



Application Report

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

Application No:	76784
Application Type:	NDC Regulation 3
Application Expiry:	8 March 2024
Extension of Time Expiry:	8 March 2024
Publicity Expiry:	20 December 2023
Parish/Ward:	TAWSTOCK/ROUNDSWELL
Location:	North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon EX31 2AP
Proposal:	Reserved matters application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC pursuant of the outline application of 73606 - Outline application for 180 dwellings together with all associated infrastructure) (amended plans/documents)
Agent:	Mr Stephen Bain
Applicant:	Mr James Brent
Planning Case Officer:	Mrs J. Meakins
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee The land is owned by North Devon Council

Site Description

The site is to the south of the Town Centre on the southern bank of the River Taw and covers a total area of 6.64 hectares (ha).

The site is accessed either from Station Road (retail park entrance off the A3125) or from the Longbridge (Grade 1 Listed) signalised junction. At the northern end is the North Devon Leisure Centre, with the Seven Brethren Short and Long Stay Pay and Display Car Parks (408 spaces) to the south. This area also contains the gypsy and travellers' transit site and event space. The latter being the location of the fair.

To the west is the retail park comprising of Lidl, Pets at Home, Curry's PC World and Halfords (also a listed building) and on the opposite side of the access road are Jewson's, Travis Perkins and BJ Value and the temporary Police Station. The Tesco Superstore and railway station are further west.

The Tarka Tennis Centre, AGP and the new Leisure Centre (under construction) are located to the south.

The southern part of the site wraps around the western edge of the sports facilities currently comprises marshy grassland and scrub and adjoins the recycling centre and railway line.

A range of footpath and cycle routes run around the site edges.

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
76875	Approval of details in respect of discharge of conditions 5 (phasing programme), 7a (land condition remediation strategy & timetable of works), 10 (CEMP), 12 (flood resilience), 21 (waste audit) and 26 (walking and cycling strategy) attached to planning permission 73606 (Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure) at Former North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon	Partially discharged	
76882	Approval of details in respect of discharge of conditions 3 (soft landscaping) 4 (CEMP) 5 (CMP) zones 2 and 3 only attached to planning permission 65312 (flood defence improvement works comprising the part removal and replacement of a flood wall along the southern bank of the river Taw) at Seven Brethren Bank Barnstaple Devon		
65312	FLOOD DEFENCE IMPROVEMENT WORKS COMPRISING THE PART REMOVAL & REPLACEMENT OF A FLOOD WALL ALONG THE SOUTHERN	FULL PLANNING APPROVAL	15 November 2018

Reference Number	Proposal	Decision	Decision Date
	BANK OF THE RIVER TAW at OPEN SPACE, BARNSTAPLE, , DEVON,		
65329	LISTED BUILDING APPLICATION FOR THE INSERTION OF AN EXPANDING FOAM SEAL ON THE WEST, EAST SIDE & THE JUNCTION OF THE PROPOSED NEW FLOOD DEFENCE WALLS at LONG BRIDGE, THE SQUARE, BARNSTAPLE, , DEVON,	LB (EXECUTION WORKS) APPROVAL	15 November 2018
75613	Listed building application for the insertion of an expanding foam seal on the west, east side & the junction of the proposed new flood defence walls at Long Bridge The Square Barnstaple Devon EX32 8LN	Approved	20 October 2022
73606	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure (additional information) at North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon EX31 2AP	Approved	15 November 2022
76733	Approval of details in respect of discharge of conditions 16 (landscaping), 17 (LEMP) & 18 (south marsh orchids) attached to planning permission 73606 (Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure) at Former North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon	Approved	23 March 2023
77114	Approval of details in respect of discharge of condition 18 (orchid translocation) attached to planning permission 73606	Approved	22 May 2023

Reference Number	Proposal	Decision	Decision Date
	(Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure) at Former North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon		
77581	Application for a non-material amendment to planning permission 73606 (Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure (additional information) in respect of amendment to the full planning permission to include revisions to levels, materials, drainage and lighting at Former North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon	Approved	10 January 2024

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adopted Existing Strategic Footpath/Cycleway:Other Footpath/Cycle Routes	Within constraint
Advert Control Area Barnstaple	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Historic Landfill Buffer	Within constraint
Land is potentially contaminated, site was used for:Factory or works - use not specified, Is ranked:MEDIUM, Year:1964	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Land is potentially contaminated, site was used for:Factory or works - use not specified, Is ranked:MEDIUM, Year:1992	Within constraint
Land is potentially contaminated, site was used for:Heap, unknown constituents, Is ranked:MEDIUM, Year:1964	Within constraint
Landscape Character is: 4A Estuaries	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Listed Building Curtilage (Adjacent to)	9.19
Public Right of Way:Footpath 204FP27	Within constraint
Public Right of Way:Footpath 204FP9	Within constraint
Risk of flooding from: Wistlandpound, reservoir with risk level High-risk	Within constraint
Unclassified Road	
USRN: 27502141 Road Class:R Ownership: Highway Authority/Private	0.10
USRN: 27504399 Road Class:G Ownership: Highway Authority	8.61
USRN: 27504417 Road Class:G Ownership: Highway Authority	Within constraint
USRN: 27505006 Road Class:G Ownership: Highway Authority	Within constraint
USRN: 27505050 Road Class:R Ownership: Highway Authority/Private	Within constraint
USRN: 27505051 Road Class:Q Ownership: Private	0.10
USRN: 27505363 Road Class:YFP Ownership: Highway Authority	Within constraint
USRN: 27505373 Road Class:YFP Ownership: Highway Authority	Within constraint
Within 50m of Adopted Proposed Footpath/Cycle Route:BAR20(e) Strategic Green Infrastructure Links	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Within adopted Development Boundary: Barnstaple South Development Boundary ST06	Within constraint
Within Adopted Mixed Use Allocation: BAR13 Seven Brethren	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 500M Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within Constraint

Constraint / Local Plan Policy	Distance (Metres)
BAR13 - Seven Brethren DM01 - Amenity Considerations DM02 - Environmental Protection 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 ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres ST09 - Coast and Estuary Strategy ST10 - Transport Strategy ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets ST17 - A Balanced Local Housing Market	

Consultees

Name	Comment
Barnstaple Town Council Reply Received 15 December 2023	RECOMMENDATION: to refuse this application, reiterating our previous comments (dated 21.04.2023, 16.06.2023, 18.08.2023, and 22.09.2023) and again invite the council and the developers to invite the views of the design review panel. (NC).
Barnstaple Town Council Reply Received 25 September 2023	RESOLUTION: To recommend refusal based on the concerns of the committee, the highways officer and the conservation officer not being met. The committee wish to request that approval of the application be deferred until after the next Planning & Transportation meeting, to enable an addendum to be added to the previous letter of response, that invites those involved in this application to engage with the Town Council over their concerns. M Kelly & G Townsend to draft this letter for approval. (NC). RECOMMENDATION: Refusal (NC). please see attached letter.
Barnstaple Town Council Reply Received 20 June 2023	21/04/2023 11:30 - Barnstaple Town Council, Planning & Transportation Committee on 20th April 2023 made the following recommendation: RECOMMEND: Refusal. More time is needed to consider an application of this scale and significance to the town, particularly

Name	Comment
	<p>with the prominent position within the town and proximity to the river.</p> <p>The committee notes the comments of the DCC Highway Officer who raises concern about the lack of application of NDC sustainability policy within the application and the likely impact on the transport system in the area and the lack of recognition regarding Active Travel.</p> <p>The committee requests that there is a significant extension to the consultation period, particularly considering that it has fallen completely within the pre-election period to ensure that a considered response can be made from the Town Council.</p> <p>19/05/2023 Barnstaple Town Council had its planning and Transportation committee meeting last night (18.05.23). At the meeting the committee discussed an assessment of previous consultants and responses concerning Planning application 76784 and it was decided that our planning consultants would draft the committee a new letter that details the responses of the committee so it can be sent to the planning authority. They have asked me to inform you of this and to say that they will look to send you the letter for your consideration by the 16th of June 2023. The committee's previous response stated that more time would be needed to consider this application and requested an extension. The letter will be sent by the above date in hopes that no final decision is made without the committee's response.</p> <p>16/06/2023 14:15 - Barnstaple Town Council's response attached I would advise that at its meeting of 15th June 2023 Barnstaple Town Council resolved to unanimously REFUSE the above application for the planning reasons detailed below.</p> <p>Barnstaple Town Council acknowledged that outline consent has been granted, but in doing so also noted that the proposed residential use of the site is not expressly in accordance with Policy BAR13 of the Council's adopted North Devon and Torrington Local Plan 2011 – 2031 which states that land at Seven Brethren is identified for regeneration and environmental enhancement to deliver new economic development, recreation and leisure uses, including enhanced pedestrian and cycle links along the river frontage between the Longbridge and the iron bridge.</p> <p>The redevelopment of the site solely for residential uses is not explicitly or otherwise recognised by the above noted policy. The above decision follows earlier consideration of the application at the Town Council's meeting of 21st April 2023 at which time the decision was also one of refusal for the following reason:</p>

Name	Comment
	<p>Refusal. More time is needed to consider an application of this scale and significance to the town, particularly with the prominent position within the town and proximity to the river.</p> <p>The committee notes the comments of the DCC Highway Officer who raises concern about the lack of application of NDC sustainability policy within the application and the likely impact on the transport system in the area and the lack of recognition regarding Active Travel. The committee requests that there is a significant extension to the consultation period, particularly considering that it has fallen completely within the pre-election period to ensure that a considered response can be made from the Town Council.</p> <p>Reasons for Refusal - Design Barnstaple Town Council consider the design to be contrary to Policy DM04: Design Principles of the adopted North Devon and Torridge Local Plan. This negative observation takes into account the considerations set out in the applicant's Design and Access Statement (DAS) Revision 05 dated 22nd. February 2023 and the submitted application drawings including the comments set out in the DAS which refer to a 'contemporary response' both to the site's riverside setting and to the 'historic residential terraces on the opposite side of the river'.</p> <p>It is noted with disappointment that no reference is made in the DAS to important design considerations that include sense of place, local distinctiveness, heritage or local character. The opportunity to provide an active waterfront for the community has been overlooked with the present layout which instead provides a poor quality public domain disconnected with the site's important river frontage and which fails to provide meaningful opportunities for recreational and leisure activities consistent with the intentions of the above noted Policy BAR13.</p> <p>The provision of 180 dwellings requires an intensive site coverage with blocks of housing up to six storeys in height with little opportunity for the integration of vistas through the development or the inclusion of high quality public realm, open space and green infrastructure.</p> <p>The site is presently characterised by a sense of openness that is important to the setting of several listed buildings and the site's prominent riverside setting. The proposed development will adversely impact on this setting by reason of the intensive high density urbanisation of the entirety of the site exacerbated by the loss of open space, the removal of established attractive riverside planting and a visually dominant utilitarian design that in terms of its site coverage, massing, materials and architectural approach fails to reflect local distinctiveness and the site's visually sensitive riverside setting. This omission contrasts, for example, with the</p>

Name	Comment
	<p>attention to design shown with the redevelopment of land at Riversvale, Litchdon Street on the opposite side of the river.</p> <p>In further detail, Block Y and Z are particularly dominant and of an uncompromising design that has little or no regard to the site's context. The proposed areas of 'pre- fabricated cladding' at street level will be prominent in the public domain and the weak architectural detailing fails to respond positively to the site's context and the town's heritage and will result in the visually unattractive development of its prominent riverside site. In terms of the NPPF, the development is considered to be of poor design quality, unsympathetic to local character and the town's history and will not lead to a strong sense of place.</p> <p>A specific concern was raised in respect of the height of the proposed development, including Blocks Y and Z, and fire safety implications (have the emergency services been consulted?).</p> <p>Reasons for Refusal - Heritage.</p> <p>The following comments take into account the considerations set out in the applicant's Heritage Statement dated 14th. February 2023 which need to be read alongside the supporting text (paragraph 10.66) to Policy BAR13: Seven Brethren which states: 'The character and appearance of the adjacent conservation area and setting of the historic assets of Longbridge and Old Slaughterhouse (Halfords) will be protected under Policy ST15: Conserving Heritage Assets'.</p> <p>The above noted Heritage Statement for reasons that are unclear makes no reference to the most relevant Policy DM07: Historic Environment of the adopted North Devon and Torridge Local Plan. Furthermore, the conclusion set out in paragraph 7.3.1 '(the degree of impacts arising from proposed development are assessed to be of Negligible to Low Adverse Degree on the overall heritage significance of the heritage assets') does not appear to be evidence based and very clearly contradicts the informed views of the Council's Conservation Officer.</p> <p>The conclusion to The Heritage Statement states: 7.4.3 The current proposals do not offer any clear beneficial impacts to heritage assets. However, the proposed changes will not result in any identifiable detrimental effects to built heritage beyond those impacts identified in the original application, as summarised in Table 6.</p> <p>Such an outcome is directly contrary to the requirements of Policy ST15: Conserving Heritage Assets which requires development to preserve and enhance northern Devon's historic environment and also Policy DM07: Historic Environment which states: (2) Proposals which conserve and enhance heritage assets and their settings will be supported.</p>

Name	Comment
	<p>The above noted concern over the inappropriate design approach demonstrated by the present 'reserved matters' submission extends to the adverse impact of the proposed development on a number of heritage assets. In these important respects Barnstaple Town Council share the clearly articulated concerns of the Council's Conservation Officer and in particular the statement</p> <p>'I did warn in my response to that application (5.10.21) that increased storey heights particularly to the north of the site would be likely to cause harm to the significance of 2 heritage assets. Having seen the detailed designs for the site, I maintain the view that this is the case. The tallest building, block Y, is effectively 6 storeys high, considerably taller than the leisure centre, and is sited further north, on what is currently open space. It is, therefore, going to erode the currently open setting and backdrop of the listed buildings, particularly the Long Bridge'.</p> <p>Barnstaple Town Council share the above noted concerns, including the inappropriateness of Blocks Y and Z, and given these important concerns Barnstaple Town Council would request North Devon District Council to engage in further negotiations to secure a more appropriate design for the site that responsibly takes into account the requirements to achieve well-designed places and safeguard identified heritage assets that contribute to the town's identity.</p> <p>In doing so, any revised scheme will need to demonstrate that regard has been had to national and local policy that includes (a) National Design Guide (MHLG 2021); (b) National Planning Policy Framework (July 2021) notably Chapter 12 'Achieving well-designed places', and (c) relevant strategic and development policies of the adopted North Devon and Torridge Local Plan 2011 – 2031. These policies include Strategic Policy ST04: Improving the Quality of Development, Policy ST05: Sustainable Construction and Buildings, Policy ST10: Transport Strategy, Policy ST15: Conserving Heritage Assets, Policy BAR: Barnstaple Spatial Vision and Development Strategy, Policy BAR13: Seven Brethren with its requirement for regeneration and environmental enhancement, Policy DM04: Design Principles, Policy DM06: Parking Provision, Policy DM07: Historic Environment, Policy DM13: Safeguarding Employment Land, Policy DM19: Town and District Centres, and in particular criterion (a) 'the retention and enhancement of the Town and District Centres historic character'.</p> <p>It is suggested that in order to demonstrate the above, any design solution should be supported by demonstrably accurate CGI images showing the proposals in context from significant viewpoints. These should consider any adverse impact on (most particularly) the Longbridge and the listed terrace opposite along Taw Vale. The Town Council believes that such representations of the current scheme will expose the inappropriateness of the current</p>

