



Application Report

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

Application No: 74895
Application Type: Outline Application
Application Expiry: 2 May 2022
Extension of Time Expiry:
Publicity Expiry: 16 April 2022
Parish/Ward: CHULMLEIGH/CHULMLEIGH
Location: Land at Back Lane
Chulmleigh
Devon

Proposal: Outline application for the erection of 5 dwellings including access & associated works with some matters reserved (appearance, layout, scale and landscaping)

Agent: A M Design
Applicant: Simeon Rives-Roberts
Planning Case Officer: Mrs D. Butler
Departure: N

EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Delegated

The application has been called to Planning Committee by the Ward Member for reasons relating to the wider site allocation however in the meantime the applicant has submitted an appeal to the Planning Inspectorate for non-determination.

The resolution by planning committee will therefore only be one of recommendation to be submitted to the planning inspectorate who will make the final decision.

Site Description

The application site is located on Back Lane which runs along the northern edge of Chulmleigh. The site measures 0.49 ha and is currently agricultural land and forms part of a wider grassed field. The land is described in the Local Plan as "a large, open site with good road frontage that is well related to the town. The site is flat but has no natural subdivision or boundary with the wider countryside to the north and is visible due to the elevated topography. The southern boundary has a mature hedge and planting with a field

gate which forms the only access. There are residential properties to the south and industrial units to the west.

Recommendation

APPROVED

Legal Agreement Required: Yes

Planning History

Reference Number	Proposal	Decision	Decision Date
74895	Outline application for the erection of 5 dwellings including access & associated works with some matters reserved (appearance, layout, scale and landscaping) at Land at Back Lane Chulmleigh, Devon		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
USRN: 27503243 Road Class:R Ownership: Highway Authority	5.65
Within adopted Development Boundary: Chulmleigh ST07	Within constraint
Within Adopted Housing Allocation: CHU02 Land at Back Lane	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
CHU02 - Land at Back Lane DM01 - Amenity Considerations DM02 - Environmental Protection DM03 - Construction and Environmental Management DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character ST01 - Principles of Sustainable Development ST05 - Sustainable Construction and Buildings ST07 - Spatial Development Strategy for Northern Devon's Rural Area	

Consultees

Name	Comment
<p>Chulmleigh Parish Council</p> <p>Reply Received 9 April 2022</p>	<p>Chulmleigh Parish Council is unhappy about the fact that it appears the Devon bank is to be removed.</p> <p>It is a small number of houses for that area and we have seen in the past a requirement of at least 20 houses.</p> <p>There is no allowance for any affordable housing and a pedestrian pavement should be provided if this were to go ahead to allow access between Leigh Road and the top of South Molton Street.</p> <p>There is also the lack of car parking.</p> <p>As a result of the above comments, Chulmleigh Parish Council wish to recommend refusal of the application.</p>
<p>Councillor K Davies</p>	<p>The application has been called to committee due to it forming part of a wider allocation for around 20 units. The development should be considered against policies as a whole in the wider context. A masterplan would be preferable to ensure that the development meets local plan policies and need and is not underdeveloped.</p>
<p>DCC - Childrens Services</p> <p>Reply Received 1 April 2022</p>	<p>Devon County Council has identified that the proposed 5 family type dwellings will generate an additional 1.25 primary pupils and 0.75 secondary pupils which would have a direct impact on primary and secondary schools in Chulmleigh.</p> <p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>The contribution sought towards secondary is 17,655 (based on the DfE extension rate of 23,540 per pupil). This will relate directly to providing education facilities for those living in the development.</p>
<p>DCC - Development Management Highways</p>	<p>In principle I have no objections to the proposed development. However, as access is for consideration in this application, there a couple points that need to be added to the submitted drawings. These being:</p> <ol style="list-style-type: none"> 1. The pedestrian access onto Back Lane also requires visibility splays. This should be 1 metre x 43 metres in either direction when measured to the nearside edge of carriageway. 2. The width of the access carriageway should be included. 3. The footpath across the site frontage should be extended to the south of the access across the area identified as "buffer and field maintenance strip". This will allow pedestrians to link up with the existing pedestrian footpath on the opposite side of Back Lane. <p>Beyond this, I am satisfied with the parking levels offered. As Reserved Matters stage, I would expect swept path analysis details</p>

