

# **Application Report**

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



<b>Application No:</b>	73875
<b>Application Type:</b>	Outline application
<b>Application Expiry:</b>	15 April 2022
<b>Ext Of Time Expiry:</b>	24 June 2022
<b>Publicity Expiry:</b>	12 April 2022
<b>Parish/Ward:</b>	FREMINGTON/FREMINGTON
<b>Location:</b>	Land north of St Andrews Road Fremington
<b>Proposal:</b>	Outline application for the erection of up to 161 residential dwellings, involving the demolition of an existing dwelling (no.18 St Andrews Road) to create a new access onto St Andrews Road, and associated landscaping and open space with some matters reserved (appearance, landscaping, layout & scale). (amended plans)
<b>Agent:</b>	Dan Yeates
<b>Applicant:</b>	Vistry Homes Limited
<b>Planning Case Officer:</b>	Ms J. Watkins
<b>Departure:</b>	Y
<b>EIA Development:</b>	
<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision</b>	Contrary to Development Plan and at the request of
<b>Level/Reason for</b>	Councillor Mackie
<b>Report to Committee:</b>	

**A chronology of the updates to the committee has been detailed below, the most recent update is included at the top and should be read as the most recent and up-to-date position regarding the considerations on the application.**

## **Update to Committee pursuant of deferral of the application on 13<sup>th</sup> July 2022**

At the meeting on the 13<sup>th</sup> of July 2022, members were advised that additional time was required to allow noise issues to be resolved (see update below).

This update section of the report now includes the following updates:

- 1) Highway update following outcome of Yelland Quay Public Inquiry
- 2) Noise update
- 3) NHS contribution

### **1) Highway update**

DCCHW have requested a contribution towards an improvement scheme at the Esso Garage/Old Torrington Road/A3125.

It is however noted that the Yelland Quay Inquiry (Appeal Ref APP/X1118/W/21/3283943 – Former Yelland Power Station, Lower Yelland, Yelland, Barnstaple, Devon reference 60823 which was recently allowed at appeal on 30th June 2022) concluded that:

The Inspector states

*Paragraph 62:*

*The Highways SoCG identifies that the sole matters of dispute relating to highways matters is limited to whether mitigation measures or the requested highway contributions towards improvements at the A3125/Old Torrington Road (ESSO Garage/Wrey Arms) junction would satisfy the tests set out in paragraph 57 of the Framework.*

*Paragraph 64:*

*Paragraph 104 of the Framework sets out that transport issues should be considered at the earliest stages of plan-making. The quantum of housing units proposed in this appeal is entirely consistent with the quantum proposed in the Local Plan that was adopted four years ago and which did not identify any improvements to required to the junction. Furthermore, I have no substantive evidence to suggest that there has been a fundamental and significant change in the local traffic data or highway conditions in North Devon since the Local Plan was adopted and when the traffic implications of the development proposed in the Plan for the Plan Period to 2031 were likely to have been comprehensively assessed.*

*Paragraph 68:*

*The appellant's evidence considers the change in ratio of flow to capacity (RFC) as a result of the proposed development. This illustrated that the proposed development would be expected to result in a negligible impact on the capacity of the Wrey Arms junction with the RFC increasing by no more than 3% on any one approach in the AM peak, and no greater than 6% in the PM peak.*

*No contrary evidence was presented in the Inquiry by the Council to suggest that the appellant's revised traffic flow evidence and impact on the performance of the Wrey Arms junctions may be incorrect. Furthermore, no substantive technical evidence was provided by the Council to demonstrate how the implementation of the proposed improvements to the Cedars junction scheme would not be as effective in improving capacity at that location in the absence of an improvement scheme for the Wrey Arms junction....*

*Paragraph 69:*

*There is no national definition of what may constitute a severe impact in the context of paragraph 111 of the NPPF. No contrary evidence was provided by the Council as to how a severe impact should be considered or at what point, if any, an increase in congestion at the Wrey Arms junction would amount to a severe residual impact on the road network.*

Paragraph 70:

*Taking in account the foregoing, I am of the view that the effect of the development on the Wrey Arms junction cannot be considered to constitute a severe residual cumulative impact on the road network. The evidence suggest that there would be minimal change in traffic flow expected to arise from the proposed development and a relatively negligible change in the capacity at the roundabout. Consequently the proposed development would not be contrary to the provision of paragraph 111 of the framework.*

Paragraph 71:

*As a consequence of the above, there is no justifiable basis for a contribution to be made to improvements to the Wrey Arms junction to make the proposal acceptable in planning terms. I have found that the proposed development would not cause any significant impact on the transport network in terms of capacity or congestion. There would be no conflict with paragraph 110 (d) of the Framework.*

Paragraph 74:

*Consequently, I consider the financial contribution identified by the Council in the context of the second reason for the refusal of the application would be contrary to the provisions of paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.*

Paragraph 187:

*The S106 Agreement also provides for a Highway Contribution of £335,500 towards the provision of mitigation works at the A3125/Old Torrington Road (Wrey Arms) junction. However in light of my findings above, I do not consider that such contribution is necessary to make the development acceptable in planning terms. As such, it would be contrary to the provisions of paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations. Consequently, I attach no weight to the obligation provided in Schedule 4, Section 2 of the S106 Agreement.*

In light of the above, the LPA do not consider such a contribution is necessary to make the development acceptable in planning terms as no evidence has been presented by DCCHW in respect of a justified costed scheme for improvements at the Wrey Arms junction and as such would be contrary to the provision of paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations.

## **2) Noise update**

On deferral of the application on 8<sup>th</sup> June 2022, the applicant was required to commission further noise survey work to address concerns raised by the Council's Consultant Environmental Health Officer (EHO) on 7<sup>th</sup> June 2022. The Council acknowledges that this was late in the process however given the potential materiality of the impacts this needed to be considered appropriately before a recommendation could be re-presented to the Committee.

On 14<sup>th</sup> June 2022, a Noise Impact Assessment (reference 332310061/3001 Rev 3 prepared by Stantec) was presented to the Local Planning Authority (LPA) and a consultation sent to the Council's EHO and a 14 day re-consultation was instigated with the public in the interests of transparency. The close of this consultation is 3<sup>rd</sup> August

2022, so at the time of preparing the report for committee this has not concluded however Members will be updated with any public representations received between 27<sup>th</sup> July -10<sup>th</sup> August, when the item is presented to them.

A response however has been received from the EHO on 22<sup>nd</sup> July 2022 therefore technical conclusions can be made in respect of the noise impact anticipated from the development. This reply is copied below in full:

### **'Post Development Traffic Noise Impacts**

You will be aware that, following consideration of this Application at Plans Committee on 8 June 2022, a decision was deferred to allow for further consideration of potential traffic related noise impacts. Concerns had been raised that the conclusions of the submitted noise impact assessments may be unreliable.

Subsequent discussions between myself and the Applicant's noise consultants, Stantec, led to further noise monitoring and assessment work being carried out. A revised Noise Impact Assessment report (Revision 3 July 2022) has now been submitted.

Before discussing the Applicant's latest revised Noise Impact Assessment I think it will be helpful to summarise how we got to the current position:

#### **1 Previous Noise Assessment Reports**

Two previous versions of the Noise Impact Assessment (NIA) report were submitted as application documents. The reports identified two areas in which notable noise impacts were likely to arise:

- impacts associated with a substantial increase in traffic noise levels compared to existing or 'baseline' noise conditions affecting properties on St Peters and St Andrews Roads;
- impacts affecting the sides and rears of the two dwellings adjoining the new access road through 18 St Andrews Road

Revision 2 of the report included a more detailed consideration of impacts on the two dwellings adjoining the site access through 18 St Andrews Road and the mitigating effects of a proposed 2m high noise barrier for these properties.

Both reports considered that, although traffic noise levels would increase significantly, noise impacts would remain below an acceptable 'absolute' upper limit. In other words, although traffic noise would significantly increase, affected residents would still enjoy acceptably low levels of noise when considered against national guideline levels. The reports stated:

*"Calculations indicate that, with the noise barriers in place, the external noise levels at all existing noise sensitive receptors are likely to be below the BS8233 recommended lower guideline value of 50 dB LAeq "*

## **- My Previous Conclusions**

Taking account of the report finding that all existing noise sensitive receptor locations would fall below the BS8233 recommended lower guideline value of 50 dB LAeq, I concluded that:

*"In my opinion, existing residents of properties that experience noticeable increases in traffic noise are likely to consider this an unwanted change in their circumstances. I think this is particularly likely to be the case for those properties adjoining the site access road for which increased noise will be most noticeable to the sides and rears of the properties where traffic noise is currently much less present. The report points out that the increased noise levels would remain below national guideline levels and this is clearly a relevant consideration. However, the degree of change in existing circumstances is also relevant."*

*"On balance and based on the findings and mitigation presented in the updated report and having regard to national standards and guidance, I believe the proposals are unlikely to give rise to significant adverse noise effects at existing residential properties in the vicinity. "*

## **2 The revised Noise Impact Assessment Report (Revision 3 July 2022)**

I have reviewed the latest Noise Impact Assessment report dated July 2022 and comment as follows:

### **- Increases in Traffic Noise**

Significant traffic noise increases are identified in the report relating to increased traffic using relevant parts of St Peters and St Andrews Roads post development. The revised traffic data indicates that average traffic flows on St Peters Road will increase from 96 movements per day (AAWT 18hr) to 912 and from 47 to 864 on the relevant parts of St Andrews Road (from 0 to 816 between 16 and 20 St Andrews Roads)

In order to judge the significance of such noise increases it is important to consider the locations at which noise would be experienced by existing residents. In this respect, garden amenity areas are likely to be significantly more sensitive than, for example, front of property non-amenity areas.

According to the report, four amenity garden areas of existing dwellings would be notably affected by noise increases: 2 St Peters Road (increases of 1 to 3dB), 6 St Peters Road (increases of 3 to more than 5 dB), 20 St Andrews Road (1 to > 5 dB) and 16 St Andrews Road (1 to >5 dB).

The Design Manual for Roads and Bridges, LA111 Traffic Noise and Vibration, 2020 (DMRB LA111) provides guidance on assessing noise impacts from traffic noise. The document includes criteria for categorising traffic noise impacts based on bands of increased noise: 1 to 3dB change is considered 'minor', 3 to 5dB 'moderate' and more than 5dB is of 'major' impact significance.

In my opinion, existing residents of properties that experience the predicted noticeable increases in traffic noise are likely to consider such increases an unwanted change. I think this is particularly likely in terms of the two properties adjoining the site access road, which currently enjoy rear garden areas that are well screened from traffic noise. There is also the question of a 'major' increase of traffic noise affecting large parts of the side amenity garden area of 6 St Peters Road.

#### **- Absolute Levels of Traffic Noise**

The revised 'with development' model shows predicted traffic noise levels falling below 50dB LAeq within the relevant amenity garden areas of all existing properties except at numbers 2 and 6 St Peters Road.

Rear garden noise levels for 2 St Peters Road are increased from the range 45 to 52.5 dB currently to the range 50 to 55dB after development.

Amenity garden areas at 6 St Peters Road are increased from the range  $\leq 45$  to 47.5 dB currently to the range  $\leq 50$  to 55dB after development.

#### **- Absolute Noise Level Assessment Criteria**

The Applicant has suggested using a level of 55dB LAeq (free field) as the threshold for judging the acceptability of noise impacts at existing residential amenity areas and makes reference to DMRB LA111 and certain other guidance in an attempt to justify this position.

The report proposes that the 55dB level is used as the 'Lowest Observed Adverse Effect Level' (LOAEL) as defined in the Noise Policy Statement for England (NPSE).

Stantec is aware that I disagree with the above proposed approach which, in my opinion, is likely to significantly underestimate impact significance.

The guidance documents referred to by the applicant to justify use of 55dB as the LOAEL are not intended to be used to assess the significance of impacts on existing residential amenity arising from new housing developments.

DMRB LA111, for example, sets out the requirements for assessing noise and vibration arising in connection with major road projects ("*projects involving construction, improvement and maintenance of motorways and all purpose trunk roads*"). The document is written in the context of ensuring a proportionate balance is struck between noise impacts and the nationally recognised priority of ensuring a safe and efficient road network. It is questionable whether judgements of the noise impacts of private developments such as this one should be based on the same criteria as those used when balancing the impacts and benefits of the national road network.

To my knowledge, there is no nationally recognised guidance that is specifically intended to be used to judge the acceptability of impacts on existing residential

amenity in the circumstances at issue here. It is therefore necessary to apply the available guidance with some care.

BS8233: 2014 'Guidance on Sound Insulation and noise reduction for buildings' "states that:

*"for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments"*

World Health Organisation Guidelines for Community Noise, 1999 reinforces the view that 50dB represents a significant level of environmental noise and suggests that daytime sound levels of above 50 dB LAeq,16hours are of 'moderate annoyance' in the community.

In my opinion, a level of 50dB LAeq,T would represent a more appropriate guide to judging the significance of adverse impacts in these circumstances.

#### **- My Judgement on Overall Impact Significance**

The NPSE provides some helpful guidance for deciding whether noise is likely to be a concern for developments and describes a hierarchy of impacts from no observed effects to significant adverse effects. The guidance states that the LOAEL threshold is crossed and intrusive adverse effects occur when:

*"Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life."*

Currently residents of 16 and 20 St Andrews roads have rear gardens backing onto fields at properties located within a small cul de sac setting. It seems very likely to me that the introduction of an access road alongside these rear gardens with a 816 AAWT traffic flow will significantly affect the acoustic character of such areas and thus exceed the LOAEL.

The above conclusion is reinforced by the report's finding that 'moderate' to 'major' changes of noise level will affect certain sensitive locations. It also seems likely to me that residents will, to some degree at least, change behaviour (such as closing rear bedroom windows more often at night).

For the three worst affected properties, and particularly the two dwellings adjoining the new access road through 18 St Andrews Road, I believe the proposals are likely to cross the LOAEL threshold as described in the NPSE.

The NPSE classifies such adverse effects as "present and intrusive" and advises action be taken to "mitigate and reduce to a minimum".

Notwithstanding the above and in line with my previous conclusions, I believe the circumstances are unlikely to cross the Significant Observed Adverse Effect Level as described by the NPSE.

### **3 Further Work**

I am mindful that the report recommends at 4.3.8 that "*a more detailed assessment of the impact of the access road on the proposed receptors and the effect of potential mitigation measures should be undertaken at the detailed design stage*".

Should you be minded to grant permission, I recommend that any permission include a condition with a view to ensuring that a detailed noise mitigation scheme be submitted for approval in relation to access road noise and an associated detailed noise impact assessment be provided to demonstrate that the proposed mitigation scheme will be effective in achieving agreed noise levels.

### **4 My Updated Conclusions**

Traffic noise affecting the side and rear of 16 and 20 St Andrews Road is likely to be such as to noticeably affect the acoustic character of these sensitive areas with the proposed acoustic barrier in place. I believe such a change is likely to result in residents of these properties changing their behaviour to some extent (such as closing rear bedroom windows more often at night).

The Noise Impact Assessment finds that the amenity garden areas of three existing dwellings are likely to experience significant noise increases. These are 6 St Peters Road, 20 St Andrews Road and 16 St Andrews Road with some areas affected by increases that are considered 'major' within DMRB LA111 guidance.

For the three worst affected properties, and particularly the two dwellings adjoining the new access road through 18 St Andrews Road, I believe the proposals are likely to create noise impacts that exceed the LOAEL threshold as described in the NPSE. The NPSE classifies such adverse effects as "present and intrusive" and advises action be taken to "mitigate and reduce to a minimum".

Notwithstanding the above, and in line with my previous conclusions, I believe the circumstances are unlikely to cross the Significant Observed Adverse Effect Level as described within the NPSE.

In my opinion, due weight should be given to the above adverse noise impacts when determining the overall balance of harms and benefits of the development and reaching a decision on the application.'

A rebuttal to this was supplied by the applicant as detailed below:

*'We have now reviewed the comments from Mr. Morgan, issued on Friday 22 July. It is important to note that we disagree with Mr Morgan's opinion that a level of 50dB LAeq,T represents an appropriate guide to Policy compliance. There is no Policy (national or local) which supports this opinion. As set out at Paras 2.3.6 and*

2.3.7 of the updated NIA, for private garden areas, guidance is detailed in BS 8233:2014 and WHO. Within these documents, levels of up to 55 dB LAeq, 16hrs are considered acceptable. A level of 55 dB LAeq, 16hrs is also in line with the lowest observed adverse effect level (LOAEL) stated in DMRB.

Therefore, levels as detailed in Table 2.5 of the NIA are considered suitable for determining the LOAEL and SOAEL levels relating to impacts from road traffic.

Furthermore, guidance levels of 55 dB LAeq, 16hrs are routinely used when determine suitable levels for new private amenity space. As an example, Worcestershire Regulatory Services requests within their technical guidance note for planning that within external amenity areas, the steady noise level should not exceed 55dB LAeq, 16hrs.

With regards to the use of DMRB, it is noted that the document is principally written for new road schemes and alterations. However, the guidance noise levels and specifically the absolute levels detailed are the most applicable guidance available when determining impacts from changes in noise levels due to road traffic noise. Therefore, use of this guidance is widely used on many types of road projects, including new residential access roads and associated noise impacts on existing residents, and therefore considered entirely applicable in this instance.

The National Planning Policy Framework (NPPF) states that new development should “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life”. As per Mr. Morgan’s summary, the development avoids significant adverse impacts and is therefore consistent with NPPF, as well as introducing mitigation measures to minimise impacts.

The Noise Policy Statement for England (NPSE) also sets out aims for new development. The first aim states: “Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.” The second aim within NPSE states: “Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.” (Note: Applies when the impact lies somewhere between the LOAEL and SOAEL and does not mean that adverse effects cannot occur).” The first aim is met by avoiding significant adverse impacts. Notwithstanding this disagreement with respect to the level at which an adverse impact may occur, mitigation measures to minimise impacts through acoustic barriers and low noise road surface have been presented in the report. Therefore, the second aim of NPSE is also met.

To re-iterate the overall findings, the impacts with regards to a change in noise level above moderate (greater than 3 dB change) applies to only four dwellings. Of these four dwellings, three are predicted to achieve absolute levels of below 50 dB LAeq, 16hrs. For the remaining dwelling (6. St. Peters Road) significant parts of the garden most likely to be occupied (including all areas surrounding the dwelling itself) are predicted to be below 50 dB LAeq, 16hr. Boundary parts of the garden are less than 3 dB above 50 dB LAeq, 16hrs. It should be noted that a 3 dB change is the minimum perceptible under normal conditions and therefore the difference in

*noise levels above 50 dB at 6 St, Peters is unlikely to be perceptible. However, as detailed in the report, as a further mitigation measure, a low noise road surface is to be applied to St. Peters Road and St. Andrews Road along the access route.*

*In addition, as set out at Para 4.2.14 of the NIA, future use of EV's (with uptake predicted to be accelerated in new developments where all properties are to be provided with EV charging points) are likely to significantly reduce noise levels along the low traffic speed roads of St. Peters Road and St. Andrews Road which are likely to result in noise levels falling below 50 dB LAeq, 16hrs.*

*Therefore, in summary, we agree with Mr. Morgan's conclusions that significant adverse impacts are avoided and the proposals are therefore compliant with the aims of the NPPF and NPSE. Furthermore absolute levels are in line with DMRB guidance and once contextual factors are considered (specifically the update of EV and the proposed low noise road surface) we would expect that noise levels would achieve the lower level (50 dB LAeq, 16hours) as requested by Mr. Morgan with regards to absolute levels.'*

The Council's EHO has advised he has no further comments to add in respect of this rebuttal, other than where minded to recommend approval, a condition including the suggestion of a low noise road surface will be required. Therefore it lies with Officer to present a recommendation which balances the impacts identified, mitigation measures available and balances that with benefits of the proposals, which have already been highlighted in the planning balance section (9) of this report.

In summary of the above, there is some disagreement between the noise professionals on the upper noise limit which is being used to assess the impact; with the EHO using 50db LAeq, 16 hours, as detailed in BS8233:2014 and guidance published by the World Health Organisation, whereas the applicants consider that the upper limited of 55dB LAeq, 16hours, is the most appropriate based on guidance DMRB LA111, which is guidance relating to Noise and Vibration standards for Highways used generally for road infrastructure development.

It would appear from the conclusions reached by both above, that there are to be discernible impact to residents specifically of No. 16 and 20 St Andrews Road and 2 and 6 St Peters Road, as a result on the increase in traffic post development, which would lie somewhere between 50-55dB LAeq, 16 hours limits and which can be mitigated by acoustic fencing in the instances of No.16 and 20 St Andrews and by the use of a low noise road surface to alleviate noise experienced at No. 2 and 6 St Peters. To some degree these measures will also assist with noise increase identified at other properties, which would be perceived as a change to residents but not at the magnitude of those specified above.

It is noted the above the guidance's being applied by both parties is not formal planning policy, however the Noise Policy Statement for England is reference by the NPPF paragraph 185 in footnote 65 and is therefore material to the decision being made:

*'185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural*

*environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to **significant adverse impacts** on health and the quality of life<sup>65</sup>;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

In terms of the test on significant impact the NPSE document set the levels for this, and as referred to above, both parties agree, regardless of using the 50 or 55 dB LAeq, 16 hours figure, that the scheme does not meet the higher threshold identified in the NPSE below:

*'SOAEL – Significant Observed Adverse Effect Level This is the level above significant adverse effects on health and quality of life occur.*

*2.22 It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.'*

Conversely, it is noted that adverse noise levels would be observed as meeting the below threshold set by the NPSE:

*LOAEL – Lowest Observed Adverse Effect Level This is the level above which adverse effects on health and quality of life can be detected.'*

The EHO states the following in his conclusions in respect of the LOEAL on the properties identified:

*'...The NPSE classifies such adverse effects as "present and intrusive" and advises action be taken to "mitigate and reduce to a minimum".'*

He also then goes onto identify the use of noise mitigations measures will look to lessen the levels identified and that it is therefore left for the decision taker to consider the adverse impacts identified, which however are not identified as significant adverse, to neighbouring dwellings, when determining the overall balance of harms and benefits of the development and reaching a decision on the application.

Given the advice of the NPPF and adverse levels of harm identified and the potential for mitigation measures which would lessen the level harm, yet not remove it, the impacts identified to the above identified dwellings remains of significant weight in the overall

planning balance as previously concluded in April 2022. This will therefore be covered up the updated planning balance further along in the report. It is noted that condition 10 requires the submission of a noise mitigation scheme. This has been reworded from the earlier reports to strengthen the requirement for submission and implementation.

### **3) NHS Contribution**

Since the application was previously presented to committee the NHS has sought contributions toward acute care (primary care contribution already sought). The response details the following likely acute care interventions:

*'This proposed development comprises of 161 dwellings and based on the 2011 Census average household size per dwelling, the Trust has calculated that this development will accommodate a new population of 364 residents. 44. As detailed in the calculations in Appendix 5, 364 residents are currently generating an average of 1,619.97 acute interventions each per year.*

As such they seek a contribution of **£141,133** towards providing capacity within the existing hospital facilities. This has been added to the table of planning obligations later in the report.

#### **Update to Committee pursuant of deferral of the application on 8<sup>th</sup> June 2022**

At the meeting of the planning Committee on the 8<sup>th</sup> of June 2022, Officers advised committee members that new information had been brought to light by the Council's Consultant Environmental Health Officer on 7<sup>th</sup> June 2022 which identified potentially unacceptable noise levels at existing residential dwellings in St Peter's road, which had previously not been accounted for. It was Officers advice that members defer the item to enable the issue to be assessed by the developer and to give any third parties an opportunity to review the information and provide further comment in respect of this issue.

The resolution of the committee was: *'RESOLVED (unanimous) that the application be DEFERRED for one cycle in order for the points raised by the Environmental Health Officer in relation to noise levels to be addressed and that the application be brought back to the July 2022 meeting of the Committee for consideration.'*

Unfortunately due to the short turnaround period for the deadline for July committee, and the technical nature of the issue being addressed, the discussions between the applicants Noise Consultant and LPA's Consultant Environmental Health Officer have not yet concluded. As such, the Case Officer has been unable to make an updated planning assessment by the relevant deadlines and as such it is anticipated that the item is likely therefore to come forward for the agenda on 10<sup>th</sup> August 2022.

For reference to the earlier recommendations please see the committee agenda reports for the meetings of 8<sup>th</sup> June 2022, and 13<sup>th</sup> April 2022.

## **Update to Committee pursuant of deferral of the application on 13<sup>th</sup> April 2022**

At the Planning Committee meeting 13<sup>th</sup> April 2022, members resolved to defer the above application for two committee cycles for a site visit to take place and for the following matters to be explored (as recorded in the agreed minutes:

*'RESOLVED (12 for, 0 against, 1 abstained) that the application be DEFERRED for 2 cycles to allow for a site visit to take place in order for:*

- (i) The Committee to view the site from a distance,*
- (ii) To understand the amenity issues at the 2 access points.*
- (iii) The Officers to obtain information from Church Park Farm in relation to the creation of a public right of way across the land, and consider, with Ward Members and Officers, the need for the football pitch, and*
- (iv) To allow the developers time to investigate alternative access to the site and consider a 2 metre barrier to reduce noise, and a specialist be invited to attend a future Committee to discuss this.'*

(i) Members will visit the site on 25<sup>th</sup> May 2022 to carry out a site visit to address the above points.