Name	Comment
	<p>proposal both in terms of scale and massing but also detailed design and choice of materials.</p> <p>It is noted that extensive such visualisations, along with submission of the proposed design to the Design Review Panel has been required in relation to much smaller schemes (e.g. 76392 for a single dwelling at Croyde) it seems entirely proportionate that such an approach be required here.</p> <p>If it is concluded that some buildings of the bulk of blocks Y & Z are needed within the site in order to ensure its viability then they should be located within the southern and western sections of the site, furthest away from heritage assets and adjacent to the less architecturally significant commercial and leisure development of Seven Brethren.</p> <p>Reason for Refusal – Highways. Consistent with the DCC Highways consultation response dated 13 April 2023, Barnstaple Town Council consider the proposed parking levels to be unacceptably high and to represent an inappropriate level of parking for an edge of town centre site. As noted in the DCC consultation response, the Car and Cycle Parking Strategy submitted in support of the application sets out comments from the Highway Authority view (3.1.3) and acknowledges that this is a useful guide as to the provision for the site (3.1.4) but then ignores this and states that houses will have two spaces each (3.2.1). DCC reasonably request that the scheme should be reviewed to ensure that it does adhere to the adopted Car Parking and Cycle Strategy.</p> <p>Such over provision of private parking is also likely to conflict with any realistic aspiration for long stay parking on land further from the town centre adjacent to the upstream Iron Bridge. The over-provision of parking on the application site does not represent sustainable development, the delivery of which is at the heart of the planning system and does not merit support on planning grounds.</p> <p>Reasons for refusal – Flood Risk. Barnstaple Town Council require further assurance that all aspects of the surface water drainage management plan have been considered and confirmed as satisfactory given the increasing vulnerability of the riverside site to such risk. This concern follows the advice in the supporting text to Policy BAR13: Seven Brethren that states 'Seven Brethren is at risk of flooding so any redevelopment supported by regeneration and sustainability benefits will need to demonstrate how flood risk management measures reduce the extent and severity of flooding'.</p> <p>Conclusion In accordance with the requirements of Section 36(a) of the 1990 Act, Barnstaple Town Council recommend refusal of the reserved</p>

Name	Comment																				
	<p>matters application as it is in clear conflict with the above noted policies of the adopted North Devon and Torridge Local Plan 2011-2031 as well as the above noted national guidance.</p> <p>The 'reserved matters' application is not considered to represent sustainable development within the meaning of the Planning Act and cannot be supported on planning grounds.</p>																				
<p>Car Parks Manager</p> <p>Reply Received 5 April 2023</p>	<p>I am in support of this application.</p>																				
<p>DCC - Development Management Highways</p> <p>Reply Received 8 December 2023</p>	<p>No further comments.</p>																				
<p>DCC - Development Management Highways</p> <p>Reply Received 14 August 2023</p>	<p>The revised submission does not adequately address the previously raised issues, particularly around car parking, and raises an additional issue of Traffic Regulation Order to prohibit public parking on the site.</p> <p>From the 2021 census the number of cars available to each household shows that in Barnstaple at least two thirds of households have fewer than two cars. See the table below for a breakdown of this in different areas. Based on this information, there is no demonstrable need to provide two car parking spaces for each dwelling.</p> <table border="1" data-bbox="464 1339 1390 1532"> <thead> <tr> <th data-bbox="464 1339 663 1391">MSOA number</th> <th data-bbox="663 1339 900 1391">Area</th> <th data-bbox="900 1339 1142 1391">% of households with zero or one car</th> <th data-bbox="1142 1339 1390 1391">total households with zero or one car</th> </tr> </thead> <tbody> <tr> <td data-bbox="464 1391 663 1420">E02004181</td> <td data-bbox="663 1391 900 1420">Pilton</td> <td data-bbox="900 1391 1142 1420">69%</td> <td data-bbox="1142 1391 1390 1420">1771</td> </tr> <tr> <td data-bbox="464 1420 663 1471">E02004182</td> <td data-bbox="663 1420 900 1471">Barnstaple Centre and Gorwell</td> <td data-bbox="900 1420 1142 1471">78%</td> <td data-bbox="1142 1420 1390 1471">2374</td> </tr> <tr> <td data-bbox="464 1471 663 1500">E02004183</td> <td data-bbox="663 1471 900 1500">Sticklepath</td> <td data-bbox="900 1471 1142 1500">66%</td> <td data-bbox="1142 1471 1390 1500">1778</td> </tr> <tr> <td data-bbox="464 1500 663 1532">E02004184</td> <td data-bbox="663 1500 900 1532">Newport</td> <td data-bbox="900 1500 1142 1532">66%</td> <td data-bbox="1142 1500 1390 1532">2410</td> </tr> </tbody> </table> <p data-bbox="464 1532 1193 1561">Table showing household accessibility to cars or vans from 2021 census.</p> <p>Additionally, the applicant states that affordable housing providers require two car parking spaces per dwelling. Having spoken with various local affordable housing providers, I have confirmed that this is not true. Outside of Barnstaple in more rural areas with fewer transport choices, two parking spaces might be preferred, but in this town centre location with easy access to the train station, bus stops, town centre and multiple services and facilities in walking and cycling distance, a lower level of car parking spaces are expected.</p> <p>The 'on plot' car parking spaces are added to by the ability for residents and visitors to park on the streets within the proposal. There is some discussion presented about restricting on</p>	MSOA number	Area	% of households with zero or one car	total households with zero or one car	E02004181	Pilton	69%	1771	E02004182	Barnstaple Centre and Gorwell	78%	2374	E02004183	Sticklepath	66%	1778	E02004184	Newport	66%	2410
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	<p>street parking through a traffic regulation order (TRO) and suggested signage for this. If the road is to be adopted as highway maintained at public expense, and more than 50% of the dwellings have their own parking, then it would be against Devon County Council's own policy to allow parking restrictions on these streets. If the road is to be maintained by the public, then it should be available as parking by the public, not effectively be a private street due to the parking restrictions but maintained by the public. The correct solution for these issues is to lower the on plot parking levels to be more appropriate and design the streets to allow for limited on street parking for visitors or residents with a higher number of cars.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 14 April 2023</p>	<p>While I have no objection to the proposal in principle I do have some detailed points that need to be addressed and some other comments that applicant and decision makers should consider.</p> <p>Proposed parking levels unacceptably high. Far higher than local existing provision. Parking for vehicles is included at double the number of parking spaces for cycles. The Car and Cycle Parking Strategy submitted in support of the application sets out comments from the Highway Authority view (3.1.3) and states that this is a useful guide as to the provision for the site (3.1.4) but then ignores this and states that houses will have two spaces each (3.2.1). Extract below:</p> <p>3.1.3 The highway authority has provided some advice on the reserved matters layout in relation to parking where they stated "Two parking spaces per dwelling is too many for this town centre location. There are also visitor parking spaces in addition to this."</p> <p>3.1.4 As such, this provides a useful guide as to the provision to be applied to the site.</p> <p>3.1.5 As set out within the Transport Assessment submitted with the outline planning application, the site is situated within a highly sustainable location and is providing improvements to the walking and cycling infrastructure to encourage travel by these modes (as outlined in the walking and cycling strategy). On this basis, the site location appropriately supports and encourages sustainable travel.</p> <p>3.2 Parking Provision</p> <p>3.2.1 The proposals will provide two spaces per house for the 125 houses (250 spaces). The open market dwellings would have one internal garage and an external driveway space and the affordable housing have two external spaces. There are also five visitor spaces for the houses.</p> <p>3.2.2 With an internal dimension of 6.4m x 3.3m, the garages provide sufficient space for cars to park in accordance with best practice guidance.</p> <p>3.2.3 There is one car parking space per unit for the 55 apartments (55 spaces) plus one additional space which can be used by visitors. It is proposed that the parking for the apartments would be unallocated to maximise the efficiency of the spaces and to ensure that access to electric vehicle charging is available to all users. There will be 10 spaces located in undercroft parking in Block Z.</p> <p>The proposed 55 apartments with a total of 56 uncontrolled and unallocated spaces is likely to result in neighbour disputes and possible parking by non-residents.</p> <p>Cycle side road crossings of the proposed new accesses have not been provided, these would give priority to cyclist and pedestrians on the path instead of giving priority to vehicles entering and exiting the site accesses.</p> <p>The proposed crossing on private land on a bend, does not have adequate visibility splay.</p>

Name	Comment
	<p>General Arrangement sheet 2 of 2 shows 43m of splay from 2.4m back, but this splay is shown going through the wall of one proposed dwelling north of the junction and the garden of the dwelling to the south. The trees lining the road would also obscure the visibility splay.</p> <p>This is considered unsafe, however is not on the public highway. (If approved and built as shown it would prohibit the adoption of this road as highway).</p> <p>There are other issues regarding the adoption of the existing road as public highway and the new proposed roads as public highway but this is subject to separate legislation and discussions. One particular issue is that if adopted, the roads would not qualify for double yellow lines due to the level of parking on site for the residents. If the road is to be maintained by the public then it should be available for parking on by the public. With the moving of the public car park further away from the town than this site, it is likely to be full of cars seeking free parking. The simplest solution to this issue is for the roads not to be adopted as public highway and the site controlled by a private parking company. A couple of cycle parking racks are proposed within the site however they are in locations such as near to an electricity substation and not in a particular useful location for public use. The proposed road B shows in longsection that due to the gradients involved there is a risk of a vehicle grounding at approx. chainage 4.000.</p>
<p>DCC - Estates Department</p> <p>Reply Received</p>	<p>No reply received.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 12 April 2023</p>	<p>The Historic Environment Team has no comments to make on this reserved matters planning application.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 14 August 2023</p>	<p>The Historic Environment Team has no comments to make on this reserved matters planning application and the submitted amended plans and documents.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 1 December 2023</p>	<p>I refer to the above application and your recent consultation.</p> <p>The Historic Environment Team has no comments to make on this planning application</p>

Name	Comment
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 26 January 2024</p>	<p>Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, subject to a condition to secure details of surface water drainage during the construction stage. Surface water will need to be appropriately managed to prevent sediments from flowing off-site.</p> <p>Observations: Following my previous consultation response (FRM/ND/76784/2023;, dated 12th April 2023), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail, for which I am grateful. The applicant has confirmed that there is no space for including additional surface water drainage features across the site. The applicant has confirmed that South West Water will adopt the surface water drainage system (except for the permeable paving, attenuation tank and any private pipes)</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 12 April 2023</p>	<p>Recommendation: At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.</p> <p>Observations: The applicant has proposed to manage surface water within permeable paving, detention basins and an attenuation tank. Model outputs are required to demonstrate that the surface water drainage system will not flood during tidal-locking events. The surface water outfall locations will need to be confirmed with the Environment Agency. The applicant has confirmed that South West Water will adopt the entire surface water drainage system. However, it is our understanding that South West Water will only adopt a theoretical pipe/channel through the basins. Therefore, the applicant will need to arrange for another body to maintain the proposed detention basins.</p> <p>The applicant has referred to a maximum groundwater level of 3.5m below ground level (bgl). However, the Geoenvironmental and Geotechnical Interpretive Report (by CGL; dated October 2021), recorded groundwater within the windowless sampler boreholes above 2.0m bgl. The applicant should ensure that groundwater will not effect the surface water drainage system. At the previous stage of planning, the applicant proposed to assess swales and rain gardens. The applicant should confirm where swales and rain gardens will be located. Details of the proposed permeable paving are required at this stage. The applicant should submit an annotated cross-section of the proposed permeable paving.</p>

Name	Comment
	No drainage has been proposed for the car park and traveller site.
DCC - Waste & Mineral Reply Received	No reply received.
Designing Out Crime Officer Reply Received 14 August 2023	<p>The proposed amendments to the rear boundary treatment for the river front dwellings, as detailed in Section 7 - Boundary Treatments, page 16 of the document Planning Amendments Rev P2, are in combination, supported as a suitable compromise from a designing out crime and anti-social behaviour perspective.</p> <p>Increasing the proposed fence to the rear gardens from 1.1m to 1.4m in height;</p> <p>Introduce slopes and ground depressions around the gardens to discourage climbing;</p> <p>Enhance the hedge already proposed by specifying a spiked species.</p>
Devon Tree Services Reply Received 10 January 2024	<p>I have reviewed the submitted plans</p> <ol style="list-style-type: none"> 1. B541_Seven_Brethren_Barnstaple_BS5837_Arb_R_compressed 2. SET_564.01 - Seven Brethren Bank, Barnstaple - LEMP and HMP_V5 <p>I have also reviewed the tree report and master plan supplied within the original outline application 73606. The site is located outside of a conservation area and no trees are protected by a Tree Preservation Order.</p> <ol style="list-style-type: none"> 3. The submitted information has been principally reviewed in accordance with BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required. 4. The site was visited on the 3rd January to review the tree stock in relation to the subject planning proposal. The site contains a high level of trees on the boundaries with little to no cover within the central car park areas. The prominent feature is the mature trees to the east which border the river Taw and contribute the to riverside setting. The other large feature is the Monterey cypress (A6) which are growing in the southern area of the site and offer a feature within commercial area. 5. There is a high level of tree removal proposed across the site to accommodate the proposal. However, the higher value mature trees to the east are shown as retained (albeit minor works to undertake root pruning) which will provide a mature structure to the proposal against new tree planting. 6. The Monterey cypress group do not appear to be marked on the submitted tree report plans however, they are included within the schedules. They are categorised as C quality within the submitted detail which I would disagree with. These trees are a prominent group with no obvious signs of decline or defects. With the proposed removal of these trees I would expect a high level of new planting in that area to mitigate in the long term.