Name	Comment
	<p>to be included for the turning head. I would also appreciate confirmation whether the intention is for the internal spine road and footways to be offered for adoption, or whether private arrangements will be made for ongoing maintenance.</p>
<p>Environmental Health Manager</p>	<p>Noise - Pole Mounted Substation There appears to be a pole mounted electricity substation located on the boundary at the southwest corner of the site, close to a proposed dwelling. Electric substations can produce significant noise, including low frequency tonal noise, which could impact occupiers of nearby dwellings.</p> <p>I recommend the applicant be asked to provide additional information in the form of a preliminary noise assessment with a view to establishing whether substation noise (or any other sources of significant noise affecting the site) require more detailed consideration. The preliminary assessment should be prepared by a suitably qualified and experienced person (Member of the Institute of Acoustics or equivalent), having regard to appropriate standards and guidance. The assessment should include consideration of any tonal or other noise characteristics present and effects at all sensitive receptor locations including outside amenity areas.</p> <p>Should the preliminary noise assessment identify any potentially significant noise concerns, it should include recommendations for more detailed assessment / mitigation measures as relevant.</p> <p>Land Contamination - The application should be conditioned for the provision of a Phase 1 Preliminary Risk Assessment Report for potential ground contamination</p>
<p>Open Space Officer</p> <p>Reply Received 7 April 2022</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 5 dwellings but has not outlined the number of bedrooms in any unit as yet. I have therefore provided an indicative calculation (attached) based on 5x3bed to give the applicant an indication of approximate contribution 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 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. For this site it would appear that on-site provision is not viable, therefore the off-site contribution for would be sought to deliver a scheme at a suitably linked location.</p>
<p>Sustainability Officer</p>	<p>The submitted Ecological Impact Assessment (EA) concludes that the site is of negligible value to protected species and no further survey effort is considered necessary. The EA makes appropriate</p>

Name	Comment
Reply Received 15 March 2022	<p>recommendations for ecologically sensitive lighting, landscaping and building integrated bat (5) and bird (10) boxes which will be expected to be illustrated on submitted Plans and Elevations in any subsequent detailed application.</p> <p>The EA has not informed a Defra Small Site Metric and therefore it cannot be demonstrated that the proposed development will achieve at least 10% net gain in biodiversity. A Metric calculation must be submitted in support of the Outline application to in order to determine the extent of landscaping and habitat enhancement required for delivery at Reserved Matters. A Parameters Plan demonstrating that the indicative site layout has adequate capacity to deliver the necessary BNG recommendations must be submitted.</p> <p>As ecology is a material consideration and any requirement for offsite compensatory habitat will need to be legally secured within the s106 this is information which is required prior to determination. The Metric is a relatively simple process on a site which has already been subject to a Preliminary Ecological Assessment and should not be any reason to hold up a determination. I would request that:</p> <ol style="list-style-type: none"> 1. A Small Site Metric is completed for the site arriving at an estimate of existing habitat value and percentage habitat losses anticipated 2. A Parameter Plan is drawn up which illustrates the extent of habitat which can be accommodated within any subsequent development 3. Any additional requirement for biodiversity offsetting either on an adjacent parcel of land within the applicant's ownership or through the purchase of biodiversity credits is quantified and secured through the s106.

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
4	0	0	0	0

Comments have been received regarding the following:

- Height of the buildings should be kept as the same and no higher than those at Four Ways Drive.
- There is insufficient visitor parking.
- Can construction times be limited to weekdays only
- There are slow worms in nearby hedges so would assume they would be present in the site hedges.
- There traffic along Back Lane is already heavy with large vehicles.
- Chulmleigh could benefit from more affordable housing

Considerations

Proposal Description

This application seeks outline permission for the erection of 5 dwellings including access & associated works with some matters reserved (appearance, layout, scale and landscaping)

Current status of planning application:

The application has been called to Planning Committee by the Ward Member for reasons relating to the wider site allocation however in the meantime the applicant has submitted an appeal to the Planning Inspector for non-determination.

