing topo survey with photos of existing drainage outfalls

The Drainage Statement indicates that soakaways following percolation testing have been deemed as not feasible. An attenuated scheme has been progressed. Due to the level difference on the site, two attenuation facilities have been proposed. A greenfield runoff rate of 2.8l/s has been calculated and used to size two storages on the site. Following the SuDS hierarchy, the higher plots will discharge to an attenuation pond in

the centre of the site (the green core), and the lower plots will discharge to an attenuation tank towards the north of the site. Both systems will ultimately discharge to an existing ditch, running through the northwest corner of the site. The highways runoff has also been split between the two outfall locations.

It is proposed to use permeable surfaces for all private drives, both shared and individual drive / parking areas. The only area of non-permeable surface proposed is the adoptable highway within the site.

The maintenance of the surface water drainage system outside of individual plots as well as the maintenance of communal / shared drives and communal landscape areas will be undertaken via a Management Company which the owners of all the properties will automatically be part of on purchase of their plots. That is a typical arrangement with communal aspects of residential developments.

The submitted plans show that surface water will be properly managed which is the best way of ensuring there are no consequential issues of run-off flooding. The volume of water has been assessed and a suitable drainage system designed by JRC.

Some additional information requested by DCC Lead Drainage and Flood Authority has been requested and an update will be provided to the Committee.

### Foul Drainage

Para 12.460 of the NDTLP states that 'A detailed evaluation of the main sewage treatment works is required to establish what upgrading would be required to enable the development of the allocated sites. Any necessary upgrading or other improvements will require implementation before significant new development takes place'.

Individual biodisc treatment plants will be provided for each open market dwelling and one combined unit for the four affordable dwellings. These discharge essentially clean water which will discharge into the existing surface water drainage ditches. This has been allowed for within JRC's engineering solution. The nearest foul sewer is approximately 190m from the development crossing third party land including existing highways. The cost of a connection is considered by the applicant to be prohibitive for a development of this scale.

The EA have requested a Foul Drainage Assessment in support of this proposal as the ideal solution would be to connect to mains drainage. Again this information has been requested and an update will be reported to the Planning Committee.

### **Highways**

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

Access and Road Layout.

The applicant has submitted a Transport Statement which DCC consider to be very comprehensive. DCC have no objection to the proposal, despite the traffic generation

estimated at 9 vehicles in the peak hour, being significantly higher than the existing traffic using the access road to the site. The road network is acceptable in this location to accommodate this increase and the increase in pedestrian movements. DCC are satisfied that there would not be a severe cumulative residual impact and there would not be likely to be any significant adverse effects on pedestrians or cyclists.

Criteria (c) of BUR01 requires vehicular access from a single point on Meadow Park Drive. This gives an easier connection to the village for pedestrians and avoids vehicles navigating the lanes. Whilst the Highway Authority suggested an alternative route, this would not accord with the Local Plan. The revised site plan now removes a parking area and closes another 2 other gateways out onto the rural lane which in highway safety terms is considered beneficial.

The access will be a shared surface arrangement, (as Meadow Park Drive has), rather than a roadway and separate footpath. The access as revised in design terms is acceptable to the Highway Authority.

The applicant has considered the issues raised by adjoining neighbours and has responded that the boundary of the plot for Lime Tree House was set as the fence which ran down the centre of the hedge separating the plot from the access to the site (and Meadow Park House). This is indicated by the “P/W fence” line on the topographical survey submitted with the original application for Lime Tree House, ref 56831. On the subsequent application, 58485, the hedge was shown removed but the fence line is in the same place. The title plan for Lime Tree House shows the boundary as a little way inside the roadway to Meadow Park Drive and into the site. This ties up with the applications for Lime Tree House and our proposed access drawing.