Name	Comment
	<p>7. The submitted landscape plan shows a diverse mix of trees which are appropriate to the location. There is limited detail on aftercare, mainly watering, and also no detail on planting pit design to allow for successful tree establishment.</p> <p>To achieve arboricultural support I would request the following:</p> <ol style="list-style-type: none"> 1. The Monterey cypress group A6 to be added to the submitted tree plans 2. Improved detail within the landscape plan regarding aftercare including, but not limited to, watering rates throughout the year. Also to include detail on the planting pits in soft and hard ground to ensure successful tree establishment. 3. To increase the tree planting levels at the northern area of the site beside the river to mitigate for the loss of A6 (and other screening trees in that area) and provide a focal feature for the long term from views across the river while also softening the proposed development.
<p>Environment Agency</p> <p>Reply Received 28 January 2024</p>	<p>We are now able to completely withdraw our previous flood risk objection, as the remaining issues have been resolved.</p> <p>The boundary treatment detail as shown on drawing 2153-KTA-XX-XX-DR-A-0507 p1 "Bund Section" (24/01/24) are acceptable, in that access to maintain the 'flood defence' is feasible.</p>
<p>Environment Agency</p> <p>Reply received 24 January 2024</p>	<p>We request further information and maintain our objection.</p> <p>Further to the emails and the updated details/drawings in response to our continuing objection as set out in our letter in September 2023, most of the issues have been resolved (listed below). However, we require the detail of the 400mm depression of the boundary treatment, and its impact on maintenance access. We need to understand the available route's width for vehicular access and whether this depression is in that route or not.</p> <p>Reason</p> <p>We can accept the following :-</p> <p>The detailed design of the flood embankment/plateau and the flood defence wall, as detailed in drawing 50353-CDY-01-XX-DR-DE-0210 P04, 50353-CDY-01-XX-CD-DR-0109 P02, Flood Defence design statement P01 (dated 06.09.23).</p> <p>The proposed phasing plan, where the defences are built in phase 1 – as shown on 2153-KTA-XX-XX-DR-A-0013 P8</p> <p>Landscaping shows trees within 8m of the new defence. We ask that they are actually built as far away as possible and if within 8m, a root constraint device is used.(i.e. route management/diverter)</p> <p>Surface Water – Exceedance route is acceptable as shown on drawing 50353-CDY-XX-XX-DR-CD-0056 P05.</p> <p>We have already accepted the revised safe access and egress route and landscaping changes.</p> <p>The flood defence detail, landscaping with 8m and phasing will need a FRAP (flood risk activity permit) in addition to any planning</p>

Name	Comment
	<p>permission, and we agree the final detail design as part of that process.</p> <p>We await the remaining boundary treatment information in order to be able to remove our objection.</p> <p>Environmental permit - advice to applicant</p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission <p>For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.</p>
<p>Environment Agency</p> <p>Reply Received 14 December 2023</p>	<p>Thank you for consulting us on the details for access/egress.</p> <p>Environment Agency Position</p> <p>We maintain our previous objection but have reviewed the revised Phase 2 Safe Access and Egress Route (as shown on drawing 50353-CDY-XX-02-SK-C-0001 rev P03). We can confirm this is acceptable for both the East and West sections.</p> <p>Please refer to our previous response requesting further information regarding flood risk, an updated Flood Risk Assessment, flood defence design, drainage exceedance, boundary treatment and landscaping. We also await an updated contaminated land assessment and remediation plan.</p>
<p>Environment Agency</p> <p>Reply Received 4 October 2023</p>	<p>We object to this application on Flood Risk grounds.</p> <p>Reason</p> <p>The 'FRA' and planning drawings do not address all the flood risk issues (e.g. Flood Defence design; Management and Maintenance Plan; Safe A&E route; Phases) and we have issues with other aspect on the site design. These are set out below in more detail:-</p> <p>Flood Risk Assessment</p>

Name	Comment
	<p>The FRA contained in the Design and Access statement is very limited. However, we have just agreed the updated Design Flood levels for application 76875, which are also used in this application. The minimum flood defence level and residential floor level is 7.74mAOD, and the minimum safe access and egress level is 7.35mAOD. We are happy if the safe A&E route is raised close to the 7.74m AOD level.</p> <p>Flood Defence Design We need detailed design of the flood defences. In addition to this, we need example designs of the foundations, reinforcement, wall design inc. cladding, clay core, including compaction layers etc so that we are satisfied that in principle the 'size' and stability of the structures are acceptable. We can deal with the exact detail design within the Flood Risk Activities Permit process.</p> <p>Also, it is not entirely clear that the new flood defences are part of phase 1—this include the flood wall linking into the Long Bridge.-this needs to be clarified.</p> <p>Flood Safe Access and Egress Route We have also noticed in the proposed site plan (FFL and approx. site levels), that the raised land that would provide the Safe Access and Egress Route is not fully provide in the Southern/South Western areas. Although the housing site is raised, they are not 'linked' to suitable high ground. Were require clear engineering drawing that show the proposed and current land level, that demonstrate the route to suitable high ground.</p> <p>Boundary Treatment We require the exact design shown on engineering drawings of the 400mm depression boundary treatment within the 8m easement are of the flood defences. We may not be able to accept this design proposal in some area, as this will restrict the maintenance area, and could be a risk to maintenance vehicles. Cross sections and plan drawings for each block of houses, with the distance from the 'edge of the defence clearly shown, are required.</p> <p>Landscaping The current landscaping plan shows new trees in or very close to the new flood defences. We cannot accept new trees within the defences, and need further details of any tree that are within 8m. The roots balls, may have to be limited in some manor to accept them within a few metres. Trees can cause damage to flood defences, and restrict access in some locations.</p> <p>Drainage Exceedance Route This shows that exceeded surface water drains to the northern end, and then goes through the new flood wall, which is not fully correct. The plan needs to indicate that surface water will pond in the road , and slowly drain through the current road drainage and</p>

Name	Comment
	<p>its outfall-this is the current situation so there is no increase flood risk to third parties.</p> <p>Design and Access amendment documents LPA may wish to note that many of the drawings or cross section in the D&A documents do not show the new flood defence, instead show a 'flat area' between the building and river banks. We do not require them to be changed for flood risk issues, but they do not show a full picture for others consultee and the LPA.</p> <p>Environment Agency Position In addition to our previous flood risk objection and comments, we refer you to the following comments regarding groundwater and contaminated land.</p> <p>Groundwater and contaminated land. The submitted remediation plan includes the same information as the DOC application (76875). We maintain our objection and consequently we have no further comments to add at this stage.</p> <p>Environment Agency Position The revised 'Safe Access and Egress Route' for Phase 2 West is acceptable, however the additional link for Phase 2 East is not acceptable.</p> <p>The whole Safe A&E route to needs to be above the minimum 7.74mAOD. If tennis centre footpath route goes westwards toward the main entrance, then the path drops to as low as 7.2-7.3mAOD. The exact route needs to be shown (similar to phase2 west) clearly on the plan, so that we can determine whether it is acceptable or not.</p> <p>We refer you to our other flood risk comments in our letter of the 18th August 2023.</p>
<p>Environment Agency</p> <p>Reply Received 5 May 2023</p>	<p>Environment Agency position In the absence of a flood risk assessment (FRA), we object to this application.</p> <p>Reason Following the outline application, please provide an updated flood risk assessment or flood risk addendum highlighting any changes that have been made and how this reserved matters application is addressing conditions</p> <p>Please note that the most up to date climate change projections must be used and ground levels, finished floor levels, embankment levels must be updated accordingly.</p>
<p>Environmental Health Manager</p>	<p>I have reviewed this reserved matters application in relation to Environmental Protection matters and comment as follows:</p>

Name	Comment
<p>Reply Received 10 August 2023</p>	<p>1 Land Contamination</p> <p>Condition 7 of Permission 73606 sets out contamination remediation related requirements. To my knowledge, these requirements remain outstanding.</p> <p>2 Environmental Noise</p> <p>I have reviewed the Inacoustic Noise Assessment dated 27 February 2023. The assessment considers the potential for environmental noise to affect the development in line with the requirements of Condition 6 of Permission 73606.</p> <p>The report concludes that no significant adverse noise impacts are likely to arise provided certain glazing, ventilation and balcony related noise mitigation measures are implemented for relevant units.</p> <p>I accept the findings of the report and consider that unreasonable noise impacts are unlikely to occur provided the mitigation measures described within the report are adhered to.</p> <p>I recommend a condition be imposed along the lines of the following:</p> <ul style="list-style-type: none"> - Environmental Noise Mitigation Condition <p>Noise mitigation measures relating to glazing, ventilation and balcony screening detailed within the Inacoustic Noise Assessment report dated 27 February 2023 shall be implemented in full to the written satisfaction of the local planning authority.</p> <p>Reason: To protect the amenity of residents from the potential effects of noise.</p> <p>3 Air Source Heat Pump (ASHP) Noise</p> <p>I have reviewed the Inacoustic Plant Noise Assessment report dated 24 February 2023. The assessment considers noise impacts associated with proposed ASHP units, having regard to relevant standards and guidance.</p> <p>The report concludes that noise arising from the proposed ASHP will not exceed acceptable limits, having regard to relevant standards and guidance and the context of the locality.</p> <p>I accept the findings of the report.</p> <p>I recommend consideration be given to including a condition with a view to ensuring that ASHP installations are in line with the proposals assessed in the noise report. A condition along the lines of the following may be appropriate for this purpose:</p> <ul style="list-style-type: none"> - Air Source Heat Pump Condition <p>Air Source Heat Pump units shall be selected and installed in full accordance with the noise level details and recommendations</p>

Name	Comment
	<p>contained in the Inacoustic Plant Noise Assessment report dated 24 February 2023</p> <p>Reason: To protect the amenity of residents from the potential effects of external plant noise.</p> <p>4 Construction Phase Impacts</p> <p>I have reviewed the Tarka Living Construction Environmental Management Plan (CEMP) dated February 2023. The document addresses the requirements of Condition 10 of Permission 73606.</p> <p>The document confirms that a number of matters will be updated with contractor specific procedures in due course.</p> <p>The document is acceptable for the purposes of approval under Condition 10 from an Environmental Health perspective.</p>
<p>Environmental Health Manager</p> <p>Reply Received 10 August 2023</p>	<p>1 Land Contamination - Condition 7 of Permission 73606</p> <p>I have reviewed the CGL Remediation Method Statement (RMS) dated June 2023. The document describes recommended remediation works in accordance with the requirements of Condition 7 (a). The RMS describes measures to be taken during remediation works and confirms that verification testing and reporting will be required in due course,</p> <p>The RMS is acceptable for the purposes of approving a remediation strategy document under Condition 7 (a).</p> <p>Condition 7 requirements relating to satisfactory completion of approved remediation works and submission of a verification report remain outstanding.</p> <p>2 Environmental Noise</p> <p>Further to my comments of 20 April 2023, I have reviewed the updated Inacoustic Noise Assessment dated 26 July 2023. The assessment revisits the original assessment findings based on updated site layout proposals, in line with the requirements of Condition 6 of Permission 73606.</p> <p>The updated report concludes that no significant adverse noise impacts are likely to arise provided certain glazing, ventilation and balcony related noise mitigation measures are implemented for relevant units.</p> <p>I accept the findings of the updated report and consider that unreasonable noise impacts are unlikely to occur provided the mitigation recommendations described within the report are adhered to.</p> <p>I recommend a condition be imposed along the lines of the following:</p>

Name	Comment
	<p>- Environmental Noise Mitigation Condition Noise mitigation measures relating to glazing, ventilation and balcony screening recommended within the Inacoustic Noise Assessment report dated 26 July 2023 shall be implemented in full to the written satisfaction of the local planning authority. Reason: To protect the amenity of residents from the potential effects of noise.</p> <p>3 My Other Recommendations</p> <p>My previous recommendations relating to noise from proposed air source heat pumps and concerning construction phase impacts stand.</p>
<p>Environmental Health Manager</p> <p>Reply Received 8 December 2023</p>	<p>I refer to my emailed comments of 10 August 2023 regarding this application.</p> <p>I have reviewed representations, amended plans and information received since I commented. I do not wish to add anything to my previous comments, which stand.</p>
<p>Gypsy & Traveller Liaison officer</p> <p>Reply Received</p>	<p>No reply received.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 7 September 2023</p>	<p>I made detailed comments on this application in my initial response of 4.5.23. In that response, which still stands, I advised that blocks Y and Z would have the greatest impact on significance, through effect on settings, of the various designated heritage assets in the vicinity. There have been no changes to the design, siting or massing of blocks Y and Z, therefore my view that the proposal will cause less than substantial harm to the significance of these heritage assets through effects on setting still stands. Therefore under the provisions of paragraph 202 of the NPPF, the public benefits of the proposal will need to be weighed in the balance when the decision is made.</p> <p>I did comment in my initial response that it would be helpful if drawings which enabled the comparison of existing and proposed heights and massing could be provided. This has been done, on page 4 of the recent Planning Amendments document, and I think the illustration does prove the point about the increased impact that Block Y, in particular, will have on the immediate environs of the Long Bridge</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 7 December 2023</p>	<p>No further observations on the overall principles, but would request that conditions are attached to any permissions requiring high quality materials and execution of details, particularly on blocks Y and Z, as specified on the drawings.</p>

Name	Comment
<p>Historic England</p> <p>Reply Received 6 December 2023</p>	<p>Thank you for your letter of 24 November 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.</p> <p>It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.</p>
<p>Historic England</p> <p>Reply Received 14 August 2023</p>	<p>Thank you for your letter of 3 August 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.</p> <p>It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.</p>
<p>Historic England</p> <p>Reply Received 17 April 2023</p>	<p>Thank you for your letter of 5 April 2023 regarding the above application for planning permission.</p> <p>Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.</p> <p>We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at https://historicengland.org.uk/advice/find/</p> <p>It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 5 December 2023</p>	<p>Housing Enabling have no further comments to add to the response submitted on 26.04.23.</p> <p>Housing Enabling have no further comments to add to the response submitted on 26.04.23.</p>
<p>Open Space Officer</p> <p>Reply Received 6 October 2023</p>	<p>All formal elements of POS are off-site contributions as secured through the S106 agreement for 73606. In terms of the on-site informal open space provided within the application 76784 Andrew Jones may wish to make comment on the landscaping; and Mark Saunders on ecology (in reference to the replacement car park).</p> <p>It appears that all paths/cycleways through/alongside the housing are traditional tarmac construction which I support for this</p>

Name	Comment
	<p>application. As a key section of the footpath/cycleway for the town, Highways have commented accordingly.</p> <p>I have no further comments.</p>
<p>Sustainability Officer</p> <p>Reply Received 14 June 2023</p>	<p>Im currently trying to review the assorted submissions and those already approved under DOC. Few initial queries that perhaps you and/or the agent may be able to clarify.</p> <ol style="list-style-type: none"> 1. The LEMP approved on DoC 76733 is v3. The LEMP submitted in support of RM 76784 is v2. It is unclear what amendments have been made between reports, although I assume it should be the latest version on both applications. 2. RM 76784 is supported by a BNG Summary and BNG Details document, but the full Defra Metric covering both elements of the development does not appear to have been submitted. I would therefore request that a the full BNG Metric is submitted with a cover note clearly referencing all drawing numbers which have informed the baseline and post development calculations. The BNG statement should also seek to justify the habitat area deficit (net loss of 9.95% habitat units), why this cannot be delivered on site and the proposed legal mechanism to secure offsite habitat required to achieve the stated BNG. 3. The LEMP and Site Plans include reference to attenuation ponds and wet grassland which is not clearly illustrated on GE-Seven Bretheren-02-GA Plan Rev F 4. The LEMP refers to building integrated bat/bird boxes which should be illustrated on submitted Landscape Plans. Reptile hibernacula are already included 5. The LEMP does not appear to include the most recent Landscape Plans including the additional boundary habitat to the south of the Toleration Site. Clearly this is outside of the current RM but you may wish to seek consistency. 6. The LEMP refers to a LEMP and HMP Review (p6.1.3) which should be revised to include submission of periodic monitoring reviews to the LPA. 7. The Reptile Translocation Strategy specified within the EA does not appear to have been addressed within any of the existing applications.
<p>Sustainability Officer</p> <p>Reply Received 10 January 2024</p>	<ol style="list-style-type: none"> 1. The LEMP approved on DoC 76733 is v3. The LEMP submitted in support of RM 76784 is v2. It is unclear what amendments have been made between reports, although I assume it should be the latest version on both applications. Response: The submitted LEMP is now v4 and appears comprehensive. 2. RM 76784 is supported by a BNG Summary and BNG Details document, but the full Defra Metric covering both elements of the development does not appear to have been submitted. I would therefore request that a the full BNG Metric is submitted with a cover note clearly referencing all drawing numbers which have informed the baseline and post development calculations. The