(ii) As above

(iii)

Church Farm:

In relation to Church Farm, there is no further factual information to present to the committee beyond what has already been advised. The owners of Church Farm, have a right of way over the access lane in an eastwards direction which is owned by BDW Ltd as does the applicant, part of the track, but not across its entire width or length is owned by the owners of Church Farm and the applicants have ownership of the northern part of the track, with mutual rights of access across the length of the track for all owners where relevant to the land they require access to. A letter has been supplied by the applicant to clarify the position, along with a land registry plan showing the land controlled by Church Farm, the relevant extract of which is shown below:



Plan showing land ownership of the Owners of Church Farm edged red

The applicant maintains there is no ownership dispute, which regardless is a civil matter for consideration outside of the planning process as is the matter of Rights of Access. Members must therefore consider whether the informal access (not to be publically adopted or upgraded) is acceptable in amenity and safety terms only.

At the time of finalising this report, two further updated representations have been received from the owners of Church Farm and has been published to the Council website. This presents no new substantive material considerations which would render the below conclusions to be an incorrect planning judgement in your officers professional opinions.

Football Pitches:

See copied below comments from Richard Slaney, Leisure and Recreation Officer to the Ward Councillor's for the area in relation to the need for pitches:

*'Unfortunately there are no other sites available any closer to the facilities at the Army Camp. This is the best solution that has been available to date in Fremington to provide an additional pitch to support future growth.'*

*The Council's Planning Policy requires that facilities are provided on site where viable. The developer has demonstrated that they can provide a policy compliant scheme with facilities provided on site, as Officers we can only judge the application on merit against our own policy. If the facilities are catered for on site, we have no ability to ask for an off-site contribution instead, especially when we have no alternative location for the provision. So the option available is pitch or no pitch at all, as an Officer it is my role to try and secure the facility. The alternative is the developer gets away without delivering anything.'*

*There are a handful of parking spaces provides next to the allotment/pumping station. If the development goes ahead, the management company who will undoubtedly be responsible for operation of the pitch...has the ability to influence where users park when the pitch is in use; this is an operational issue for the management company.'*

The above makes it clear that there is a Policy requirement for the pitch to be delivered on site and no ability at present for this to be delivered elsewhere. If members were minded to remove this element, they will need to consider what the material considerations for doing so are, and demonstrably indicate how these outweigh the legal starting point for considering an application which is the Policy DM10 of the North Devon and Torridge Local Plan.

(iv)

Alternative access

There is no alternative access available to the developer at this time to be explored therefore members must consider the application as presented.

Noise barrier and specialist

A representative from Environmental Health will be present at the committee meeting to answer questions in respect of the noise barrier and impacts on amenity from noise.

In addition to the above updates, conditions 21-25 have been updated and/ or added to the report since it was last presented to committee as recommended by the relevant consultees and as updated to the committee at the meeting on 13<sup>th</sup> April 2022.

Wording has also been updated to condition 4, 10, 13 and 17 to complete to condition from the last report or ensure added enforceability based upon discussions at the Yelland Quay Public Inquiry.

### **Site Description**

The site comprises greenfield/agricultural land covering 14.24 ha immediately north of Fremington. The residential site area covers 4.81 hectares with a housing density of approximately 33 dwellings per hectare (dph).

The southern boundary of the site abuts the rear boundaries of dwellings located along St Andrews Road. The eastern boundary abuts a hedge line, beyond which lies the recently completed development at the former Fremington Army Camp where planning permission was approved in July 2013 for 277 dwellings, open space, recreational facilities, landscaping and community buildings.

Access to and from the B3222 is from the residential streets of Philip Avenue and St Andrews Road. The primary access will be achieved by the demolition of No.18 St Andrew Road. The South West Coast Path and Tarka Trail border the site to the north.

The land consists of broadly flat agricultural fields, with field boundary hedgerows and few trees. There is a tree belt dividing the site into two fields. The southern field lies adjacent to the existing Development Boundary, while the land in the north of the site borders the Tarka Trail to the north.

The submitted Agricultural Land Classification Report shows that the majority of the site is Grade 3a, with a small part of the site is classed as Grade 4.

The vast majority of the site falls within Flood Zone 1, with an area on the western boundary being within zones 2 and 3. Land to the west of the site is identified on Environment Agency mapping as benefiting from flood defences. Part of the site falls within a Critical Drainage Area.

Braunton Burrows SAC is located 3.4km to the west, and the Taw-Torridge Estuary SSSI is located 50m north of the site. Fremington Quay Cliffs SSSI is located 20m north of the site: with this a geological rather than ecological designation. The Spaltpill Duckpond County Wildlife Site (CWS) falls on the edge of the site, and there are a number of other local designations in the wider locality: including Home Farm Marsh CWS (20m northwest), Fremington Local Nature Reserve (400m east), Fremington Pill CWS (410m east) and Mill Leat CWS (500m south).

The North Devon AONB is located 3.5km west of the site, and the Heritage Coast falls approximately 0.95km north of the site; the other side of the River Taw. The site falls within a local plan designated area – the Coastal and Estuarine Zone.

### **Recommendation**

#### **APPROVE**

Legal Agreement Required: Yes

### **Planning History**

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
53147	Residential development of 277 dwellings with associated public space, affordable housing, recreational facilities, landscaping & access following the demolition of existing buildings, & the refurbishment of 2 former military buildings for community uses (amended plans & supporting documents) (further amended information relating to changes to key buildings, character area 2 & signalised junction (additional plans regarding amended access plans & road safety audit)	Full Planning Refusal	6 December 2012
57519	Variation of condition 2 (approved plans) attached to planning permission 53147 (APP/X11118/A/12/2188898) to allow for minor alteration to access road (Military Road) (additional information)	Approve With Deed Of Variation	24 October 2014

### **Constraints/Planning Policy**

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Adjacent to Conservation Area: 14 Fremington Adopted 14/12/2010;	Within constraint
Adopted County Wild Life Site: Saltpill Duckpond Policy Ref: ST14	Within constraint
Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Conservation Area: 14 Fremington Adopted 14/12/2010;	Within constraint
Critical Drainage Area	Within constraint
Land is potentially contaminated, site was used for: Military	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Landscape Character is: 4A Estuaries	Within constraint

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Within Adopted Coast and Estuary Zone	Within constraint
Within adopted Development Boundary: Fremington Development Boundary ST07	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2/3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 500M Buffer in North Devon,	Within constraint
Within:, SSSI 5KM Buffer in North Devon,	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations	
DM02 - Environmental Protection	
DM03 - Construction and Environmental Management	
DM04 - Design Principles	
DM05 - Highways	
DM06 - Parking Provision	
DM07 - Historic Environment	
DM08 - Biodiversity and Geodiversity	
DM08A - Landscape and Seascape Character	
DM10 - Green Infrastructure Provision	
FRE - Fremington and Yelland Spatial Vision and Development Strategy	
ST01 - Principles of Sustainable Development	
ST02 - Mitigating Climate Change	
ST03 - Adapting to Climate Change and Strengthening Resilience	
ST04 - Improving the Quality of Development	
ST05 - Sustainable Construction and Buildings	
ST08 - Scale and Distribution of New Development in Northern Devon	
ST09 - Coast and Estuary Strategy	
ST10 - Transport Strategy	
ST14 - Enhancing Environmental Assets	
ST15 - Conserving Heritage Assets	
ST16 - Delivering Renewable Energy and Heat	
ST17 - A Balanced Local Housing Market	
ST18 - Affordable Housing on Development Sites	
ST21 - Managing the Delivery of Housing	
ST22 - Community Services and Facilities	
ST23 - Infrastructure	

## Consultation Responses

Name	Comment
Arboricultural Officer	No Response
Councillor F Biederman	No formal response
Councillor J Mackie  Reply Received 8 September 2021	I wish to call-in this application over concerns about the siting and suitability of access
DCC - Childrens Services  Reply Received 3 September 2021	<p>Devon County Council has considered the application above and would like to provide an education response. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033.</p> <p>Regarding the above planning application, Devon County Council has identified that a development up to 160 family type dwellings will generate an additional 40 primary pupils and 24 secondary pupils which would have a direct impact on Fremington primary school and primary and secondary schools in Barnstaple.</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>It is set out in the DCC Education Section 106 Infrastructure Approach that approximately 1.5% of the school population require specific Special Education provision, therefore this development is likely to generate 0.96 pupils who will require a specialist place. DCC would request for additional primary and secondary SEN provision that would be required as a result of the development. The request would be a total of 74,774 (based on the rate of 77,890 per pupil) equivalent to 0.60 primary pupil and 0.34 secondary pupils. This equates to a per dwelling rate of 146.34.</p> <p>When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local primary and secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek contribution towards additional education infrastructure to serve the address of the proposed development.</p> <p>We have forecast that there is enough spare primary capacity to accommodate 6% of pupils expected to be generated by</p>

Name	Comment
	<p>development in the area and therefore would only look to seek contributions against the remaining 94% of pupils. Please note that DCC will not seek additional primary contributions on SEN pupils and therefore will only seek a contribution towards the remaining 37.04 pupils expected to be generated from this development. The primary contribution sought would be 719,127 (based on the DfE new build rate of 19,417 per pupil x 94%). This equates to a per dwelling rate of 4,494.54. The contributions will go towards new primary provision.</p> <p>As the strategy is for a new primary school, DCC also need to request a proportionate primary land contribution of 10sqm per family-type dwelling from this development. Based upon a land value of 1,105,000 per hectare, this land contribution would equate to 1,038.70 per dwelling (based on 1,105 per dwelling x 94%) and would be used towards to costs of procuring the new school site.</p> <p>The local secondary schools in Barnstaple are forecast to be at capacity, therefore DCC need to request secondary contributions. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore we will only request secondary education contributions against the remaining 23.64 pupils expected to be generated from this development. The secondary contribution sought would be 532,207 (based on the DfE expansion rate of 22,513 per pupil). This equates to a per dwelling rate of 3,326.29. The contributions will be used towards the expansion of existing secondary provision in Barnstaple.</p> <p>In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as 40,000 (based on 250 per dwelling). This contribution will be used to provide new early years provision for pupils likely to be generated by the proposed development.</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 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</p>

Name	Comment
	<p>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>
<p>DCC - Childrens Services</p> <p>Reply Received 28 March 2022</p>	<p>Given the additional development coming forward in the Yelland/Fremington/West Barnstaple area we have recently reviewed our primary strategy for the area and any new development in these areas will need to contribute towards the 2nd new primary school on the Larkbear allocation. This will be in addition to the new Roundswell Primary (Tews Lane) which is meeting current need/growth.</p> <p>We have expanded Fremington to 2 form entry (420 places) and this site cannot be expanded further. Instow is on a highly constrained site and cannot be expanded further. Both schools take a significant proportion of children who live outside of their catchment areas. In time these children will get pushed back to their local schools as in-area Fremington and Instow children are prioritised for places at these schools.</p>
<p>DCC - Development Management Highways</p>	<p>Views awaited amended plans</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 7 October 2021</p>	<p>I will require clarity with regards to the proposed junction serving the site. In particular, carriageway width, cycleway footway width along the western frontage and any proposed adoptable footway/grass verge on the eastern frontage. Notwithstanding this, the following objection is raised:</p> <ol style="list-style-type: none"> <li>1) The proposed development is considered to exacerbate existing highway capacity issues at the A3125/B3233 Junction (Cedars) and the A3125/Old Torrington Road Junction (ESSO Garage). As a consequence, the proposal is considered to be contrary to the National Planning Policy Framework (July 2021), in particular, paragraph 110 (d) and paragraph 111, as no mitigation measures are proposed to the junctions and, consequently, the residual cumulative impact upon the road network is considered to be 'severe'.</li> </ol>
<p>DCC - Development Management Highways</p>	<p>I have undertaken an assessment of the contribution I will be seeking to overcome the highway objection. Such contribution being directed towards the ESSO Garage junction now that DCC have approved in-principle schemes at both this junction and the Cedars. I have calculated in the following way, and this formula is one I will</p>

Name	Comment
<p data-bbox="199 235 448 304">Reply Received 19 January 2022</p>	<p data-bbox="470 235 1422 338">be presenting as part of my evidence to the Planning Inspectorate, in connection with the forthcoming Yelland Quay Power Station Public Inquiry:</p> <p data-bbox="470 383 1437 629">Formula to convert to vehicle movements: <math>161 \times 4.364</math> (daily trip rate) = 702.604, say 703 no. vehicle movements. A total of 303 no. vehicle movements have a direct impact upon the Cedars and ESSO Garage junctions (57% west to Bideford and 43% east to Barnstaple). Thus, converting these movements to dwelling numbers: <math>303/4.364 = 70</math> no. dwellings @ £1936.55p per dwelling = £135,558.50p total.</p> <p data-bbox="470 674 1437 887">As you will note, it is specifically related to vehicle movements onto the 2 no. junctions which, in my opinion, are inextricably-linked but are to be directed towards the ESSO Garage as the Cedars has adequate contributions in place for the scheme proposed and will not effectively work until the ESSO Garage junction is the subject of a redesign – signals or roundabout enlargement.</p> <p data-bbox="470 931 1430 1066">This is the approach I have also applied on one other development in Bickington and is likely to be the approach for any further residential schemes that may come forward if we are to resolve the highway issues on this corridor.</p> <p data-bbox="470 1111 1430 1290">As you may also be aware, it does not appear to me that the questioning of a highway contribution is in dispute at the Yelland Quay site but, more so, the means by which it has been calculated. In my opinion, based on actual trip impact is more robust than an amount only based on dwelling numbers.</p>
<p data-bbox="199 1332 448 1435">DCC - Historic Environment Team</p> <p data-bbox="199 1480 448 1550">Reply Received 26 August 2021</p>	<p data-bbox="470 1332 1430 1727">Prehistoric activity is recorded in the vicinity on the Historic Environment Record (HER). A recent geophysical survey on the proposed site recorded a number of undated anomalies that could potentially be related to this activity. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.</p> <p data-bbox="470 1771 1430 2018">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>

Name	Comment
	<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, based on model Condition 55 as set out in Appendix A of Circular 11/95.</p> <p>This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of</p> <p>I would envisage a suitable programme of work as taking the form of a limited staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches targeting anomaly groups 2, 8, 9 and 13 recorded on the geophysical survey, in order 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>DCC - Lead Local Flood Authority</p> <p>Reply Received 14 September 2021</p>	<p>Recommendation: At this stage, we object to this planning application because we believe it does not satisfactorily conform to saved Policy ST03 linking to climate change of North Devon and Torridge Local Plan (2011 - 2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>Observations: We are pleased to see the inclusion of a detention basin and swale at the site however we would require further information:</p> <ul style="list-style-type: none"> <li>• The applicant should ensure that the proposed basin is located outside of Flood Zone 2 and 3.</li> <li>• The applicant should submit the greenfield runoff calculation for the site.</li> </ul>

Name	Comment
	<ul style="list-style-type: none"> <li>• The applicant should indicate how long term storage will be dealt with within the proposal.</li> <li>• The applicant should provide indicative maintenance arrangements at this stage.</li> </ul> <p>We would be happy to provide another substantive response if additional information is provided to the local planning authority.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 8<sup>th</sup> April 2022</p>	<p>Following my previous consultation response FRM/ND/73878/2021, dated 5.4.22, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.</p> <ul style="list-style-type: none"> <li>• Email from Stantec to DCC LLFA dated 8th April 2022</li> <li>• Stantec FEH Calculation</li> <li>• Micro Drainage ICP SuDS Calculation</li> <li>•</li> </ul> <p>The applicant has submitted a feasible surface water management strategy which would attenuate surface water arising from the proposed development via swales and a basin located to the north of the site. We would encourage the features to be designed to fulfill the 4 pillars of SuDS and to be sympathetic to the wider landscape.</p> <p>We would encourage infiltration to be fully assessed at the next stage in lie with the surface water management hierarchy and the proposed condition.</p>
<p>DCC - Public Health</p> <p>Reply Received 3 September 2021</p>	<p>The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon Clinical Commissioning Group as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (<a href="https://www.devon.gov.uk/planning/planning-policies/othercounty-policy-and-guidance">https://www.devon.gov.uk/planning/planning-policies/othercounty-policy-and-guidance</a>) which was jointly prepared by NHS England and Devon County Council.</p> <p>In preparing this response, it is noted that in policy ST08: Scale and Distribution of New Development in Northern Devon states:</p> <p>"(1) Development will be focused at the Sub-regional, Strategic and Main Centres to increase self-containment through sustainable growth that provides balanced housing markets within environmental limits and increases access to jobs, health, education etc."</p> <p>The CCG's concern is that Fremington Medical Practice is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgery already has 7,308 patients registered and this new development will increase the local population by a further 364 persons.</p> <p>Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document" which was</p>

Name	Comment
	<p>agreed by NHS England and Devon County Council, the following calculation has been made:  Methodology for Application 73875</p> <ol style="list-style-type: none"> <li>1. Residential development of 161 dwellings</li> <li>2. This development is in the catchment of the Fremington Medical Practice which has a total capacity for 6,996 patients.</li> <li>3. The current patient list size is 7,308 which is already over capacity by 312 patients which equates to 104% of capacity.</li> <li>4. The increased population from this development = 364 <ol style="list-style-type: none"> <li>a. No of dwellings x Average occupancy rate = population increase</li> <li>b. <math>161 \times 2.26 = 364</math></li> </ol> </li> <li>5. The new GP List size will be 7,672 which is over capacity by 676 <ol style="list-style-type: none"> <li>a. Current GP patient list + Population increase = Expected patient list size</li> <li>b. <math>7,308 + 364 = 7672</math> (676 over capacity)</li> <li>c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6</li> </ol> </li> <li>6. Additional space required = 29.11m<sup>2</sup> <ol style="list-style-type: none"> <li>a. The expected m<sup>2</sup> per patient, for this size practice = 0.08m<sup>2</sup></li> <li>b. Population increase x space requirement per patient = total space (m<sup>2</sup>) required</li> <li>c. <math>464 \times 0.08 = 29.11\text{m}^2</math></li> </ol> </li> <li>7. Total contribution required = £93,148 <ol style="list-style-type: none"> <li>a. Total space (m<sup>2</sup>) required x premises cost = final contribution calculation</li> <li>b. <math>29.11\text{m}^2 \times \text{£}3,200 = \text{£}93,148</math> (£579 per dwelling).</li> </ol> </li> </ol> <p>Could you please acknowledge the CCG's request for an S106 contribution towards the cost mitigation of the pressures on the local healthcare facility and that it will form part of any future s106 Agreement with the Developers.</p>
<p>DCC Waste Management</p> <p>Reply Received 14 September 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>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 at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.</p>

Name	Comment
	<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 8 September 2021</p>	<p>In the absence of either Design and Access and/or Crime and Disorder statements detailing security or crime prevention measures, it is not known if these key matters have been considered for the scheme and if so, where and how they will be implemented. Therefore I am unable to comment in depth from a crime and anti-social behaviour reduction perspective. However, with a proposal of this size, areas of concern tend to be in relation to defensible space, clear ownership of property, including parking spaces, defensible planting, preventing conflict with youths and ball games etc, desire lines and unwarranted permeability allowing potential offenders to wonder unchallenged.</p> <p>Public and private space should be clearly defined and areas of ambiguity avoided with appropriate boundary treatments provided. How dwellings address green space is important. They should provide frontage to such space and not have rear gardens backing onto these areas. Similarly, they should also address new streets and other public realm areas positively to ensure good natural surveillance.</p> <p>The need for Public Open Space (POS) is fully appreciated, as long as it does not run the risk of becoming a problem area or capable of having a negative impact on quality of life issues for residents. POS would preferably be positioned centrally to a development or be sited so it will be well overlooked so as to not undermine the safety and security of those living nearby or users of the space.</p> <p>Mere residual space or land that cannot or is awkward to develop should not be considered as being suitable or appropriate as public open space.</p> <p>Pedestrian links require careful consideration, as from an offenders perspective, these will provide a legitimate excuse for being in the area without fear of being challenged or noticed. Too much permeability in a development makes controlling crime and anti-social behaviour very difficult as it allows easy intrusion around the development by potential offenders and does not serve the community. All planned routes should be needed, well used by generating adequate footfall, well overlooked, for example, not running to the rear of dwellings and well-integrated.</p>

Name	Comment
	<p>Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence.</p> <p>Having reviewed the available plans and drawings, my initial concerns relate to access/egress from the site as the indicated routes leave the adjacent existing dwellings potentially vulnerable to crime and ASB. It is unlikely the existing rear and side boundaries of properties in St Andrews Road, particularly those immediately adjacent to the proposed pedestrian/cycle paths and access road, are robust enough to offer the desired level of safety, security and privacy. Should the application progress I would welcome the inclusion of such details and for those of the wider development. It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 18 February 2022</p>	<p>Thank you for this application, the updated Transport Assessment is noted and I have no additional comments from a designing out crime and anti-social behaviour perspective to those previously submitted, which remain valid.</p>
<p>Environment Agency</p> <p>Reply Received 20 September 2021</p>	<p>Environment Agency Position</p> <p>We object to this development and recommend this application is not determined until further information within the Flood Risk Assessment(FRA) is provided to fully review risks from flooding</p> <p>The LPA must be satisfied that the requirements for the sequential and exception tests are met.</p> <p>Reason</p> <p>Although the FRA states that there will be no built development within flood zone 3 it is not clear from the masterplan whether this is the case. Along the western boundary there could be overlap from the predicted flood levels and the proposed development.</p> <p>The 1 in 200 year (including climate change) flood level outlines should be superimposed onto the development to ensure that there will not be overlap.</p> <p>SuDS must not be located within flood zones 2 or 3. The attenuation basin that is indicatively shown on the Illustrative masterplan in the north-west corner of the site could be within these zones.</p> <p>Our response to the EIA screening and scoping (ENQ/1666/2020) stated that wave overtopping calculations would be required as the site is at risk of wave action from the Taw Torridge Estuary.</p> <p>Currently the FRA has only provided still water levels for the 1 in 200 year event. The FRA must provide wave overtopping</p>

Name	Comment
	<p>calculations and an assessment on how that this will impact upon flood levels to the development in order to ensure that it will be safe. The FRA has also failed to identify all drainage ditches and ordinary watercourses on the site and has not provided any information on the ordinary watercourse buffers.</p> <p>There should be an 8m easement from the watercourse. The FRA should also detail who will take on ownership and maintenance of the watercourse once the development is complete. Ownership and responsibility of maintenance must not be transferred to individual property owners.</p> <p>To overcome the objection</p> <ul style="list-style-type: none"> <li>• Confirm that the LPA considers the sequential and exception test passed</li> <li>• Make an assessment on wave overtopping and the impact of this</li> <li>• Provide a drawing of the masterplan with the 1 in 200 year flood level (including climate change) superimposed. If any of the development or SuDS are within this flood level re-design will be required.</li> <li>• Identify watercourses and buffer zone</li> </ul>
<p>Environment Agency</p> <p>Reply Received 12 April 2022</p>	<p>We remove our objection to this application subject to a condition ensuring minimum floor levels of 8.56mAOD. The Flood Risk Assessment must be updated to reflect this minimum level.</p> <p>Reason In line with the email from Doug Barker dated 08/04/2022, if a condition is implemented to ensure finished floor levels are minimum 8.56mAOD we are happy to remove our objection.</p> <p>The FRA must be updated to clarify this minimum level before the LPA determine this application.</p> <p>Following this, a condition ensuring minimum levels is required. This level will need to be updated based on best available data and updated NPPF guidance at the next stage of planning</p>
<p>Environmental Health Manager</p> <p>Reply Received 1 September 2021</p>	<p>I have reviewed this Outline application in relation to Environmental Protection matters and comment as follows:</p> <p style="padding-left: 40px;">1 Traffic Noise Impacts</p> <p>I have reviewed the Stantec Noise Impact Assessment dated June 2021. The assessment considers potential noise impacts associated with the existing noise environment and also potential impacts arising as a result of the proposed development.</p> <p>The report concludes that the site is suitable for the purposes of residential development provided that a good acoustic design process is followed in terms of the detailed proposals. I accept this finding.</p>

Name	Comment
	<p>The report includes an assessment of the likely change in noise levels at existing receptors with reference to the proposed access road. The assessment finds that the worst affected existing receptors located along St Peters Road and St Andrews Road are likely to experience changes in noise levels that would be above the Significant Observed Adverse Effect Level (SOAEL) based on an assessment of predicted changes in noise levels and guidance contained within the Design Manual for Roads and Bridges (DMRB). The report states:</p> <p>"4.4.1 The acoustic model indicates that the change in LA10,18h noise levels at existing noise sensitive receptors, between the 'future with development' scenario and the 'future without development', are likely to be over 5 dB at the worst affected existing receptors along St Peters Road and St Andrews Road. [...]</p> <p>4.4.3 Due to the rural location of the site with low ambient noise levels, a perceptible change in noise levels due to a new access road is unavoidable. "</p> <p>In relation to the two dwellings adjoining the proposed new site access road, the report recommends erection of a 2m high acoustic barrier to reduce traffic noise levels at these two properties. The report states:</p> <p>"4.4.8 Calculations indicate that, with the noise barriers in place, the external noise levels at all existing noise sensitive receptors are likely to be below the BS8233 recommended lower guideline value of 50 dB LAeq "</p> <p>However, the report states that:</p> <p>"4.4.9 A more detailed assessment of the impact of the access road on the proposed receptors and the effect of potential mitigation measures should be undertaken at the detailed design stage."</p> <p>The creation of an access road between two dwellings would introduce significant traffic noise to the sides and rears of the adjoining dwellings. These dwellings currently back onto quiet fields so the proposed changes are likely to be perceived as an adverse impact by existing residents, above that associated with simply increasing traffic on existing roads. The report does not make clear what changes in sound levels are likely to be experienced at these two dwellings / within rear garden amenity areas. Also, no information is provided on the potential for short term traffic related noise (such as LAFmax levels) to significantly impact the sides and rears of the properties.</p> <p>Given the above, it is difficult to judge whether noise impacts are likely to be within acceptable limits or would require additional mitigation / other changes. The report acknowledges that more detailed assessment is required in this area and in my opinion, further careful consideration and assessment is needed prior to approving final access arrangements for the development. I recommend the applicant be asked to provide additional information / review the proposals with a view to addressing the above concerns.</p>

