

Town and Country Planning Act 1990

GRANT PLANNING PERMISSION

Applicant::	North Devon Council	Application No:	73606
Address:	Brynsworthy Environment Centre Barnstaple Devon EX31 3NS	Application Type:	NDC reg 3
Agent:	North Devon Council	Date of Registration:	14 June 2021
Address:	Brynsworthy Environment Centre Barnstaple Devon EX31 3NS	Date of Decision:	15 November 2022
Proposal:	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)		
Location:	North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon EX31 2AP		

IMPORTANT NOTE: this permission shall be read in conjunction with the Section 106 Agreement in terms of its restrictions, regulations or provisions for the application listed above.

The North Devon District Council in pursuance of powers under the above mentioned Act hereby **GRANTS** planning permission subject to the following condition(s):

CONDITIONS:

1. **FULL APPLICATION:** provision of a replacement long stay car park and temporary toleration site
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

OUTLINE APPLICATION: for up to 180 dwellings together with all associated infrastructure

a) In the case of the first reserved matter, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted ; and

b) All other reserved matters must be made not later than the expiration of 5 years beginning with the date on which this permission is granted; and

c) The development to which this outline permission relates must be begun not later than the expiration of three years from the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Sections 91 and 92 of the Town and Country Planning Act 1990 and in recognition of the scale of the site which will require more than one reserved matters to be submitted

2. OUTLINE APPLICATION

Approval of the details of the layout/scale/appearance/access and the landscaping of the site based on the Masterplan and as agreed as part of the conditions listed below (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development referred to as part of the outline permission is commenced and thereafter the development shall be undertaken in accordance with the agreed details and the terms and conditions of this permission.

Each reserved matters application shall be supported by a Design and Access Statement, a Sustainability Statement and a phase specific Building for a Healthy Life Assessment which shall set out precisely how the reserved matters are complying with the aspirations for the site set in respect of the design and architectural principles, the sustainable construction principles, the mitigation measures set out in the ES and other supporting documents and the use of renewable energy as set out in the framework documents referred in to in the conditions listed below.

Reason:

To ensure adequate information is available for the proper consideration of the detailed proposals and that the aspirations of the ES are achieved and delivered as part of the detailed proposals.

3. OUTLINE APPLICATION

As part of the reserved matters application(s), scaled drawing(s) showing existing levels/sections on the site and proposed finished floor levels/sections of the proposed dwellings within each phase of the development and their relationship to each other and their relationship to adjoining buildings shall be submitted to and approved in writing by the Local Planning Authority. These shall fully adhere with the Flood Risk Assessment detailed in the conditions listed below. The development shall be undertaken in accordance with such drawings.

Reason

To ensure that flood risk is addressed, and the amenities of the area are not adversely affected by reason of the size and scale of the proposed development in

compliance with Policies DM01, DM02 and DM04 of the North Devon and Torridge Local Plan.

4. The full application hereby permitted shall be carried out in accordance with the following approved plans/details:
 - 18091 LHC D1 XX DR UD 01.01P1 Location Plan received on the 15/06/21
 - 18091 LHC D1 XX DR UD 01 10P1 Land Raising Plan received on the 15/06/21
 - 18091 LHC D1 XX DR UD 01.03P1 Landscape Strategy Plan received on the 15/06/21
 - 18091 LHC D1 XX DR UD 01 09P1 Parameter Plan - Open Space received on the 15/06/21
 - ENG/A7800/100A Car Park - Location Plan received on the 15/06/21
 - ENG/A7800/101A Car Park - Scheme Plan received on the 20/10/21
 - ENG/A7800/102A Car Park - Cross Sections 1 received on the 15/06/21
 - ENG/A7800/103A Car Park - Cross Sections 2 received on the 15/06/21
 - ENG/A7800/104A Car Park - Longitudinal Sections received on the 15/06/21
 - SK001A Car Park - Surface Water drainage Layout received on the 15/06/21
 - 10311 HYD XX XX DR TP 0002P01 Car Park Access Design received on the 20/10/21
 - 21 0011 ME 100 Car Parking Mechanical & Electrical received on the 20/10/21
 - Arboricultural Constraints Report received on the 15/06/21
 - 18091 D&A Rev H Part 1 of 2 received on the 20/10/21
 - 18091/D&A Rev H Part 2 of 2 received on the 20/10/21
 - Botanical Monitoring Report Set1900 05 Iss 1 received on the 20/10/21
 - Car Park Lighting Strategy received on the 20/10/21
 - Hydrock Technical Note 10311-HYD-XX-XX-RP-TP-1002 P01 received on the 20/10/21
 - Residential Travel Plan (also Part of ES) received on the 15/06/21
 - Severn Brethren Fra Addendum received on the 20/10/21
 - CGL Summary Ground Gas Conditions received on the 15/06/21
 - Bat Surveys received on the 26/10/21
 - Environmental Impact Assessment June 2021

The reserved matters shall be informed and shall adhere with the following plans/details unless an alternative scheme is agreed or as required by the conditions:

('the approved plans and documents').