Name	Comment
	<p>BNG statement should also seek to justify the habitat area deficit (net loss of 9.95% habitat units), why this cannot be delivered on site and the proposed legal mechanism to secure offsite habitat required to achieve the stated BNG.</p> <p>Response: The LEMP state that 'The biodiversity net gain assessment was updated in July 2023 with reference to the Biodiversity Metric 3.1 (Natural England, 2022) which revealed a total anticipated biodiversity percentage net loss of 6.04% habitat units and a net gain in 167.4% hedgerow units (a loss of 1.4 habitat units and net gain in 5.16 hedgerow units). This loss is largely due to a greater loss of marshy grassland than previously anticipated, and changes to green space provision/ tree retention outlined within the Open Space Areas Plan produced by LHC in 2021 at the outline stage (Drwg No 18091_01_10)'. The submitted BNG Metric agrees with this overall conclusion but does not provide a clear summary specifying which elements of the scheme are included and which plans have informed the Metric. I would expect a clear BNG Statement which clearly identifies the BNG target (0% or 10%) and the outstanding number of BNG units which will need to be secured by legal agreement as this is now different to that anticipated at determination of 73606. The final determination, and offsite BNG requirement must reflect the total habitat losses of 73606 and 76784.</p> <p>3. The LEMP and Site Plans include reference to attenuation ponds and wet grassland which is not clearly illustrated on GE-Seven Bretheren-02-GA Plan Rev F.</p> <p>Response: Wet Grassland areas are now illustrated on LEMP Annex 1 02-03-GA.</p> <p>4. The LEMP refers to building integrated bat/bird boxes which should be illustrated on submitted Landscape Plans. Reptile hibernacula are already included.</p> <p>Response: Still no indication of bat/bird box locations?</p> <p>5. The LEMP does not appear to include the most recent Landscape Plans including the additional boundary habitat to the south of the Toleration Site. Clearly this is outside of the current RM but you may wish to seek consistency.</p> <p>Response: Now illustrated on LEMP Annex 1 02-03-GA</p> <p>6. The LEMP refers to a LEMP and HMP Review (p6.1.3) which should be revised to include submission of periodic monitoring reviews to the LPA.</p> <p>Response: The LEMP p6.1.3 now refers to full periodic reviews using LEMP Review Form Years 1, 5 and 10</p> <p>7. The Reptile Translocation Strategy specified within the EA does not appear to have been addressed within any of the existing applications.</p> <p>Response: The LEMP p 2.1.2 refers to implementation of the reptile translocation strategy but does not appear to have been submitted?</p> <p>8. Response: The LEMP states that in relation to lighting 'further mitigation can be incorporated if required, such as further shroud and setting timers to minimise the time that lights remain at full output before dropping back to the dimmed condition. This will be</p>

Name	Comment
	<p>informed by post-completion lighting surveys supported by static bat monitoring of retained habitats'. It is unclear the scope of the post completion surveys and how the results and any subsequent remediation measures will be reported to the LPA.</p> <p>Just checking that the Braunton Burrows SAC contribution was secured at OL? I don't see any reference in the DN but assume this was dealt with in the s106?</p> <p>Doesn't appear that the LEMP has changed significantly in response to pt2 below. However there is a clear statement within the Annex 5: Biodiversity Net Gain Assessment of the revised EA (November 2023).</p> <p>The EA and LEMP now confirm that:</p> <p>With reference to the above, the updated biodiversity calculations have revealed a total anticipated biodiversity percentage net loss of 2.56% habitat units and a net gain in 167.4% hedgerow units (a loss of 0.59 habitat units and net gain in 5.16 hedgerow units), including all on-site habitat retention/ enhancement and creation anticipated in relation to current development proposals. This loss is largely due to a greater loss of marshy grassland than previously anticipated, and changes to green space provision/ tree retention outlined within the Open Space Areas Plan produced by LHC in 2021 at the outline stage (Drwg No 18091_01_10).</p> <p>It should be noted that unless the retention of the fruit trees within the gardens can be secured longterm, a biodiversity percentage net loss of 8.76% habitat units (loss of 2.03 habitat units) is anticipated.</p> <p>I don't think we can reasonably secure fruit trees in gardens so I suggest we go with the 2.03 habitat units required offsite.</p> <p>Unfortunately the Metric submitted is now out of date and does not correspond with the latest EA and LEMP summaries.</p>
<p>Sustainability Officer</p> <p>Reply Received 11 January 2023</p>	<p>The BNG Statement and updated Metric is now consistent with the EA and LEMP and is sufficient to support the current application. I have no further comments at this time.</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0	1	0.00	0.00	0.00

No objections have been received from members of the public and a single letter of support has been received from the North Devon Cycling Campaign who support the provision for cycling in the application.

Considerations

Proposal Description

The application seeks approval of matters of access, appearance, landscaping, layout and scale pursuant of the outline approval reference 73606 obtained on 15th November 2022 for the development of 180 dwellings on the site of the former North Devon Leisure Centre at Seven Brethren.

The land outlined in red below is the extent of the application site:



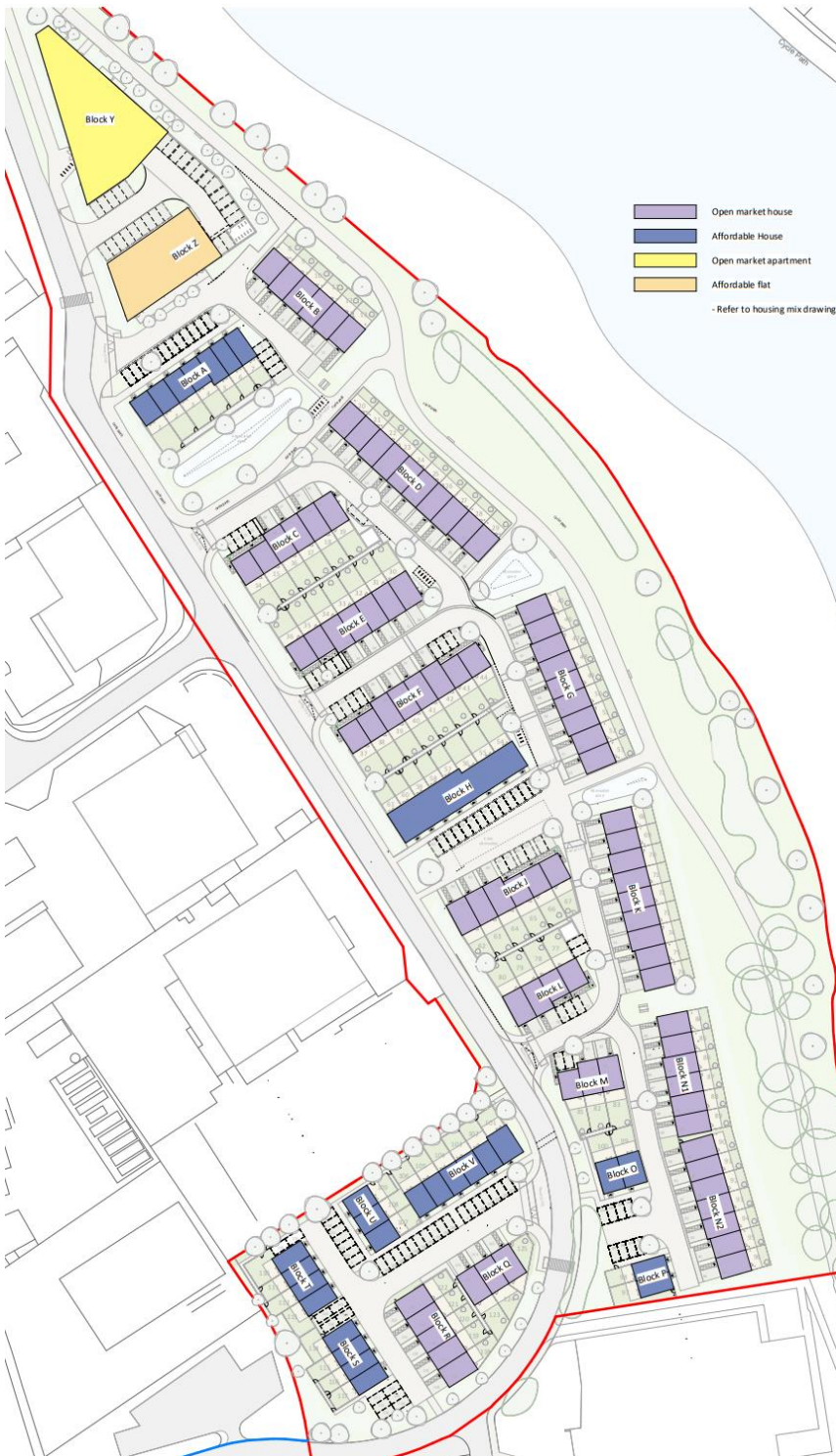
Location Plan



Aerial Image of Site

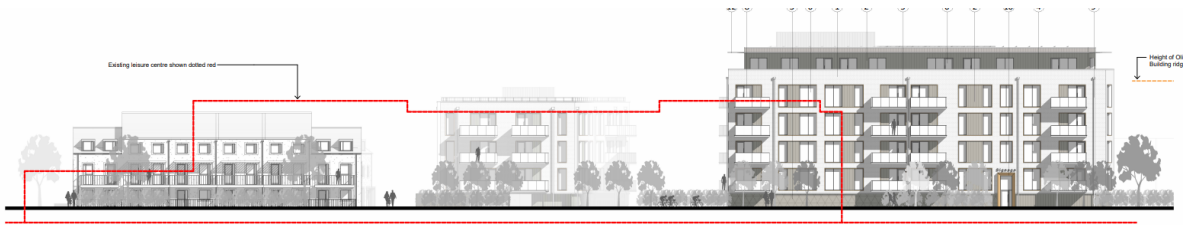
The proposed development seeks to deliver 180 homes along with associated infrastructure such as access roads, drainage, parking, public open space and sustainable transport links on site.

The dwellings on site would be comprised of two blocks of apartments and multiple terraced arrangements of dwellings. As shown in the site plan below:

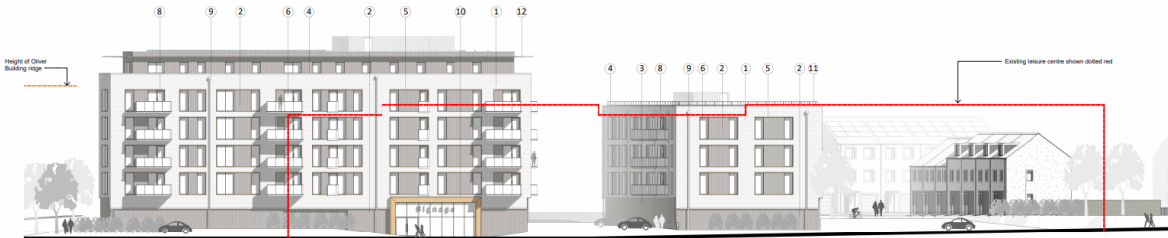


Site Plan (With Block Names Annotated)

The apartment blocks (referred to as Blocks Y and Z in the submission) are arranged over 6 and 4 storeys respectively, with undercroft parking at ground floor level and living accommodation above. These stand on the site of the old Leisure Centre.



Block Y & Z Street Elevation - East
1 : 200



Block Y & Z Street Elevation - West
1 : 200



The apartment blocks are proposed to be constructed with solar panels on the flat roof areas, a buff brick facing with timber effect cladding in between windows on the elevations, for the blank façade at ground floor level and for the roof top storey. Below is a visualisation of the finishes proposed:





Apartment Estuary Facing View

The terraces of dwellings are arranged over 3, 2.5 and 2 storeys and these varying heights are arranged throughout the blocks. The plan below shows the heights:



Building Heights

The street elevation below shows the arrangement which is replicated across the site in accordance with the plan above and detailed elevation drawings:



Block C - Street Elevation
1 : 200



Block D - Street Elevation
1 : 200

Street Elevations Block C and

The dwellings would be finished in a mix of muted render shades with a natural slate roof covering and grey rainwater goods and window finishes. Dwellings are proposed with two parking spaces per units provided in a mix of off-road driveways, purpose built parking areas and internal garages.

Below are some visualisations of the finished of the dwellings:





Visualisations of housing blocks

The Landscaping and POS are secured as part of the reserved matters (RM) application with the plan below showing the arrangements:

As this application is for reserved matters only, the report below must be read in context with the outline application 73606 presented to Planning Committee on 12th January 2022 (with a further report on 19th October 2022 updating on the position of affordable housing on site.). The report from 19th October 2022 is included as an appendices which includes the full committee report from January 2022 and the relevant numbered sections from that report will be cross referenced below. The decision notice is included at appendix 2.

Planning Considerations Summary

1. Principle of Residential Development
2. Design
3. Amenity
4. Heritage Assets
5. Townscape & Landscape
6. Ecology
7. Highways
8. Site Conditions & Contamination
9. Flood Risk and Drainage
10. Other matters
11. Planning Balance

Planning Considerations

1. Principle of Residential Development

1.1. The general principles of residential development were established by the outline planning consent granted by application reference 73606 which was presented to North Devon Councils Planning Committee on 12th January 2022, with a the decision being issued on 15th November 2022 on completion of the Section 106 agreement. The principle of development was discussed in detail in Section 1.1-1.22 of the Committee report in Appendix 1.

1.2. Matters of principle cannot be revisited as part of a reserved matters (RM) application and as such this is not discussed further.

Housing Mix

1.3. As the outline scheme did not secure layout, matters of housing mix were indicated at this stage as final development quantum's were unknown.

1.4. At Section 1.23 of the outline committee report matters of housing mix were highlighted and are material to the RM submission in the context of meeting identified housing need (Policy ST17) and providing for inclusive development in accordance with the NDTLP (DM04) and NPPF.

1.5. The housing mix shown the in HEDNA assessment from 2016 shows the following mix requirement for the area:

Extract from HEDNA:

	1 –bed	2 –bed	3 -bed	4 -bed
Market	5-10%	30-5%	40-5%	15-0%
Affordable	30-5%	35-0%	20-5%	5-10%
All	15%	35%	35%	15%

The RM scheme as presented achieves the following mix:

	1 bed	2 bed	3 bed	4 bed
Market	0% (0)	53% (67)	43% (54)	4% (5)
Affordable	22% (12)	44% (24)	28% (15)	6% (3)
All	7%	51%	38%	4%

1.6. As can be seen above, there are some discrepancies between the HEDNA requirements for housing mix and the proposed scheme. Where there are a shortfall in 1 bed units both affordable and market, an excess amount of 2 bed market and affordable, a slight excess of 3 bed affordable, and a shortfall of 4 bed units across affordable and market housing.

1.7. It is noted that viability was tested as part of the outline application where affordable housing requirements in planning were removed and separate grant funding was secured outside of the planning system. The viability was assessed on the basis of the below housing mix:

	1 bed	2 bed	3 bed	4 bed
Market	8% (10)	33% (41)	55% (70)	4% (5)
Market	8% (10)	33% (41)	55% (70)	4% (5)
Affordable	22%(12)	44% (24)	28% (15)	6% (3)
All	7%	51%	38%	4%

1.8. In the submitted housing statement it is argued that a departure from the HEDNA is justified in the context of Policy ST17 below which allows for consideration of site character and context and viability. As stated above viability was assessed at an earlier stage with a differing housing mix, which came closer to compliance with the HEDNA however which was again not strictly in accordance.