The resolution by planning committee will therefore only be one of recommendation to be submitted to the planning inspectorate who will make the final decision.

Planning Considerations Summary

- Principle of the development
 - Policy Context
 - 5 year Housing Land Supply
 - Site allocation, density and phasing
 - Affordable Housing Provision
 - Summary
- Design and layout
- Setting and landscape
- Amenity
- Ecology and biodiversity
- Highways and Access
- S106 Obligations
- Other Matters

Planning Considerations

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

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

Principle of development

Policy Context

Chulmleigh is a recognised local centre (Policy ST07) providing local services, facilities and employment for the town and surrounding community. The town has a range of services and facilities including convenience shops, bank, post office, library, community hall, sports facilities and medical facilities. Chulmleigh is the only local centre that has both a primary school and a secondary school

The site relates to a parcel of land that forms part of an allocated site under policy CHU02: Land at Back Lane. This states the following:

- 1) Land north of Back Lane, as shown on Policies Map 13, is proposed for residential development that provides approximately 20 dwellings, the size and tenure of which will be reflective of local needs.
- 2) The site will be developed in accordance with the following specific development principles:
 - a) Release of the site in phases through the Plan period in response to the needs of the community;
 - b) Structural planting along the northern boundary and a landscaping buffer along the eastern and western site boundaries;
 - c) Vehicular access from Back Lane;
 - d) a safe and convenient pedestrian route through the site linking to South Molton Street; and
 - e) Street; and
 - f) Appropriate landscaping and screening on all boundaries to integrate the site within its countryside setting and contribute towards biodiversity gains through enhancing the local biodiversity network.



Site allocation as shown in Local Plan



Proposed site area on western part of allocation

The principle of residential development on this land is therefore accepted in accordance with the above.

5 year housing land supply

The Framework at paragraph 11 makes clear that housing development will be considered in light of the presumption in favour of sustainable development, which includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The Council's current position following the Burwood appeal decision in Torrridge, is that North Devon and Torrridge District 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.

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.

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)(ii), NPPF).

Site allocation, density and phasing

The application has been called to committee due to the development forming only part of the allocation and concerns how this affects the rest of the allocation coming forward alongside s106 contributions and affordable housing provision. .

The proposed layout albeit outline demonstrates that a road can be provided through the site and link to the rest of the allocation when needed. There is also a footpath provision which could be linked to the adjacent land. The development would therefore not preclude the rest of the allocation coming forward.

The site area is 0.49ha with 5 units proposed which would leave the rest of the allocation to provide for up to 15units. The allocation does not describe a minimum number of dwellings to be provided and therefore providing there is an appropriate development in terms of layout, design the LPA can accept a lower number of units.

Density standards are not defined in the Local Plan in respect of residential development. Within the context of making efficient use of land, it is recognised that a flexible approach to density is required to create successful places, respond to site specific factors and achieve quality residential environments.

The proposed Net densities stated in the SHLAA Process was 25dph with a deliverable area of 1.5ha. The site is proposed with a net density of 10dph. The lower density does reflect the position of the edge of town where the adjacent buildings have a similar layout and spacing as the land transitions into the rural area beyond.

The applicant does not have any control or ownership over the rest of the allocation and the future development of this is out of the LPAs control. The rest of the allocation may never come forward depending on the land owners preferences and the LPA can only consider what is being proposed under the current application.

The land owner has been contacted for comments regarding the site allocation and the rest of the land.

Affordable housing provision

The provision of 5 units of accommodation falls below the affordable housing threshold as set out in the NPPF and Local Plan. Paragraph 7.32 of the Local Plan states that where there is reason to believe that a proposal has been formulated with a view to circumventing affordable housing requirements, the Local Planning Authority reserves the right to renegotiate the affordable housing provision that should be delivered.

If the site came forward as part of the whole of the allocation then it would be subject to an affordable housing contribution. The LPA has no knowledge or information that the rest of the allocation is going to come forward for development or what the land owner's position is. It is therefore difficult to confirm whether the development has been intentionally split to circumvent any affordable housing provision. Should the rest of the allocation come forward in the near future then the LPA would expect the full 30% affordable provision to be included as part of any future allocation.