Reason:

To ensure the development is carried out in accordance with the approved plans which set the framework for the delivery of a development which addresses flood risk, landscape and visual impact, ecology and design in the interests of proper planning and adherence with the Environmental Statement, the policies of the North Devon and Torridge Local Plan and the National Design Guide.

5. No part of the development hereby permitted shall be commenced until a phasing programme ('the programme') including supporting plans ('the programme') has been submitted to and approved by the Local Planning Authority in writing and the development shall be carried out in accordance with the programme; always providing that all the works comprised in any one phase of the development shall be completed prior to the commencement of any subsequent phase (unless otherwise

agreed in writing with the Local Planning Authority). This programme and plans shall demonstrate the timetable for the delivery of the replacement long stay car park and temporary transit site and how areas of public open space, public realm, cycle and pedestrian routes, landscaping and ecological mitigation are to be delivered.

Reason:

To ensure that the replacement car park and transit site are provided in a timely manner along with their associated facilities/landscaping and ecological mitigation and in the interests of highway safety, amenity and to ensure the proper development of the site in accordance with Policies DM01, DM04, DM05 and DM06 of the North Devon and Torridge Local Plan.

6. At the same time as the housing reserved matters, a detailed noise mitigation strategy which addresses the potential for noise emissions from commercial properties on Seven Brethren and the new leisure centre / swimming pool (ventilation or other external plant) to the south of proposed dwellings as well as the design measures required set out in Chapter 13 of the ES deals with Noise and Vibration shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out as approved.

Reason:

In order to limit the impact on residential amenity through ensuring that the detailed proposals take into account the noise and associated disturbance that can arise from a Town Centre site in close proximity to commercial and leisure activities.

7. Contaminated Land Condition - Remediation

(a) Prior to the commencement of the development hereby permitted a remediation strategy document, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The remediation scheme shall be prepared by a suitably qualified and accredited consultant/contractor in accordance with recognised standards and guidance and having regard to the proposed end-use of the site, the surrounding environment and controlled waters. This strategy will include the following components:

A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

Based on the results of the site investigation and the detailed risk assessment an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

Prior to occupation of the buildings hereby permitted:

(b) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the approved methodology and best practice guidance. If during the works contamination is encountered which has

not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority in writing.

(c) A verification report shall be submitted to and be approved in writing by the Local Planning Authority. The verification report shall include details of the completed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary waste transfer documentation detailing any waste materials that have been removed from the site.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in line with paragraph 174 of the National Planning Policy Framework.

8. Unsuspected Contamination

If, during any part of the development (full or outline application), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

9. Piling

Any Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority and in accordance with an agreed Piling Works Risk Assessment which relates to the proposed foundation plans and which shall be submitted to and approved in writing by the Local Planning Authority at the same time as the reserved matters for the outline scheme. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

10. Construction Environmental Management Plan Condition - FULL APPLICATION & OUTLINE

Prior to the commencement of development of either the full application works or the outline application works, including any demolitions works, site clearance, groundworks or construction within each sub-phase (save such preliminary or minor

works that the Local Planning Authority may agree in writing), a scheme specific Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include reference to construction phase mitigation and health and safety measures recommended within the CGL Geoenvironmental and Geotechnical Interpretative Report dated October 2017; The Highly Recommended and Desirable Measures to inform Dust Management Chapter 7 (Air Quality) of the Environmental Impact Assessment dated June 2021 and; Chapter 13 (Noise and Vibration) of the Environmental Impact Assessment dated June 2021.

This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site.

Additionally, and where relevant, the CEMP shall include:-

- a) measures to regulate the routing of construction traffic (Construction Logistics Plan (CLP)),
- b) the times within which traffic can enter and leave the site;
- c) details of any significant importation or movement of spoil and soil on site;
- d) details of the removal /disposal of materials from site, including soil and vegetation;
- e) the location and covering of stockpiles;
- f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;(dust Management Plan)
- h) foul water run-off and pollution prevention and control methods.
- i) a noise control plan which details hours of operation and proposed mitigation measures; measures to control construction noise during works such as using 'silenced' plant and equipment where possible, use of screening and acoustic enclosures where possible and operating plant at low speed as detailed within the Noise and Vibration Chapter 13. Such measures would only be needed during bird migratory/ winter periods.
- j) Heras-type fencing around the construction boundary, identification of Tree root protection zones,
- k) measures to deal with Invasive species infestations,
- l) Measures to protect species such as a sensitive lighting strategy, closure of open trenches overnight (or provision of escape routes) and litter prevention.
- m) Construction works between April and September will be restricted to daylight hours and avoid the use of construction lighting. Construction activities will be restricted to daylight hours during the active season when bats are not active.
- n) The provision of an Ecological Toolbox Talk
- o) location of any site construction office, compound and ancillary facility buildings;
- p) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- q) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