Policy ST17: A Balanced Local Housing Market

Housing Scale and Mix

(1) The scale and mix of dwellings, in terms of dwelling numbers, type, size and tenure provided through development proposals should reflect identified local housing needs, subject to consideration of:

- (a) site character and context; and
- (b) development viability.

Specialist Housing Accommodation

(2) Within development boundaries, or the principal built form of defined settlements without settlement boundaries, proposals for specialist housing accommodation will be supported where they:

- (a) meet an identified local need;
- (b) are proportionate in scale to the locality;
- (c) are located so they are accessible to local facilities; and
- (d) provide necessary ancillary facilities as part of the development, that complement locally available amenities and, where possible, be made available to the wider community.

1.9. It should be noted that the HEDNA is now significantly dated in the context of the local housing market therefore its weight in decision making should be considered to be moderate given its age. However this is in conflict with the requirements of the local plan policy and must be weighed in the overall balance when considering the site context and character and overall site viability which has already been tested showing a low profit margin of 15.2% which will have decreased further since the viability was run.

2. Design

2.1. All design matters should be considered against Policies ST01, ST02, ST03, ST04, ST05, ST16, DM01 and DM04, and the National Design Guide. New development must be of high quality and integrate effectively with its surroundings to positively reinforce local distinctiveness and produce attractive places to live in accordance with part 12 of the NPPF.

2.2. In determining applications Paragraph 139 of the NPPF states that “*significant weight should be given to:... outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*”

2.3. There was limited design dialogue in respect of the development in advance of a formal reserved matters submission due to time constraints contained within the development agreement. A pre-application enquiry was submitted in January 2023 with some design parameters demonstrated however this was submitted to obtain consultee feedback to inform the detailed design work which was underway at the time with the full formal submission made on 1st March 2023 and registered 23rd March 2023.

2.4. It is noted that whilst some parameters were considered as part of the outline application at section 3, these were indicative and all these matters remained

reserved for this application, with a high level assessment of the ability to integrate the quantum's of development on the site into the development.

2.5. It is helpful to separate the different areas of development on the site from the apartment blocks and the terrace dwellings for detailed assessment.

Apartment Buildings

2.6. The detailed proposals have been submitted to include the two apartment blocks, Y and Z at 6 and 4 storeys respectively. Section 3.8 of the outline report identified the height differentiations to the former leisure centre building which sits at 13.5 metres in height and as can be seen below has a larger overall footprint than the apartment blocks proposed:



Red shaded area show current Leisure centre Footprint

2.7. The drawing below demonstrates the height differentiation between the proposed apartment blocks and the leisure centre and Oliver Buildings, which are Grade II Listed. It should be noted here that the Oliver Building have a pitched roof which therefore minimises its massing.



Comparative Street Scene: Red outline show Leisure Centre height and Pink arrow is Oliver Building height

2.8. Between section 3.8 and 3.9 of the Outline Committee report, reference is made to the 6 storey building being stepped to have a 4 and 6 storey element, however this has now evolved into the whole Y block being 6 storey. Section 3.11 of the outline committee report also referenced that the 6 storey block would be an imposing

feature but one that could be partly mitigated through landscaping and detailed design.

2.9. Section 3.12-3.14 of the outline report analyses the site against the Anchorwood Bank development. It is not necessary to rehash this argument as the site is a different context and whilst accepting some quantum of higher level development would be acceptable on the Seven Brethren, site this should not be design-led by the Anchorwood development.

2.10. The height of the 6 storey building has remained a concern for Officers throughout the application process, with concern being raised in May 2023. The applicant sought to address these concerns with amended plans and a document rebutting many of the comments, Design changes to Y block were made, such as additional balconies and recessing the fifth floor on the south elevation.



Comparative elevation changes (lower plan is revised from submission)

2.11. Taking the above back to the Policy context against which the design assessment should be made. The criteria of DM04 (Design Principles) is copied below:

'1) 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. Development proposals need to have regard to the following design principles:

- (a) are appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood;*
- (b) reinforce the key characteristics and special qualities of the area in which the development is proposed;*
- (c) are accessible to all, flexible to adaptation and innovative;*
- (d) contribute positively to local distinctiveness, historic environment and sense of place;*
- (e) create inclusive environments that are legible, connected and facilitate the ease of movement and permeability through the site, allowing everyone to easily understand and find their way around;*
- (f) retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area;*
- (g) provide public and private spaces that are well designed, safe, attractive and complement the built form, designed to minimise anti-social and criminal behaviour;*
- (h) provide safe and appropriate highway access and incorporate adequate well-integrated car parking, pedestrian and cycle routes and facilities;*
- (i) ensure the amenities of existing and future neighbouring occupiers are safeguarded;*
- (j) incorporate appropriate infrastructure to enable connection to fast ICT networks;*
- (k) optimise the efficient use of land, and provide well-designed adaptable street patterns and minimise functionless open spaces;*
- (l) create and sustain an appropriate mix of uses and support local facilities and transport networks;*
- (m) consider opportunities for public art; and*
- (n) provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.*

(2) All major residential proposals will be expected to be supported by a Building for Life 12 (BfL12)(117)(or successor) assessment. High quality design should be demonstrated through the minimisation of "amber" and the avoidance of "red" scores.'

2.12. Section (a) and (d) above are underlined for emphasis, this continued through to paragraph 135 of the NPPF requiring that:

'Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

2.13. It is accepted that at the site of the former leisure centre, given its scale and mass, can absorb some form of multi-storey development and achieve a significant betterment from the former leisure centre which was of its time however no longer contributed positively to its immediate context or surrounding environs.

2.14. There is some precedent for 6 storey development at Anchorwood Bank which is contextually different but this has integrated into the water front and historic context appropriately. As such, fundamentally Block Y remains a 6 storey flat roof building and there is some design conflict in the context of the scale of other local development and its historic setting which will be discussed further in the heritage section below. Moderate weight is afforded to the conflict with Policies DM04 of the NDTLP and paragraph 135 of the NPPF in respect of the concerns with the scale of the apartment block. This should therefore be considered in the planning balance below at Section 11.

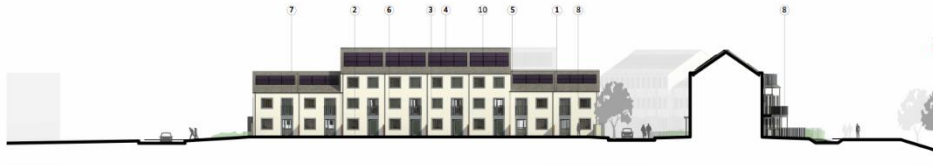
Terrace Dwellings

2.15. In terms of the terrace development occupying the remaining part of the site, this takes a more traditional scale and form as 2, 2.5 and 3 storey terrace dwellings as can be seen from the drawings below:

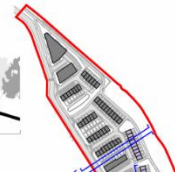


Block G, K, N1 & N2 - Street Elevation
1:200

- Elevation Key
- ① White Through-Colour Render
 - ② Grey Brick Finish
 - ③ Mid Grey Render Surrounds
 - ④ Manmade Slate Roof
 - ⑤ Mid Grey Metal Cladding
 - ⑥ Mid Grey Window & Door Frames
 - ⑦ Mid Grey Rainwater Goods & Fascias
 - ⑧ Balcony with Metal Railing
 - ⑨ Metal Solar Shading
 - ⑩ Solar Panels



Block F - Street Elevation
1:200



Example Street Elevations

2.16. The design principles in relation to these have been accepted with additional clarity having been provided in respect of the materials palette, and boundary treatments on the river facing properties.

RENDER COLOURS

A variety of smooth finish through coloured render in white or off-white colours which reflect the light-coloured palette of Tav Vale and Union Terrace on the opposite side of the river.

Yellow/cream tones should not be used.

A crisp contemporary finish should be achieved.



PROJECTING FEATURE BAY COLOURS

Complimentary light grey, metal or fibre cement cladding panels.

A crisp contemporary finish should be achieved.



WINDOWS AND DOOR FRAMES

Mid grey/muted blue colours to complement render and bays.

White, dark or natural timber doors and window frames are not permitted.



FRONT DOORS

Muted accent colours should be used to highlight front doors.



Extract from Page 88 of Design and Access Statement approved in 2021 as part of Outline Application 73606

Finishes on Dwellings

2.17. Whilst the elevation details of the dwellings are considered to be acceptable, the overall site layout is dictated by the provision of 2 parking spaces per dwelling (1 space for flats). The scheme layout around the dwelling houses provides for four secondary estate roads which give vehicle access to sections of the development, with pedestrian and cycle links having permeability through the development as well as flanking north and south. The layout plan below shows this arrangement:



Block Layout Plan

- 2.18. Whilst the sustainability impacts of a car dominant design are discussed in the highways section of this report, the design itself is significantly constrained by the desire of the developer to deliver two allocated parking spaces to each dwellings, which they consider to be justified by estate agents comments that this will increase saleability of the units.
- 2.19. In terms of the layout of the site, the dominance of hard surfaced areas as a result of needing such a large number of spaces on a dense development, results a stark sense of place only proposed to be broken up by manmade planters within private properties. Given the site is within walking and cycling distance of all of the town centre facilities, along with the train and bus station, there was an opportunity for the development to be a leading example of sustainable design integrating family homes within the town centre, adding to the overall vitality of the area and utilising the unique sustainability credentials of such an important regeneration site.
- 2.20. It is however acknowledged that given the dispersed nature of facilities and employment in North Devon and accessibility to public transport to reach outlying areas, car ownership in higher than larger urban areas, which is considered in the balance.
- 2.21. The result of the above is further conflict with the aforementioned policy DM04 and Paragraph 135 of the NPPF. Furthermore the Building for a Healthy Life scoring system is clear that extensive use of private drives attracts a red score in its Natural Connections category, and in the cycling and car parking section the over reliance of internal garages and front driveways, frontage car parking with little or no soft landscaping, over reliance on tandem parking arrangements, views along streets that are dominated by parking cars and driveways or garages, relying on garages being used for everyday parking. On this basis the development does not meet the BfHL criteria and therefore also fails DM04 (2) of the NDTLP.

3. Amenity

3.1. Policy DM01 of the NDTLP requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses (which in this case is primarily commercial), future occupiers, visitors to the site and any local services.

General amenity

3.2. In terms of neighbouring residential amenity, such as the ability for dwellings to be delivered whilst preventing any overlooking, overbearing impact or loss of light, given the separation distances involved to the nearest existing neighbour, 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 through appropriate design DM04 of the NDTLP.

3.3. The layout of the proposed dwellinghouses and apartments provides suitable amenity standards in terms of no adverse impacts from overlooking, overbearing or loss of light within the proposed layout.

3.4. The size of the dwellings proposed would meet the Nationally Described Space standards minimum levels and as such would provide appropriate amenity standards internally for all intended occupants.

3.5. In terms of amenity areas, the proposed layout does not provide amenity areas for apartments which is to be expected in a town centre location such as this. The terraces of dwellings makes provision of private amenity areas for all blocks with the exception of B, D, G, K, N1 and N2 whereby the southern driveways and entrances to the properties are open to the streetscene and to allow intervisibility with the river frontage and maintain an open setting along this corridor rear gardens would have only a 1.4 metre high boundary treatment leaving limited privacy to these units amenity space.

3.6. Careful consideration has been given to this matter by officers, the design team and the Police Designing Out Crime Officer. Whilst the NDTLP provides no garden spaces standards, ordinarily a family sized dwelling should have a functional area of private amenity space within its curtilage. It is however acknowledged that the layout of this site is such that to provide this either to the north or south of the above blocks of dwellings would have a detrimental impact on the streetscene and public views from the River frontage.

3.7. The image below shows how the design as evolved following consultation with the Police and the LPA and a compromise solution reached whereby the ditch and planting adds a defensible area between the footpath along the river and the rear gardens of the above blocks. The slight increase in height of the wall to 1.4 metres in addition to the ditch provides a safer defensible garden area supported by the Police and adds a greater level of screening to the ground floor of the dwellings and separation between passers by and occupants when using rear garden.



Plot section of the previous proposal, showing a 1.1m high boundary fence and flat topography.



Plot section of the new proposal, showing a 1.4m high boundary fence, additional slopes and spiked hedging. The depression in the ground is intended to be 0.4m, giving an overall boundary height on 1.8m. We believe this combination will deter any persons looking to access the private gardens.

Design Evolution of Rear Boundaries

3.8. The above solution to meeting amenity considerations in policy has been considered on balance with the design constraints of the site and is considered to be an acceptable compromise in this instance and complies with Policy DM02 and DM04 on the NDTLP on a fine balance.

Air Quality

3.9. Policies DM02 considers atmospheric pollution and noise and DM03 considers Construction and Environmental Management of development.

3.10. As part of the outline application matters relating to air quality, noise and construction management were considered in section 4.4-4.18 and should be read in direct context with this report.

3.11. Matters of air quality were considered at outline as stated above and the detailed design of the residential scheme does not alter the findings of this section of the outline assessment. Construction air quality is appropriately dealt with the outline conditions relating to a Construction Environmental Management Plan (condition 10 of the outline) and operational air quality once the development is built at the quantum's identified was considered to have negligible impacts.

Noise

- 3.12. In relation to noise, as part of the reserve matters application a Noise Assessment is provided which looks in details at the environmental noise consistent with the requirements on condition 6 of the outline consent.
- 3.13. The conclusions of this report identify measures relating to glazing ventilation, balconies and air source heat pumps are proposed to mitigate the impacts of noise on future occupants of the residential scheme. As such subject to adherence to the noise assessment recommendation to be secured by conditions, the development is acceptable in noise terms and attracts no objection from the Environmental Health Team subject to conditions they have requested being imposed.
- 3.14. In light of the above assessment the development is considered to comply with Policies DM01, DM02 and DM03 of the NDTLP.

4. Heritage Assets

- 4.1. Chapter 8 of the ES submitted with the outline application refers to Archaeology and Cultural Heritage. Policy DM07(1) requires a Heritage Assessment (Prepared for RMA Environmental 29th March 2021) to enable the impact of the proposal on the significance of the heritage assets and their setting to be properly assessed. All issues around any potential impact on the designated heritage asset should be considered against Policies ST15, BAR13 and DM07.

Listed Buildings

- 4.2. When considering granting planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.
- 4.3. Listed Buildings on this side of the river include Halfords (the Old Slaughterhouse) (Grade II), located 70 m south-west; Oliver Buildings at the Former Shapland and Petter Factory (Grade II), located 130 m south-west and Long Bridge (Grade I) located 85 m north.
- 4.4. Section 5.4-5.6 of the outline assessment looked at the overall heritage principles of the quantum of development now carried forward into the reserved matters permission and made an assessment that magnitude of change is considered to be **minor adverse** and the overall effect of the proposed development upon the significance of these listed buildings is predicted to be **Minor Adverse** or, in accordance with the criteria in the NPPF, less than substantial.
- 4.5. Following consultation and re-consultation, following design changes, with the Heritage and Conservation Officer, the following comments have been reiterated throughout:
This site, although not containing any designated heritage assets in its own right, is an important element within the setting of many, and will contribute to their significance. These include the Barnstaple Town Centre and Newport Conservation Area, the grade I listed Long Bridge, and the grade II listed Halfords Warehouse, Oliver Buildings, Museum of North Devon, Imperial Hotel, and the various listed buildings along Taw Vale.