Name	Comment
	<p data-bbox="470 271 799 304">2 Land Contamination</p> <p data-bbox="470 344 1445 488">Housing developments are recognised as having high sensitivity to the presence of any land contamination affecting the site. In order to ensure that any potentially significant contamination risks are adequately considered, I recommend the conditions be included:</p> <p data-bbox="470 528 780 562">3 Air Quality Impacts</p> <p data-bbox="470 602 1369 669">I have reviewed the Stantec Air Quality Assessment dated July 2021.</p> <p data-bbox="470 674 775 707">- Construction Phase</p> <p data-bbox="470 712 1445 927">The Assessment identifies a number of potential dust related impacts and recommends a scheme of mitigation be adopted during the construction phase. I accept the findings of the report and recommend the proposed mitigation measures be incorporated within a suitable Construction Environmental Management Plan (see below).</p> <p data-bbox="470 931 761 965">- Operational Phase</p> <p data-bbox="470 969 1414 1149">The Assessment considers potential traffic related impacts associated with the proposals having regard to relevant standards and guidance. The report concludes that no significant traffic pollution related impacts will arise and that no specific mitigation measures are required. I accept the findings of the report.</p> <p data-bbox="470 1189 911 1223">4 Construction Phase Impacts</p> <p data-bbox="470 1227 1436 1330">In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the conditions be imposed:</p>
<p data-bbox="199 1373 437 1440">Environmental Health Manager</p> <p data-bbox="199 1480 432 1583">Reply Received 9 November 2021</p>	<p data-bbox="470 1373 979 1406">Updated Noise Impact Assessment</p> <p data-bbox="470 1447 1369 1550">Further to my emailed comments of 1 September 2021, I have reviewed the updated Stantec Noise Impact Assessment dated October 2021 and comment as follows:</p> <p data-bbox="470 1590 1441 1733">The assessment report has been updated with a view to addressing concerns I raised in my previous comments. In particular, the updates relate to a more detailed consideration of noise impacts arising as a result of the proposed access road.</p> <p data-bbox="470 1774 1404 1953">The report has regard to recognised standards and guidance and sets out predicted noise levels associated with proposed operational use of the access road and the mitigating effects of a proposed 2m high acoustic barrier. The report presents the following summary of its findings:</p>

Name	Comment
	<p>4.2.20 As the site is predominantly rural in nature with existing low ambient noise levels, the change in noise level assessment indicates a perceptible change in noise levels due to the proposed development.</p> <p>4.2.21 However, a review of the absolute noise levels associated with the proposals indicates that noise will fall below the relevant guidance levels once noise mitigation has been incorporated into the scheme.</p> <p>4.2.22 It is therefore considered that the development proposals avoid giving rise to significant adverse impacts and reduce and mitigate to a minimum any adverse impacts. The development proposals are therefore considered to be in line with the requirements of the NPPF</p> <p>The updated report finds that the proposed mitigated access arrangements will produce a noticeable change in the noise environment and that this change will be quite significant for some properties due to increases in what is currently a relatively quiet area. However, the findings indicate that the increases that are likely to occur fall below limits presented in national standards and guidance as being acceptable under certain circumstances.</p> <p>In my opinion, existing residents of properties that experience noticeable increases in traffic noise are likely to consider this an unwanted change in their circumstances. I think this is particularly likely to be the case for those properties adjoining the site access road for which increased noise will be most noticeable to the sides and rears of the properties where traffic noise is currently much less present. The report points out that the increased noise levels would remain below national guideline levels and this is clearly a relevant consideration. However, the degree of change in existing circumstances is also relevant.</p> <p>On balance and based on the findings and mitigation presented in the updated report and having regard to national standards and guidance, I believe the proposals are unlikely to give rise to significant adverse noise effects at existing residential properties in the vicinity.</p> <p>I am mindful that the report recommends at 4.2.19 that "a more detailed assessment of the impact of the access road on the proposed receptors and the effect of potential mitigation measures should be undertaken at the detailed design stage".</p> <p>Given the above, I recommend that any permission include a condition with a view to ensuring that a detailed noise mitigation scheme is submitted for approval in relation to access road noise and an associated detailed noise impact assessment is provided to demonstrate that the proposed mitigation scheme will be effective in</p>

Name	Comment
	<p>securing acceptable noise levels for existing residential receptors in the locality having regard to the findings of the updated Stantec report and relevant standards and guidance.</p>
<p>Environmental Health Manager</p> <p>Reply Received 22 July 2022</p>	<p>Updated Noise impact Assessment <b>Post Development Traffic Noise Impacts</b></p> <p>You will be aware that, following consideration of this Application at Plans Committee on 8 June 2022, a decision was deferred to allow for further consideration of potential traffic related noise impacts. Concerns had been raised that the conclusions of the submitted noise impact assessments may be unreliable.</p> <p>Subsequent discussions between myself and the Applicant's noise consultants, Stantec, led to further noise monitoring and assessment work being carried out. A revised Noise Impact Assessment report (Revision 3 July 2022) has now been submitted.</p> <p>Before discussing the Applicant's latest revised Noise Impact Assessment I think it will be helpful to summarise how we got to the current position:</p> <p><b>1 Previous Noise Assessment Reports</b></p> <p>Two previous versions of the Noise Impact Assessment (NIA) report were submitted as application documents. The reports identified two areas in which notable noise impacts were likely to arise:</p> <ul style="list-style-type: none"> <li>• impacts associated with a substantial increase in traffic noise levels compared to existing or 'baseline' noise conditions affecting properties on St Peters and St Andrews Roads;</li> <li>• impacts affecting the sides and rears of the two dwellings adjoining the new access road through 18 St Andrews Road</li> </ul> <p>Revision 2 of the report included a more detailed consideration of impacts on the two dwellings adjoining the site access through 18 St Andrews Road and the mitigating effects of a proposed 2m high noise barrier for these properties.</p> <p>Both reports considered that, although traffic noise levels would increase significantly, noise impacts would remain below an acceptable 'absolute' upper limit. In other words, although traffic noise would significantly increase, affected residents would still enjoy acceptably low levels of noise when considered against national guideline levels. The reports stated:</p> <p><i>"Calculations indicate that, with the noise barriers in place, the external noise levels at all existing noise sensitive receptors are likely to be below the BS8233 recommended lower guideline value of 50 dB LAeq"</i></p>

Name	Comment
	<p><b>- My Previous Conclusions</b></p> <p>Taking account of the report finding that all existing noise sensitive receptor locations would fall below the BS8233 recommended lower guideline value of 50 dB LAeq, I concluded that:</p> <p><i>"In my opinion, existing residents of properties that experience noticeable increases in traffic noise are likely to consider this an unwanted change in their circumstances. I think this is particularly likely to be the case for those properties adjoining the site access road for which increased noise will be most noticeable to the sides and rears of the properties where traffic noise is currently much less present. The report points out that the increased noise levels would remain below national guideline levels and this is clearly a relevant consideration. However, the degree of change in existing circumstances is also relevant."</i></p> <p><i>"On balance and based on the findings and mitigation presented in the updated report and having regard to national standards and guidance, I believe the proposals are unlikely to give rise to significant adverse noise effects at existing residential properties in the vicinity. "</i></p> <p><b>2 The revised Noise Impact Assessment Report (Revision 3 July 2022)</b></p> <p>I have reviewed the latest Noise Impact Assessment report dated July 2022 and comment as follows:</p> <p><b>- Increases in Traffic Noise</b></p> <p>Significant traffic noise increases are identified in the report relating to increased traffic using relevant parts of St Peters and St Andrews Roads post development. The revised traffic data indicates that average traffic flows on St Peters Road will increase from 96 movements per day (AAWT 18hr) to 912 and from 47 to 864 on the relevant parts of St Andrews Road (from 0 to 816 between 16 and 20 St Andrews Roads)</p> <p>In order to judge the significance of such noise increases it is important to consider the locations at which noise would be experienced by existing residents. In this respect, garden amenity areas are likely to be significantly more sensitive than, for example, front of property non-amenity areas.</p> <p>According to the report, four amenity garden areas of existing dwellings would be notably affected by noise increases: 2 St Peters Road (increases of 1 to 3dB), 6 St Peters Road (increases of 3 to</p>

Name	Comment
	<p>more than 5 dB), 20 St Andrews Road (1 to &gt; 5 dB) and 16 St Andrews Road (1 to &gt;5 dB).</p> <p>The Design Manual for Roads and Bridges, LA111 Traffic Noise and Vibration, 2020 (DMRB LA111) provides guidance on assessing noise impacts from traffic noise. The document includes criteria for categorising traffic noise impacts based on bands of increased noise: 1 to 3dB change is considered 'minor', 3 to 5dB 'moderate' and more than 5dB is of 'major' impact significance.</p> <p>In my opinion, existing residents of properties that experience the predicted noticeable increases in traffic noise are likely to consider such increases an unwanted change. I think this is particularly likely in terms of the two properties adjoining the site access road, which currently enjoy rear garden areas that are well screened from traffic noise. There is also the question of a 'major' increase of traffic noise affecting large parts of the side amenity garden area of 6 St Peters Road.</p> <p><b>- Absolute Levels of Traffic Noise</b></p> <p>The revised 'with development' model shows predicted traffic noise levels falling below 50dB LAeq within the relevant amenity garden areas of all existing properties except at numbers 2 and 6 St Peters Road.</p> <p>Rear garden noise levels for 2 St Peters Road are increased from the range 45 to 52.5 dB currently to the range 50 to 55dB after development.</p> <p>Amenity garden areas at 6 St Peters Road are increased from the range &lt;=45 to 47.5 dB currently to the range &lt;=50 to 55dB after development.</p> <p><b>- Absolute Noise Level Assessment Criteria</b></p> <p>The Applicant has suggested using a level of 55dB LAeq (free field) as the threshold for judging the acceptability of noise impacts at existing residential amenity areas and makes reference to DMRB LA111 and certain other guidance in an attempt to justify this position.</p> <p>The report proposes that the 55dB level is used as the 'Lowest Observed Adverse Effect Level' (LOAEL) as defined in the Noise Policy Statement for England (NPSE).</p> <p>Stantec is aware that I disagree with the above proposed approach which, in my opinion, is likely to significantly underestimate impact significance.</p>

Name	Comment
	<p>The guidance documents referred to by the applicant to justify use of 55dB as the LOAEL are not intended to be used to assess the significance of impacts on existing residential amenity arising from new housing developments.</p> <p>DMRB LA111, for example, sets out the requirements for assessing noise and vibration arising in connection with major road projects ("<i>projects involving construction, improvement and maintenance of motorways and all purpose trunk roads</i>"). The document is written in the context of ensuring a proportionate balance is struck between noise impacts and the nationally recognised priority of ensuring a safe and efficient road network. It is questionable whether judgements of the noise impacts of private developments such as this one should be based on the same criteria as those used when balancing the impacts and benefits of the national road network.</p> <p>To my knowledge, there is no nationally recognised guidance that is specifically intended to be used to judge the acceptability of impacts on existing residential amenity in the circumstances at issue here. It is therefore necessary to apply the available guidance with some care.</p> <p>BS8233: 2014 '<i>Guidance on Sound Insulation and noise reduction for buildings</i>' " states that:</p> <p><i>"for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments"</i></p> <p>World Health Organisation Guidelines for Community Noise, 1999 reinforces the view that 50dB represents a significant level of environmental noise and suggests that daytime sound levels of above 50 dB LAeq,16hours are of 'moderate annoyance' in the community.</p> <p>In my opinion, a level of 50dB LAeq,T would represent a more appropriate guide to judging the significance of adverse impacts in these circumstances.</p> <p><b>- My Judgement on Overall Impact Significance</b></p> <p>The NPSE provides some helpful guidance for deciding whether noise is likely to be a concern for developments and describes a hierarchy of impacts from no observed effects to significant adverse effects. The guidance states that the LOAEL threshold is crossed and intrusive adverse effects occur when:</p>

Name	Comment
	<p data-bbox="470 271 1445 524"><i>"Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life."</i></p> <p data-bbox="470 564 1437 779">Currently residents of 16 and 20 St Andrews roads have rear gardens backing onto fields at properties located within a small cul de sac setting. It seems very likely to me that the introduction of an access road alongside these rear gardens with a 816 AAWT traffic flow will significantly affect the acoustic character of such areas and thus exceed the LOAEL.</p> <p data-bbox="470 819 1414 1003">The above conclusion is reinforced by the report's finding that 'moderate' to 'major' changes of noise level will affect certain sensitive locations. It also seems likely to me that residents will, to some degree at least, change behaviour (such as closing rear bedroom windows more often at night).</p> <p data-bbox="470 1043 1385 1182">For the three worst affected properties, and particularly the two dwellings adjoining the new access road through 18 St Andrews Road, I believe the proposals are likely to cross the LOAEL threshold as described in the NPSE.</p> <p data-bbox="470 1223 1442 1294">The NPSE classifies such adverse effects as "present and intrusive" and advises action be taken to "mitigate and reduce to a minimum".</p> <p data-bbox="470 1335 1442 1442">Notwithstanding the above and in line with my previous conclusions, I believe the circumstances are unlikely to cross the Significant Observed Adverse Effect Level as described by the NPSE.</p> <p data-bbox="470 1482 715 1514"><b>3 Further Work</b></p> <p data-bbox="470 1554 1422 1697">I am mindful that the report recommends at 4.3.8 that <i>"a more detailed assessment of the impact of the access road on the proposed receptors and the effect of potential mitigation measures should be undertaken at the detailed design stage"</i>.</p> <p data-bbox="470 1738 1433 1953">Should you be minded to grant permission, I recommend that any permission include a condition with a view to ensuring that a detailed noise mitigation scheme be submitted for approval in relation to access road noise and an associated detailed noise impact assessment be provided to demonstrate that the proposed mitigation scheme will be effective in achieving agreed noise levels.</p> <p data-bbox="470 1993 895 2024"><b>4 My Updated Conclusions</b></p>

Name	Comment
	<p>Traffic noise affecting the side and rear of 16 and 20 St Andrews Road is likely to be such as to noticeably affect the acoustic character of these sensitive areas with the proposed acoustic barrier in place. I believe such a change is likely to result in residents of these properties changing their behaviour to some extent (such as closing rear bedroom windows more often at night).</p> <p>The Noise Impact Assessment finds that the amenity garden areas of three existing dwellings are likely to experience significant noise increases. These are 6 St Peters Road, 20 St Andrews Road and 16 St Andrews Road with some areas affected by increases that are considered 'major' within DMRB LA111 guidance.</p> <p>For the three worst affected properties, and particularly the two dwellings adjoining the new access road through 18 St Andrews Road, I believe the proposals are likely to create noise impacts that exceed the LOAEL threshold as described in the NPSE. The NPSE classifies such adverse effects as "present and intrusive" and advises action be taken to "mitigate and reduce to a minimum".</p> <p>Notwithstanding the above, and in line with my previous conclusions, I believe the circumstances are unlikely to cross the Significant Observed Adverse Effect Level as described within the NPSE.</p> <p>In my opinion, due weight should be given to the above adverse noise impacts when determining the overall balance of harms and benefits of the development and reaching a decision on the application.</p>
<p>Fremington Parish Council</p> <p>Reply Received 8 September 2021</p>	<p>It was resolved to recommend REFUSAL. It is a departure from the North Devon Local Plan and also a departure from the Neighbourhood Plan. The access arrangements are unsafe and would have a severe impact on the adjoining properties, especially with headlights on the opposite side of the road. There would also be a severe impact on the B3233, the general infrastructure and health services.</p>
<p>Fremington Parish Council</p> <p>Reply Received 10 March 2022</p>	<p>It was resolved, with no votes to the contrary, to recommend REFUSAL. It is a departure from the Local Plan and the emerging Neighbourhood Plan. The access arrangements are unsafe and would have a severe impact on the adjoining properties, especially with headlights on the opposite side of the road, and the concerns regarding the number of traffic movements per hour. There would also be a severe impact on the B3233, the general infrastructure and health services.</p>

Name	Comment
<p data-bbox="199 235 448 338">Heritage &amp; Conservation Officer</p> <p data-bbox="199 383 432 486">Reply Received 10 September 2021</p>	<p data-bbox="470 235 1450 486">This is an outline application to develop the land to the north-west of the Fremington Conservation Area. The land is currently farmland, so the construction of a housing estate will inevitably affect the setting of the Conservation Area. This has, however, already been greatly altered by the construction of the existing housing estate on the site of the former army camp, so it may be that the effect on significance is not actually that great.</p>
<p data-bbox="199 526 448 629">Heritage &amp; Conservation Officer</p> <p data-bbox="199 674 432 777">Reply Received 8 December 2021</p>	<p data-bbox="470 526 1193 562">Harm would be in the less than substantial bracket</p>
<p data-bbox="199 788 448 853">Housing Enabling Officer</p> <p data-bbox="199 898 432 1001">Reply Received 14 September 2021</p>	<p data-bbox="470 788 1450 1039">The proposed site is outside and adjoining the Fremington development boundary in the Local Plan. If Planning determine that the proposed site is acceptable in planning terms then although generally Policy ST19: Affordable Housing on Exception Sites of the Local Plan would apply in this location, due to the current absence of a 5 year housing land supply 30% affordable housing provision would apply.</p> <p data-bbox="470 1084 1450 1187">Devon Home Choice (DHC) shows there are 202 households living in the parish of Fremington, registered as being in need of affordable housing for rent as of July 2021.</p> <p data-bbox="470 1232 1450 1368">There are 43 households in the adjoining rural parishes of Tawstock, Instow and Horwood, Lovacott &amp; Newton Tracey registered as being in need of affordable housing for rent as of July 2021.</p> <p data-bbox="470 1413 1450 1845">Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (shared ownership/discounted sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.</p> <p data-bbox="470 1890 1450 1980">Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at</p>

Name	Comment
	<p data-bbox="470 235 1396 414"> <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).         </p> <p data-bbox="470 459 1436 560">           The attached table below shows the policy requirement for dwelling mix &amp; occupancy levels. Registered providers require housing to be built to National Space Standards; these are indicated on the table.         </p> <p data-bbox="470 604 1388 772">           The supply and demand for 4 bed 8 person units and challenges around the use and allocation of 4 bed 6 person units has been reflected in our consultation responses in which we state a requirement for four bed eight person dwellings at 124 square metres.         </p> <p data-bbox="470 817 1380 918">           The tenure mix would need to be at least 75% social rent (in accordance with policy) and the remainder intermediate (shared ownership, intermediate rent or discounted sale).         </p> <p data-bbox="470 963 1444 1332">           3% of our housing register require wheelchair accessible housing. Therefore, we would expect 3% of the affordable housing to be provided as wheelchair accessible housing. These should be built to comply with the requirement M4 (3) (2) b of the Building Regulations 2010 Approved Document M: Access to and use of buildings. These should be provided as Social Rent. This would be detailed as a planning condition. I would request that the applicant contacts Housing Enabling at the pre-app stage at reserved matters to get the most up to date housing need for disabled adapted properties so that this can be factored into the design appropriately.         </p> <p data-bbox="470 1377 1444 1444">           The affordable homes should be pepperpotted throughout the site in clusters of no more than 6-10 units.         </p> <p data-bbox="470 1489 1436 1556">           The affordable homes should be designed and of the same material and construction as the open market - including car parking.         </p>
<p data-bbox="199 1630 438 1803">           Natural England             Reply Received            3 September            2021         </p>	<p data-bbox="470 1630 1332 1736"> <b>SUMMARY OF NATURAL ENGLAND'S ADVICE            FURTHER CONSIDERATION REQUIRED TO DETERMINE            IMPACTS ON DESIGNATED SITES</b> </p> <p data-bbox="470 1742 1420 1953">           There is the potential for the application to affect European Sites. The consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.         </p>

Name	Comment
	<p>Further consideration is also required to determine potential indirect impacts on the Tav Torridge Estuary Site of Special Scientific Interest (SSSI).</p> <p>Our more detailed advice on this and other environmental matters is provided below.</p> <p>1. European Designated sites Braunton Burrows Special Area of Conservation (SAC) – HRA required</p> <p>The application site is within the Zone of Influence (Zol) for the Braunton Burrows SAC within which impacts of residential and tourist development on the SAC would arise in the absence of appropriate mitigation.</p> <p>Further evidence submitted following your Joint Local Plan Habitats Regulations Assessment indicates that it would not be possible to reach a conclusion of ‘no likely significant effect’ for housing in this location, in combination with other residential/tourist development within the Zol.</p> <p>North Devon Council and Torridge District Council have adopted an Interim Scheme ‘Braunton Burrows Special Area of Conservation Visitor Impacts and Mitigation’ (July 2019) whereby impacts can be avoided and mitigated through financial contributions in order to avoid significant effects of recreational impacts on the Braunton Burrows SAC from new housing/tourist developments within the Zol.</p> <p>Natural England therefore advises that you:</p> <ul style="list-style-type: none"> <li>• Undertake an Appropriate Assessment<sup>2</sup> of the proposal and any mitigation proposed, prior to determining the application. Natural England is a statutory consultee at Appropriate Assessment.</li> <li>• Seek agreement from the applicant on funding of a package of measures which will permit you to reach a conclusion of no adverse effect on integrity before granting permission. Your Authority should not grant permission until such time as this mitigation has been secured.</li> </ul> <p>The Conservation Objectives for the Braunton Burrows SAC explain how the sites should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.</p> <p>The Culm Grasslands Special Area of Conservation (SAC) – no further assessment required</p> <p>This site appears to be a departure from the Joint North Devon and Torridge Districts Local Plan (JLP). Your Authority’s JLP Habitat</p>

Name	Comment
	<p>Regulations Assessment (HRA) considered whether there would be air quality impacts on the Culm Grasslands SAC associated with housing development allocated in the JLP. The development site is not allocated in the adopted plan and is therefore classed as a 'windfall site'.</p> <p>The Council's HRA of non-plan led development concluded no effect on site integrity as a result of additional growth (over and above the allocated sites) of up to 10,000 dwellings in-combination with the Local Plan. This application can therefore screen out from any further assessment (The Council should be keeping track of non-plan led development numbers).</p> <p>2. Nationally Designated sites Public Bodies have a responsibility under section 28G 1981 Wildlife and Countryside Act to 'take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.</p> <p>The Taw Torridge Estuary Site of Special Scientific Interest (SSSI) – further consideration required</p> <p>The site is not allocated for development in the adopted Development Plan and falls within the Coast and Estuary Zone. It is adjacent to the Taw Torridge Estuary SSSI which is notified for its overwintering bird interest and intertidal habitats. Further information about the notified special interest of SSSIs can be found at <a href="http://www.magic.gov.uk">www.magic.gov.uk</a></p> <p>SSSI bird interest – Based on the information provided, the overwintering bird surveys indicate the development site does not support significant numbers of birds associated with the SSSI. However, data gathered through the Taw Torridge Estuary High Tide Roost and Recreational Impacts study<sup>3</sup>, of which your Authority is a partner, provides evidence of recreational impacts on important high tide roosts and on birds feeding through all states of the tide. The report highlights two key high tide roosts in this sector (11482 Fremington to Isley) and identifies that these roosts are easily accessed from the Tarka Trail and already subject to levels of disturbance from dog walkers at high tide. A further connection to the Tarka Trail from this development will increase levels of disturbance at an already sensitive location.</p> <p>The estuary birds are particularly sensitive during the winter and during stopovers on annual migrations, throughout which time they must build up energy reserves. Any disturbance that causes them to take flight, especially repeatedly, reduces foraging time and causes</p>

Name	Comment
	<p>additional energy expenditure. This can result in a reduction in fitness making it a challenge to survive the winter.</p> <p>Plan led development has the potential to affect the SSSI by virtue of the associated recreational activity on and around the estuary contributing cumulatively to disturbance and displacement effects on the overwintering water birds on the estuary.</p> <p>North Devon Council will need to consider any planning decision in light of this new evidence highlighting the importance of the estuary for overwintering birds. A strategic approach to recreational disturbance on the estuary would secure better environmental outcomes.</p> <p>Our advice is that an alternative connection to the PROW network is considered, for example, through the adjacent development to the east. The planning statement says that 'Cyclists are well provided for within Fremington, with a significant number of on and off road routes linking the village along with wider connections via the Tarka Trail'.</p> <p>If your authority is minded to grant permission, suitable mitigation measures must be agreed and secured via condition to reduce disturbance to over wintering birds.</p> <p>Noise and lighting can lead to both the displacement and disturbance of wildlife. The noise assessment did not consider ecological receptors. However, given the setback distance of the development from the SSSI, significant impacts are considered unlikely.</p> <p>Water quality - The development site is hydrologically linked to the SSSI via the stream that runs along its western boundary. Based on the information provided, Natural England is satisfied that there is not likely to be an adverse effect, in terms of water quality, on the designated site.</p> <p>SuDS are proposed including source control (e.g. pervious pavements, water butts and bioretention), conveyance features (e.g. filter strips and swales), and site control (i.e. detention basin). No detail has been provided at outline and Natural England's advice is that a condition is required to secure a robust, detailed SuDS scheme which provides suitable measures to ensure sufficient water quality.</p> <p>A Construction Environment Management Plan (CEMP) outlining necessary measures to protect the environment during construction should also be secured via condition. All works should be undertaken in line with Pollution Prevention Guidelines.</p> <p>Caen Valley Bats SSSI – no objection subject to mitigation</p>