r) measures for identifying and dealing with any asbestos containing materials that may be present.

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

Reason:

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway. To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

11. Construction Hours Condition - OUTLINE & FULL

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

- a) Monday - Friday 07.00 - 18.00,
- b) Saturday 08.00 - 13.00
- c) nor at any time on Sunday, Bank or Public holidays.

Reason:

To protect the amenity of local residents

12. Flood Resilience

No development approved by this outline planning permission shall commence until such time as a scheme is detailed to ensure that the development is flood resilient has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the detailed design for the embankment and all other flood protection works required to ensure the site is protected and details of the finished floor levels of all buildings and ground raising. The scheme shall take into account any increase in climate change allowances. Should the design flood level increase as a result of updated climate change allowances, these updated levels shall inform the design the flood resilience measures, including increasing ground levels, finished floor levels and embankment level. The scheme shall also include a management and maintenance plan for the embankment. The scheme shall be fully implemented prior to any occupancy of the residential dwellings and subsequently maintained over the lifetime of the development.

Reason:

To reduce the risk of flooding to the proposed development and its future users over the lifetime of the development.

13. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved Flood Risk Assessment.

- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - (c) Confirmation that groundwater will not impact on the surface water drainage system.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason:

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

14. At the same time as the reserved matters a detailed external lighting design shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the documents listed within the conditions. The lighting strategy should be informed by industry best practice <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Reason

To ensure that lighting is designed with regard to dark skies and ecological impact

15. FULL & OUTLINE

In this condition 'retained trees, hedges and shrubs' means an existing tree, hedge or shrub, which is to be retained in accordance with the approved plans and particulars listed within the conditions; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the occupation of the building for its permitted use].

(a) No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any tree, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.

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

(c) The erection of protective barriers and any other measures identified as necessary for the protection of any retained tree, hedge or shrub shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, or in accordance with an approved method statement and shall be

maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason:

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

16. FULL & OUTLINE

Provision, implementation and maintenance of detailed landscape proposals

i) No development shall take place in any agreed phase until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

ii) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities); implementation and management programme.

Reason:

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

17. FULL & OUTLINE

Prior to the commencement of any work to the proposed car park and at the same time as the reserved matters for the outline scheme a site specific detailed landscape and ecological management plan (LEMP) and a ten year Habitat Management Plan (HMP) relating to either the full or outline application areas shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The content of the LEMP/HMP will address and expand upon the provision and management of all landscape and biodiversity avoidance, mitigation and enhancement measures of the development as set out within the ecological appraisal and preliminary ecological appraisal and ES and shall include:

- a) A description and evaluation of landscape and ecological features to be created managed and ecological trends and constraints on site that might influence management;
- b) A biodiversity impact assessment in accordance with the North Devon UNESCO World Biosphere Reserve Offsetting Strategy 2013-2018 / DEFRA Methodology. This shall indicate the stages at which the metric has achieved the biodiversity targets in the ES based on the delivery within the Full and any future reserved matters

applications. Where on site delivery is not achieved the offsite requirements shall be recalculated as required by the s106 agreement

- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an initial 10- year period);
- g) Details of the body or organization responsible for implementation of plan;
- h) Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures;
- i) Means of reporting of landscape and ecological monitoring results to the Local Planning Authority and provisions for seeking written agreement to any changes to the management actions and prescriptions that may be necessary to ensure effective delivery of the aims and objectives of the LEMP over time.

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

Reason:

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

18. Before any work commences on site details of the scheme to translocate the Southern marsh orchids from the marshy grassland area to areas of retained marshy grassland habitat along the southern boundary shall be submitted at the same time as the detailed landscaping scheme for the car park and transit site.

Reason:

To maintain suitability for this species and for species of greatest note to invertebrates including marsh woundwort and water figwort.