The proposed site plan for 56831 shows a 6.5m clear width for the access to Cross Park, taken from the edge of the surface on the northern side of that track. The legal boundary is the fence that remains in place, which is indicated in detail on drawing 1672\_P\_21. So the improved access can be accommodated entirely within the applicant’s land. It is proposed to leave the grass verge in place so the neighbouring property will not be affected. Naturally should the grass verge, (owned by the applicant), be damaged during construction, it will be repaired. But care will be taken not to damage the fence.

Parking

Paragraph 105 of the NPPF recognises that parking standards for residential and non-residential development should take account of a number of factors including ‘the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles’, this is again re-iterated at paragraph 110(e). Policy DM06(1) clearly sets out that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs

**Other Matters: Heads of Terms**

Head of Term	Contribution
Secondary Education	£54,031.

<b>Head of Term</b>	<b>Contribution</b>
School transport	Primary = £43,890  Secondary = £7,113.60
Affordable Housing	2 x 2 bed Social Rent 1 x 3 bed Social Rent. 1 x 3 bed Intermediate (Shared Ownership with 80% maximum staircasing or Intermediate Rent at Local Housing Allowance).
Off-site Open Space	<b>£79,646.20.</b>  Enhancement of the Parish Hall Community Benches MUGA lighting Enhancement of Village Green
Maintenance and Management of on-site open space, ecological area and drainage features	Agreement of maintenance standards and the management body

## **Conclusion**

The application bringing forward an allocated site and is therefore contributing to housing supply. The benefits of delivering both new housing and affordable housing are given significant weight within the determination and the social and economic benefits outweigh the less than substantial harm to the setting of heritage assets.

The technical considerations of access and layout have resulted in a scheme acceptable to the Highway Authority.

Environmentally the scheme achieve biodiversity net gain and addresses impact on landscape and ecology through planting and the required LEMP.

There are some matters relating to foul and surface water drainage which is not addressed by the time of the Committee can either be delegated to your officers to resolve whilst the s106 is progressing or additional conditions can be applied.

This is a policy compliant scheme providing the full s106 package that has set out above. The application is considered to accord with the adopted development plan and the policies listed within the Planning Considerations.

Approval of the application is therefore recommended subject to the imposition of planning conditions and Section 106.

## **Human Rights Act 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained

in this report. The articles/protocols identified below were considered of particular relevance:

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

### **Recommendation**

**APPROVE** with delegated authority to amend the conditions to reflect the updated landscaping plan and LEMP and to resolve the outstanding surface and foul drainage issues, if not agreed by the time of the Planning Committee

Legal Agreement Required: Yes

### **Conditions**

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

Reason

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

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

1672\_P\_01C Amended Location Plan received on the 28/06/21

1672\_P\_02O Amended Site Plan Proposed received on the 16/09/21

1672\_P\_03A Proposed Contextual Elevations (1 of 2) received on the 28/06/21

1672\_P\_04 A Proposed Contextual Elevations (2 of 2) received on the 28/06/21

1672\_P\_09 B HouseType C - Plans and Section as Proposed received on the 28/06/21

1672\_P\_10B HouseType C - Elevations as Proposed received on the 28/06/21

1672\_P\_11 A HouseType D - GF and FF Plans as Proposed received on the 28/06/21

1672\_P\_12 A HouseType D - Roof Plan and Section as Proposed received on the 28/06/21

1672\_P\_13 A HouseType D - Elevations as Proposed received on the 28/06/21

1672\_P\_14 A HouseType E - GF and FF Plans as Proposed received on the 28/06/21

1672\_P\_15 A HouseType E - Roof Plan and Section as Proposed received on the 28/06/21

1672\_P\_16 A HouseType E - Elevations as Proposed received on the 28/06/21

1672\_P\_17 A HouseTypes A & B - GF and FF Plans as Proposed received on the 28/06/21

1672\_P\_18 A HouseTypes A & B - Roof Plan and Section as Proposed received on the 28/06/21