Summary of the principle of development

In considering the development in the context of Policy ST07 of the NDTLP the site is within an allocated site in Chulmleigh which is categorised as a Local Centre. There would be social benefits from the supply of housing and economic benefits in terms of employment relating to construction. There would be environmental benefits from increase landscaping and planting.

The development would contribute towards the 5 year housing land supply to some small extent.

The indicative site plan demonstrates that the rest of the allocation could come forward at some point with a join access and footpath provision. The LPA has no evidence of the land being split

Design

Policy DM04: Design Principles states that good design seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new development. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change.

The proposed design, scale and layout will be a reserved matter for consideration at a later stage. The application has been supported by an indicative site plan which shows that the units, road, parking, turning area and planting can be easily accommodated within the site.



Indicative site plan proposed



Access plan proposed

Amenity

Policy DM01 (amenity considerations) of the NDTLP states that development will be supported where:

- a) It would not significantly harm the amenities of any neighbouring occupiers of uses; and
- b) The intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

North: The land to the north is an open agricultural field with the nearest dwelling being 300m away.

East: To the east is an open field that forms the rest of the allocation. To the north east 70m away is a group of agricultural barns.

South: The neighbouring properties to the south are between 15m and 30m from the site boundary. The neighbouring properties are generally single storey with some intervening hedges, trees and road separating them from the site. The Design and Access statement details that the properties would be single storey.

West: The western boundary abuts the industrial estate with the adjacent structures being storage containers and a general storage area used by Gibbins and Sons which are an agricultural and construction equipment and plant hire services.

It is considered there is sufficient separation distances and intervening planting to ensure there is no amenity impact in terms of light and privacy.

Noise

Following the public consultation the Environmental Health Officer has raised some concerns over the noise impact from the adjacent Electric Substation. These can produce significant noise, including low frequency tonal noise, which could impact occupiers of nearby dwellings. The applicants have since submitted a noise assessment.



Plan showing adjacent commercial use and substation

This report has looked at sources of noise issues in the surrounding area. It has looked at the adjacent business uses to the west and concludes that Gibbins and Sons has some noise associated with vehicle delivery and loading within the yard areas but no significant noise sources were noted. This business has also been established at the site for over 80yrs, its longevity within a predominantly residential setting suggests that no significant noise impact is present. The business operates during reasonable daytime hours from 08:30hrs to 17:30hrs weekdays and from 08:30hrs to 11:00hrs on Saturdays.

The report sets out a full assessment of the Electrical substation. This concludes the following:

“There was no evidence found of adverse noise impact, tonality or Low Frequency Noise effect associated with the pole mounted electricity substation. The specific sound does not contain any tonality at the facades, or amenity spaces, and is unlikely to be detected inside dwellings. The rated specific noise level does not breach the applied background at a level. Assessment of the Low Frequency Noise was also made and no breaches in the DEFRA values for LFN occurred.

The noise impact assessment determines that no adverse noise impact is likely at the proposed dwellings, or amenity areas, from the pole mounted electricity substation”

The LPA is therefore satisfied that there would not be any significant harm to amenity of neighbours or future occupiers of the development.

Visual impact on wider area

Policy DM08A states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes. The site is not within a designated landscape but is within the upper farmed and wooded valley slopes Landscape Character Area.

Open landscape with important vantage points and uninterrupted vistas.

- Narrow sunken lanes and species-rich hedgebanks.
- Copses, woodlands and tree clumps.
- Cob, thatch and whitewashed buildings, including traditional Linhays.
- Little or no light pollution resulting in starlit skies.

The site will be visible within the wider area due to the elevated position and there would be views from the roads to the north, east and south. The development will be for 5 single storey properties which would reflect the height and bulk of the neighbouring properties. The development would form the settlement edge and would be viewed as part of the existing settlement.

The LPA considers that there would not be any significant harm to the wider landscape subject to a sympathetic design and lighting scheme being provided as part of the reserved matters.