19. Prior to the occupation of the first dwelling a scheme detailing the number and position of bat and bird boxes and reptile hibernacula (and any other habitat features required within the Ecology Reports listed in condition 4) shall be submitted to and approved in writing by the Local Planning Authority. These shall be sited on either the south or west elevation of any building identified and shall be retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

20. OUTLINE

Prior to the laying out/construction of the areas of public open space within any phase precise details shall be submitted to and agreed in writing by the Local Planning Authority. This shall include where applicable to that phase:

- a) the precise planting schedule, means of enclosure of the areas of informal open space
- b) the position of seats, dog bins and signage within the informal public open space

The works shall thereafter be carried out as agreed and completed on site alongside the phase of development to which they relate and terms of the Section 106 agreement unless otherwise agreed in writing by the Local Planning Authority

Prior to the transfer of the public open space to the responsible management party, post development monitoring of the ecological site interest shall be carried out, the results of which shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed in accordance with the LEMP/HMP and in accordance with any further recommendations resulting from the monitoring studies.

Reason:

In the interest of providing appropriate recreational areas for the development in accordance with Policies DM04 and DM10 of the North Devon and Torridge Local Plan.

21. OUTLINE

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

Reason:

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

22. The site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with plans that shall be submitted for approval as part of any future application for the housing element of this permission where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be at least 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43 metres in both directions.

Reason:

To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

23. Prior to commencement of development in any agreed phase, the site access road to the car park and all access to parcels of housing developments shall be built and maintained thereafter to not less than 5.5 metres for the first 10 metres back from its junction with the public highway and shall be provided with minimum 8 metre kerb radii at the junction and shall be no steeper than 1 in 20 gradient towards the public highway for the first 10 metres.

Reason:

To minimise congestion of the access and in the interest of highway safety.

24. Provision shall be made within the site(s) for the disposal of surface water so that none drains on to any County Highway.

Reason:

In the interest of public safety and to prevent damage to the highway

25. The reserved matters shall be supported by a car and cycle parking strategy setting out the car and cycle parking standards for the residential units. The car parking provision shall include electric car charging points. For the residential parts of the scheme this shall be related to the size of the dwelling proposed with adequate visitor space being provided in communal parking areas. Secure cycle parking shall be provided within the public realm parts of the site. The design, layout, drainage, materials of construction and external appearance of this provision shall be included in the reserved matters.

Reason:

To ensure that adequate off street parking facilities are available for all the traffic attracted to the site.

26. Prior to commencement of development in any agreed phase, a walking and cycling strategy, implementation plan, and supporting plans, showing details of a connecting footway and cycleway for use between the Longbridge, approved long stay car park and with other public pedestrian and cycle linkages in the area, shall have been submitted to and agreed in writing with the Local Planning Authority. The strategy will be implemented in accordance with the agreed details and maintained for that purpose thereafter.

Reason:

To minimise the impact of the development on the highway network and ensure adequate provision of cycle infrastructure in accordance with document LTN1/20.

27. Any proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason:

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

28. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with the agreed details
- a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason:

To ensure that adequate access and associated facilities are available for the traffic attracted to the site

29. No other part of the development hereby approved shall be commenced in any agreed phase until:
- a) The access roads have been laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway
 - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - c) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - d) A site compound and car park have been constructed to the satisfaction of the Local Planning Authority

Reason:

To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

30. 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 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.

INFORMATIVE:

1. Planning Practice Guidance defines reserved matters as:
'Access' - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
'Landscaping' - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
'Layout' - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.
2. Advice – Flood Risk
Although we are satisfied at this stage that the proposed development is acceptable in principle, the applicant will need to provide further information at the detailed reserved matters stage to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the future residents of this development. We consider that a condition will be sufficient to ensure that this detail. As part of the detailed design we advise that there must be an assessment of the impacts of loading of the flood defence embankment on the dwellings.

We advise that raising ground levels on this site will not cause any increase in flood risk to third parties, so we therefore are not looking for this development to compensate for the reduction in flood storage volumes. We support this approach of raising the levels across the site as a means of mitigating against risk because having the residential properties high and dry also offers safe means of access and egress.

However, the Flood Risk Assessment (FRA) does state that 'Some area of south west corner, along centre of eastern boundary and the northern part of proposed residential area could still flood during design flood event'. Given that this is the case, it is not understood why the proposals are not to raise ground levels here above the design flood level. As the ground levels are not raised above the flood level safe access and egress for these properties is not possible. This has not been addressed in the FRA and must be considered as part of the detailed design. The proposed flood defences along the River Taw are outlined in section 3.13-3.18 of

the FRA and in drawing 'Land Raising Plan' rev.P1. A 240m long section of flood wall is to be constructed under planning application 65312. It is required that this development will extend this defence line. A 40m long flood embankment has been proposed. The agreed height of the embankment is 7.4mAOD. More information is required about this embankment at the reserved matters stage. These defences must be in place before the first residents move into the properties.