1672\_P\_19 A HouseTypes A & B - Elevations (1 of 2) as Proposed received on the 28/06/21

1672\_P\_20 A HouseTypes A & B - Elevations (2 of 2) as Proposed received on the 28/06/21  
1672\_P\_21 Site Access Strategy received on the 25/08/21  
745\_01A Landscaping Plan received on the 28/06/21  
745\_02 A Landscaping Details and Notes received on the 28/06/21  
BS2407/04A Barn Floor and Elevation Existing received on the 28/06/21  
1681\_0120P3 Impermeable Area Plan received on the 11/10/21  
1681\_0500P8 Drainage Layout Proposed received on the 11/10/21  
1681\_0560P2 Drainage Details received on the 11/10/21  
1681\_0570P1 Construction Phase Surface Water Management Plan received on the 11/10/21  
BS2407/11.16/01/DRA Perc Test Locs plan received on the 11/10/21 ('the approved plans').

Arboricultural Survey (BS5837:2012) V1.0 dated 08.04.21  
Ecology Report SWE318 dated 07.05.21  
Landscape & Ecology Management Plan SWE318B V2 sated 07.05.21  
Construction Environment Management Plan: Biodiversity SWE318A V2 dated 07.05.21  
Drainage Statement 1681w0001/KKT\_P5 Date: 08/10//2021

Reason

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

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

Reason

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

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

Reason

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

5. In this condition 'retained trees, hedges and shrubs' means an existing tree, hedge or shrub, which is to be retained in accordance with the Arboricultural Survey (BS5837:2012) V1.0 dated 08.04.21 ; and paragraphs (a) and (b) below shall have

effect until the expiration of 5 years from [the date of the occupation of the building for its permitted use].

- (a) No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any tree, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.
- (b) If any retained tree, hedge or shrub is removed, uprooted or destroyed or dies, another tree, hedge or shrub shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of protective barriers and any other measures identified as necessary for the protection of any retained tree, hedge or shrub shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, or in accordance with an approved method statement and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

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

- 6. Prior to the development hereby approved being brought into use, the biodiversity net gains as indicated on the approved plans, shall be provided in full and retained and maintained thereafter in accordance with the Landscape & Ecology Management Plan SWE318B V2 sated 07.05.21

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.

- 7. The approved Construction Environment Management Plan: Biodiversity SWE318A V2 dated 07.05.21 shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Highways, Amenity and Ecology in compliance with Policies DM02, DM05, and DM08 of the North Devon and Torridge Local Plan.

8. Prior to the buildings hereby approved being brought into first use, the bat and bird boxes, bee bricks and provision for hedgehogs detailed in the Ecology Report SWE318 dated 07.05.21 shall be fully provided in accordance with the details set out therein 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.
9. The existing accesses shall be effectively and permanently closed in accordance with approved plans as soon as the new access is capable of use.  
Reason  
To prevent the use of a substandard access and to minimise the number of accesses on to the public highway
10. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.  
Reason  
In the interest of public safety and to prevent damage to the highway
11. The site access shall be constructed, laid out and maintained for that purpose in accordance with the approved plans.  
Reason  
To provide a satisfactory access to the site
12. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.  
Reason  
To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development
13. Prior to the commencement of development, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with the Waste Planning Authority, to demonstrate how the construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy. The development shall be carried out in accordance with the details approved. For guidance please visit  
<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste>