Landscaping and planting

Policy CHU02 requires development to ensure that adequate and appropriate landscaping and screening are provided on all boundaries to reduce its impact on the wider countryside setting and minimise any impact from the adjoining business activities to the west and Chulmleigh Academy to the east. This planting will be expected to secure biodiversity gains to enhance the range of habitats and the local biodiversity network in this part of the town where large fields with few hedgerows predominate.

The site has a mature hedgerow to the east, south and west and open fields to the north. All existing vegetation will be retained and a new Devon bank will be planted to any new boundaries as shown on the site plan. These details will be confirmed as part of any reserved matters.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Paragraph 175 of the NPPF and policy DM08 of the NDTLP states that adverse impact on protected species should be avoided where possible and sufficient mitigation used.

The site is 0.45ha in size and is part of a larger field (permanent pasture), with hedgerows running along the south, east and west boundaries. Back Lane runs adjacent to the south, with housing beyond. There is a work yard to the west and further fields to the east.

The submitted Ecological Impact Assessment (EA) concludes that the site is of negligible value to protected species and no further survey effort is considered necessary. The EA makes appropriate recommendations for ecologically sensitive lighting, landscaping and building integrated bat (5) and bird (10) boxes which will be expected to be illustrated on submitted Plans and Elevations in any subsequent detailed application.

The application has been supported by a biodiversity net gain assessment, small site metric and ecological assessment. Mitigation for the loss of 10m of hedgerow on the southern boundary will be provided in the form of new species rich hedgebanks around the north, east and west boundaries and between the new properties as indicated in Figure 5-1 above, well in excess of any losses incurred.

Details will be submitted at the reserved matters stage in the form of Landscape and Ecology Management Plan and Biodiversity Net Gain calculation.

The Sustainability Officer has advised that a Parameter Plan is drawn up which illustrates the extent of habitat which can be accommodated within any subsequent development and for any additional requirement for biodiversity offsetting either on an adjacent parcel of land within the applicants ownership or through the purchase of biodiversity credits is quantified and secured through the S106.

It is considered that there is sufficient space and ecological benefits that can be achieved on site which would be detailed as part of any reserved matters.

Flood Risk and Drainage

Policy ST03 of the NDTLP states that Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by managing and reducing the flood risk of the development.

The Environment Agency Flood Maps indicate that the site is entirely within Flood Zone 1 and as such the site is not within a flood risk area. Foul sewage will be disposed of via the mains system.

Highways

Policy DMO5 of the NDTLP states that all development should ensure safe and well-designed vehicular access, adequate parking and protect and enhance any public rights of way, footways and other connections.

Policy CHU02 states the following:

“In order to ensure a supply of suitable land through the plan period, release of this site for development will be phased in order to meet local needs. However, development will need to be coordinated to make use of a single, appropriately sited, vehicular access from Back Lane.

A safe and convenient pedestrian route from the housing to the junction of Back Lane and South Molton Street will be required. This route should extend through the development to provide a safe alternative access to the Academy. The route could be sited within or around the edge of the residential area.”

The site will be accessed by a new, enhanced access off Back Lane which will have 2.4 x 43m visibility in both directions in accordance with Highways Standards. The new access road within the site will measure 4.8m wide. Each dwelling will have two parking spaces per dwelling with turning space to allow standard refuse vehicles to be able to access and egress the site in a forward gear. The development would also include a new 2m wide footpath inside the site so as to provide a link to the existing pedestrian network. The indicative layout shows that the proposed access and internal road could be connected to the adjacent land if and when required.

Following comments from the Highway Officer the layout site plan was amended to include further footpath provision to the southern part of the site frontage and to demonstrate visibility from the footpath.

There are further details which will be required as part of any reserved matters application. There are no objections from the Highway Authority and it is not considered there would be any significant impact on the safety and functioning of the highway network.

S106 Obligations

The development triggers the requirement for S106 payments towards public open space.

This application generates a requirement for open space and green infrastructure in accordance with policy DM10. Since the application is outline only with no confirmed bedroom numbers an indicative figure of £14,628 has been provided.