Name	Comment
	<p>This application site is outside the roost sustenance zone of the Caen Valley Bats SSSI, notified for its Greater Horseshoe bat colony and outside any known strategic flyways or flight paths. However, Greater Horseshoe bats are known to cross the river from north to south and fly along the Tarka Trail.</p> <p>The Ecological Appraisal (EA) highlights that Greater Horseshoe bats were recorded along the northern boundary and the plantation woodland. A wildlife sensitive lighting scheme should be designed to avoid light spill on to retained habitats creating 'dark zones' where development is located in close proximity to linear foraging habitats.</p> <p>Based on the information provided, Natural England is satisfied that there is not likely to be an adverse effect on the designated site subject to a detailed lighting scheme being secured via condition.</p> <p>3. Landscape This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment (LCA) and the policies protecting landscape character in your local plan.</p> <p>Policy ST09 Coast and Estuary Strategy of the Local Plan states that the integrity of the coast and estuary as an important wildlife corridor should be protected and enhanced. It also states that the undeveloped parts of this coastal zone are a finite resource and their unspoilt character, appearance and tranquillity will be protected against development not related to the coast or not providing benefits for the local community. Within the Coastal and Estuarine Zone, the Developed Coast is limited to the extent of defined settlements, the edge of Rural Settlements, Defence Estates sites and large previously developed sites.</p> <p>4. Rights of Way, Access land, Coastal access and National Trails The proposal is in close proximity to the South West Coast Path National Trail and the Tarka Trail. We therefore advise you to seek the advice of the National Trail Officer and/or the Coast Path Officer for North Devon to ensure there are no adverse effects on the Trail. Their knowledge of the location and wider landscape setting of the development should help to confirm whether it would impact significantly on the SWCP NT/Tarka Trail. The National Trails website<sup>1</sup> provides information including contact details for the National Trail Officers. Appropriate mitigation measures should be incorporated for any adverse impacts.</p> <p>5. Protected species</p>

Name	Comment
	<p>We have not assessed this application and associated documents for impacts on protected species.</p> <p>Natural England has produced standing advice<sup>4</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances. The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.</p> <p><b>6. Biodiversity enhancements</b>  Development provides opportunities to secure a net gain for nature as outlined in paragraphs 170 and 174 of the NPPF<sup>5</sup> and within the Defra 25-year Environment Plan. Policy ST14 of the Joint Torridge and North Devon Local Plan also expects all development to provide a net gain in biodiversity.</p> <p>An evidence-based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions<sup>6</sup> (under Section 40 NERC Act, 2006). Biodiversity metrics<sup>7</sup> are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Bill currently proposes a 10% threshold.</p> <p>We would recommend incorporating nest sites for swallow, house martin, house sparrow, swift boxes and bat boxes into the design of new buildings and using native plants in landscaping schemes as they provide better nectar and seed sources for bees and birds. The use of SuDS to manage surface water run-off can also contribute towards green infrastructure by increasing biodiversity value. Amenity value can also be increased with careful design to manage risk (CIRIA). The RSPB/WWT<sup>8</sup> has produced a guide for developers and planners on designing and managing SuDS features that are also good for wildlife. We would recommend that management of the SuDS is included in an ecological management plan as maintenance of these features is key to a properly functioning system.</p> <p><b>7. Soils and Land Quality</b>  From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to</p>

Name	Comment
	<p>lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).</p> <p>For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils. We would however draw your attention to the Agricultural Land Classification information that is available on the Magic website on the Data.Gov.uk website which indicates the 14ha site to be predominantly Grade 3a best and most versatile agricultural land. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.</p> <p>Should the application change, or if the applicant submits further information relating to the impact of this proposal on designated sites, Natural England will be happy to consider it, and amend our position as appropriate.</p> <p>Following submission of this advice to the LPA we are able to consider offering advice to the developer through our Discretionary Advice Service.</p>
<p>Natural England</p> <p>Reply Received 21 September 2021</p>	<p>Thank you for your email of 15th September 2021 consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the Braunton Burrows Special Area of Conservation Visitor Impacts and Mitigation interim scheme as necessary mitigation, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Braunton Burrows SAC European site.</p>
<p>Natural England</p> <p>Reply Received 23 February 2022</p>	<p>Natural England does not have any additional comment further to our advice of 3rd September 2021 (366141) and 21st September 2021 (368155) except to observe the inclusion of a football pitch as part of the Green Infrastructure. A detailed lighting plan has not been submitted and we would be concerned to see the inclusion of flood lighting at this location.</p>
<p>Natural England</p>	<p>If NDC can ensure, via agreement or conditions that the pitch will not require lighting then that removes any concerns for me.</p>

Name	Comment
Reply Received 7 March 2022	
Natural England  Reply received 12 April 2022	<p>Thank you for your email of 22<sup>nd</sup> March 2022 regarding the above proposal.</p> <p>Further to our advice of 3<sup>rd</sup> September 2021 (ref: 366141), we note that the development has retained the new access to the Tarka Trail with the Council's support and that mitigation in terms of signs / leaflets to housing is proposed.</p> <p>Natural England's advice is that the LPA will also need to consider how the effectiveness of the mitigation is monitored and how it will be reviewed and adapted depending on the results of any monitoring.</p>
NDC Waste, Recycling & Commercial Services	No response
NHS England Acute care  Reply received 16 June 2022	<p>Full reply available on NDC website on application:</p> <p>Development contribution = [(Total development population – affordable housing population) x average activity (based on an average activity rate in the development area for each activity type) x average tariff (based on audited reference costs)] The final figure is then subject to an agreed local council migration factor.</p> <p>45. The costs consequences of the number of interventions and the costs of them arising from this proposed development are set out in detail in Appendix 5.</p> <p>46. Due to the payment mechanisms and that the proposed development will create a gap in the funding, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will only receive a proportion of commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.</p> <p>47. Therefore, the contribution requested for this proposed development of 364 dwellings is £141,133. This contribution will be</p>

Name	Comment
	<p>used directly to provide additional services to meet patient demand as indicated in Appendix 4</p> <p>48. The Trust is happy to negotiate appropriate timing for the payment of the contribution. It is essential however, that the contribution is in place prior to the occupants residing in the development.</p> <p>49. The Trust is happy to work with the Council and provide any further information it requires. It is happy to negotiate a suitable abatement in relation to the provision of affordable housing on site.</p>
North Devon AONB Service	No response
<p>Open Space Officer</p> <p>Reply Received 2 September 2021</p>	<p>This application generates a requirement for open space and green infrastructure in accordance with policy DM10. The applicant has stated that the development is for 160 dwellings but has not outlined the number of bedrooms in any unit as yet. We have therefore provided an indicative calculation (attached) based on 40x2bed, 80x3bed and 40x4bed houses to give the applicant an indication of approximate provision that would be sought. We can provide a more accurate calculation when the number of units and bedrooms in each is confirmed.</p> <p>The calculation shows that a development of this size would need to provide 568sq.m. of allotment, 7568sq.m. of informal open space, 4919sq.m. of Park, Sports and Recreation and 265sq.m. of Play Area.</p> <p>The Council's preference, in line with policy DM10 of the local plan is to see on-site provision, minimum standards will need to be met.</p> <p>1) From reviewing the illustrative masterplan we can see that there is allotment space provided, please can the applicant confirm the sq.m. quantum will meet the 568sq.m requirement?</p> <p>2) We can see that a LEAP is provided, to meet minimum on site standards this will need to be 400sq.m. with 5 pieces of varied play equipment, wetpour safety surfacing, bench, bin and galvanised 1.2m bow top fencing with 2 self-closing gates, please can this be confirmed?</p> <p>3) Please can a quantum be provided for the amount of informal open space with confirmation this meets the 7568sq.m. requirement?</p> <p>4) To meet the requirement for 4919sq.m. we refer to the Playing Pitch Strategy which identifies the need for additional grass pitch space in Fremington to compliment and extend the youth provision at Riverside Park. Please can a pitch measuring 92m x 55m be</p>

Name	Comment
	<p>provided on the land currently shown to be retained for agricultural use? This would need to be compliant with Sport England guidance including provision of a primary drainage system type 4.</p> <p>Where on-site provision is not viable or off-site provision is more suitable as a result of proximity to existing facilities, an off-site contribution for that particular provision would be sought to deliver a scheme at a suitably linked location. However in this case we have no alternative sites to provide allotments, playing pitches, play area or informal open space within the vicinity of this development and with the amount of space indicated on the masterplan, we see no reason that the facilities required should not be provided on site.</p> <p>If further information is submitted as part of this pre-application process we can provide a more tailored response. We are also happy to provide review of the requirements and advice regards the layout and design of open space and play throughout the application process.</p> <p>Total £529,760</p>
<p>Open Space Officer</p> <p>Reply Received 9 March 2022</p>	<p>In terms of allotments, FPC has kindly provided me with the current status for FPC, as follows:</p> <p>Muddlebridge - waiting list of 36 Babbages - waiting list of 14</p> <p>The new Tarka Ridge allotments have a waiting list of 12</p> <p>On this basis, I think we can justify our policy compliant request for allotments. If FPC are not in a position to adopt then we should secure a management company to do this</p>
<p>Open Space Officer</p> <p>Reply Received 23 March 2022</p>	<p>Having reviewed the documentation, I believe all changes made are in-line with what has been agreed via dialogue; and are therefore agreeable.</p> <p>As it is outline, we have yet to receive a full breakdown of quantities for the various open space elements which we will need to ensure all requirements have been met on-site without need for any off-site contributions. For example we will need dimensions for the sports pitch, m.sq details for allotments, play area and amenity/green space.</p> <p>We will also need to agree the contents of the play area to include 5x varied pieces of play equipment, seating, bin, bow-top fencing and anti-finger-trap gates.</p>

Name	Comment
	<p>Finally we will need to understand the position regards management of the site.</p>
<p>Planning Policy Unit</p> <p>Reply Received 6 September 2021</p>	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions as is the fact that North Devon, at this present time cannot clearly demonstrate a 5 year supply of deliverable housing sites. I would also consider that the recommendations made by the DRP should also be considered as a material planning consideration in the determination of this application.</p> <p>For information, the site has been promoted through the SHLAA process (SHA/FRE/145) where in 2018 the Panel 'considered this site previously as being not currently developable due to there being no identified access on to the highway as well as potential impact on the landscape. However, this latest submission has now included an existing house on St. Andrews Road (no. 18) with a view to demolish and provide a vehicular access through to the SHLAA site to the north. It is considered that access is still restricted on to St. Andrews Road which is a small cul-de-sac with limited capacity to accommodate the potential of a further 100 plus dwellings. Also, the site is within the undeveloped coast where development should be restricted'. Whilst the Panel accepted the conclusion of the site not being developable due in part to concerns around access arrangements, the applicant/agent has provided additional details in order to address the highway concerns. The latest advice from the local highway authority is that 'the proposed access arrangements are considered acceptable and this has been relayed to the consultants subject to the submission of a requested Transport Assessment which shall include capacity analysis at the Cedars Roundabout (B3233/A3125) and former Fremington Army Camp junction (B3233)'. This further detail has yet to be reported to the SHLAA Panel.</p> <p>This relatively flat greenfield site is outside the defined development boundary for Fremington &amp; Yelland where Policy ST07(4) will apply. In the Countryside, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location. As the site is outside the defined development boundary for Fremington &amp; Yelland it is therefore within the</p>

Name	Comment
	<p>undeveloped part of the coastal and estuarine zone where Policy ST09(7) will apply. Paragraph 4.39 of the Local Plan recognises that 'the undeveloped parts of this coastal zone are a finite resource and their unspoilt character, appearance and tranquillity will be protected against development not related to the coast or not providing benefits for the local community' although being within the undeveloped coast is not considered to be a clear reason for refusal in terms of footnote 7 of paragraph 11(d) and the presumption in favour of sustainable development but paragraph 174(c) makes it clear that the 'character of undeveloped coast should be maintained'.</p> <p>Following the Burwood appeal decision in Torridge, the Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031. I recognise the base date for this assumed housing supply is April 2019 and although the Council has not updated that position to April 2021, from a policy perspective I do not see that the 4.23 year supply would have improved to a position that we could confidently demonstrate a 5 year supply of deliverable housing sites.</p> <p>Therefore, National planning policy (Footnote 8, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.</p> <p>If there is no clear reason to refuse an application based on a protected area or asset, the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits – the so-called tilted balance (Paragraph 11(d)(i), NPPF). From a policy perspective, the lack of a 5 YHLS is a material planning consideration and I would suggest you must apply significant weight in the tilted balance to a proposal of up to 161 homes as I am of the opinion that it could make a substantial contribution to the Councils shortfall in deliverable housing sites although I note the application is in outline only so I must question what level of contribution this site would make to</p>

Name	Comment
	<p>meet the Council's shortfall in its 5 year supply of deliverable housing sites. I note from the submitted 'Planning Statement' at paragraph 6.72 that 'whilst the application is submitted in outline only, Vistry Homes Ltd are committed to the site's expedient delivery – and are willing to make a number of commitments to this effect. For example, following a resolution to grant planning permission, Vistry Homes Ltd will undertake pre-application discussions on the detailed reserved matters approval and any pre-commencement conditions, to ensure that following the completion of the legal agreement, that these are submitted immediately. Related to this, there is also the potential to explore a reduced implementation period via planning condition'. From a policy perspective, whilst this commitment to housing site delivery is welcomed, if you are minded to support this application then for the site to be considered deliverable you must be satisfied that this statement offers clear evidence that housing completions will begin on site within five years. I would still wish to understand when ownership will be transferred to the developer? and how and when their timings for housing delivery will contribute to the current shortfall in the five year supply of deliverable housing sites? The housing trajectory on delivery should be clear and suitably conditioned or through the s106 as the Inspector at the Torrington appeal considered that email confirmation from the developer is not good enough. Also, if you are minded to support this outline planning application then to help ensure the proposal is implemented in a timely manner and invited by the agent, consideration should be given to only granting a 1 year (12 months) or at the very most 18 months outline approval as supported by paragraph 76 of the NPPF (where this would not threaten viability) rather than the standard 3 years.</p> <p>The Councils currently accept that clause (2) of Policy ST21 is triggered on the basis that at this point in time it is not possible to demonstrate that completions are above 90% of that which was required for the previous monitoring year and that there would be an appropriate recovery demonstrated for the next two years. As the proposal for housing lies outside of defined settlement boundary for Fremington &amp; Yelland, the provisions of Clause (2) and associated criteria of Policy ST21 should be applied and considered.</p> <p>Should you be minded to support this outline planning application then I will set out the policy requirements.</p> <p>Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide on-site delivery of affordable housing equal to 30% of the total number of dwellings (gross). In this instance (up to 161 dwellings) there should be an on-site requirement of at least 48 affordable dwellings with the .3 of a dwelling being collected as a financial contribution for delivery off-</p>

Name	Comment																				
	<p>site. Also, you must be assured that the proposed housing mix will meet the identified housing need in accordance with Policies ST17. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs. For information, Part (1) of the policy could be used to seek particular forms of housing where there is evidence of need. I have provided an extract from the HEDNA (Table 114: Recommended Housing Mix – page 214) which identifies the recommended housing mix across the Plan area.</p> <table border="0" data-bbox="470 600 1340 745"> <thead> <tr> <th></th> <th>1 – bed</th> <th>2 – bed</th> <th>3 - bed</th> <th>4 - bed</th> </tr> </thead> <tbody> <tr> <td>Market</td> <td>5-10%</td> <td>30-35%</td> <td>40-45%</td> <td>15-20%</td> </tr> <tr> <td>Affordable</td> <td>30-35%</td> <td>35-40%</td> <td>20-25%</td> <td>5-10%</td> </tr> <tr> <td>All Dwellings</td> <td>15%</td> <td>35%</td> <td>35%</td> <td>15%</td> </tr> </tbody> </table> <p>The design and layout of the development should be considered against Policies ST02, ST03, ST04, ST05(1), DM01, DM04 and DM08A of the local plan and the National Design Guide. It is also worth noting that criterion 2 of DM04 will expect all major residential proposals such as this, to be supported by a Building for Life 12 assessment (updated to Building for a Healthy Life – July 2020) where the developer must minimise ‘amber’ scores and avoid ‘red’ scores. I have been unable to find the submitted a BfHL statement in accordance with Policy DM04(2) in order to assess the developers achievements against the stated criteria within BfHL but I would wish to be assured that their submission is critically examined to ensure the intentions of policy DM04 are delivered.</p> <p>I welcome this site has been considered by an independent Design Review Panel as advocated by paragraph 133 of the NPPF and would also encourage further engagement as proposed by the agent. I note from the DRP report dated 7-4-21 that ‘the Panel has two fundamental and related reservations about the scheme: access and how it relates to the form of the village’.</p> <p>The land proposed for housing (south of the existing tree belt) has an approximate gross site area of 5.9 hectares (2.95 hectares net - SHLAA endorsed 50% gross to net site size ratio within a critical drainage area) and with a proposal of up to 161 dwellings, this would equate to a net density of up to 55 dph. However, it is recognised that approximately 66% of the site is outside of the CDA but even with this in mind and a SHLAA endorsed gross to net ratio of 60% (3.54 hectares net) this would still equate to a net density of up to 45 dph. Although it is recognised that densities have been reduced from that originally proposed within the pre-application enquiry for up to 200 dwellings, both densities are still considered to be very high in the context of surrounding housing development. For example, the development at the former Fremington Army Camp to the east (277 dwellings – approx. 8.32 ha net) equates to a</p>		1 – bed	2 – bed	3 - bed	4 - bed	Market	5-10%	30-35%	40-45%	15-20%	Affordable	30-35%	35-40%	20-25%	5-10%	All Dwellings	15%	35%	35%	15%
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Name	Comment
	<p>density of 33 dph whereas St. Andrews Road, St. Peters Road and Manor Close (59 dwellings – approx. 3.61 ha net) equates to a density of 16 dph. As I have set out above, such concerns regarding density were addressed by the DRP who considered that ‘this scheme, however, bids to leapfrog the low-density, established and intended edge and then place a higher density beyond it. It would therefore present an anomaly in village form that would jar against the prevailing form and grain and make the village less legible’ and ‘the Panel would say that setting a new development boundary encroaching on the countryside and its special estuarial character would require a justification greater than a contribution to housing supply’.</p> <p>I would suggest the DRP were not particularly supportive of the pre-application scheme but felt that a number of improvements should be incorporated in to the scheme if their fundamental concerns were considered acceptable by the LPA eg. access and density. From a policy perspective, I am not convinced the concerns set out by the DRP have been suitably addressed by this submitted scheme particularly in terms of access and density.</p> <p>The western part of the site is within floodzones 2 and 3 where development should be avoided. Also, part of the site is within a ‘critical drainage area’ where you must ensure that the development incorporates additional water storage areas compared to normal urban drainage systems in accordance with Policies ST03, and FRE(e) of the adopted Local Plan.</p> <p>The eastern boundary of the site is adjacent the Fremington Conservation Area. In accordance with Policy DM07(1) you should expect any future planning application to be accompanied by a Heritage Statement to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. All issues around any potential impact on the designated heritage asset should be considered against Policies ST15 and DM07 together with the response from Collette Hall.</p> <p>As set out in paragraph 6.5 of the Local Plan, ‘all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support ‘biodiversity offsetting’ to deliver a net gain in bio-diversity off-site’. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. The Defra metric should be used to ensure there is an overall net gain in biodiversity. As the site is within the Braunton Burrows SAC Zone of Influence, the applicant will be liable for a financial contribution towards the long term management and maintenance of the Special Area of Conservation. It would appear from the proposed site layout that the developer is retaining and</p>

Name	Comment
	<p>making best use of existing hedge / tree boundaries to accommodate development which is welcomed. I also note the northern field is being retained for agriculture with the western part being provided for an area of biodiversity net gain to include open space, attenuation feature and a new connection to the Tarka Trail although you may wish to question whether it meets the aspirations of the DRP in that 'to associate this undeveloped area with the housing on the southern field is your golden card if, as we suggest, you push the scheme as at the heart of the Biosphere. The purposes for this area, should be brought together under this theme, creating a recreational resource that enriches biodiversity and is sensitive to the wider landscape. Ownership and management need to be clarified to give assurance the field will not be pressed for development later and that it will be well managed such that its advantages are fully maintained'. All issues around ecology should be considered against ST14 and DM08 including the response from Mark Saunders.</p> <p>Policy ST14(d) seeks to conserve the best and most versatile agricultural land (Grades 1, 2 and 3a) as it is considered to be a limited environmental resource. Evidence would suggest the site is principally Grade 3a which is considered to be higher grade agricultural land.</p> <p>The site (proposed for housing) is within the landscape character type 3A: Upper Farmed Wooded Valley Slopes where the overall strategy is 'to protect the landscape's strong rural character and historic sense of place. The farmed landscape comprises a rich mosaic of fields bounded by an intact network of species-rich Devon hedges. Valued farmland and woodland habitats are managed and extended, with opportunities for Green Infrastructure links to settlements pursued'. It is also worth noting the site is adjoining, although unlikely to be visually prominent from landscape character type 4A: Estuaries where the overall strategy is to 'protect the open character and expansive views to and from the estuary, ensuring new development on its fringes is incorporated into its landscape setting. The cultural heritage and natural evolution of the estuary is conveyed through sensitive interpretation, and local communities are involved in planning for future landscape change as a result of sea level rise and changes in coastal erosion'. This protection would also include important views to and from hills to the north around Saunton Down within the AONB although I accept this would be seen in the context of existing development and the site is screened by existing substantial tree planting. Policy FRE(d) seeks to protect the open landscape character between Fremington, Yelland and the Taw-Torridge estuary in order to support local green infrastructure and biodiversity networks. Clearly, development of this greenfield site will continue to erode this green gap further as well as the undeveloped part of the Coastal and Estuarine Zone.</p>

Name	Comment																					
	<p>Paragraph 13.68 of the adopted Local Plan clearly sets out that new development will be required to make provision for public open space, recreation, sports facilities and green infrastructure and where possible, such facilities should be provided on site as an integral part of the development. Therefore, you must ensure the proposal delivers green infrastructure in accordance with Policy DM10 and the standards as set out in Table 13.1 (as set out below) together with guidance from the consultation response of Richard Slaney. The following table sets out the open space requirements for the proposed development of up to 161 homes, assuming an average of 2.2 persons per dwelling.</p> <p>Housing Development of 161 Dwellings :- 161 x 2.2 persons per household = 354 persons / 1,000 (= 0.35)</p> <table data-bbox="472 817 1324 1075"> <thead> <tr> <th>Typology</th> <th colspan="2">Requirement from New Development ha/1000 population</th> </tr> <tr> <th></th> <th colspan="2">Total for Open Space Requirement (ha)</th> </tr> </thead> <tbody> <tr> <td>Allotments</td> <td>0.35 x 0.15 ha</td> <td>0.05 ha</td> </tr> <tr> <td>Amenity / Natural Green Space</td> <td>0.35 x 2.0 ha</td> <td>0.7 ha</td> </tr> <tr> <td>Play Space (Children)</td> <td>0.35 x 0.05 ha</td> <td>0.02 ha</td> </tr> <tr> <td>Play Space (Youth)</td> <td>0.35 x 0.02 ha</td> <td>0.007 ha</td> </tr> <tr> <td>Parks, Sport &amp; Recreation</td> <td>0.35 x 1.3 ha</td> <td>0.46 ha</td> </tr> </tbody> </table> <p>The delivery of necessary infrastructure to serve the development should be considered against Policies ST23 and FRE. Future construction and environmental management of the site should be considered against Policy DM03. From a policy perspective, there would be support in principle to deliver a cycle/footpath link through the development linking with the Tarka Trail to the north although like the DRP, there is real concern of up to 1,000 vehicle movements per day being taken through a quiet and narrow residential cul-de-sac as well as the impact on the occupants of nos. 16 and 20 St. Andrews Road. However, I understand that the local highway authority consider that the proposed access arrangements are acceptable. All highway issues should be considered against Policies ST10, FRE, DM05 and DM06 of the Local Plan.</p> <p>From a policy perspective, the acceptability of this scheme is finely balanced but as the Council cannot clearly demonstrate a five year supply of deliverable housing sites, then you should consider the acceptability of this site against the presumption in favour of sustainable development subject to the above policy considerations and concerns being appropriately addressed.</p>	Typology	Requirement from New Development ha/1000 population			Total for Open Space Requirement (ha)		Allotments	0.35 x 0.15 ha	0.05 ha	Amenity / Natural Green Space	0.35 x 2.0 ha	0.7 ha	Play Space (Children)	0.35 x 0.05 ha	0.02 ha	Play Space (Youth)	0.35 x 0.02 ha	0.007 ha	Parks, Sport & Recreation	0.35 x 1.3 ha	0.46 ha
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Planning Policy Unit	I have taken a look at the housing delivery statement from Savills and whilst I am not convinced by every detail of this statement, I think that it might be quite hard to challenge the principle.																					