The Planning (Listed Buildings and Conservation Areas) Act 1990, at paragraph 66(1) states:

" In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

In this case, this element of the setting of the various heritage assets comprises the now redundant leisure centre, a car park, and some landscaped open space. The leisure centre is not a building of architectural or aesthetic significance and there is not a particular issue with its removal. What does need to happen, however, is that the LPA needs to be mindful of the duty to have 'special regard' to preserving the setting of the listed buildings. Therefore, any new proposals for the site should seek to preserve its essential characteristics - in this case a building of a certain size, and a significant amount of open space which, certainly to the north of the site, provides a buffer zone between modern and historic development, and across the wider extent of the site, affords views out to the landscape beyond, giving an awareness of the context in which the town sits.

I am aware that there is an outline permission for the site, 73606, which approved the density of development and other matters. I did warn in my response to that application (5.10.21) that increased storey heights particularly to the north of the site would be likely to cause harm to the significance of heritage assets. Having seen the detailed designs for the site, I maintain the view that this is the case. The tallest building, block Y, is effectively 6 storeys high, considerably taller than the leisure centre, and is sited further north, on what is currently open space. It is, therefore, going to erode the currently open setting and backdrop of the listed buildings, particularly the Long Bridge. In terms of the elevations, the massing and articulation do not seem to relate particularly well to the wider context, particularly the rest of the development which is terraced housing. This latter element sits to the south of the site, with a line of separated blocks addressing the riverside. These will in some respects mirror the pattern of development on the eastern side of the river, which in principle seems to be an appropriate approach. There are gaps between the blocks which I would hope allow for vistas out to the landscape beyond. These gaps do not seem to be very large, so I would question how effective this is likely to be. I will not comment on the detailed design of the terraced housing, as this is set at a greater distance from the heritage assets across the river, plus has a landscaped buffer down to the riverside, so the effect is less. With regard to blocks Y and Z, however, these are closer to the heritage assets, have more effect on setting, and yet seem less relevant to the context, in their disparate massing and design, than the proposals for the south of the site.

In my view, the construction of this development particularly blocks Y and Z, will not preserve the essence of the settings of the listed buildings adjacent, and will give rise to a degree of less than substantial harm to the significance of the various heritage assets. Therefore the provisions of p202 of the NPPF would apply and the public benefits of the scheme would need to be weighed in the balance when the decision is made. If there is a chance to revisit the

design and massing of these two blocks, in particular, it may be that some of the harm could be mitigated. It would also be helpful, and quite revealing, if plan and elevations drawings were available which allowed accurate comparison of existing and proposed buildings at the northern edge of the site.'

4.6. A Heritage Statement was also submitted in support of this reserved matters scheme which reached the same conclusions as the ES presented as part of the outline proposals. These essentially conclude that less than substantial harm will arise from the development.

4.7. Referring to the policy context, within the NPPF at paragraph 205, great weight is afforded to the heritage assets conservation irrespective of the level of harm identified to its significance (total loss, substantial harm, or less than substantial harm being the spectrum which would apply). At paragraph 208 the test for schemes with less than substantial harm is outlined whereby the harm identified should be weighed in the balance against the public benefits of the proposals including where appropriate, securing its optimum viable use.

4.8. The NDTLP policies ST15 and DM07 apply a similarly worded test with DM07 (2) stating:

'Proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.'

4.9. It is clear from the conclusion of the Council's Heritage and Conservation Officer that the scheme as presented results in less than substantial harm to the identified heritage assets.

4.10. In terms of the applying the test of paragraph 208 the following public benefits are attributed to the development:

- Removal of the existing leisure centre
- Creation of higher quality public realm and landscaping along the re-designed River Frontage
- Provision of housing and contribution to maintaining the Council's 5 year housing land supply
- Provision of sustainable travel across the site
- Redevelopment of a brownfield reducing pressure to develop on greenfield land
- Provision of a toleration site for Gypsy and Travellers
- Parking and Sustainable travel

4.11. It is clear on a town centre brownfield site, as demonstrated above, the development delivers a clear and tangible package of benefits to the wider public which are considered to carry substantial weight, which in this instance, must be weighed in the planning balance, affording great weight to the protection and enhancement of the heritage assets significance.

Conservation Area

- 4.12. The site lies within the setting of the Barnstaple Town Centre Conservation Area which is both to the north and to extending over the grade I listed Long Bridge into land directly opposite to the north and west of the site. The existing Leisure Centre is visually prominent from Taw Vale and is considered to have a negative effect on the setting and resulting significance of the conservation area when viewed from Taw Vale. The views into the site are partly mitigated by the trees lining the riverbank.
- 4.13. At the north-eastern end of Sticklepath Hill the view is dominated by a road junction leading to Long Bridge and the grade II listed warehouse known as the Old Slaughterhouse, now used by Halfords, with the grade II listed Oliver Buildings opposite. The southern part of the site is well screened from the conservation area.
- 4.14. The Conservation Area contains numerous listed buildings quoted above and several listed buildings close to the opposite riverbank. Museum of North Devon; the Imperial Hotel; nos. 1 & 2 Taw Vale Parade; nos. 3-11 Taw Vale Parade; and three houses known as Riverside, Beachcroft and Riversvale.
- 4.15. The Newport Conservation Area is located directly south of the Town Centre Conservation Area and directly opposite the site. The leisure centre can be seen in a view looking north-west from the riverside edge of the designation and the car park to the south of the leisure centre is also visible through the screening provided by the trees lining the Seven Brethren riverbank. The same view includes the grade I listed Long Bridge. The Leisure Centre whilst screened has a negative impact on the riverside setting of the Conservation Area. This Conservation Area also contains numerous listed buildings including a grade II listed war memorial close to the river frontage.
- 4.16. Matters relation to the impact on the Conservation Area were considered at outline stage at section 5.7-5.11 with the ES concluding again that less than substantial harm would result. It was considered that good design could lead to positive impacts.
- 4.17. The updated Heritage Statement does not deviate from similar conclusions and the Heritage and Conservation Officer comments above identifies the harm resulting from the development but appears to be greater concern for the Listed Buildings as opposed to the Conservation Area. Again the test of less than substantial harm would apply in relation to paragraph 208 of the NPPF which will be detailed in the planning balance below.

Archaeology

- 4.18. Archaeology was considered at outline stage at section 5.12-5.14 whereby overall impact on the significance of archaeological deposits was predicted to be negligible. No objections have been raised by the County Archaeologist and as such policies ST15 and DM07 are met in respect of Archaeology.

5. Townscape and Landscape

- 5.1. Section 6 of the outline proposals looked at the wider landscape and townscape impacts of the proposal based upon parameters which are not departed from as part of the detailed design proposals presented as part of this application.
- 5.2. The importance of the area within the designated Coast and Estuarine Zone (Policy ST09) was acknowledged and as part of the overall landscaping scheme the wider landscape and townscape setting has been considered.
- 5.3. Due to the need for an 8 metre easement along the River frontage has driven a landscape led approach on the part of the development which will present a wide green corridor of Public open space along the northern boundary with the River Taw.
- 5.4. In order to achieve the demolition of the leisure centre, development density and easement there has been a need to remove a number of existing mature trees on site which are mitigated for as part of the overall landscaping scheme. The plans below shows the red areas where existing trees will be removed with the darker green areas denoting where trees will be replaced or added to the scheme. The aerial image below that is to put into context the trees.



Site Plan (Trees)



Aerial Image of Site

5.5. Whilst it is regrettable that existing trees cannot be retained, this is just not possible with the above cited requirements. However the replacement scheme sees to incorporate a range of species and new planting to mitigate for the loss. This is key to integrating the development back into the townscape setting whereby edges of the Taw on the northern side of the river are similarity softened with the tree within Rock Park and those remaining on Taw Vale. The proposed scheme has been subject to consultation with the Council's Arboricultural Consultant who made the following comments, with the developers response in red below:

'To achieve arboriculture support I would request the following:

1. The Monterey cypress group A6 to be added to the submitted tree plans
The Monterey Cypress stems which comprise area A6 are located on the northern boundary of the car park, adjacent unit 100 – 109. The trees are shown on inset 4 of the Tree Location Plans (page 30), but are then omitted from the Tree Constraints Plans as they are to be removed.
2. Improved detail within the landscape plan regarding aftercare including, but not limited to, watering rates throughout the year. Also to include detail on the planting pits in soft and hard ground to ensure successful tree establishment. **Please see attached tree pit detail and planting/ after care notes; where the trees are near to engineering structures eg. Adopted highways we will use root barriers as required**
3. To increase the tree planting levels at the northern area of the site beside the river to mitigate for the loss of A6 (and other screening trees in that area) and provide a focal feature for the long term from views across the river while also softening the proposed development. **The area of the site I believe is being referred to, between the apartment**

blocks and the river, has been quite sensitive with the Environment Agency as the flood defence requires an 8 metre easement. We have already had several conversations with them negotiating the trees and I believe the number of trees we have in the current plans is likely to be the maximum we will be able to achieve from this prospective. We also need to consider the views and light into the apartments, therefore I do not think we can increase the density.'

- 5.6. These replies have been sent to the Arboriculture Consultant for further comment however no further response has been received. Given the constraints of the site and justification given above, it is accepted that the trees retained and provided on site, will at the operational stage of development, and when mature, provide a soft landscaped edge to the development consistent with the wider townscape character along the river corridor.
- 5.7. Based upon the assessment and conclusions in section 6.4 and 6.5 of the outline application, the reserved matters scheme generally delivers a development reflective of the assessment here which is mitigated through its operational phase by the proposed landscaping and green infrastructure strategy as seen in the above plan.
- 5.8. The sensitive receptors to the north and east will benefit from the landscaping and use of high quality materials and design principles in these locations. It is acknowledge the nature of the site will result in changes to the local character of the townscape however this will be a positive change replacing the redundant leisure centre with high quality homes and a boosting supply of much needed housing in the area.

6. Ecology

- 6.7. The Bishop's Tawton Saltmarsh County Wildlife Site lies 80 m south-east and comprises saltmarsh, semi-improved grassland, watercourse and species-rich hedgebank. The site as a whole is assessed as being of ecological importance at a Local level.
- 6.8. Section 7 of the outline committee report looked in detail at the information provided as part of the ES identifying implications of the development on the above ecological constraints. Mitigation measures were identified for each species/habitat impacted by the development which has informed the RM scheme.
- 6.9. The outline consent contains conditional requirements across the site which relates to both the outline element and full application for the car park. Conditions 16 required submission of a landscaping scheme, 17 required a Landscape and Ecological management Plan and Habitat Management Plan, and 18 required a scheme for translation of Marsh Orchids, the latter only affected the car park site, outside of this reserved matters application.
- 6.10. Condition 16 was discharged on 23/03/2023, and condition 17 was partially discharged on the basis the lighting scheme presented as part of this needed to be changed and a new discharge of this condition was to be submitted at a later date to include the new lighting scheme. Condition 18 was discharged in full.
- 6.11. In terms of the LEMP and ecological information submitted as part of the planning application and later updated by the applicant. The following comments were received from the Sustainability Officer:

- 1. The LEMP approved on DoC 76733 is v3. The LEMP submitted in support of RM 76784 is v2. It is unclear what amendments have been made between reports, although I assume it should be the latest version on both applications. **The submitted LEMP is now v4 and appears comprehensive.***
- 2. RM 76784 is supported by a BNG Summary and BNG Details document, but the full Defra Metric covering both elements of the development does not appear to have been submitted. I would therefore request that a the full BNG Metric is submitted with a cover note clearly referencing all drawing numbers which have informed the baseline and post development calculations. The BNG statement should also seek to justify the habitat area deficit (net loss of 9.95% habitat units), why this cannot be delivered on site and the proposed legal mechanism to secure offsite habitat required to achieve the stated BNG. . **The LEMP state that 'The biodiversity net gain assessment was updated in July 2023 with reference to the Biodiversity Metric 3.1 (Natural England, 2022) which revealed a total anticipated biodiversity percentage net loss of 6.04% habitat units and a net gain in 167.4% hedgerow units (a loss of 1.4 habitat units and net gain in 5.16 hedgerow units). This loss is largely due to a greater loss of marshy grassland than previously anticipated, and changes to green space provision/ tree retention outlined within the Open Space Areas Plan produced by LHC in 2021 at the outline stage (Drwg No 18091_01_10)'. The submitted BNG Metric agrees with this overall conclusion but does not provide a clear summary specifying which elements of the scheme are included and which plans have informed the Metric. I would expect a clear BNG Statement which clearly identifies the BNG target (0% or 10%) and the outstanding number of BNG units which will need to be secured by legal agreement as this is now different to that anticipated at determination of 73606. The final determination,***

and offsite BNG requirement must reflect the total habitat losses of 73606 and 76784.

3. *The LEMP and Site Plans include reference to attenuation ponds and wet grassland which is not clearly illustrated on GE-Seven Bretheren-02-GA Plan Rev F. Wet Grassland areas are now illustrated on LEMP Annex 1 02-03-GA.*
4. *The LEMP refers to building integrated bat/bird boxes which should be illustrated on submitted Landscape Plans. Reptile hibernacula are already included. Still no indication of bat/bird box locations?*
5. *The LEMP does not appear to include the most recent Landscape Plans including the additional boundary habitat to the south of the Toleration Site. Clearly this is outside of the current RM but you may wish to seek consistency. Now illustrated on LEMP Annex 1 02-03-GA*
6. *The LEMP refers to a LEMP and HMP Review (p6.1.3) which should be revised to include submission of periodic monitoring reviews to the LPA. The LEMP p6.1.3 now refers to full periodic reviews using LEMP Review Form Years 1, 5 and 10*
7. *The Reptile Translocation Strategy specified within the EA does not appear to have been addressed within any of the existing applications. The LEMP p 2.1.2 refers to implementation of the reptile translocation strategy but does not appear to have been submitted?*
8. *The LEMP states that in relation to lighting 'further mitigation can be incorporated if required, such as further shroud and setting timers to minimise the time that lights remain at full output before dropping back to the dimmed condition. This will be informed by post-completion lighting surveys supported by static bat monitoring of retained habitats'. It is unclear the scope of the post completion surveys and how the results and any subsequent remediation measures will be reported to the LPA.*

6.12. The above comments were sent to the applicant to address the outstanding concerns and further information has been supplied in the form of an updated BNG statement and metric which confirms that the development is consistent with the agreed Landscape and Ecological Management Plan and ecological Appraisal which were required as part of the RM application as a requirement of condition 17 of application 73606.

6.13. As described by the outline consent and as secured in the Section 106 agreement an off-site BNG payment is still required as a 10% gain cannot be secured on site due to the reducing in tree planting in the flood corridor as advised by the EA. Therefore delegated Authority is sought to discuss with North Devon Biosphere Partnership, NDC's Sustainability Officer and the applicant the number units required to be compensated for and the final calculation for this.