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. For this site it would appear that on-site provision is not viable, therefore the off-site contribution for would be sought to deliver a scheme at a suitably linked location.

Following an update of housing and forecast data in the Chulmleigh area Devon County Council have advised that they are no longer requesting secondary contributions for DCC has identified that the proposed increase of 5 family type dwellings will generate an additional 1.25 primary pupil and 0.75 secondary pupils which would have a direct impact on primary and secondary schools in Chulmleigh. There is currently capacity at the local

primary and secondary schools and therefore a contribution towards primary and secondary education will not be required.

Conclusion

The proposed development would provide additional housing on an allocated site which is in a sustainable location. There are no significant landscape, ecological or highway objections to the proposal. With regard to the site allocation there is no information regarding the rest of the site coming forward and the Planning Authority is satisfied that the development would not prejudice this in the future. The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions and Section 106.

Human Rights Act 1998

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

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

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

APPROVED

Legal Agreement Required: No

Conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

2. 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.

Reason

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans/details in so far as the access and visibility splays are concerned:

128 21 002B Access Plan received on the 04/04/22

128 21 003A Site Plan received on the 04/04/22

128 21 001 Location Plan received on the 02/03/22

('the approved plans').

Reason

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

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

Reason

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

5. As part of the reserved matters application, scaled drawing(s) showing existing levels on the site and proposed finished floor levels of the approved 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.

6. 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.

7. Prior to the first occupation of any dwelling on the site access onto the public highway, parking areas and footpath shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority

Reason

To ensure that an adequate highway layout can be achieved in accordance with Policies DM05 and DM06 of the North Devon and Torridge Local Plan.

8. Visibility splays shall be provided, laid out and maintained for that purpose at the site access prior to the first occupation of any dwelling hereby approved in accordance with the approved plans.

Reason

To provide adequate visibility from and of emerging vehicles in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

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

Reason

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

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

Reason

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

11. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:
 - a) Monday - Friday 07.30 - 19.00,
 - b) Saturday 08.00 - 13.00
 - c) nor at any time on Sunday, Bank or Public holidays.

Reason

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

12. Prior to the commencement of development, including any demolition, site clearance, groundworks or construction (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Management Plan (CMP) to manage the impacts of construction during the life of the works shall be submitted in writing for the approval of the Local Planning Authority. For the avoidance of doubt and where relevant, the CMP shall include:
 - a) details of measures to prevent mud contaminating public footpaths and roads;
 - b) details of control measures for addressing fugitive dust from earthworks and construction activities; dust suppression;
 - c) a noise control plan which details hours of operation and proposed mitigation measures;

- d) specified parking for vehicles associated with the development works and the provision made for access thereto;
- e) 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 in accordance with policies DM02 and DMO6 of the North Devon and Torridge Local Plan.

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

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

Reason

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

16. As part of the reserved matters details of the location of the 5 integrated bat roosts and 10 integrated birds nest boxes shall be included in accordance with the details set out in the Ecological Impact Appraisal by Orbis Ecology dated September 2021 . These shall then be sited in accordance with the approved details and retained thereafter.

Reason

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

17. The development shall be carried out in accordance with the recommendations as detailed in the other mitigation requirements section 6 of the Ecological Impact Appraisal by Orbis Ecology dated September 2021.

Reason

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet 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).

18. As part of the reserved matters 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.

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

Reason

To allow the Local Planning Authority to consider the impact of future development on the appearance and character of the development in the area and neighbouring

amenity in accordance with the requirements of Policies DM01 and DMO4 of the North Devon and Torridge Local Plan.