Name	Comment
<p>Reply Received 8 December 2021</p>	<p>As you are aware, it will be more about the sustainability of the location, landscape, infrastructure, highways, etc. in terms of the sites acceptability as opposed to the more simplistic approach set out by the agent around the Council not being able to clearly demonstrate a 5 YHLS and therefore this site must be accepted however, I do welcome the delivery milestones from the agent.</p> <p>I am sceptical of their proposed delivery timetable and I would like to fully understand the housing delivery rates and what percentage of the proposed 161 dwellings could the Council include within its 5 YHLS going forward? The nationally identified build out rate of about 43 dph (paragraph 59) agreed at the Inquiry for the Torrington appeal in January 2020 is slightly higher than the SHLAA Panel assessed build out rate in northern Devon (40 dpa) but is considered to be a suitable baseline as the SHLAA methodology is now dated. Therefore, is the developer looking to deliver this nationally defined level of housing or will it be lower/higher on this particular site?</p> <p>I will still maintain that if you are minded to support this outline planning application then in my opinion to help ensure the proposal is implemented in a timely manner, consideration should be given to only granting a 1 or 2 year (12 or 24 months) outline approval as supported by paragraph 77 of the NPPF (where this would not threaten its deliverability or viability) at the very most rather than the standard 3 years. Also, you may wish to raise the question with Maria and/or Legal as to whether you could tie the milestones set out in the email within any future planning approval or s106 agreement in order to ensure such milestones are met and therefore contribute towards our housing delivery shortfall although I do accept this may not be achievable or enforceable due to the potential, albeit unlikely for the housing market to collapse over this time period.</p> <p>I am of the opinion that the comments from the DRP are critical to the acceptability of this site as currently submitted and not arguments around 5 YHLS and housing delivery albeit timely delivery is critical if the proposals are to be accepted. This fact is concluded within the second DRP report which states 'The Panel would say that setting a new development boundary encroaching on the countryside and its special estuarial character would require a justification greater than a contribution to housing supply. You should set out the benefits to the village and beyond'.</p>
<p>Planning Policy Unit</p>	<p>Whilst it is very disappointing that this is not plan-led development, unfortunately we are where we are in terms of our 5 YHLS so we must consider this application on its own merits under paragraph 11(d) of the NPPF and the 'presumption in favour of sustainable</p>

Name	Comment
Reply Received 23 March 2022	<p>development. However, I am encouraged the developer has set out a delivery timetable of four years with the first completions in March 2024 where, if our new base date is 1st April 2022 then we could have all 161 houses delivered within 5 years which will help. Also, I am encouraged by the fact they are delivering a policy compliant scheme in terms of affordable housing at 30% (48 units with .3 being secured as an off-site financial contribution towards additional affordable housing elsewhere in Fremington).</p> <p>I also welcome that the applicant has engaged with the design review panel and trust that their recommendations have been fully incorporated in to the proposed development if you are minded to support the application.</p>
South West Water  Reply Received 10 September 2021	<p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p><b>Asset Protection</b> Please find enclosed a plan showing the approximate location of a public 300mm diameter pumped sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.</p> <p>Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.</p> <p>Please click here to view the table of distances of buildings/structures from a public sewer.</p> <p>Further information regarding the options to divert a public sewer can be found on our website via the link below:</p> <p><a href="http://www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/">www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/</a></p> <p><b>Clean Potable Water</b> 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><b>Foul Sewerage Services</b> South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. 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>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 a surface water body 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: DeveloperServicesPlanning@southwestwater.co.uk</p>
<p>Sustainability Officer</p> <p>Reply Received 7 October 2021</p>	<ol style="list-style-type: none"> <li>1. The Ecology Appraisal (EA) is considered appropriately detailed and current and includes an Extended Phase 1 Survey of the site completed on 05 May 2020 and Phase 2 surveys including Breeding and Winter birds, Bat Roost and Activity, Dormouse and Reptiles undertaken during 2020.</li> <li>2. The proposed development is limited to the southern field of arable land, with a small loss of plantation woodland providing access to the northern field. The layout has clearly been designed to buffer sensitive ecological receptors, including boundary hedgerows and bat commuting routes, from the proposed development. The submitted Plans are appropriately detailed to inform the Outline application and ensure that green corridors are delivered around all site boundaries.</li> <li>3. The EA considers that predicted losses are compensated through habitat enhancement and creation within the areas of proposed public open space around the southern field and within the northern field. The following ecological enhancement measures are proposed and appropriately illustrated on submitted Plans: <ul style="list-style-type: none"> <li>• Creation of wildflower grassland within the areas of open space;</li> </ul> </li> </ol>

Name	Comment
	<ul style="list-style-type: none"> <li>• Creation of wet grassland within the proposed attenuation feature;</li> <li>• Planting of new trees within areas of open space and through the development to provide distinct green wedges into and through the development.</li> </ul> <p>4. The submitted Plans do not adequately demonstrate specific areas for the following ecological enhancements as recommended in the EA. The following critical enhancements must be distinct and in addition to the areas identified for 'scrub/wildflower grassland mosaic forming part of the proposed ecological mitigation':</p> <ul style="list-style-type: none"> <li>• Creation of areas of wet woodland and broadleaved woodland contiguous to those existing areas in the north-west corner of the Application Site;</li> <li>• Enhancement of the existing plantation woodlands through management and planting diversification.</li> </ul> <p>5. The proposed development is predicted to result in an onsite increase of 10.85% in habitat units and a 84.45% in hedgerow units. This achieves the required minimum of 10% although there remains significant opportunities to deliver substantial increases in area habitats across a greater proportion or the entirety of the northern field. Given the potentially significant access constraints on any remaining land as a result of new residential development there appears little merit in retention of the northern field for agricultural use. Clarification should be provided on whether the area of marshy grassland in the north east of the site is to be maintained which would further limit agricultural capacity. Any losses within the marshy area would likely produce significant changes to the submitted Biodiversity Metric which should be addressed. If the area is to be retained submitted Plans should be revised to differentiate the marshy area from retained agricultural land. Any subsequent detailed application will be expected to provide a Biodiversity Net Gain Compliance Statement including a fully revised metric.</p> <p>6. The EA concludes that the site does not provide a high tide roosting or foraging resource for bird species associated with the SSSI and impacts are limited to disturbance during construction and operational phases. Signage would be provided to encourage residents not to access these areas during high tide and during the sensitive winter months. It is also recommended that signage is provided by the access point to the permissive path to dissuade walkers from accessing this area at sensitive times. The EA concludes that provision of areas of open space in the northern field provides walkers an alternative walking route, encouraging people to walk further away from the estuary therefore not resulting in a significant recreational impact on the identified high tide roosts or the SSSI. Any subsequent detailed application will be expected to specify how the importance and sensitivities of the SSSI roosts will</p>

Name	Comment
	<p>be conveyed to the developments residents. This should include but not be limited to homeowner interpretation packs and interpretation panels on the proposed foot and cycle connection to the Tarka Trail.</p> <p>7. Contrary to the EA, the Estuary SSSI Overwintering Bird Assessment concludes that some SSSI roosts are already at risk due to existing high levels of recreational pressure. The measures outlined in the EA would be unlikely to result in a sufficiently interesting and ecological valuable resource to reduce the increase in visitors to the Tarka Trail and the foreshore. The proposal should seek to complement and buffer the adjacent landscape and habitats, but also provide supplementary inland habitat for some of the key species of the nearby SSSI, whilst also reducing recreational pressure on the Tarka Trail. The northern field provides a significant opportunity to deliver longer, more varied routes and increased wetland/marsh habitat/woodland. Integrating the existing marshy north east corner with the proposed attenuation feature and open space could provide areas of interest to birds associated with the nearby SSSI roosts and the GAIA bird reserve.</p> <p>8. The proposed footpaths through the site and along the western boundary are clearly designed to lead to the northwest area of open space. This necessitates a secondary access through existing woodland with associated habitat losses which could be avoided if the footpaths were to utilise the existing farmland access to the east. Increasing the open space provision and integrating the existing marshy grassland would render the secondary access unnecessary, increasing the length of walks and providing further interest to residents wishing to avoid the Tarka Trail. Under the current proposals the footpath should be rerouted through the eastern access and along the woodland boundary. Footpaths designed to provide direct access to the Tarka Trail should be removed completely in favour of the longer, circular routes provided by the informal footpaths.</p> <p>9. The illustrative masterplan has been designed to ensure that the Saltpill Duck Pond CWS habitats are retained and a significant buffer from development is provided along the western boundary of the Application Site. To avoid damage/disturbance of these retained features during construction, it is recommended that Ecological Protection Zones (EPZs) with an appropriate buffer should be established during the construction phase. EPZs can often be achieved through co-ordination with tree protection measures required as good arboricultural practice, including temporary protective fencing and signage. The necessary EPZs should be clearly set on submitted Plans.</p>

Name	Comment
	<p>10. The number and ratio of building integrated bat/bird/bee boxes and tree/ground mounted habitat enhancements should be specified including hedgehog passes, dormouse boxes, etc.</p> <p>11. The EA states that retained and newly created habitats could be subjected to increased light levels, which may deter commuting and foraging protected species. Submitted Landscape Plans should be revised to include dark buffers of at least 5m from all retained and enhanced habitats around the peripheries of the site, where light spill will be kept to within 0.5lux. An ecologically sensitive lighting specification will be secured by condition to control the siting, height and type of luminaire of all external lighting.</p> <p>12. Consideration should be given to highlighting the intended ecosystem services provision function of each part of the masterplan. This would be a useful way of ensuring that there is the maximum effective multi functionality. The biophilic appeal of a landscape is a key ecosystem service in urban development that adds significant value to schemes and sells properties.</p> <p>13. Local Plan Policy ST14 seeks to conserve the best and most versatile agricultural land (Grades 1, 2 and 3a) as it is considered to be a limited environmental resource. Evidence would suggest the site is principally Grade 3a which is considered to be higher grade agricultural land and should therefore be weighed against the proposal.</p> <p>14. Construction Environmental Management Plan (CEMP), Soft landscaping scheme and Landscape and Ecological Management Plan (LEMP) to be secured by condition.</p> <p>15. The EA correctly recognises that a £190 per unit contribution towards the Braunton Burrows SAC Visitor Mitigation Strategy will be required.</p>
<p>Sustainability Officer</p> <p>Reply Received 24 March 2022</p>	<p>The Revised Plans and Updated Biodiversity Net Gain Assessment (BNGA) are broadly supported and provide an appropriate response to my initial consultation (14/10/2021), subsequent DRPs and informal discussions. The extensive open space provision, utilising the entire northern field parcel and all boundary habitats is predicted to result in a significant BNG of 44% (+20.61 habitat units) and 64% (+1.40 linear units). The revised calculations are considered to represent a significant improvement over the original scheme which achieved 10.85% in habitat units and a 84.45% in hedgerow units. The minor decrease in percentage gain in hedgerow units is likely a result of environmental enhancements being provided across the entire northern parcel with no boundary hedgerow to separate the area of land originally retained for agricultural purposes.</p>

Name	Comment
	<p>The BNGA provides a summary of the Metric used, although the full working calculation tool does not appear to have been submitted to date. I would request that the full working Metric is placed on file to provide a detailed view of target habitat extent and condition.</p> <p>The northern field will clearly provide an area of significant interest for residents and visitors, providing an alternative to the Tarka Trail and the sensitive intertidal zone. Pedestrian routes through the area are greatly improved. The recommendations for onsite interpretation is welcomed and should be delivered alongside the detailed home information packs as previously requested. This information should be included in a LEMP submitted in support of any subsequent detailed application. The LEMP will also be expected to demonstrate how the wetland, marsh habitat and woodland will be managed to maximise value for the birds associated with the SSSI roosts.</p> <p>There are several outstanding issues which do not appear to have been adequately resolved at this stage although 2 and 4 could be secured by an appropriately worded condition.</p> <ol style="list-style-type: none"> <li>1. The submitted Plans do not adequately demonstrate specific areas for the following ecological enhancements as recommended in the EA. The following critical enhancements must be distinct and in addition to the areas identified for 'scrub/wildflower grassland mosaic forming part of the proposed ecological mitigation': <ul style="list-style-type: none"> <li>• Creation of areas of wet woodland and broadleaved woodland contiguous to those existing areas in the north-west corner of the Application Site;</li> <li>• Enhancement of the existing plantation woodlands through management and planting diversification.</li> </ul> </li> <li>2. The illustrative masterplan has been designed to ensure that the Saltpill Duck Pond CWS habitats are retained and a significant buffer from development is provided along the western boundary of the Application Site. To avoid damage/disturbance of these retained features during construction, it is recommended that Ecological Protection Zones (EPZs) with an appropriate buffer should be established during the construction phase. EPZs can often be achieved through co-ordination with tree protection measures required as good arboricultural practice, including temporary protective fencing and signage. The necessary EPZs should be clearly set on submitted Plans.</li> <li>3. The number and ratio of building integrated bat/bird/bee boxes and tree/ground mounted habitat enhancements should be specified including hedgehog passes, dormouse boxes, etc.</li> </ol>

Name	Comment
	4. The EA states that retained and newly created habitats could be subjected to increased light levels, which may deter commuting and foraging protected species. Submitted Landscape Plans should be revised to include dark buffers of at least 5m from all retained and enhanced habitats around the peripheries of the site, where light spill will be kept to within 0.5lux. An ecologically sensitive lighting specification will be secured by condition to control the siting, height and type of luminaire of all external lighting.
The Biosphere Service	No response

### **Neighbours**

Comments	No Objection	Object	Petition	No. Signatures
9	1	178	2	1401

Above table was updated 27/07/2022

The applicant within his Statement of Community Engagement indicates that he has undertaken formal pre-application engagement with North Devon Council, local stakeholders and the wider public to inform the emerging proposals for the site. This has included:

- A presentation to the South West Design Review Panel on 23 March 2021
- A leaflet drop and display of posters advertising the proposed development
- A consultation website hosted to gather public comments
- A presentation of the proposals to Fremington Parish Council on 26 April 2021

The applicant received 94 individual responses in response to their public consultation exercise. The applicant has also engaged with Fremington Parish Council and made contact with the Neighbourhood Plan Steering Group with a view to engaging in their emerging Plan making process.

The application has been through two rounds of public consultation and the following issues have been raised:

- Planning system loaded against local views and concerns
- Amended scheme changes nothing
- Contrary to Fremington Plan and community's aspirations
- No effective community involvement
- Public consultation process inadequate and inaccessible to those without computers.
- Vistry have not addressed issues raised when application was first advertised
- Private meetings undermine confidence in the planning system
- Notification to those affected inadequate
- Contrary to ST09 and protecting estuary zone

- Not an allocated site
  - Not a brownfield site (Army Camp)
  - Precedent for loss of more fields
  - Other sites have been granted permission taking up need
  - Flats above shops – creative solution before using green fields
  - Not sustainable development
  - Area taken more houses than in plan
  - Departure from scale of development envisaged for the village – 19% increase
  - Cumulative environmental impact of development on area
  - Better alternative uses for this land – solar, nature
  - Fremington will lose its character as a village
  - Merger of Fremington, Yelland and Bickington
  - No local housing needs survey
  - Lack of delivery of housing elsewhere should not be at Fremington's expense
  - Need starter homes – 2 beds units
  - 30% affordable needs to be delivered
  - Should be treated as an exception site with a higher level of affordable provided
  - Should be 100% affordable
  - Need a Viability Statement that demonstrates delivery
  - Affordable units should be well integrated
  - Not affordable given local wages
  - A few affordable homes does not outweigh loss of green space
  - Bovis have not delivered AH on other sites
  - Should only be allowed if 70% are for local people and resold as such
  - North Devon is filled with second homes
  - Impact on Conservation Area
  - Further feedback needed from DRP
  - Building for a Healthy Life Assessment required
  - What s106 contributions are proposed
  - What is the intention for residual land to the north
- 
- Lack of infrastructure to meet existing population – schools, hospital. GPs, dentists
  - Leisure/sports needed for teenagers
  - No need for another football pitch
  - No associated facilities with pitch
  - Fremington has adequate play space
  - How will all the open space be maintained?
  - The open space areas will result in yet more traffic
- 
- Contrary to Climate Change emergency
  - Flash flooding & backwash in drains
  - Risk of flooding, development on flood plain, rising sea levels
  - Loss of ground to absorb run off
  - Drainage services inadequate, local surface water drainage issue
  - Sewerage pipe runs across field
  - Septic tank discharge in fields and access to pipes
  - Footpaths contain sewers (serving 28 to 34)

- Impact on residents health and well being
  - Length of build would spoil resident gardens/enjoyment of their properties for years
  - Inability of residents to enjoy their street
  - Age profile of area means devt impact is greater
  - Loss of privacy to adjoining properties
  - Noise pollution
  - Air quality impacts
  - Light Pollution
  - Head lights from cars directly into properties
  - Loss of light/overshadowing
  - Single storey bungalows next to St Andrews properties
  - Bovis have a poor track record as a polluter
- 
- All fields next to estuary are under threat
  - Loss of countryside/agricultural land – 19% is Grade 3a
  - Countryside should be protected for its own sake
  - Impact on environment
  - Ecology reports inadequate
  - Loss of wildlife habitat
  - Decline of species following army camp development
  - Net gain unlikely
  - Impact of drainage/pollution on the SSSI/Home Farm Marsh
  - Impact on Home Farm Marsh requires financial mitigation
  - high tide roosting and feeding site for wading birds
  - Impact on bats, deer, badgers, fox, birds of prey
  - Impact on beauty of area
  - Impact on biosphere/SSSI/Saltpill Duck Pond
  - Impact from Tarka Trail
  - Another route to the Tarka Trail is unnecessary
  - Impact on South West Coast Path is greater than medium
  - Strong screening required to secure amenities of SWCP
  - No positive enhancement of SWCP proposed
  - Loss of estuary views from north side of the Taw Valley
  - Impact on AONB
  - SW coast path will become one long stretch of housing
  - Impact on tourism within estuary zone
  - Hedges along boundaries needed to secure privacy
  - Does not enhance the visual aspect of the village
- 
- Traffic delays on B3233
  - Increase in volume of traffic & associated pollution
  - Impact of queuing traffic both on B3233 & St Peters feeding onto main road
  - Traffic survey does not reflect traffic conditions – traffic counts are too low
  - Roads are at capacity/gridlocked
  - No highway improvements delivered
  - Junction improvements imperceptible

- No cyclist facilities
- Transition strips inadequate
- Pedestrian access inadequate
- Recent road traffic accident blocked road
- An alternative road Instow to Barnstaple is needed
- Impact on road parking on B3233 from extra traffic
- Impact on road parking within St Andrews and St Peters
- Impact on emergency vehicles on traffic congested roads
- Difficult to cross B3233 – elderly, disabled, access to hospice
- B3233 is used as a diversionary route when A39 is shut
- Poor condition of B3233 – pot holes
- Speed of traffic
- If single access is blocked – access issues for emergency services
- Future use of lane north of Church Farm unclear
- Impact on residents driveways & ability to safely access their properties
- St Andrews is too narrow to take traffic
- St Andrews entrance is not safe/suitable, sharp bend
- Lack of forward visibility at St Peters/St Andrews junction
- Access onto B3233 & relationship to traffic island
- Impact on St Andrews Road residents during construction
- St Andrews was not built as a through road
- Conflict between existing residents use of St Andrews and St Peters road and proposed traffic
- Tracking of access and junction needed to show that HGV's would over run carriageway
- Width of St Andrews – blocked by refuse and supermarket deliveries
- Refuse vehicles unable to turn around & have to reverse – conflict with new access
- How will construction traffic be managed when entrance is being created
- Access issues with traffic lights
- Access should be via Army Camp
- Allowing access to Taka Trail will result in parking on estate
- Bridleway/walkway to the rear of gardens – unsafe
- Use of access to Church Farm unsuitable for public use and there is no legal right to do so
- Agricultural activities on lane day and night
- Impact on operation of pottery
- Lack of enforcement of planning conditions on other sites

***As of 27<sup>th</sup> July 2022, no new material issues were introduced by representations received since the June meeting. Members will be provided with an update of any representations received between 27<sup>th</sup> July 2022, when this report was prepared and 10<sup>th</sup> August 2022, when it is presented to them.***

**Considerations**

**Proposal Description**

This application seeks outline planning permission for the erection of 161 dwellings along with open space, play areas (including a grass football pitch) and biodiversity areas.

Figure: Illustrative Masterplan



The Parameter Plans (density, routes and movement, building heights, green infrastructure, land budget) define the extent of the proposed development in respect of siting, access, design and size. A number of ‘illustrative’ plans have also been submitted to show how the development can be delivered within the parameters set out within the Design and Access Statement.

House types will be based upon 1-4 bedroom properties and are expected to include, terrace, semi-detached and detached houses, including some bungalows, with private gardens and parking spaces. The Illustrative Masterplan is based upon the following indicative mix:

		Affordable	Market	Total
1-bed	Flat	10	-	10
2-bed	Flat	5	-	5
	House	26	35	61
3-bed	Bungalow	-	10	10
	House	6	55	61
4-bed	House	1	13	14
		48	113	161

The application is supported by the following reports:

- Agricultural Land Classification Report
- Air Quality Assessment
- Arboricultural Report
- Ecological Assessment (including Biodiversity Net Gain Assessment)
- Flood Risk Assessment and Drainage Strategy as amended
- Heritage and Archaeological Assessment
- Landscape and Visual Impact Assessment
- Noise Assessment as amended
- Statement of Community Involvement
- Flood Risk Sequential Test
- Sustainability Statement
- Topographical Survey
- Transport Assessment and Travel Plan
- Utilities Assessment and Foul Drainage

The application was further amended in February 2022 and a further round of consultation was undertaken. The main changes were (extract from supporting letter):

#### Site entrance

The site access plan has been updated following a review by the highway officer and a request to make improvements to safe pedestrian and cycle access to the site, including visibility, surface treatments and signage.

#### Western boundary

Areas of public open space along the western boundary have been increased following a further review of flood risk constraints. This has resulted in the block structure of the western parcels being amended to pull development further away from the western boundary, whilst retaining the spirit of an outward facing development. An increase in landscaping to reinforce the green edge has also been made.

#### Central green corridor

The inclusion of a pedestrian/cycle only connection through the development along a natural south east to North West axis. To strengthen this link, further enhancements have been made to the street presence in the south east from the entrance to the site leading to the heart of the development, with improved building set back, removal/reduction and relocation of visible 'frontage' parking; in favour of a wider street to naturally contain more landscaping (trees and hedgerows) and front gardens; subject to detailed design. Further green space (that would accommodate a LAP) has been increased to the south of the landmark building at the head of the green corridor, in lieu of hardscape; to increase the green infrastructure credentials and as part of wider gains.

#### Northern field

The amended plans now include a junior sports pitch in the northern field to ensure that the local shortfall is addressed. The pitch would not contain any

lighting given the obvious ecological and landscape sensitivities of doing so, and therefore the only above ground features would be two goal posts.

The plans now show ecological enhancements and recreation opportunities that span the whole of the northern field, including attractive areas for public open space, social interaction and informal recreation, a circular pleasant walking and cycling route around its perimeter, a potential large community orchard, allotments (with potential for private and community use) as well as retaining a marshy grassland habitat to the north eastern area toward the strong biodiversity credentials. Informal mown paths are intertwined within the spaces created to provide people with movement choice within this strong landscaped framework at the heart of the biosphere.

An attenuation feature continues to form part of this important space and as part of the wider drainage strategy for the site.

### **Planning Considerations Summary**

1. Principle of development
2. Character and appearance
3. Highway considerations
4. Amenity Impacts
5. Landscape and Ecology
6. Heritage and Archaeology
7. Flood Risk and Drainage
8. Infrastructure requirements
9. Planning balance

### **Planning Considerations**

#### **1. Principle of development**

- 1.0 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.
- 1.1 The National Planning Policy Framework (NPPF) is a material consideration.
- 1.2 This application has resulted in a significant number of public representations against the principle of any development in this location. As set out within the representations section of this report 1411+ standard letters have been submitted along with a further 265+ bespoke letters of objection. The sentiment within the community is that development should be plan led and that schemes outside of the development boundary should be firmly resisted. Many representations have been made that the planning system is not a credible tool to deliver the type of development that the community require and need. There is real upset that sites

such as this can be considered when accessing them is considered by the community to be very compromised.

- 1.3 This application has been made in the context of the Authority's issues with a five year housing land supply.
- 1.4 This relatively flat greenfield site is outside the defined development boundary for Fremington & Yelland where Policy ST07(4) will apply. In the countryside, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location. As a green field site the issue is whether the development will meet local economic and social needs. Again the community dispute the need for more open market housing particularly where there can be no controls over occupation (holiday use and air b&b's), the affordable housing is not considered 'affordable' and as they consider that investment in infrastructure is not keeping pace with housing development and finally that the area does not need additional green spaces (including the football pitch) or links to the Tarka Trail.
- 1.5 As the site is also within the undeveloped part of the coastal and estuarine zone Policy ST09(7) will apply. Paragraph 4.39 of the Local Plan recognises that *'the undeveloped parts of this coastal zone are a finite resource and their unspoilt character, appearance and tranquillity will be protected against development not related to the coast or not providing benefits for the local community'* although being within the undeveloped coast is not considered to be a clear reason for refusal in terms of footnote 7 of paragraph 11(d) and the presumption in favour of sustainable development but paragraph 174(c) makes it clear that the 'character of undeveloped coast should be maintained'. This will be discussed further below.
- 1.6 Following the Burwood appeal decision in Torridge, the Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031. I recognise the base date for this assumed housing supply is April 2019 and although the Council has not updated that position to April 2021, from a policy perspective the 4.23 year supply would not have improved to a position that we could confidently demonstrate a 5 year supply of deliverable housing sites.
- 1.7 Therefore, National planning policy (Footnote 8, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.