6.14. The proposed development would achieve the relevant biodiversity net gains and would appropriately safeguard protected species and their habitats, therefore in accordance with the above statutory duties, Policies St14 and DM08 of the NDTLP and paragraph 174 of the NPPF.

7. Highways

7.1. Policy BAR13 seeks to improve the highway network and transport interchange facilities in the area as well as delivering improved provision for pedestrians and cyclists towards the town centre and a new footpath/cycle bridge over the A361

and railway line. Also of relevance are Policies ST10 Transport Strategy, ST23 Infrastructure, BAR20 Green infrastructure links and DM05 Highways and DM06 Parking. BAR(k), BAR13.

- 7.2. The outline committee report looks at the strategic highway impacts in section 8. The outline application considered the links to the site from the strategic road networks, along with the requirements of sustainable travel links to and from the site promoting non-car modes.
- 7.3. The RM layout now secures the internal road layout of the site and how this connects into the highway network. It is noted that whilst this report is being preparing Devon County Council is currently consulting on a change in junction layout at the junction between the site entrance and the Long Bridge.
- 7.4. This would result in the traffic accessing the development being required to access the site past the Tesco Extra site, as the junction design would be exit only at the end of the Long Bridge, with the overall objective to improve the pedestrian environment, the diagram below is extracted from Devon County Council's consultation website.



Consultation of Junction Changes at Entrance to Site

- 7.5. Whilst at the time this application is considered the junction arrangement remains as existing with no consent for any alternative, however assurance has been given that the development traffic from Seven Brethren has been considered by DCC and this would not impact the current RM application.
- 7.6. Of greater concern is the emphasis of car ownership driving the overall design of the development and thus not promoting access to alternative modes. Whilst footway and cycleway access is gained is a permeable arrangement across the

site, the car dominant design, in an area with empirical evidence of low car ownership, contravenes sustainable development objectives. The table below from the 2021 census data, supplied by Devon County Council's Highway Officer shows car ownership levels:

MSOA number	Area	% of households with zero or one car	total households with zero or one car
E02004181	Pilton	69%	1771
E02004182	Barnstaple Centre and Gorwell	78%	2374
E02004183	Sticklepath	66%	1778
E02004184	Newport	66%	2410

7.7. Paragraph 114 of the NPPF states the following:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users;

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ⁴⁸; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

7.8. Policy DM06 of the NDTLP looks at the requirements for parking within new development stating:

'Policy DM06: Parking Provision

(1) Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to the:

(a) accessibility and sustainability of the site;

(b) availability of public transport;

(c) provision of safe walking and cycling routes; and

(d) specific scale, type and mix of development.











(2) Proposals must encourage the use of sustainable modes of transport through careful design, layout and integration to the existing built form.'

7.9. The site location is highly sustainable being within a short walk of the town centre, bus station, train station and facilities on the southern side of the river such that future occupants of the dwelling on site should have a limited need to travel by

private car to access facilities required on a daily basis such as employment, shopping, schools and healthcare.











- 7.10. The applicants have maintained the need for two parking spaces per dwelling (excluding the apartments) based upon a request by the registered provider to have two spaces per dwellings on affordable housing, and on the basis that estate agents views that these are required to sell the dwellings. There is however limited empirical evidence provided to justify this.
- 7.11. The plans supplied as part of the application have been updated as part of discussions regarding the parking-led design of the development and efforts to reduce the number of blocks of visitor spaces and increased landscaping has been added to the plans to look to address this.
- 7.12. In terms of the on-site management of car parking, it has been highlighted that given the public car park already consented is further from the current leisure centre car park, there is a risk that without the appropriate traffic management via a Traffic Regulation Order where roads are adopted or a private management scheme. On-road parking would occur within the site by members of the public. The applicant has advised this would be controlled by a private enforcement system.
- 7.13. The design layout of the estate still includes stacked parking arrangements whereby garages and parking spaces would be likely to result in cars parking on the street outside their properties. Policy DM04 of the NDTLP requires development to comply with Building for a Healthy Life and should score minimal ambers scores as part of an assessment:

 **What 'red' looks like**

-  Providing all cycle storage in garages and sheds.
-  Over reliance on integral garages with frontage driveways.
-  Frontage car parking with little or no softening landscaping.
-  Parking courtyards enclosed by fencing; poorly overlooked, poorly lit and poorly detailed.
-  Over-reliance on tandem parking arrangements.
-  Failing to anticipate and respond to displaced and other anti-social parking.
-  Views along streets that are dominated by parked cars, driveways or garages.
-  Car parking spaces that are too narrow making it difficult for people to use them.
-  Cycle parking that is located further away to the entrances to shops, schools and other facilities than car parking spaces and car drop off bays.
-  Relying on garages being used for everyday car parking.

 **red = stop & rethink**

 **What 'green' looks like**

-  At least storage for one cycle where it is as easy to access as the car.
-  Secure and overlooked cycle parking that is as close to (if not closer) than car parking spaces (or car drop off bays) to the entrances of schools, shops and other services and facilities.
-  Shared and unallocated on street car parking.
-  Landscaping to help settle parked cars into the street.
-  Frontage parking where the space equivalent to a parking space is given over to green relief every four bays or so.
-  Anticipating and designing out (or controlling) anti-social car parking.
-  A range of parking solutions.
-  Small and overlooked parking courtyards, with properties within courtyard spaces with ground floor habitable rooms.
-  Staying up to date with rapidly advancing electric car technology.
-  More creative cycle and car parking solutions.

 **green = go ahead**

- 7.14. The above shows the section in relation to Cycle and car parking. The applicant has re-run an assessment of this concurrently with amending the plans.

Consideration 10	Criteria	Score			Comment
		green	amber	red	
Streets for All Well-designed developments will make it more attractive for people to choose to walk or cycle for short trips helping to improve levels of physical activity, air quality, local congestion and the quality of the street scene. Well-designed streets will also provide sufficient and well-integrated car parking.	At least storage for one cycle where it is as easy to access as the car	green			Shed to garden or storage within the garage.
	Secure and overlooked cycle parking that is as close to (if not closer) than car parking spaces (or car drop off bays) to the entrances of schools, shops and other services and facilities.		amber		n/a - No school is proposed.
	Shared and unallocated on street car parking.			red	Allocated spaces only. Nearby public long stay car park available.
	Landscaping to help settle parked cars into the street.	green			All parking broken up with trees, hedges and/or planting.
	Frontage parking where the space equivalent to a parking space is given over to green relief every four bays or so.	green			Parking to each property. Where linear bays are used, they are broken up with trees.
	Anticipating and designing out (or controlling) anti-social car parking.	green			No place for informal parking without blocking driveways so unlikely to happen.
	A range of parking solutions.				Driveways, on street, bays and courtyard.
	Small and overlooked parking courtyards, with properties within courtyard spaces with ground floor habitable rooms.	green			Yes.
	Staying up to date with rapidly advancing electric car technology.	green			Vehicle charging allowed for.
	More creative cycle and car parking solutions.	green			Shed to garden or storage within the garage
	Providing all cycle storage in garages and sheds.		amber		Generally in sheds in gardens, however sheffield parking in street allowed for
	Over reliance on integral garages with frontage driveways.		amber		This is essential to accommodate the number of parking spaces required as set out by estate agent.
	Frontage car parking with little or no softening landscaping.		amber		As above. Hedges and green space included.
	Parking courtyards enclosed by fencing; poorly overlooked, poorly lit and poorly detailed.	green			none
	Over-reliance on tandem parking arrangements.	green			none
	Failing to anticipate and respond to displaced and other anti-social parking.	green			No place for informal parking without blocking driveways so unlikely to happen.
	Views along streets that are dominated by parked cars, driveways or garages.		amber		as above.
	Car parking spaces that are too narrow making it difficult for people to use them	green			Parking alongside entrance paths to house. Rows of car parking to be 2.4m wide which is normal width.
	Cycle parking that is located further away to the entrances to shops, schools and other facilities than car parking spaces and car drop off bays.	green			Cycle parking spread across the site in convenient positions.
	Relying on garages being used for everyday car parking		amber		Driveways in addition to garage giving owners choice.
Totals		13	6	1	
Final Score		Compliant			

Applicants BfHL Extract

7.15. As can be seen above, the need to provide 2 parking spaces per unit based on the applicants assertion that this is required to sell the dwellings as well as the need of the RP to have 2 space per affordable unit is such that the scheme results in amber and red scores on the BFHL assessment and as such this conflicts with Policy DM04 in respect of design criteria and the NPPF in respect of promotion of sustainable travel modes in paragraph 114 and Policy DM06 (2).

7.16. Officers have considered this conflict in relation to good design and sustainable travel and consider that the conflict in policy should be weighed in the planning balance, affording moderate weight to the conflict identified given it is limited to the issue of parking provision, yet access to alternative modes is achieved well.

8. Site Conditions and Contamination

- 8.1. Section 9 of the outline committee report discussed contamination whereby conditions are appended to the outline permission which protect from impacts arising from pre-existing site condition and contamination.
- 8.2. Conditions 7 -10 of the outline planning consent deal with contamination, unexpected contamination, piling and construction management which safeguards against impacts arising from the operation stage of development.
- 8.3. Conditions 7 and 10 (ref 76875) have been partially discharged to date to enable the above ground works to take place. At the time of writing this report further information has been supplied to the LPA to address the remaining requirements of this condition which is subject to review by consultees.
- 8.4. Condition 8 only requires discharge if unexpected contamination has occurred. In terms of the impacts of piling, details in respect of this are considered in the Remediation Method Statement supplied and would adequately deal with any impacts arising from contamination occurring during piling works. This document is acceptable to the Council's Environmental Health Officer.
- 8.5. Given the RM does not alter these conditional planning controls and no new issues arise from matters relating to layout of the site, there is no need to reinforced these provisions as part of a RM consent and providing the outline permission is adhered to the development would not have any unacceptable contamination risks therefore in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

9. Flood Risk and Drainage

- 9.1. Chapter 10 of the outline application considered the principles of flood risk on the above site given it is within Flood Zone 3 and therefore at the highest risk of flooding. The outline report established through the sequential and exceptions test that the site was suitable for development subject to design measures to reduce risk of flooding.
- 9.2. Part of the measures to reduce flooding is a separate planning application reference 65312 for specific flood defence works as part of a wider scheme led by the Environment Agency.
- 9.3. It is understood as part of on-going discussions with the Environment Agency that the final flood defence design is still in discussion with it likely that the previously approved flood defences will be altered to additional walling as opposed to bunding as originally proposed. This is a matter which has been subject of on-going discussion with the EA, following objection comments to the three rounds of consultation carried out. The applicant however has commented that these works do not form part of the development proposed and they will be subject of a revised planning application.
- 9.4. The EA have commented on this further stating that the applicant has now clarified this through the provision of phasing plans, detailed drawings and a Flood Defence Design Statement explaining when and how these works will be delivered .
- 9.5. In terms of flood resilient design including floor levels, and safe access and egress; finished Floor Levels of the dwellings are clarified in drawing number 2153-KTA-XX-XX-DR-A-0011 Rev P10. This demonstrates the EA requirements are met. In

terms of safe access and egress from the flood zone, updated plans supplied in November 2023 confirm that safe access and egress from flood levels on the site can be achieved and the EA have removed their objection in relation to this.

- 9.6. In terms of surface water drainage the LLFA had commented on the proposals early in the planning process seeking confirmation of model outputs, surface water outfall locations, management arrangements for attenuation basins, confirmation that ground water will not enter the surface water system, as well as details of the paving and use of swales and rain gardens. These details have been supplied and the objection withdrawn.
- 9.7. Condition 13 of the outline consent requires the submission of the surface water drainage strategy as part of the RM and negotiations have been on-going with the LLFA in respect of the meeting the criteria of this condition.
- 9.8. Additional information has now been supplied which meets the request of the LLFA however the developer wishes to seek a further pre-commencement condition on the RM consent for construction phase drainage to be agreed to enable the on-site contractors to have input into this immediately prior to starting works.
- 9.9. The LLFA have now commented that they are happy for the construction surface water drainage strategy to be subject of an appropriately worded condition and this has been discussed and agreed with the developer.
- 9.10. On the basis of the technical information which has now been supplied and the position of the EA and LLFA the proposed development is considered to comply with Policies ST02, ST03, DM04 and BAR21 and the flood risk objectives of the NPPF.

10. Other matters

- 10.1. It is noted that sustained objections to the application have been made by the Town Council regarding transport, design, heritage and flood risk which have been addressed in detail above in the context of the NDTLP Policies and NPPF.
- 10.2. No objections have been received from members of the public and a single letter of support has been received from the North Devon Cycling Campaign who support the provision for cycling in the application.

11. Planning Balance

- 11.1. Where a decision is to be made where conflict with adopted development plan policies have been identified, material consideration must justify departure from the adopted development plan. Matters of planning judgement must therefore be exercised in relation to the level of conflict identified and the weight afforded to the other relevant material consideration. The following section of the report therefore identified the key conclusions of the proposed development consideration and discussed the weighting and balancing exercise adopted by your Officers in reaching the final recommendation.
- 11.2. Housing mix – In terms of housing mix proposed, the development provides 180 homes in an area with a declared housing crisis, which the development agreement provides for a % of these being affordable outside of the planning

system. The housing mix on site provides a departure from the 2016 HEDNA however given the age of this report and that the sites viability has been challenged, limited weight is afforded to this conflict with Policy ST17 of the NDTLP.

- 11.3. Design – In terms of design, which is a subjective area of assessment, when assessed against policy DM04 of the NDTLP, the development results in aspects of poor design and place-making which are driven the development scale and the car-led nature of the scheme. Other aspects of the scheme result in a comprehensive redevelopment of the brownfield site, including green infrastructure and improved walking and cycling routes along the edge of the River Taw. When balancing the aspects of poor design against the positive design attributes of the scheme, it is considered moderate weight is afforded to the conflict with Policy ST04 and DM04 of the NPPF and paragraph 135 of the NPPF.
- 11.4. Heritage assets - In terms of the applying the test of paragraph 208 the following public benefits are attributed to the development, which is also considered in the context of the outline application given the viability of the whole development is intrinsically linked as such the public benefits are:
- Removal of the existing leisure centre*
 - Creation of higher quality public realm and landscaping along the re-designed River Frontage*
 - Provision of housing and contribution to maintaining the Council's 5 year housing land supply*
 - Provision of sustainable travel across the site*
 - Redevelopment of a brownfield reducing pressure to develop on greenfield land*
 - Provision of a toleration site for Gypsy and Travellers*
 - Parking and Sustainable travel*
- 11.5. Accordingly, great weight is afforded to the conservation of the heritage assets affected by the development however when weighing the less than substantial harm to the assets against the above public benefits arising from the development the harm is appropriately outweighed in this context.
- 11.6. Transport Sustainability – Whilst the development provides good access to alternative modes of travel by virtue of its location and layout, the scheme has been led by a requirement for 2 parking spaces per dwelling which would promote travel by car contrary to objective of the NPPF and Policies DM05 and DM04 of the NDTLP. Moderate weight is afforded to this conflict in policy.
- 11.7. In terms of the benefits arising from the scheme the development, supply of housing within the strategic centre for the district on brownfield land, thus reducing development pressures elsewhere, providing access to sustainable travel modes and enabling formal gypsy and traveller provision would carry significant weight.
- 11.8. Economic benefits arise from construction jobs, future spending and new homes bonus are a consideration of benefit to the area and are afforded moderate weight.
- 11.9. Benefits arise from the provision of POS and S106 provisions made from the development, whereby an attractive area for future residents and for recreational walks and cycling would result from the site layout and landscaping proposed, and

would improve the appearance of the riverside area in the wider Townscape, to which moderate weight is afforded.