Informatives

1. For the purpose of interpreting the restrictions expressed in condition 19 of this consent, permitted development rights have been removed in respect of the following classes:

Part 1:

Class A The enlargement, improvement or other alteration of a dwelling-house

Class AA Enlargement of a dwellinghouse by construction of additional storeys

Class B The enlargement of a dwelling-house consisting of an addition or alteration to its roof

Class E The provision within the curtilage of a dwelling-house of -

a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

Part 2:

Class A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

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

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

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

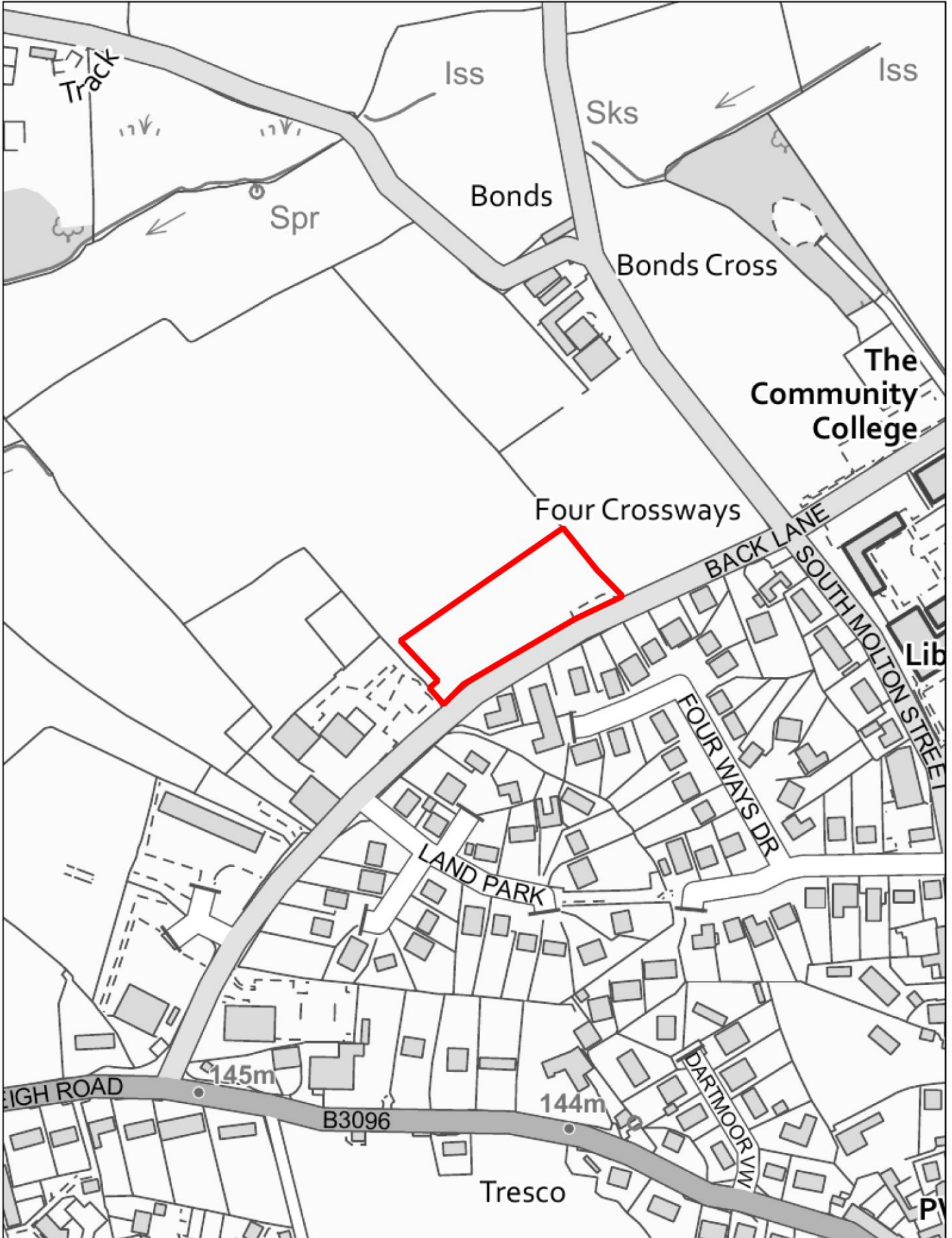
To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the North Devon Council website, www.northdevon.gov.uk

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

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

3. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included consideration of policy, access, amenity design, layout, impact on the ecology, highways and impact on the wider area.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

74895 Land at Back Lane, Chulmleigh

Scale: 1:2500
Date: 27 January 2023

© Crown copyright and database rights 2023 OS 100021929. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form