- 1.8 If there is no clear reason to refuse an application based on a protected area or asset, the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits** – the so-called tilted balance (Paragraph 11(d)(i), NPPF).
- 1.9 From a policy perspective, the lack of a 5 YHLS is a material planning consideration and significant weight should be given in the tilted balance to a proposal of up to 161 homes if the Council are satisfied that they could make a substantial contribution to the Councils shortfall in deliverable housing sites.
- 1.10 The 'Planning Statement' at paragraph 6.72 states that *'whilst the application is submitted in outline only, Vistry Homes Ltd are committed to the site's expedient delivery – and are willing to make a number of commitments to this effect. For example, following a resolution to grant planning permission, Vistry Homes Ltd will undertake pre-application discussions on the detailed reserved matters approval and any pre-commencement conditions, to ensure that following the completion of the legal agreement, that these are submitted immediately. Related to this, there is also the potential to explore a reduced implementation period via planning condition'*.
- 1.11 Vistry Homes Limited have further advised that they are:
- 'jointly promoting the site for development with the landowners, who have approved the submission of the outline planning application. Vistry will be able to purchase the site once planning permission is granted, and will be able to contribute homes to the housing supply deficit based on the following assumed timescales:*
- Resolution to grant planning permission – January 2022
  - Finalisation of S106 agreement, in parallel with preparation of reserved matters pre-application – Q1 2022
  - Site purchase in parallel with determination of reserved matters – Q2/Q3 2022
  - Infrastructure start on site Q4 2022
  - House build start on site Q1 2023
  - House build first legal completion Q2 2023'
- 1.12 The latest information from the applicant is that *'if permission is granted now then the first units could be delivered in March 2024. This is based on an a strategic delivery programme which assumes open market sales rates of 0.75 units/week or 37 units/annum'* and that it *'is clearly dependent upon the speed at which the affordable homes are required to be delivered, and if the S106 requires a specific percentage to be delivered early, which may then result in more affordable being shown in the first few years compared to what is assumed above. ....the applicant is committed to delivering the scheme as quickly as possible following the grant of any planning permission so we consider that the majority if not all of the dwellings could be delivered over the next 5 years if permission is granted now, regardless of whether implementation is 2 or 3 years.*

Figure: Delivery Breakdown

<b>Legal Completions</b>	<b>March 2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>Totals</b>
Open Market Units	28	37	37	11	113
Affordable Units 30%	12	12	12	12	48
Total Units	40	49	49	23	161

- 1.13 Planning Policy are encouraged the developer has set out a delivery timetable of four years with the first completions in March 2024 where, if our new base date is 1st April 2022 then all 161 houses could be delivered within 5 years which will help.
- 1.14 If the development is considered acceptable consideration should be given to only granting a 1 year (12 months) outline approval with implementation within 2 years as supported by paragraph 76 of the NPPF (where this would not threaten viability) rather than the standard 3 years. In light of Vistry’s timeline set out above, this would be reasonable.
- 1.15 The Councils currently accept that clause (2) of Policy ST21 is triggered on the basis that at this point in time it is not possible to demonstrate that completions are above 90% of that which was required for the previous monitoring year and that there would be an appropriate recovery demonstrated for the next two years. As the proposal for housing lies outside of defined settlement boundary for Fremington & Yelland, the provisions of Clause (2) and associated criteria of Policy ST21 should be applied and considered.
- 1.16 The adopted Development Plan confirms that whilst Fremington is identified as a Local Centre, it, alongside Yelland: *“can deliver significant sustainable growth by virtue of their location between Barnstaple and Bideford and the availability of strategic sites: the settlements are consequently included in the Town Strategies”* (paragraph 4.9). The community argue that it has already taken its share of development, particularly in light of the Mead Park Planning Committee decision (73681) and those won at appeal (Mead Park and West Yelland). The locality has delivered a significant number of houses already and these have been found acceptable due to their sustainable location. Fremington has a range of community facilities, and the wider facilities and employment opportunities within Barnstaple and Bideford are accessible by high frequency public transport links, and the Tarka Trail walking/cycling route.
- 1.17 From a policy perspective, given the proposal is a departure from the adopted development plan the acceptability of this scheme is finely balanced but as the Council cannot clearly demonstrate a five year supply of deliverable housing sites, then the acceptability of this site against the presumption in favour of sustainable development is subject to following policy considerations and concerns being appropriately addressed.
- 1.18 The subsequent sections of the report will seek to demonstrate the following:
- whether the proposal is in accordance or conflict with specific policies and provisions of the development plan;

- whether there are material considerations that mean that a decision should deviate from the specific policies and provisions of the development plan;
- how the presumption in favour of sustainable development applies; and therefore whether it should be approved or refused.

1.19 Policy ST14(d) seeks to conserve the best and most versatile agricultural land (Grades 1, 2 and 3a) as it is considered to be a limited environmental resource. Evidence would suggest the site is principally Grade 3a which is considered to be higher grade agricultural land. The loss of agricultural land from food production would need to be considered in the balance.

1.20 Natural England recommend that the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and it is recommended that this is followed.

## 2. Character and appearance

2.0 The design and layout of the development should be considered against Policies ST02, ST03, ST04, ST05(1), DM01, DM04 and DM08A of the local plan and the National Design Guide.

2.1 In terms of general design and layout issues, the application is made in outline with matters of scale, appearance, landscaping and layout to be considered at the reserved matters stage. Some consideration of layout has been necessary to demonstrate how the numbers of units can be achieved along with habitat provision and landscape impact, however at this stage, it is not possible to consider the final form of development. The indicative masterplan and parameter plans would inform the reserved matters.

2.2 The housing mix will need to meet the identified housing need in accordance with Policies ST17. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs.

Figure: HEDNA Housing Mix

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

2.3 The proposed development will provide a range of housing sizes and types including flats, bungalows and houses. Whilst the precise housing mix will be determined at the reserved matter stage, the Illustrative Masterplan indicates how a range of housing sizes and types could be delivered across the site using feature buildings to create interest and to provide a strong green corridor through the site.

- 2.4 The site adjoins existing built-up areas. The Design Review Panel and the community question whether the form of development equates to Fremington as a village and express concerns about urban expansion and coalescence. The proposed built form will sit within existing hedgerow boundaries surrounding the site and with reference to the LVIA (discussed below) on plan form represents an unobtrusive (in landscape terms) extension to the village. The site is screened to the north by a tree belt. Notwithstanding comments about the access later on, as a site for development it represents opportunities to provide an enclave of development which would be well screened and enclosed.
- 2.5 Design & Access Statement (DAS) provides a 'vision' for the development
- To create an attractive high-quality place with well-designed new homes, pedestrian friendly streets and areas of greenspace for play and recreation.
  - To provide a choice and range of new homes that allow for modern living with homes being efficient in respect of energy and sustainability
  - To deliver a place that responds to the characteristics of the site and its urban edge/landscape setting.
  - To deliver a place which draws inspiration from the local character and vernacular of Fremington, to include building form, scale, colours, materials and detailing.
  - To create a framework of connected streets with priorities for pedestrians and cyclists, with good pedestrian and cycle links into the village centre, employment areas and education establishments.
  - To deliver a multifunctional Green Infrastructure of landscape habitats that delivers landscape, biodiversity, recreation and sustainability benefits
- 2.6 A Crime and Disorder Statement has been submitted. The comments from the Designing out Crime Officer which are based upon the indicative plans and refers to the need for any subsequent reserved matters application to follow Secure By Design guidance.
- 2.7 Criterion 2 of DM04 will expect all major residential proposals, to be supported by a Building for Life 12 assessment (updated to Building for a Healthy Life – July 2020) where the developer must minimise 'amber' scores and avoid 'red' scores. A BfL12 assessment has been supplied as part of the application based upon an outline scheme and indicative layout. This currently scores all categories as 'green'. The reserved matters would need to adhere to these principles
- 2.8 A Sustainability Statement has been submitted, which provides a high level strategy for the reduction of energy use; with the details to come forward through future reserved matters. Vistry Homes Limited adopts a fabric first approach to reduce energy demand. This means making significant improvements to the u-values of the fabric of the building, which are passive, which in turn reduces the energy requirement for the services heating the building.
- 2.9 Other operational energy use measures include:
- Increasing air tightness
  - Providing adequately controlled ventilation
  - Reducing thermal bridging

- Improving thermal mass
- Increasing the levels of insulation; and
- Using high specification glazing systems

2.10 The following measures will be incorporated into the proposed development to improve energy efficiency:

- Energy efficient lighting: 100% of the lighting to the dwellings will be dedicated energy efficient lighting, mainly of LED type which are the most common energy saving light bulbs and are available in a variety of types.
- Water saving measures: Typical consumption per person per day can equate to approximately 150 litres. Vistry Homes intend to reduce this figure to within the region of 120 litres per day by providing water saving appliances including tap aerators, reduced flow showers and reduced capacity cisterns.
- Smart metering: Vistry will install smart metering solutions that will allow users to get a better insight into their energy consumption. This allows the users to see how much energy they are using at different times of the day, which could help cut energy usage and reduce costs for homeowners.

### Design Review Panel

2.11 The site has been considered by an independent Design Review Panel as advocated by paragraph 133 of the NPPF. The DRP report dated 7/04/21 indicates that 'the Panel has two fundamental and related reservations about the scheme: access and how it relates to the form of the village'.

2.12 The second DRP review (01/12/21) advised:

First, the vehicular access. This remains at the same location and has not changed significantly since March. The Panel thus repeats the comments from the first letter as these still apply:

- *St. Andrews Road is a quiet, narrow, residential cul-de-sac that is not well suited to accommodate the traffic that would flow from a scheme of this size – perhaps 1000 person trips a day. Even this unsatisfactory access can be realised only by demolition of one bungalow with a new road replacing it between two other bungalows. The adverse reaction of residents can be imagined - that would mean an unhappy situation not only at planning stage but perhaps later too. There appears to be no alternative feasible access arrangement to that envisaged.*

Second, how it relates to the form of the village. The comment we gave last time is only partially allayed by the changes to the scheme. We wrote:

- *The form of Fremington, as villages generally, is to have a core with buildings close together and a lower density beyond, typically with the greatest informality and lowest density where the village meets the countryside. This scheme, however, bids to leapfrog the low-density, established and intended edge and then place a higher density beyond it. It would therefore present an anomaly in village form that would jar against the prevailing form and grain and make the village less legible.*

The layout now is an improvement on the one we saw eight months ago. It is more relaxed and village-like and is less dominated by vehicular routes. We welcome these revisions. But the fundamental anomaly remains.

Taking the two reservations together, the scheme would still be a cell or pod added to the village, a development with a single point of vehicle access, a cul-de-sac on a cul-de-sac, not integrated well with the village, and not enhancing the character or permeability of Fremington.

- 2.13 The full response of the DRP is attached along with the designer's comments on how the revised scheme addresses the comments. The applicant consider that they have addressed the points raised.
- 2.14 The land (south of the existing tree belt) has an approximate gross site area of 5.9 hectares (2.95 hectares net) and a SHLAA endorsed gross to net ratio of 60% (3.54 hectares net) to account for the CDA. The net density is around 45 dph is very high in the context of surrounding housing development. For example, the development at the former Fremington Army Camp to the east (277 dwellings – approx. 8.32 ha net) equates to a density of 33 dph whereas St. Andrews Road, St. Peters Road and Manor Close (59 dwellings – approx. 3.61 ha net) equates to a density of 16 dph.
- 2.15 Density was addressed by the DRP who considered that *'this scheme, however, bids to leapfrog the low-density, established and intended edge and then place a higher density beyond it. It would therefore present an anomaly in village form that would jar against the prevailing form and grain and make the village less legible' and 'the Panel would say that setting a new development boundary encroaching on the countryside and its special estuarial character would require a justification greater than a contribution to housing supply'*.

Figure: Relationship of site to Fremington Army Camp



- 2.16 The difficulty with looking at a new development where there is no site specific policy guidance is trying to assess where the layout and character precedents should be taken from. The end character will reflect the consented development to the east. The form of development along the southern boundary at single storey to one and a half storeys and will mirror the properties in St Andrews.

2.17 Land is a finite resource and needs to be used effectively to deliver housing. If there are no landscape impacts (see below for assessment) then the contained nature of the site will mean that it will have very little public impact. The new developments on the edges of the village have all been primarily two storey in character. The applicant is arguing that this layout has a strong green emphasis with the central green spine creating a route from existing built form to the open countryside beyond.

### 3. Highway considerations

3.1 Policies ST10, DM05 and DM06 of the NDTLP require development to safe and suitable access for all road users, 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. This is further enshrined in chapter 9 of the NPPF.

3.2 As set out in the Policy response, the site has been promoted through the SHLAA process (SHA/FRE/145) where in 2018 the Panel *'considered this site previously as being not currently developable due to there being no identified access on to the highway as well as potential impact on the landscape'*.

3.3 The access is being created by demolishing an existing house on St. Andrews Road (no. 18). The key issue with this application is whether the access is acceptable. The comments of the DRP on this point are set out above.

Figure: Photograph of House to be demolished



3.4 St. Andrews Road is a small cul-de-sac and strong objections have been made that it has limited capacity to accommodate a further 161 dwellings. The SHLAA Panel considered that the site was not developable due in part to concerns around access arrangements. The latest advice to the SHLAA panel from the local highway authority was that *'the proposed access arrangements are considered acceptable and this has been relayed to the consultants subject to the submission of a requested Transport Assessment which shall include capacity analysis at the Cedars Roundabout (B3233/A3125) and former Fremington Army Camp junction (B3233)'*.

- 3.5 The primary site access is not reserved, and a preliminary design is included for approval as part of this planning application. The impact on residential amenity will be discussed below.
- 3.6 To date the highway Authority have not raised any *in principle* issues of concern with the design and geometry of the proposed new junction. The road will be directed between two existing bungalows in the form of a new 'T' junction. Both Planning Policy and the DRP have expressed real concern of up to 1,000 vehicle movements per day being taken through a quiet and narrow residential cul-de-sac as well as the impact on the occupants of nos. 16 and 20 St. Andrews Road.

Figure: Site Access



- 3.7 The local highway authority consider that the proposed access arrangements are acceptable. All highway issues should be considered against Policies ST10, FRE, DM05 and DM06 of the Local Plan and hence in terms of engineering standards no reason for refusal has been offered by the Highway Authority. Again residents dispute this and argue that the width of pavements are inadequate and the constrained nature of the site means that segregated cycle provision cannot be made. They further argue that as the street was designed before 'modern standards', that access to their properties is challenging, that the road is used for parking (a feature that would be lost should the development occur), that it is often blocked with the refuse lorry and delivery vehicles.
- 3.8 Turning to the site access itself, given the design of the new site access and existing character of St Andrews Road / St Peters Road, it is anticipated that speeds will be very low which will ensure the safety of pedestrians and vulnerable road users. Existing speeds on St Andrews Road were recorded, as part of the transport analysis work, at less than 20mph and this is not expected to change as a result of the development proposals.
- 3.9 In terms of visibility for drivers, this will be maintained and improved for both existing and new residents, as demonstrated by the revised Site Access Plan (ref: 332310061-5503-101 D).

Photos showing the approach roads looking towards the direction of the new site entrance



Photo of House opposite facing the new entrance



- 3.10 The decision to be taken is whether this provides a safe and suitable access for the proposed development. In respect of technical standards the Highway Authority are satisfied with the details.
- 3.11 The updated Transport Assessment sets out the forecast vehicle trip generation during the busiest part of the day, which is generally considered the morning and evening peak hours (approximately 08:00-09:00 and 1700-18:00). The level of traffic during the rest of the day is generally much lower. The worst-case figures equate to approximately 89 two-way movements per hour. This equates to around 1 additional traffic movement per 40 seconds at its busiest period. Outside of the peak period this number will be significantly lower. Given the low traffic nature of these approach roads, this remains of concern to residents.
- 3.12 Residents have provided details of a recent accident which blocked the road and details have been provided of the impact that the refuse vehicle and supermarket delivery vehicles have on the free flow of traffic. The access to the site is being created by demolishing a house rather than using an established route and the concerns expressed are understood.
- 3.13 The decision for the Planning Committee will be one of whether the need for housing outweighs the access issues.

Figure: Road blocked by accident & emergency responders



### Pedestrian and Cycling

- 3.14 The South West Coast Path National Trail / Tarka Trail border the site to the north. The Movement and Street Hierarchy Plan provides for the retention of existing routes, alongside the delivery of new pedestrian and cycle routes, and a comprehensive street hierarchy to inform future detailed proposals.
- 3.15 The new pedestrian and cycling facilities provided by the development will ensure that pedestrians and cyclists can travel between the site and both the Tarka Trail and Fremington village.

Figure: Location of pedestrian and footpath access



- 3.16 From a policy perspective, there would be support in principle to deliver a cycle/footpath link through the development linking with the Tarka Trail to the north although the ecology section of the report considers the potential impact of additional recreational pressure on the SSSI. Residents consider that a further link is not required albeit if this quantum of development is consented additional permeable routes will be the only way to encourage the use of walking and cycling given the very suitable access that the Tarka Trail gives to the Town Centre.

Figure: Hierarchy of connections



3.17 The secondary pedestrian access via Church Farm is an issue that requires resolution as the owner is of the view that there is no right of way. The applicant considers that he does have legal right.

Photos showing route past Church Farm



3.18 The issue then becomes one of connectivity. As this is not a planned development no allowance was made for connections to and from the army camp and hence this route is the only one that would take pedestrians and cyclist onto that site without using main roads. The owner of Church Farm is concerned that when they enter or leave their property they use the width of the Lane which could have severe safety impacts and they worry about safety and having a lit route in such close proximity to them. The impact on amenity is addressed below.

Photos showing vehicles leaving Church Farm



### Impact on the wider Highway Network

- 3.19 The Transport Assessment confirms that the development will not have a severe impact on the strategic or local road network in respect of the test within the NPPF. Members are fully aware of the operating issues of the B3233 corridor and that any increase in traffic results in objections from the community. The DCC Highways position is that financial contributions would overcome their highway objection. Such contribution being directed towards the ESSO Garage junction now that DCC have approved in-principle schemes at both this junction and the Cedars.
- 3.20 Formula to convert to vehicle movements:  $161 \times 4.364$  (daily trip rate) = 702.604, say 703 no. vehicle movements. A total of 303 no. vehicle movements have a direct impact upon the Cedars and ESSO Garage junctions (57% west to Bideford and 43% east to Barnstaple). Thus, converting these movements to dwelling numbers:  $303/4.364 = 70$  no. dwellings @ £1936.55p per dwelling = £135,558.50p total.
- 3.21 The contributions are specifically related to vehicle movements onto the two junctions which are inextricably-linked but this site would use funds directed towards the ESSO Garage as the Cedars has adequate contributions in place for the scheme proposed and will not effectively work until the ESSO Garage junction is the subject of a redesign – signals or roundabout enlargement.
- 3.22 This is the approach DCC have applied on one other development in Bickington and is likely to be the approach for any further residential schemes that may come forward if we are to resolve the highway issues on this corridor and is based on actual trip impact is more robust than an amount only based on dwelling numbers.
- 3.23 The developer has indicated that his capacity testing does not indicate a severe impact on the local highway network at the ESSO Garage junction. Whilst it is noted in the technical work that the junction is exceeding its design capacity in future years, the number of vehicles distributed through the junction from the St Andrews Road development is considered negligible and is unlikely to be perceived given the natural variation in daily traffic. On this basis, they would not consider a contribution towards junction improvements in this location to meet the required CIL test. Notwithstanding this to ensure expediency - and strictly on the basis that a positive planning decision is made by NDC at committee – the applicant has agreed to a contribution in this instance.

## Travel plan

3.24 A Travel Plan is submitted which sets out further measures which could be implemented through future reserved matter applications to seek further reductions in vehicular trips from the proposed development; such as vouchers, electric charging etc. Travel Plan and sustainable travel mitigation measures that will be delivered as part of the application proposals, include:

- Improvement to local cycle parking facilities and connectivity to the Tarka Trail, which will encourage cycling over driving for some trips
- Provision of financial incentives to all residents to spend on sustainable travel items or tickets
- Dedicated support of a travel plan co-ordinator for the site to encourage and incentivise non-vehicular travel
- The increase in home working brought about by the COVID Pandemic. Whilst it is appreciated there are many roles that cannot be undertaken at home, particularly many jobs available in the North Devon area, the figure presumes no additional home working is undertaken at all which is very likely to be an underestimate of the reality, once the site is operational.

3.25 The Travel Plan includes a range of measures to improve sustainable travel at the site, including behavioural / informational initiatives to encourage improved sustainable travel activity which will be managed by the TP Co-ordinator. The Plan contains targets in terms of vehicle trips generated by the site. It has also provided an indication as to the potential changes in trips by sustainable modes at the site, although these are only an estimate and the key targets for which the development must adhere to is the reduction of vehicle trips by at least 10%. The TP sets out the monitoring strategy through which these targets will be expected to be achieved.

## **4. Amenity Impacts**

4.1 NDTLP Policy DM01 requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses, future occupiers, visitors on the site and any local services. Furthermore Policy DM02 requires development to safeguard against hazards, and pollution.

## Contamination

4.2 Whilst this is primarily a green field site, housing developments are recognised as having high sensitivity to the presence of any land contamination affecting the site. In order to ensure that any potentially significant contamination risks are adequately considered conditions are recommended relating to Phase 1 Contamination report and unexpected contamination by Environmental Health.

## Air Quality

- 4.3 An Air Quality Assessment has been submitted with the planning application which confirms that the impact of the development on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> levels would be negligible, and these would remain below relevant NAQOs.
- 4.4 There are no relevant ecological receptors within the 200m area.
- 4.5 The Assessment identifies a number of potential dust related impacts and recommends a scheme of mitigation be adopted during the construction phase. In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase a Construction Environmental Management Plan will be required.
- 4.6 The Assessment considers potential traffic related impacts associated with the operational phase having regard to relevant standards and guidance. The potential impact of development traffic on local air quality is considered to be not significant. No additional traffic mitigation in regard to air quality is therefore required. In addition to this, a travel plan has been produced to further minimise the impact of the development on local air quality. This will aim to reduce single occupancy car trips and promote sustainable active modes, therefore reducing the number of vehicles generated by the development. The report concludes that no significant traffic pollution related impacts will arise and that no specific mitigation measures are required. Environmental Health accept the findings of the report.
- 4.7 Residents within the roads leading to the site contest that air quality will remain at an acceptable level and cite the exhaust fumes associated with 161 dwellings as having a negative impact on the enjoyment of their homes.

## Noise

### **Section to be read in context with Updated to Committee on 10<sup>th</sup> August 2022 agenda.**

- 4.8 The original Noise Impact Assessment concluded that the development will not result in unacceptable noise levels at neighbouring existing properties, with levels below the upper guidance levels. This includes the proposed residential area around the proposed access road.
- 4.9 This matter is disputed by residents who are firmly of the view that the additional traffic will result in an unacceptable impact on the quiet enjoyment of their properties.
- 4.10 The assessment finds that the worst affected existing receptors located along St Peters Road and St Andrews Road are likely to experience changes in noise levels that would be above the Significant Observed Adverse Effect Level (SOAEL) based on an assessment of predicted changes in noise levels and guidance contained within the Design Manual for Roads and Bridges (DMRB). The report states:

"4.4.1 The acoustic model indicates that the change in LA10,18h noise levels at existing noise sensitive receptors, between the 'future with development' scenario and the 'future without development', are likely to be over 5 dB at the worst affected existing receptors along St Peters Road and St Andrews Road. [...]

4.4.3 Due to the rural location of the site with low ambient noise levels, a perceptible change in noise levels due to a new access road is unavoidable. "

- 4.11 In relation to the two dwellings adjoining the proposed new site access road, the report recommends erection of a 2m high acoustic barrier to reduce traffic noise levels at these two properties. The report states:

"4.4.8 Calculations indicate that, with the noise barriers in place, the external noise levels at all existing noise sensitive receptors are likely to be below the BS8233 recommended lower guideline value of 50 dB LAeq "

- 4.12 However, the report states that:

"4.4.9 A more detailed assessment of the impact of the access road on the proposed receptors and the effect of potential mitigation measures should be undertaken at the detailed design stage."

- 4.13 The creation of an access road between two dwellings would introduce significant traffic noise to the sides and rears of the adjoining dwellings. It should also be noted that the road extends along the side of Church Farm. These dwellings currently back onto quiet fields so the proposed changes are likely to be perceived as an adverse impact by existing residents, above that associated with simply increasing traffic on existing roads. The original report did not make clear what changes in sound levels are likely to be experienced at these two dwellings / within rear garden amenity areas. Also, no information was originally provided on the potential for short term traffic related noise (such as LAFmax levels) to significantly impact the sides and rears of the properties.

Photo of side boundary of Church Farm looking towards bungalow to be demolished



- 4.14 The updated Stantec Noise Impact Assessment dated October 2021 provides a more detailed consideration of noise impacts arising as a result of the proposed access road. The report has regard to recognised standards and guidance and

sets out predicted noise levels associated with proposed operational use of the access road and the mitigating effects of a proposed 2m high acoustic barrier. The report presents the following summary of its findings:

4.2.20 As the site is predominantly rural in nature with existing low ambient noise levels, the change in noise level assessment indicates a perceptible change in noise levels due to the proposed development.

4.2.21 However, a review of the absolute noise levels associated with the proposals indicates that noise will fall below the relevant guidance levels once noise mitigation has been incorporated into the scheme.

4.2.22 It is therefore considered that the development proposals avoid giving rise to significant adverse impacts and reduce and mitigate to a minimum any adverse impacts. The development proposals are therefore considered to be in line with the requirements of the NPPF

4.15 The updated report finds that the proposed mitigated access arrangements will produce a noticeable change in the noise environment and that this change will be quite significant for some properties due to increases in what is currently a relatively quiet area. However, the findings indicate that the increases that are likely to occur fall below limits presented in national standards and guidance as being acceptable under certain circumstances.

4.16 Environmental Health are of the opinion that existing residents of properties that experience noticeable increases in traffic noise are likely to consider this an unwanted change in their circumstances. This is particularly likely to be the case for those properties adjoining the site access road for which increased noise will be most noticeable to the sides and rears of the properties where traffic noise is currently much less present. The report points out that the increased noise levels would remain below national guideline levels and this is clearly a relevant consideration. However, the degree of change in existing circumstances is also relevant.