11.10. Biodiversity net gain would be achieved on site and through financial contribution and as such this carries limited weight in the process.

11.11. Having considered the above benefits versus the disbenefits, it is a matter of planning judgement as to how the balance will fall. In considering the cumulative weight of the disbenefits, against that of the benefits, the weight of the benefits arising from this proposal would clearly outweigh the harm arising from policy conflict identified above. The balance of achieving a sustainable, viable and attractive development in this location are highly challenging and the scheme presented is not the perfect scheme however this is not considered to result in a such significant conflict to the development plan, when read as a whole, which would justify refusal of the scheme.

11.12. Execution of the scheme is key therefore approval is recommended with appropriate conditions below and with the development required to comply with the conditions imposed on outline planning consent 73606 and the associated Section 106 Agreement.

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

WITH DELEGATED AUTHORITY SOUGHT TO FINALISE WORDING OF PLANNING CONDITIONS AND DELIVERY OF OFF-SITE BIODIVERSITY NET GAIN

Conditions

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(i) the expiration of three years from the date on which the outline permission was granted : or

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

Reason :

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

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

GE-SB-03B POS Plan received on the 01/03/23

GE-SB-02K GA and POS Plan received on the 22/11/23

2153-KTA-XX-XX-DR-A-0001P4 Location Plan received on the 01/03/23

50353-CDY-XX-XX-DR-CH-0020P2 Highway Works - Cross Sections - Sheet 1 of 2 received on the 01/03/23

50353-CDY-XX-XX-DR-CH-0021P2 Highway Works - Cross Sections - Sheet 2 of 2 received on the 01/03/23

50353-CDY-XX-XX-DR-CH-0010P2 Highway Works - Longitudinal Sections - Sheet 1 of 5 received on the 01/03/23

50353-CDY-XX-XX-DR-CH-0011P2 Highway Works - Longitudinal Sections - Sheet 2 of 5 received on the 01/03/23

50353-CDY-XX-XX-DR-CH-0012P2 Highway Works - Longitudinal Sections - Sheet 3 of 5 received on the 01/03/23

50353-CDY-XX-XX-DR-CH-0013P2 Highway Works - Longitudinal Sections - Sheet 4 of 5 received on the 01/03/23

50353-CDY-XX-XX-DR-CH-0014P2 Highway Works - Longitudinal Sections - Sheet 5 of 5 received on the 01/03/23

50353-CDY-XX-XX-DR-CH-0008P5 Highway Works Engineering Layout Sheet 2 of 2 received on the 22/11/23

50353-CDY-XX-XX-DR-CH-0007P5 Highway Works Engineering Layout Sheet 1 of 2 received on the 22/11/23

50353-CDY-XX-XX-DR-CH-0006P7 Highway Works General Arrangement Sheet 2 of 2 received on the 22/11/23

50353-CDY-XX-XX-DR-CH-0005P7 Highway Works General Arrangement Sheet 1 of 2 received on the 22/11/23

50353-CDY-XX-XX-DR-CH-0004P6 Highway Works Adoption Layout Sheet 2 of 2 received on the 22/11/23

50353-CDY-XX-XX-DR-CH-0003P6 Highway Works Adoption Layout Sheet 1 of 2 received on the 22/11/23

50353-CDY-XX-XX-DR-CH-0002P5 Highway Works Vehicle Tracking Refuse Vehicle received on the 22/11/23

2153-KTA-XX-XX-DR-A-0035P1 Street Elevation (Block J to P) received on the 01/08/23

2153-KTA-XX-XX-DR-A-0034P5 Street Elevation (Block M O and Q to V) received on the 22/11/23

2153-KTA-XX-XX-DR-A-0033P5 Street Elevation (Block F H K and N) received on the 22/11/23

2153-KTA-XX-XX-DR-A-0032P8 Street Elevation (Block Y and Z) received on the 22/11/23

2153-KTA-XX-XX-DR-A-0031P6 Street Elevation (Block C D and E) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0030P5 Street Elevation (Block A and B) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0020P7 Site Sections and Levels 01 received on the 22/11/23
2153-KTA-XX-XX-DR-A-0015P9 Site Plan - Area 1 received on the 22/11/23
2153-KTA-XX-XX-DR-A-0016P10 Site Plan - Area 2 received on the 22/11/23
2153-KTA-XX-XX-DR-A-0017P10 Site Plan - Area 3 received on the 22/11/23
2153-KTA-XX-XX-DR-A-0018P9 Site Plan - Area 4 received on the 22/11/23
2153-KTA-XX-XX-DR-A-0019P9 Site Plan - Area 5 received on the 22/11/23
2153-KTA-XX-XX-DR-A-0013P9 Phasing Plan received on the 22/11/23
2153-KTA-XX-XX-DR-A-0012P10 Proposed Site Plan (Enclosure) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0011P10 Proposed Site Plan (FFL and Approx Site Levels) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0010P9 Proposed Site Plan (Refuse Plan)1 received on the 22/11/23
2153-KTA-XX-XX-DR-A-0009P12 Proposed Site Plan (Housing Mix) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0008P9 Proposed Site Plan (Storey Height) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0007P12 Proposed Site Plan (Block Names) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0006P10 Proposed Site Plan (Trees) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0005P10 Proposed Site Plan (Hard landscaping) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0004P15 Proposed Site Plan (Easement) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0003P10 Proposed Site Plan (Roof) received on the 22/11/23
2153-KTA-XX-XX-DR-A-0002P20 Proposed Site Plan (Floor) received on the 22/11/23
2153-KTA-ZZ-XX-DR-A-1100P4 House Type - Affordable 2B4P received on the 01/08/23
2153-KTA-ZZ-XX-DR-A-0107P7 House Type - Inland 4B6P received on the 01/08/23
2153-KTA-ZZ-XX-DR-A-0106P4 House Type - Affordable 4B7P received on the 01/08/23
2153-KTA-ZZ-XX-DR-A-0105P4 House Type - River Front 3B5P received on the 01/08/23
2153-KTA-ZZ-XX-DR-A-0104P5 House Type - Inland 3B5P received on the 01/08/23
2153-KTA-ZZ-XX-DR-A-0103P4 House Type - Affordable 3B5P received on the 01/08/23
2153-KTA-ZZ-XX-DR-A-0102P6 House Type - River Front 2B4P received on the 01/08/23
2153-KTA-ZZ-XX-DR-A-0101P6 House Type - Inland 2B4P received on the 01/08/23
50353-CDY-XX-XX-DR-CD-0081P3 S104 Drainage Details Sheet 1 received on the 01/08/23
50353-CDY-XX-XX-DR-CD-0082P1 S104 Drainage Details Sheet 2 received on the 01/03/23
50353-CDY-XX-XX-DR-CD-0083P1 S104 Drainage Details Sheet 3 received on the 01/03/23

50353-CDY-XX-XX-DR-CD-0050P7 S104 Overall Drainage Arrangement received on the 22/11/23
50353-CDY-XX-XX-DR-CD-0051P6 S104 Drainage Layout Sheet 1 received on the 22/11/23
50353-CDY-XX-XX-DR-CD-0052P6 S104 Drainage Layout Sheet 2 received on the 22/11/23
50353-CDY-XX-XX-DR-CD-0053P7 S104 Drainage Layout Sheet 3 received on the 22/11/23
50353-CDY-XX-XX-DR-CD-0055P3 Residual Flood Risk Layout received on the 22/11/23
50353-CDY-XX-XX-DR-CD-0056P5 Flood Exceedance Route Plan received on the 22/11/23
2153-KTA-XX-GF-DR-A-0200P7 Block Y Ground Floor Plan received on the 01/08/23
2153-KTA-XX-01-DR-A-0201P7 Block Y First Floor Plan received on the 01/08/23
2153-KTA-XX-02-DR-A-0202P7 Block Y Second Floor Plan received on the 01/08/23
2153-KTA-XX-03-DR-A-0203P7 Block Y Third Floor Plan received on the 01/08/23
2153-KTA-XX-04-DR-A-0204P7 Block Y Fourth Floor Plan received on the 01/08/23
2153-KTA-XX-05-DR-A-0205P8 Block Y Fifth Floor Plan received on the 01/08/23
2153-KTA-XX-RF-DR-A-0206P7 Block Y Roof Plan received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0207P8 Block Y North and South Elevation received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0208P8 Block Y East and West Elevation received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0209P4 Block Y Sections received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0210P7 Block Z Ground and First Floor Plan received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0211P3 Block Z Second and Third Floor Plan received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0212P6 Block Z Roof Plan received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0213P6 Block Z North and South Elevations received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0214P4 Block Z East and West Elevations received on the 01/08/23
2153-KTA-XX-ZZ-DR-A-0215P3 Block Z Sections received on the 01/08/23
01076-DFL-XX-XX-DR-E-703-002P3 External Lighting Plan received on the 01/08/23
50353-CDY-XX-02-SK-C-0001P03 Phase 2 Safe Access & Egress Route received on the 22/11/23

Biodiversity Metric 3.1 received on the 11/01/24
Biodiversity Net Gain Assessment SET_564.05 Iss 1 November 2023 received on the 11/01/24
2153 Building For A Healthy Life Rev 5 received on the 22/11/23
Design and Access Statement 2153 Seven Brethren Issue 09 received on the 22/11/23
Ecology Statement SET 564.03 Iss 4 Nov 2023 received on the 23/11/23
Landscape and Ecological Management Plan SET 564.01 Iss 4 Nov 2023 received on the 23/11/23
Noise Assessment for Planning 22 570 V3 July 2023 received on the 01/08/23
Heritage Statement 62432 Rev 2.1 July 2023 received on the 01/08/23
Car and Cycle Parking Strategy C22161 TN02 Iss 3 July 2023 received on the 01/08/23

Plant Noise Assessment 22-570-1 dated 24 Feb 2023 received on 01/03/2023
Ventilation Strategy Rep-01076-8-Ido-P1 Seven Brethren - Ventilation Strategy dated Feb 2023 received on 01/03/2023
Sustainability Statement REP-01076-8-IDO-P2 Seven Brethren - Sustainability Statement dated Feb 2023 and received in 01/03/2023
Road Safety Audit dated 16 Feb 2023 received on 01/03/2023
Reptile Mitigation Strategy SET_564.04 Iss 1 March 2023 and received on 26/10/2023
Bat/Bird Box Locations – Residential received on 26/10/2023
Waste Audit received on 01/03/2023
Planning Fire Safety Strategy REV 2.0 dated 24th February 2023 received on 01/03/2023

50353 Simulation Spring Tide Level received on the 01/08/23
50353 1 Simulation 200yr Tide Level received on the 01/08/23
50353 1 Simulation Spring Tide Level received on the 01/08/23
50353 2 Simulation 200yr Tide Level received on the 01/08/23
50353 2 Simulation Spring Tide Level received on the 01/08/23
50353 3 Simulation 200yr Tide Level received on the 01/08/23
50353 3 Simulation Spring Tide Level received on the 01/08/23
Flood Embankment Design Statement received on the 19/12/23
50353-CDY-XX-XX-DR-CD-0056-S3 P05 Flood Exceedance Route Plan received on the 19/12/23
50353-CDY-01-XX-DR-CE-0210 Flood Defence Detailed Flood Defence Detailed Sections received on the 19/12/23
50353-CDY-01-XX-CD-DR-0109 Flood Defence Wall Typical Details and Section received on the 19/12/23
2153-KTA-XX-XX-DR-A-0013P8 Phasing Plan received on the 19/12/23
50353-CDY-01-XX-DR-CE-0210 Embankment Detailed Section received on the 19/12/23
2153-KTA-XX-XX-DR-A-0507-Bund sections-P1 Bund sections received on the 24/01/24
GE-SB- 05 Tree Pit Details received on the 24/01/24
(‘the approved plans’).

Reason:

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

3. Notwithstanding the materials on the approved drawings, in the event the cladding material detailed on the plans as Rockpanel Rhinestone Oak is not able to be used, prior to installation a sample of the alternative materials shall be submitted to and agreed in writing with the Local Planning Authority and shall thereafter be retained.

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

4. Noise mitigation measures relating to glazing, ventilation and balcony screening detailed within the Inacoustic Noise Assessment report dated 26th July 2023 shall be implemented in full and retained thereafter.

Reason:

To protect the amenity of residents from the potential effects of noise in accordance with Policies DM01 and DM02 of the North Devon and Torridge Local Plan.

5. The development shall be carried in accordance with the Landscape and Ecological Impact Assessment SET_564.01 Issue No. 4 dated 21st November 2023, Ecology Statement SET_564.03 Issue No. 4 dated 21st November 2023 and Biodiversity Net Gain Assessment SET_564.05 Issue 1 dated November 2023, as required by condition 17 of the application 73606.

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 180 of the National Planning Policy Framework.

6. Air Source Heat Pump units shall be selected and installed in full accordance with the noise level details and recommendations contained in the Inacoustic Plant Noise Assessment report dated 24 February 2023.

Reason:

To protect the amenity of residents from the potential effects of external plant noise in accordance with Policies DM01 and DM02 of the North Devon and Torridge Local Plan.

7. Unless otherwise detailed in the approved Landscape and Ecological Management Plan, 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 unless stated otherwise in the approved LEMP, 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.

8. No dwelling hereby permitted shall be occupied until parking provision has been provided and made available for use in accordance with approved plans and thereon the area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason :

To ensure adequate provision of parking to serve the development in accordance with Policies DM05 and DM06 of the North Devon and Torridge Local Plan.

9. 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.

10. Prior to the occupation of the first dwelling in any agreed phase, safe access and egress routes from the site in the event of a flood shall be provided in accordance with the approved plans and Flood Risk Assessment.

Reason:

In the interests of the safety of occupiers of the site in the event of a flood in compliance with Policies ST02 and ST03 of the North Devon and Torridge Local Plan and flood risk objectives of the National Planning Policy Framework

11. All boundary treatments, in any agreed phase, shall be constructed in accordance with the approved plans prior to substantial completion of the development, and retained as such thereafter.

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

12. Within 3 months of the date of this permission, detailed proposals for the management of surface water and silt run-off from the site during construction of the development shall be submitted to the Local Planning Authority. The submitted details shall be approved in writing by the Local Planning Authority. The developments construction phase shall thereafter be carried out in accordance with the agreed details.

Reason:

In the interest of safeguarding against surface water flooding in accordance with Policies ST02 and ST03 of the North Devon and Torridge Local Plan and flood risk objectives of the National Planning Policy Framework.

Informatives

1. The permission is required to be implemented in accordance with the conditions contained in the above consent, along with conditions and details approved in relation to application 73606 and the attached Section 106 agreement.
2. 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 negotiating a comprehensive package of planning obligations, and seeking additional information requested by consultees.

END OF REPORT