## Reason

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

## **Informatives**

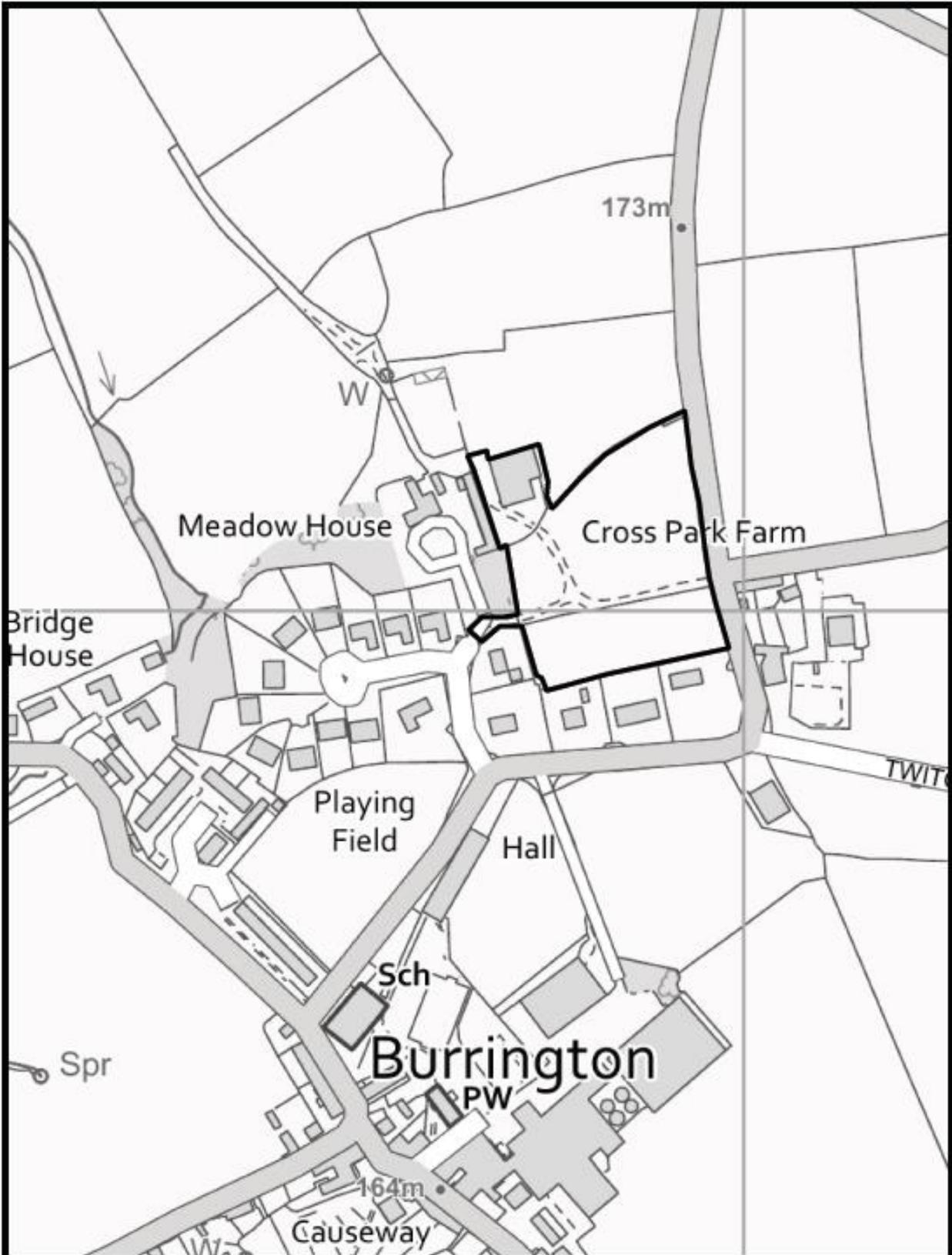
1. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or downloaded from the Planning section of the North Devon Council website, [www.northdevon.gov.uk](http://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. Advice to applicant – Environmental Permitting  
Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>  
If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>
3. As the proposed works affect / 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](http://www.communities.gov.uk/publications/planningandbuilding/partywall)



 Lynton House, Commercial Road, Barnstaple, EX31 1EA	<b>64051 - Cross Park Farm, Burrington EX37 9LA</b>	Copy Supplied to Accompany Planning Committee Report  Scale: 1:2500 Date: January 2022
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