Photos Side windows of properties either side of proposed access



4.17 On balance and based on the findings and mitigation presented in the updated report and having regard to national standards and guidance, Environmental Health believe the proposals are unlikely to give rise to significant adverse noise effects at existing residential properties in the vicinity. Whilst mitigation can be provided, the relationship of noise attenuation fencing to existing windows as set out above needs careful consideration.

4.18 The report recommends at 4.2.19 that "a more detailed assessment of the impact of the access road on the proposed receptors and the effect of potential mitigation measures should be undertaken at the detailed design stage".

4.19 Given the above, Environmental Health recommend that any permission include a condition with a view to ensuring that a detailed noise mitigation scheme is submitted for approval in relation to access road noise and an associated detailed noise impact assessment is provided to demonstrate that the proposed mitigation scheme will be effective in securing acceptable noise levels for existing residential receptors in the locality having regard to the findings of the updated Stantec report and relevant standards and guidance. Again as this is an outline application, the final detail of boundary works would need to be agreed having regard to the constraints expressed above.

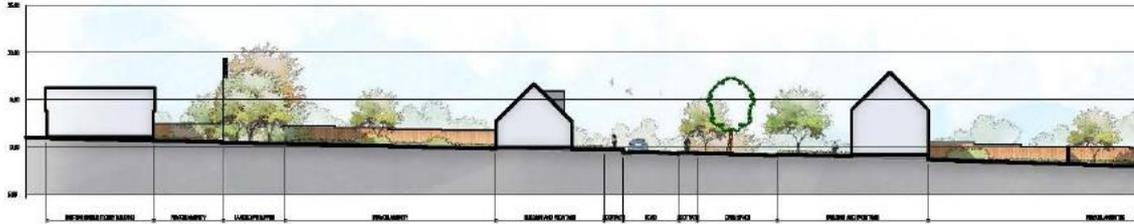
Residential Amenity

4.20 In terms of neighbouring residential amenity, such as the ability for dwellings to be delivered on site whilst preventing any overlooking, overbearing or loss of light to the nearest neighbours north east of the site the plans show that one/one and half storey properties will adjoin St Andrews.

Figure showing building heights



Figure: Showing section through the site



4.21 Given the indicative layout show, height parameters and separation distances involved, it is considered that dwellings can be delivered on this site whilst maintaining appropriate amenity to existing dwellings in the area, therefore in compliance with Policy DM01 and DM04 of the NDTLP.

- 4.22 The more complex issue is the relationship of the access to the properties either side and opposite. Noise is addressed above but the properties opposite will also face traffic with head lights shining into their properties (below).

#### Relationship to existing properties



- 4.23 The access past Church Farm creates challenges in that the property owner shares the track solely with the farmer. The gable end of the property faces onto the track. If it is to be used by pedestrians and cyclist then there would be conflict with residential amenity and privacy standards contrary to amenity policy DM01.

#### Photos of Church Farm next to proposed footway/cycleway



### Construction Management

- 4.24 The scale of development proposed will not generate significant waste albeit the removal of materials associated with demolition of the existing bungalow will require careful consideration. As with all construction sites, there will be short term inconvenience as the site is opened up. A Construction Environmental Management Plan (CEMP) would be needed to activities during the construction period (DM03)

## **5. Landscape and Ecology**

- 5.1 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).

5.2 In respect of ecology, Policy ST14 (Enhancing Environmental Assets) of the NDTLP, requires quality of northern Devon's natural environment will be protected and enhanced by ensuring that development contributes to:

'(a) providing a net gain in northern Devon's biodiversity where possible, through positive management of an enhanced and expanded network of designated sites and green infrastructure, including retention and enhancement of critical environmental capital;

(b) protecting the hierarchy of designated sites in accordance with their status;

(c) conserving European protected species and the habitats on which they depend; (d) conserving northern Devon's geodiversity and its best and most versatile agricultural land...

(i) conserving and enhancing the robustness of northern Devon's ecosystems and the range of ecosystem services they provide;'

5.3 Policy DM08 (biodiversity and geodiversity) provides detailed criteria on the above consideration in relation to the assessment of planning applications. Paragraph 179 and 180 of the NPPF also seek the same set of objectives in respect of the above and reiterates the statutory duties.

### Landscape

5.4 The site (proposed for housing) is within the landscape character type 3A: Upper Farmed Wooded Valley Slopes where the overall strategy is 'to protect the landscape's strong rural character and historic sense of place. The farmed landscape comprises a rich mosaic of fields bounded by an intact network of species-rich Devon hedges. Valued farmland and woodland habitats are managed and extended, with opportunities for Green Infrastructure links to settlements pursued'.

5.5 The North Devon AONB is located 3.5km west of the site, and the Heritage Coast falls approximately 0.95km north of the site; the other side of the River Taw. It is considered that the site is unlikely to be visually prominent from landscape character type 4A: Estuaries where the overall strategy is to 'protect the open character and expansive views to and from the estuary, ensuring new development on its fringes is incorporated into its landscape setting. The cultural heritage and natural evolution of the estuary is conveyed through sensitive interpretation, and local communities are involved in planning for future landscape change as a result of sea level rise and changes in coastal erosion'. This protection would also include important views to and from hills to the north around Saunton Down within the AONB. It is considered that this development would primarily be seen in the context of existing development and the site is screened by existing substantial tree planting.

5.6 Policy FRE(d) seeks to protect the open landscape character between Fremington, Yelland and the Taw-Torridge estuary in order to support local green infrastructure and biodiversity networks. Development of this green field site will continue to erode this green gap further as well as the undeveloped part of the Coastal and Estuarine Zone.

- 5.7 The impacts of the site on the landscape have been considered further in the submitted Landscape and Visual Impact Assessment (LVIA), The LVIA concludes that whilst the Proposed Development will result in a change to the site, this will be viewed within the context of the existing residential development around the site. The change will be limited to the southern portion of the site, and the more sensitive northern area will be retained and enhanced. There would be a minor adverse impact on the localised area as a result of the proposed development, but the effect on the wider landscape would be negligible.
- 5.8 The development would not result in the loss of any rare or unique features and affects a limited geographical area. Through good design, the proposed development has the ability to deliver a number of beneficial effects and create an attractive and visually balanced development which will complement the local landscape character and enhance its distinctive characteristics.
- 5.9 This LVIA concludes that new development will not have an unacceptable effect on the existing landscape and visual baseline. In particular respect to Policy ST09 (Coast and Estuary Strategy) the proposals will not detract from the unspoilt character, appearance or tranquillity of the estuary; and the wider landscape setting will be protected. The LVIA concludes that the Proposed Development will not have an unacceptable impact on existing landscape and visual baseline, and that impacts will be localised to the southern part of the site, and that impacts on the wider landscape would be negligible. There is no fundamental disagreement with this assessment as visually the site is well enclosed by existing vegetation.

#### Arboriculture

- 5.10 Whilst the application is in outline, the indicative site layout makes best use of existing hedge / tree boundaries to accommodate development. The tree survey identified three trees and one group of trees of high arboricultural value (Category A); one tree and four groups of trees which are of moderate value (Category B) and one tree and four hedgerows of low value (Category C).
- 5.11 No trees onsite are subject to a Tree Preservation Order and the site does not fall within a Conservation Area. No ancient woodland is located on or within influence of the site and no ancient or veteran trees were identified during the survey.
- 5.12 In terms of the proposed residential layout, the main development area is located to the south of the site with open space provided to the north and west. This allows for the retention of the majority of trees within large buffers of Green Infrastructure provision. Removal of some trees of G4 may be required to facilitate a new pedestrian link to the open space and Tarka Trail to the north of the site. Selective removal of several semi-mature trees will not affect the integrity of this woodland group as it has not reached full maturity and additional tree cover will be compensated for elsewhere within the development.
- 5.13 A substantial net-gain in tree cover will therefore be achieved given the minimal tree loss and the opportunities for new tree planting as part of the development's soft-landscaping scheme.

## Ecology and Protected Species

- 5.14 Policies ST09 and ST14 require the quality of northern Devon's natural environment to be protected and enhanced, and should provide a net gain in biodiversity where possible; through the positive management of an enhanced and expanded network of designated sites and green infrastructure.
- 5.15 Braunton Burrows SAC is located 3.4km to the west, and the Taw-Torridge Estuary SSSI is located 50m north of the site. Fremington Quay Cliffs SSSI is located 20m north of the site: with this a geological rather than ecological designation. The Saltpill Duckpond County Wildlife Site (CWS) falls on the edge of the site, and there are a number of other local designations in the wider locality: including Home Farm Marsh CWS (20m northwest), Fremington Local Nature Reserve (400m east), Fremington Pill CWS (410m east) and Mill Leat CWS (500m south). The Ecological Appraisal confirms that the proposed development is not considered likely to have a significant effect on these habitats.
- 5.16 The Taw Torridge Estuary Site of Special Scientific Interest (SSSI) is notified for its overwintering bird interest and intertidal habitats. The overwintering bird surveys indicate the development site does not support significant numbers of birds associated with the SSSI.
- 5.17 A further connection to the Tarka Trail from this development will increase levels of disturbance at an already sensitive location. A strategic approach to recreational disturbance on the estuary would secure better environmental outcomes. Whilst Natural England would prefer to see no additional routes onto the Tarka Trail one is proposed. It is also recommended that signage is provided by the access point to the permissive path to dissuade walkers from accessing this area at sensitive times.
- 5.18 The EA concludes that provision of areas of open space in the northern field provides walkers an alternative walking route, encouraging people to walk further away from the estuary therefore not resulting in a significant recreational impact on the identified high tide roosts or the SSSI. Any subsequent detailed application will be expected to specify how the importance and sensitivities of the SSSI roosts will be conveyed to the developments residents. This should include but not be limited to homeowner interpretation packs and interpretation panels on the proposed foot and cycle connection to the Tarka Trail.
- 5.19 The northern field provides a significant opportunity to deliver longer, more varied routes and increased wetland/marsh habitat/woodland. Integrating the existing marshy north east corner with the proposed attenuation feature and open space could provide areas of interest to birds associated with the nearby SSSI roosts and the GAIA bird reserve
- 5.20 Noise and lighting can lead to both the displacement and disturbance of wildlife. The noise assessment did not consider ecological receptors. However, given the setback distance of the development from the SSSI, significant impacts are considered unlikely.

- 5.21 Natural England is satisfied that there is not likely to be an adverse effect, in terms of water quality, on the designated site. This is also an issue raised by third parties. The illustrative masterplan has been designed to ensure that the Saltpill Duck Pond CWS habitats are retained and a significant buffer from development is provided along the western boundary of the Application Site. To avoid damage/disturbance of these retained features during construction, it is recommended that Ecological Protection Zones (EPZs) with an appropriate buffer should be established during the construction phase. EPZs can often be achieved through co-ordination with tree protection measures required as good arboricultural practice, including temporary protective fencing and signage.
- 5.22 Paragraph 6.5 of the Local Plan indicates that 'all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support 'biodiversity offsetting' to deliver a net gain in bio-diversity off-site'. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. The Defra metric should be used to ensure there is an overall net gain in biodiversity
- 5.23 Policy DM08 indicates that development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests in a manner commensurate with their status and giving appropriate weight to their importance.
- 5.24 The proposed development is limited to the southern field of arable land, with a small loss of plantation woodland providing access to the northern field. The layout has been designed to buffer sensitive ecological receptors, including boundary hedgerows and bat commuting routes, from the proposed development. The submitted Plans are appropriately detailed to inform the Outline application and ensure that green corridors are delivered around all site boundaries.
- 5.25 The EA considers that predicted losses are compensated through habitat enhancement and creation within the areas of proposed public open space around the southern field and within the northern field. The following ecological enhancement measures are proposed and appropriately illustrated on submitted Plans:
- Creation of wildflower grassland within the areas of open space;
  - Creation of wet grassland within the proposed attenuation feature;
  - Planting of new trees within areas of open space and through the development to provide distinct green wedges into and through the development.
- 5.26 Northern field – scheme changes *Not only will this substantial area of open space provide an attractive and pleasant area for existing and future residents to spend time, offering significant recreational opportunities, but this extensive area, including attractive walking opportunities will help to reduce recreational impacts on the Tarka Trail and SSSI to the north. Information boards will be provided with in the development to promote the use of the open space and to highlight the importance of the SSSI and the wintering birds that it supports and the risks of disturbing these birds through the winter. Increasing the extent of the ecological*

*enhancements to be delivered on this part of the site also helps to maximise the biodiversity net gain achieved by the proposals. Indeed, the proposals will deliver a substantial biodiversity net gain, equating to a 44% net gain in habitat areas and 64% net gain in hedgerow provision. This demonstrates the applicants commitment to deliver a net gain above and beyond the 10% target figure to be introduced through the Environment Act, anticipated to become law in 2023*

- 5.27 The application is supported by an Ecological Appraisal, which is informed by Phase 1 and 2 surveys, including breeding bird, winter bird, bat, dormouse, and reptile surveys. With respect to habitats, the Application Site comprises mainly habitats of limited ecological value being mostly two arable fields and smaller areas of species poor habitat. The exception being an area of boundary hedgerow and native broadleaved woodland which are regarded as having local level ecological value. These habitats are proposed to be retained where possible and buffered from development. The development is predominantly on areas of arable land and impacts associated with their loss are considered negligible.
- 5.28 Surveys have identified that the site supports protected species including nesting birds, badger, bats and reptiles. The majority of the habitat that these species utilise will be retained and enhanced. Where the small-scale loss of habitat that might support these species occurs, methodologies have been proposed that will minimise impacts and enhancement measures suggested to ensure that net gains for these species are achieved.
- 5.29 The Ecological Appraisal (EA) highlights that Greater Horseshoe bats were recorded along the northern boundary and the plantation woodland. A wildlife sensitive lighting scheme should be designed to avoid light spill on to retained habitats creating 'dark zones' where development is located in close proximity to linear foraging habitats. Based on the information provided, Natural England is satisfied that there is not likely to be an adverse effect on the designated site subject to a detailed lighting scheme being secured via condition.
- 5.30 Natural England recommend incorporating nest sites for swallow, house martin, house sparrow, swift boxes and bat boxes into the design of new buildings and using native plants in landscaping schemes as they provide better nectar and seed sources for bees and birds

5.31 Summary of Surveys:

Breeding birds	Assemblage of mostly common and widespread species using the Site, with low numbers of rarer species such as Cetti's warbler
Wintering birds	Site contains habitat suitable for use by over wintering birds, although is sub optimal for species associated with the SSSI
Bats	Moderate diversity assemblage of commuting/foraging bat species in moderate numbers, including at least three Annex II species, with potential for Bechstein's bat to also be present.

Badger	Site contains suitable foraging habitat and opportunities for sett building. Foraging evidence and latrines were recorded within the Site.
Reptiles	Small populations of grass snake and common lizard, and a large population of slow worm present across the Site.
Other mammals: hedgehog	Habitats across the Site provide suitable cover for hedgehog.

- 5.32 Recommendations for the avoidance, mitigation and compensation of any predicted impacts have been provided and include the retention, protection and enhancement of those features of ecological importance. This is in addition to recommendations for the creation of new habitats through planting to maximise habitat connectivity through the Application Site to the wider landscape. The implementation of sensitive working methodologies and best working practices during the construction phase are also recommended to minimise impacts upon any retained habitats and ensure the avoidance of harm/injury and disturbance to protected and priority species present/potentially present.
- 5.33 Subject to the implementation of the inherent and recommended mitigation and enhancement measures therefore, EDP's desk and field-based baseline investigations consider that those habitats and species supported by the site do not pose a significant constraint to proposed development. It is therefore considered that development can proceed in accordance with all relevant wildlife legislation and planning policy.
- 5.34 Natural England confirm that no further assessment is required in respect of the Culm Grasslands Special Area of Conservation (SAC).
- 5.35 An appropriate assessment has been carried out. In terms of the location of the site, it is within the Zone of Influence identified through the Local Authority's Appropriate Assessment in relation to the Braunton Burrows Special Area Conservation (SAC) under the Habitat Regulations 2017. As such, any new residential development in the ZOI is considered to have recreational impacts on the SAC and is therefore required to pay a contribution in order to mitigate the impacts of development. The applicant has agreed to enter in to a Section 106 agreement which include the payment of the relevant sum in relation to the development proposed.
- 5.36 There is ongoing discussion with the Sustainability Officer and the points raised in his consultation response of the 24th March (point 1-4) require delegated authority to resolve.

## **6. Heritage and Archaeology**

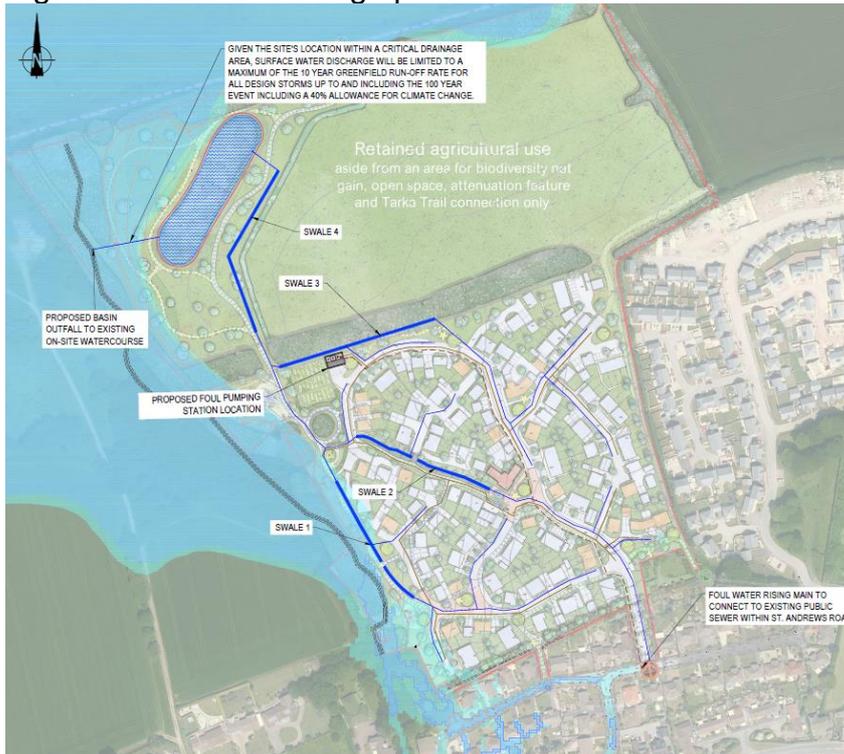
- 6.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.2 All issues around any potential impact on the designated heritage asset should be considered against Policies ST15 and DM07.
- 6.3 The site lies adjacent to the Fremington Conservation Area, and Fremington Quay Conservation Area lies to the north-east.
- 6.4 Policy DM07(1) requires a Heritage Statement to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. The application is supported by a Heritage Assessment; and associated Geophysical Survey.
- 6.5 There is no evidence of any archaeological remains within the site. However, given the general potential for Mesolithic activity within the area, and the potential for edge of settlement activity, as well as undated geophysical anomalies within the Site in line with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2021) a Written Scheme of Investigation is required and can be conditioned.
- 6.6 The Site was not found to make a meaningful contribution to the heritage significance of Fremington Conservation Area. For the larger extent, modern development within the conservation area itself, located on the site of the former army base, provides a sustained visual and physical buffer between the Site and the important evidential, historical, communal and aesthetic contributors to its heritage significance. Hence, it is concluded that proposed development within the Site will offer no harm to the heritage significance of this designated heritage asset as a result of changes to the experience of it within its setting.
- 6.7 In regard to the Fremington Quays Conservation Area, there are no visual, physical or historical association with the site. There is the potential for incidental views of the site from a public footpath on the western edge of the Conservation Area boundary, but with the distance between the site, and the provision of open space to the north, the Proposed Development will be viewed within glimpsed views where there is already visible development and the impact on the neighbouring Conservation Areas is considered to be negligible.
- 6.8 The Heritage Assessment has undertaken a wider review of designated assets within the surrounding landscape found no harm to the significance of any heritage asset, through changes to its setting as a result of development within the Site
- 6.9 The land is currently farmland, so the construction of a housing estate will inevitably affect the setting of the Conservation Area. This has, however, already been greatly altered by the construction of the existing housing estate on the site

of the former army camp, so it may be that the effect on significance is not actually that great less than substantial bracket

## **7. Flood Risk and Drainage**

- 7.1 NDTLP Policy ST03 requires that development takes account of climate change to minimise flood risk. Policy DM04 requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rain water'.
- 7.2 The western part of the site is within floodzones 2 and 3 where development should be avoided. Also, part of the site is within a 'critical drainage area' where development must incorporate additional water storage areas compared to normal urban drainage systems in accordance with Policies ST03, and FRE(e) of the adopted Local Plan.
- 7.3 Residential development constitutes a More Vulnerable land use, which is considered appropriate within Flood Zone 1.
- 7.4 The sequential approach has been applied to the development masterplan. All built development lies entirely within Flood Zone 1. Some aspects of the green and blue infrastructure lie within Flood Zone 2/3. Although the FRA states that there will be no built development within flood zone 3 it was not clear from the masterplan whether this is the case. Along the western boundary there could be overlap from the predicted flood levels and the proposed development. Revised plans have been submitted clarifying this point.
- 7.5 The supporting Sequential Test confirms that there are no sequentially preferable locations reasonably available and suitable for the development in the identified search area. The test analyses sites in the planning system and their contribution to the Authority's five year land supply. It also reviews the SHLAA. In accordance with paragraph 164 (NPPF), for the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk. The wider sustainability benefits of the proposed development are argued as being the delivery of housing to meet social and economic needs within a high quality environmental framework.
- 7.6 The flood risk mitigation strategy within the FRA consists of ensuring that the proposed ground floor levels are set at a minimum of 300mm above the 1 in 200 annual probability plus allowance for climate change level; and allowing for continuous safe access from the site is provided at the 1 in 200 annual probability plus climate change flood level.
- 7.7 An indicative drainage strategy is submitted within the Flood Risk Assessment and incorporate sustainable drainage systems, that will not increase the risk of flooding elsewhere (NPPF paragraphs 165 and 167) provided the SuDS are not be located within flood zones 2 or 3.

Figure: Indicative drainage plan



- 7.8 The Indicative Drainage Plan provides for a number of swales and an attenuation pond, alongside some underground piping, and these will discharge (with appropriate controls) to the existing watercourses bordering the site. These attenuation features are designed into the green infrastructure; and will deliver wider landscape, and ecological benefits.
- 7.9 The EA have requested that all drainage ditches and ordinary watercourses and ordinary watercourse buffers be shown. There should be an 8m easement from the watercourse.
- 7.10 The Environment Agency have requested further information within the Flood Risk Assessment (FRA) including wave overtopping calculations as the site is at risk of wave action from the Taw Torridge Estuary. The FRA should also detail who will take on ownership and maintenance of the watercourse once the development is complete. Ownership and responsibility of maintenance must not be transferred to individual property owners.
- 7.11 The EA and DCC Lead Flood Risk and Drainage Authority responses are awaited and will need to be reported to the Committee.

### Utilities

- 7.12 The Utilities and Foul Drainage Appraisal covers drainage as well as gas, electric and telephone services. A new 500kVA ground mounted electricity substation of 4.5m x 4.5m will be needed. The location of the proposed electricity substation will need to be agreed with WPD and considered within the reserved matters. A 5m "stand-off" to any proposed residential dwellings be adhered to due to potential noise disturbance from the substation enclosure

## Foul Drainage

- 7.13 There are existing foul sewers in the vicinity of the Application Site and residents have indicated that these require protection to ensure that their services are not affected. This similarly applies to any septic tank and drainage run. The applicant has been made aware of these assets. No development will be permitted by SWW within 3 metres of the foul sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.
- 7.14 A gravity network will be provided on site, with a pumping station on site then discharging to the existing network. South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. 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. This will be secured through the appropriate regulatory regime.

## Water Supply

- 7.15 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.

## **8. Infrastructure requirements**

- 8.1 The delivery of necessary infrastructure to serve the development should be considered against Policies ST23 and FRE.

## Education

- 8.2 Devon County Council has identified that a development up to 160 family type dwellings will generate an additional 40 primary pupils and 24 secondary pupils which would have a direct impact on Fremington primary school and primary and secondary schools in Barnstaple. Contributions are therefore requested towards Special Education (SEN), primary provision, secondary provision and early years provision as set out in the table below.

## Health

### **To be read in context with the update to Committee in 10<sup>th</sup> August 2022.**

- 8.3 The CCG's concern is that Fremington Medical Practice is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgery already has 7,308 patients registered and this new development will increase the local population by a further 364 persons. A Contribution of £93,148 (£579 per dwelling) is requested.

8.4 We are currently working with NHS acute care to look at whether we can ask for developers' contributions over 20 dwellings. Their response is awaited.

Green Infrastructure

8.5 Paragraph 13.68 of the adopted Local Plan sets out that new development will be required to make provision for public open space, recreation, sports facilities and green infrastructure and where possible, such facilities should be provided on site as an integral part of the development. In this case Parks advise that they have no alternative sites to provide allotments, playing pitches, play area or informal open space within the vicinity of this development. The Council's preference, in line with policy DM10 of the local plan is to see on-site provision, minimum standards will need to be met.

8.6 Policy DM10 sets out the open space requirements assuming an average of 2.2 persons per dwelling. Housing Development of 161 Dwellings :- 161 x 2.2 persons per household = 354 persons / 1,000 (= 0.35)

Table showing open space requirements:

<b>Typology</b>	<b>Requirement from New Development ha/1000 population</b>	<b>Total for Open Space Requirement (ha)</b>
Allotments	0.35 x 0.15 ha	0.05 ha
Amenity / Natural Green Space	0.35 x 2.0 ha	0.7 ha
Play Space (Children)	0.35 x 0.05 ha	0.02 ha
Play Space (Youth)	0.35 x 0.02 ha	0.007 ha
Parks, Sport & Recreation	0.35 x 1.3 ha	0.46 ha

8.7 The DRP guidance was 'to associate this undeveloped area with the housing on the southern field is your golden card if, as we suggest, you push the scheme as at the heart of the Biosphere. The purposes for this area, should be brought together under this theme, creating a recreational resource that enriches biodiversity and is sensitive to the wider landscape. Ownership and management need to be clarified to give assurance the field will not be pressed for development later and that it will be well managed such that its advantages are fully maintained'.

8.8 1Aswell as allotment space (568sq.m) a LEAP (400sq.m. with 5 pieces of varied play equipment, wetpour safety surfacing, bench, bin and galvanised 1.2m bow top fencing with 2 self-closing gates, informal open space (7568sq.m.), the Parks Team have requested an additional grass pitch space to compliment and extend the youth provision at Riverside Park measuring 92m x 55m compliant with Sport England guidance including provision of a primary drainage system type 4.

8.9 The requirement for additional sports pitch space is not just about now, it's about the life of the local plan. As a result of the expected population growth in the area the playing pitch strategy identifies that a further football pitch will be required. This is likely to be the only opportunity for a long time to get additional pitch space next

to the additional facilities that can be reach by walking from the Army Camp site which is the hub site for youth football in Fremington.

8.10 The need for the pitch is disputed along with the associated traffic movements which could be increased if the access past Church Farm is not found acceptable.

### Affordable Housing

8.11 Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide on-site delivery of affordable housing equal to 30% of the total number of dwellings (gross). In this instance (up to 161 dwellings) there should be an on-site requirement of at least 48 affordable dwellings with the 0.3 of a dwelling being collected as a financial contribution for delivery off-site. The planning application will deliver 30% affordable housing with a 75% Social Rent and 25% Intermediate Housing split: and this is reflected on the Illustrative Masterplan.

8.12 The table below shows the policy requirement for dwelling mix & occupancy levels. The supply and demand for 4 bed 8 person units and challenges around the use and allocation of 4 bed 6 person units has been reflected in the Housing consultation responses in which they state a requirement for four bed eight person dwellings at 124 square metres.

8.13 3% of our housing register require wheelchair accessible housing. Therefore 3% of the affordable housing should be provided as wheelchair accessible housing. These should be built to comply with the requirement M4 (3) (2) b of the Building Regulations 2010 Approved Document M: Access to and use of buildings. These should be provided as Social Rent.

Bed size & dwelling type	Occupancy	NDC dwelling mix requirement	Dwelling type	National Space Standards (m2)
4 bedroom house	8 person	5-10%	<ul style="list-style-type: none"> <li>• House (2 storey)</li> <li>• Bungalow</li> </ul>	<ul style="list-style-type: none"> <li>• 124</li> <li>• 117</li> </ul>
3 bedroom house	5 person	20-25%	<ul style="list-style-type: none"> <li>• House (2 storey)</li> <li>• Bungalow</li> </ul>	<ul style="list-style-type: none"> <li>• 93</li> <li>• 86</li> </ul>
2 bedroom house	4 person	35-40%	<ul style="list-style-type: none"> <li>• House (2 storey)</li> <li>• Bungalow</li> </ul>	<ul style="list-style-type: none"> <li>• 79</li> <li>• 70</li> </ul>
1 bedroom house	2 person	30-35%	<ul style="list-style-type: none"> <li>• House (2 storey)</li> <li>• Bungalow / flat</li> </ul>	<ul style="list-style-type: none"> <li>• 58</li> <li>• 50</li> </ul>

### Other

8.14 A sum of £30,590 would be payable via Section 106 towards to mitigation of recreational impact identified to the Braunton Burrow SAC as a result of the appropriate assessment and mitigation strategies commissioned by the LPA in communication with Natural England.

## Heads of Terms to be secured via a s106 agreement

Affordable Housing – 30%	The tenure mix would need to be at least 75% social rent and the remainder intermediate (shared ownership, intermediate rent or discounted sale).  3% to be wheelchair accessible housing	On site delivery
Primary education	This equates to a per dwelling rate of £4,494.54. The contributions will go towards new primary provision.	£719,127
Primary and secondary SEN provision.	This equates to a per dwelling rate of £146.34.	£74,774
Primary land contribution.	Based upon a land value of £1,105,000 per hectare, this land contribution would equate to £1,038.70 per dwelling (based on £1,105 per dwelling x 94%) and would be used towards to costs of procuring the new school site.	£167,230.70
Secondary education contribution	This equates to a per dwelling rate of £3,326.29. The contributions will be used towards the expansion of existing secondary provision in Barnstaple	£532,207
Early Years	Based on £250 per dwelling. This contribution will be used to provide new early years provision for pupils likely to be generated by the proposed development	£40,000
Braunton Burrows SAC	£190 per unit	£30,590
NHS Devon	Fremington Medical Practise improvements	£93,148
NHS England ( <b>Updated for 10/08/22 committee</b> )	Acute care	£141,133

Allotment space	Minimum 568sq.m (off site £17,028)	On site delivery
LEAP	LEAP - 400sq.m. with 5 pieces of varied play equipment, wetpour safety surfacing, bench, bin and galvanised 1.2m bow top fencing with 2 self closing gates (£45029.60)	On site delivery
Informal open space	7568sq.m. requirement (£1135,20)	On site delivery
Playing Pitch	4919sq.m. for additional grass pitch. 92m x 55m. This would need to be compliant with Sport England guidance including provision of a primary drainage system type 4. (£354,182.40)	On site delivery
Highways ( <b>See update for 10/08/22 committee at start of report – contribution removed</b> )	<del>ESSO Garage junction and the Cedars.</del>	<del>£135,558.50</del>
Maintenance of on site open space and drainage	Management company	

## 9. Updated Planning balance for 10<sup>th</sup> August 2022 Committee

- 9.1 In summary, the Council has an undisputed lack of a 5 year housing land supply. Paragraph 11 (d) of the NPPF establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. In this case the development boundary. Accordingly, the presumption in favour of sustainable development should be applied for decision-taking involving applications for housing in North Devon. The lack of housing supply is a significant matter in favour of the proposal and carries substantial weight.
- 9.2 The Proposed Development will not have an unacceptable impact on existing landscape and impacts will be localised to the southern part of the site which itself can and is well screened, and that impacts on the wider landscape would be negligible. Landscape impacts are considered to be localised, reducing in magnitude at a wider context and not impacting on any designated landscape. Impact on SWCP can be mitigated with appropriate landscaping secured at reserved matters stage the impacts will reduce landscape impact throughout the lifetime of development. This issue is therefore afforded moderate weight.

- 9.3 In highway terms the Highway Authority consider the development would result in additional pressures on the highway network which can be addressed through junction improvements, although following the outcome of the Yelland appeal, the LPA do not consider it lawful to ask for these in light of the discussion above in the update to committee on the 10<sup>th</sup> August 2022. The highly sustainable location of the site demonstrate conformity with the relevant development plan policies and therefore weigh in favour of the development. The sustainable nature of this corridor has been found sound at appeal. There will be high permeability for Active Travel using the Tarka Trail and improved access for existing residents to this national route through the site.
- 9.4 The design and location of the access is considered to be acceptable in technical highway terms but will result in amenity issues. The amenities of local residents can be partly safeguarded through the parameter plans in respect of the height and relationship of development to existing properties and conditions imposed in relation to noise barriers, a low noise road surface treatment, land contamination and construction measures. The quiet character of this cul de sac will adversely alter and residents will have a noticeable adverse impact from the new development. This will not solely be at the construction stage but also during the operational stage. This needs to be accorded significant weight in the balance. The updated noise survey work and conclusions of the EHO to the work, does not alter the fact that significant weight must be apportioned to the adverse harm identified.
- 9.5 The ecological impacts from development can be mitigated through appropriate construction management, environmental enhancement and monitoring along with green infrastructure provision on site. The development also achieves adequate biodiversity net gain and impacts on nearby designated site can be made accepted via condition and contributions (SAC). All development accessing the Tarka Trail is adding to the recreational pressure on this sensitive area but this development provides an extensive area of open space by dedicating the field between the development and the trail as green open space. The provision of new play space is also accorded significant weight given the shortfall identified in the Playing Pitch Strategy.
- 9.6 Policy ST14(d) seeks to conserve the best and most versatile agricultural land (Grades 1, 2 and 3a) as it is considered to be a limited environmental resource. The site is principally Grade 3a which is considered to be higher grade agricultural land and as such the loss of such land would be contrary to Policy ST14(d) which is accorded limited weight given the drainage constraints.
- 9.7 The site can appropriately deal with surface water run-off in accordance with Environment Agency and DCC Flood Risk advice and national requirements albeit the final technical assessment of the scheme is awaited and may result in additional conditions.
- 9.8 The site would result in less than substantial harm of heritage assets in the locality. However given the public benefits of the provision of housing, including 48 affordable dwellings and employment arising from construction, the benefits would outweigh the harm in this instance.

- 9.9 Turning to the NPPF and the 3 dimensions of sustainability, and this the presumption in favour of sustainable development;
- 9.10 The development will generate employment opportunities over a number of years throughout a range of trades. Research by the Home Builders Federation has found in the construction sector 1 home per annum generates on average 2.4 direct and indirect jobs i.e. 386 job years of full-time employment. The economic benefits of the proposal would be strong, including the creation of jobs, the addition of spending power to the local economy and the new homes bonus.
- 9.11 The development proposals will make a significant contribution to meeting the need for affordable housing at Fremington and will assist in addressing the housing needs for North Devon as a whole. Social benefits would include meeting general housing needs and affordable housing needs, which given the areas current housing crisis is of significant benefit and afforded significant weight.
- 9.12 Environmentally the impact of development would be negligible in landscape terms and mitigation would reduce these impacts over time. There will be an in excess of 10% increase in biodiversity and mitigation for protected species. The masterplan shows the provision of high-quality amenities and open space including the football pitch. An energy strategy and possible renewable technologies in-line with the latest guidance is a commitment of the applicant.
- 9.13 Fremington represents a highly sustainable location for development. Fremington has a range of community facilities, and that wider facilities and employment opportunities within Barnstaple and Bideford are accessible by high frequency public transport links, and the Tarka Trail walking/cycling route. The location of the site with alternative transport modes offers the potential for reductions in car use, which would be an environmental benefit.
- 9.14 This remains a challenging application to reach a view on still following the updates which have progressed since April 2022. If an alternative access could have been found then much of the debate would fall away as the contained nature of the site means its impact is limited. Most of the technical issues are addressed and the benefits of the development as a whole and the substantial open space and environmental areas are welcomed and will be highly beneficial. Some residents consider that had the bungalow at the top of St Peters Road been available it would have formed a more natural access, lessening the impact on their cul de sac. Similarly if other development were to come forward at Chillpark, access may also be possible from that direction. Neither of these options are however available.
- 9.15 The application has attracted a significant weight of objection which come down to three key issues.
- Does the amenity impact, with reference to policy DM01 of the NDTLP, (there is no highway objection) resulting from the creation of the access result in unacceptable harm to existing residents which outweighs the listed benefits.
  - Is the pedestrian/cycle route past Church Farm an essential element of the scheme? If it is then this will result in adverse harm to the occupiers without

significant mitigation again contrary to DM01. If this route were to be removed, then is its loss of such consequence that there would be inadequate integration with the Army Camp development and the facilities contained therein.

- If the above route is removed, would the football pitch be reasonably accessible to the shared facilities at the Army Camp site (changing and storage) or would this add extra traffic to a locality already sensitive to traffic movements

9.16 If members decide that the football pitch is not essential, the land could simply be used as informal open space which would still have significant environmental and social benefits as securing land alongside the Tarka Trail for recreation and environmental enhancement which is very positive. This would similarly remove the need for the link past Church Farm.

9.17 It is considered that the above (9.16) could be a negotiated solution which could be delegated to your officers to resolve.

9.18 This then leaves the Committee with the first bullet point of para 9.15.

9.19 The Planning Policy Team have set out that this is a finely balanced case and this planning balance echoes that sentiment. The developer argues that they do not consider it a finely balanced case, however officers disagree with this view.

9.20 Considered as a whole, with the significant weight attributed to the Council's absence of a 5 year housing land supply, the site is sustainable in NPPF terms, and that the provisions of paragraph 11 of the NPPF are engaged. Paragraph 11(d) of the NPPF is clear that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

9.21 Given the above discussion it is considered that without any technical highway objections to the access design that on balance the impact on residential amenity can only be partially mitigated through noise mitigation measures and that some adverse harm will result, that there would not be significant and demonstrable harm in landscape, heritage or highway terms (wider corridor), which would outweigh the substantial benefits attributed from the provision of much needed housing, including a significant element of affordable housing, public open space and environmental enhancement area on an otherwise sustainable site. As such with the imposition of appropriate conditions and S106 obligations the tilted balance continues to be considered to fall marginally in favour of the proposal.

### **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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

### **Recommendation**

#### **APPROVE**

Legal Agreement Required: Yes

With delegated authority being given to the Head of Service to finalise conditions, including those recommended by consultees.

### **Draft Conditions**

1. a) In the case of any reserved matter, application for approval must be made not later than the expiration of 12 months beginning with the date on which this permission is granted ; and  
  
b) The development to which the permission relates must be begun not later than whichever is the later of the following dates:
  - (I) the expiration of two years from the date on which this permission is granted;  
or
  - (II) the expiration of 12 months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

#### Reason

The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to reflect the fact that delivery is being argued as a material planning consideration to address 5 years housing land supply issues.

2. The reserved matters shall be carried out in accordance with the following approved plans/details:

0727-101 Location Plan received on the 04/08/21

0727-MA1-1004-1B Site Sections (Sheet 1 of 3) received on the 10/02/22

0727-MA1-1004-2B Site Sections (Sheet 2 of 3) received on the 10/02/22

0727-MA1-1004-3B Site Sections (Sheet 3 of 3) received on the 10/02/22

0727-MP01-2B Masterplan received on the 10/02/22

0727-PP-1B Density received on the 10/02/22

0727-PP-2B Routes & Movement received on the 10/02/22  
0727-PP-3B Building Heights received on the 10/02/22  
0727-PP-4B Green Infrastructure received on the 10/02/22  
0727-PP-5B Land Budget received on the 10/02/22  
0727-SA-2000-2A Site Access received on the 10/02/22  
332310061-5503-101D Concept Site Access received on the 10/02/22  
46389/5501/SK04B Drainage Plan received on the 11/10/21

Design and Access Statement July 2021

Arboricultural Impact Assessment dated 29th July 2021 Ref 13518\_R02b\_LS\_MM

Ecological Appraisal dated July 2021 Ref edp6486\_r003b

Updated Biodiversity Net Gain Assessment (edp6486\_r005b) received  
10/02/2022.

Air Quality Assessment Project Ref: 332310061/3002 | Rev: Final | Date: July  
2021

Flood Risk Assessment Project Ref: 332310061/4001 | Rev: D | Date: July 2021,

Flood Risk Assessment Ref: 332310061/4001 Rev E Dat: Feb 22 and Flood Risk  
Assessment Ref: 332310061/4001 Rev F Date: April 2022

Noise Impact Assessment Project Ref: 332310061/3001 | Rev: Final | Date: June  
2021,

Noise Impact Assessment Project Ref: 332310061/3001 | Rev: 1 | Date: October  
2021,

Noise Impact Assessment Project Ref: 332310061/3001 | Rev: 3 | Date: July 2022

Sustainability Statement Project Ref: 46389 | Rev: - | Date: July 2021

Transport Assessment Project Ref: 46389/5501 | Rev: - | Date: July 2021

Travel Plan Project Ref: 46389/5501 | Rev: A | Date: July 2021

Utilities and Foul Drainage Appraisal Project Ref: 332310061/2501 | Rev: V1 |  
Date: July 2021

BUILDING FOR HEALTHY LIFE & CRIME AND DISORDER STATEMENT  
January 2022

('The approved plans and documents').

Reason

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

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

Reason

The application was made for outline planning permission and is granted to  
comply with the provisions of Section 92 of the Town and Country Planning Act  
1990 and Part 3, Article 6 (b) of the Town and Country Planning (General  
Development Procedure) Order 2015. To ensure adequate information is available  
for the proper consideration of the detailed proposals.

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

Reason

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

5. No dwelling shall be occupied until the means of enclosure and the bin storage area for that dwelling have been provided in accordance with the approved plans (listed in condition 2) or details submitted as part of the reserved matters.

Reason

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

6. As part of the first reserved matters application a detailed phasing plan for the whole site shall be submitted to the local planning authority for approval in writing. The phasing plan shall include details of:
  - (a) intended number of market and affordable dwellings for each phase; and,
  - (b) general locations and phasing of key infrastructure including surface water drainage, green infrastructure (including all open space area) and access for pedestrians and cyclists,
  - (c) Chronological timing of delivery of dwellings in any given phase.

The development shall be carried out in accordance with the approved phasing plan.

Reason

To enable the development to be delivered in controlled phases and to ensure delivery contributes to the deficit in 5 year housing land supply to accord with the provisions of Paragraph 11 (d) of the National Planning Policy Framework.

7. 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. 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 development.

8. Contaminated Land Phase 1 Condition

Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with a Phase 1 Preliminary Risk Assessment Report for potential ground contamination. The report shall be prepared by a suitably qualified competent person and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site. Thereafter, depending on the outcome of Phase 1, a proposal for any Phase 2 (intrusive) survey that may be required shall be presented to and agreed with the planning authority.

Where remediation of any part of the site is found to be required, a remediation scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any necessary quality assurance, verification and certification requirements in accordance with established best practice. The construction phase of the development shall be carried out in accordance with the agreed details and, where relevant, verification reports and completion certificates shall be submitted for the written approval of the local planning authority.

Reason

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

9. Contaminated Land (Unexpected Contamination) Condition

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

Reason

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

10. As part of any reserved matters application fixing layout, a detailed noise mitigation scheme shall be submitted for approval in relation to road noise leading from the junction between the B3233 with St Peters Road through to the northernmost part of the access point to the site between no. 16 and 20 St Andrews, and an associated detailed Noise Impact Assessment is provided to demonstrate that the proposed mitigation scheme will be effective in securing acceptable noise levels for existing residential receptors in the locality having regard to the findings of the updated Stantec report dated July 2022 and relevant standards and guidance, including but not limited to BS8233:2014.

Any measures subsequently approved by a reserved matters application will be installed at the relevant stages of development which will have been identified in the update Noise Impact Assessment and they retained and maintained thereafter.

#### Reason

To ensure that the amenity of residents is not unreasonably affected by the development in line with Policies DM01, DM02 and DM04 of the North Devon and Torridge Local Plan and paragraph 184 of the National Planning Policy Framework.

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

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

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

- (a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (RPA) in accordance with paragraph 5.2.2 of BS5837: 2005 of every retained tree and hedge on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees and hedges to be removed shall also be clearly indicated on this plan and marked with a dashed outline.
- (b) a tree survey schedule in accordance with paragraph 4.2.6 of BS5837: 2005.
- (c) a tree work schedule for all the retained trees and hedges in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.
- (d) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
- (e) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- (f) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- (g) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- (h) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (paragraph. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

- (i) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- (j) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.
- (k) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of 'No-Dig' construction.
- (l) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc.) on site.
- (m) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- (n) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (paragraph 9.2.3 of BS5837).
- (o) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- (p) the timing of the various phases of the works or development in the context of the tree protection measures.
- (q) no retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or hedge, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)]
- (r) If any retained tree, or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason

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

12. The development hereby approved, and any subsequent reserved matters application shall be carried out in strict accordance with the recommendations contained within the Ecological Appraisal dated July 2021 Ref edp6486\_r003b

Reason

In the interest of safeguarding ecological interests and achieving a net gain in biodiversity in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, the biodiversity objections of the National Planning Policy Framework and the statutory duties of 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).

13. Prior to commencement of development or as part of any reserved matters application a detailed landscape and ecological management plan (LEMP) shall

have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The content of the LEMP will address and expand upon the provision and management of all landscape and biodiversity avoidance, mitigation and enhancement measures of the development as set out within the ecological appraisal and preliminary ecological appraisal shall include:

- (a) A description and evaluation of landscape and ecological features to be created managed and ecological trends and constraints on site that might influence management;
- (b) A biodiversity impact assessment in accordance with the North Devon UNESCO World Biosphere Reserve Offsetting Strategy 2013-2018 / DEFRA Methodology
- (c) Aims and objectives of management;
- (d) Appropriate management options for achieving aims and objectives;
- (e) Prescriptions for management actions;
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an initial 10- year period);
- (g) Details of the body or organization responsible for implementation of plan;
- (h) Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures;
- (i) Means of reporting of landscape and ecological monitoring results to the Local Planning Authority and provisions for seeking written agreement to any changes to the management actions and prescriptions that may be necessary to ensure effective delivery of the aims and objectives of the LEMP over time.

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

#### Reason

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

- 14. Incorporating nest sites for swallow, house martin, house sparrow, swift boxes and bat boxes into the design of new buildings and using native plants in landscaping schemes as they provide better nectar and seed sources for bees and birds
- 15. Detailed lighting scheme to be secured via condition.

Submitted Landscape Plans should be revised to include dark buffers of at least 5m from all retained and enhanced habitats around the peripheries of the site, where light spill will be kept to within 0.5lux. An ecologically sensitive lighting

specification will be secured by condition to control the siting, height and type of luminaire of all external lighting.

16. Where practical, top soil from the site will be stored and re-used on site in garden and landscape areas.

Reason

To support the retention and re-use of soil in terms of sustainability and in accordance with the Policy DM08 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

17. Details of the POS indicated in Layout Drawing No. 0727-PP-4 C received by the Local Planning Authority on 11/04/2022 shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The agreed scheme shall subsequently be laid out to an adoptable standard prior to the substantial completion of the development and occupation of any of the dwellings hereby approved in full accordance with the agreed details, and the acceptable completion of the scheme shall be subsequently confirmed in writing by the Local Planning Authority.

Reason

To secure the provision of Public Open Space to meet the reasonable requirements of occupants of the development hereby approved in accordance with Policies DM04 and DM10 of the North Devon and Torridge Local Plan.

18. Construction Environmental Management Plan Condition  
Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall incorporate mitigation measures recommended within the Stantec Air Quality Assessment dated July 2021 and, where relevant, include:

- (a) measures to regulate the routing of construction traffic;
- (b) the times within which traffic can enter and leave the site;
- (c) details of any significant importation or movement of spoil and soil on site;
- (d) details of the removal /disposal of materials from site, including soil and vegetation;
- (e) the location and covering of stockpiles;
- (f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- (g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- (h) a noise control plan which details hours of operation and proposed mitigation measures;
- (i) location of any site construction office, compound and ancillary facility buildings;

- (j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- (k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and be monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason

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

19. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:
- (a) Monday - Friday 08.00 - 18.00,
  - (b) Saturday 09.00 - 13.00
  - (c) Nor at any time on Sunday, Bank or Public holidays.

Reason

To protect the amenity of local residents in accordance with Policies DM01 and DM02 of the North Devon and Torridge Local Plan

20. A waste audit statement shall be submitted as part of the reserved matters application for each strategic phase of the development. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason

To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document

21. Prior to occupation of the first dwelling the developer shall have submitted to and had agreed in writing with the Local Planning Authority, a sustainable travel plan which shall be generally in accordance with the submitted Travel Plan dated 19<sup>th</sup> July 2021 which has been designed in conjunction with a suitably qualified Highway consultant. The approved details shall be implemented at the stages identified in the submitted document and maintained and retained thereafter.

Reason:

To ensure the uptake of sustainable modes of travel consistent with the sustainable location of the site to fulfil the requirements of Policies ST10 and

DM05 of the North Devon and Torridge Local Plan and highways objectives of the National Planning Policy Framework.

22. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
  - (b) A detailed drainage design based upon the approved Flood Risk Assessment, Land North of St Andrews Road, Fremington Rev E dated Feb 2022 and the results of the information submitted in relation to (a) above
  - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
  - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (e) A plan indicating how exceedance flows will be safely managed at the site.
  - (f) A detailed assessment of the condition of any existing surface water drainage system/watercourse/culvert within the site boundary that will be affected by the proposals.

The assessment should identify and commit to, any repair and/or improvement works within the site boundary to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the agreed details under (a) - (f) above.

Reason:

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

23. The finished floor levels of all dwellings shall be a minimum 8.56m AOD.

Reason:

In the interest of safeguarding against risk of flooding in accordance with Policies ST02 and DM04 of the North Devon and Torridge Local Plan.

24. As part of any reserved matters application submitted to the Local Planning Authority, the developer, working in conjunction with a suitably qualified ecologist shall provide details of a scheme to limit disturbance to overwintering birds. The agreed scheme shall be implemented in accordance with the agreed details prior to occupation of any dwelling in site. For the avoidance of doubt this should include but not be limited to interpretation packs for all households and information

panels on the proposed foot and cycle connection the Tarka Trail. The agreed details shall be retained and maintained thereafter.

Reason:

In the interest of safeguarding protected species and their designated habitat in accordance with Policies ST14 and DM08 of the North Devon and Torrington Local Plan, the biodiversity objections of the National Planning Policy Framework and the statutory duties of 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).

25. Prior to first occupation of any part of the development hereby permitted, details of a programme for the provision of streets within the development and arrangements for their management and maintenance shall be submitted to, and approved in writing by, the local planning authority. The streets shall thereafter be provided, managed, and maintained in accordance with the approved details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason:

To ensure that adequate information is available for the proper consideration of the detailed proposals in respect of highway design in accordance with DM05.

### **Inserts**

1. Location Plan
2. Design West Letter 01/12/21
3. Summary of Changes made in response to Design west feedback received 23/03/22