There must also be information submitted on who will own and maintain the flood defence structure, the watercourses and watercourse easement. Responsibility and ownership of these must not be transferred to individual residents.

The current plans show an adequate easement from the River Taw to the properties. As well as the embankment, the river frontage is also raised which will increase the resilience of the site to flooding. Some areas of the river frontage are not currently planned to be raised to 7.74 as can be seen in section D-D in drawing 'Site Sections C and D' rev.P1. It is preferable to raise all the ground levels to 7.74 (the same as the defence level) if this is possible.

We are happy in principle with the proposals for the long stay carpark and are satisfied that the FRA adequately assesses the risk and mitigates by raising ground levels 0.45m which is above the 7.32mAOD design flood level. There is surface water flood risk in the area of car park, however it is proposed to raise up the ground levels which will mitigate against this risk. More information for the design of the ground raising is required in line with the suggested condition

3. Informative – Environmental Permitting (Flood Risk Activity Permit)
The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

In this case a permit will be required for the removal of current defences and replacement, including the embankment and associated works. Compliance checks will be required post construction to ensure the defences are built to agreed plans. Furthermore, a permit will be required for any new outfalls to the main river. This site will be impacted upon by tidal locking. Allowances for this must be made in order to prevent water backing up and flooding the site. One of the proposed outfalls that has been identified by the EA is a distance from the drainage basin. If the applicant wishes to create a new, more direct outfall this could be acceptable to the EA, a flood risk activity permit would be required for this work.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact SW_Exeter-PSO@environment-agency.gov.uk.

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

4. EA Advice – Contaminated Land

Investigation works completed within the development area and adjacent sites have identified significant areas of contamination with potential risks to controlled waters. The Environmental Impact Assessment reports the results of 4 leachate samples and 4 groundwater samples and compares these against EQS and DWS. A number of previous reports have also been provided including several desk based studies and ground investigations. Due to the size and complexity of the site it is important to fully characterise this former landfill and any other potential sources of contamination within the development area. Consideration of the site as a whole, rather than sectioned redevelopment will also be critical to understanding the wider site risks and ensuring a suitable assessment and management strategy can be implemented. An overarching assessment maybe beneficial if elements of the development are managed independently with separate ground investigations and foundation risk assessments completed.

We recommend that Land Contamination Risk Management guidance is followed and that other relevant best practice and British Standards are consulted where appropriate. Reference to these documents will help justify the number, distribution and analysis of samples needed to fully characterise contaminant concentrations across the site. We consider that the above conditions will be sufficient to secure this additional work.

5. Advice – Pollution Prevention

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 – Works and maintenance in or near water, PPG6 – Working at construction and demolition sites. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Provided appropriate measures, as referenced in the application, are taken to prevent pollution of the watercourse during construction phase we believe the risk during construction to be minimal.

However, we recommend that the Construction Environment Management Plan (CEMP) is revised to reflect mitigation requirements identified in the ecological assessment, in particular the hours of work on site and the potential use of artificial lighting to facilitate construction

6. Advice – Waste management

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf.

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

Use of waste on-site

As much material as possible should be re-used on site. If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste.

Meeting these criteria will mean waste permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

The applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. Should a permit be required, they should be aware that there is no guarantee that it will be granted.

Movement of waste off-site

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-codepractice-2016.pdf.

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments. Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

7. EA Advice re Water Quality

In terms of water quality, the applicant has confirmed that SWW has capacity to deal with the foul drainage from this site. Provided SWW assessment of capacity considered future demand and any impacts of climate change, and that the addition of the flows from this development do not cause a deterioration in quality in the receiving water course, we believe this to be acceptable. We are also pleased to see that surface water and foul flow will be managed separately, with SUDs being used to manage and treat the surface water flows within the development.

8. 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.

If this development involves any building or engineering works, it is the applicant's responsibility to ensure that any consent under the Building Regulations is also obtained, before work begins. For further advice contact our Building Control Unit on 01884 234974 or by email to mail@nmdbuildingcontrol.co.uk

End of Decision

Please remove any site notice relating to this application from your property as the decision has now been made.

**Jeremy Mann
Head of Planning, Housing and Health**



Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice. However, the following exceptions apply: For applications in respect of consent for the display of an advertisement, if you want to appeal then you must do so within 8 weeks of the date of this notice.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal then you must do so within:

- 28 days of the date of service of the enforcement notice, or
- within 6 months of the date of this notice

Whichever period expires earlier.

If the decision is for a minor commercial application, you must appeal within 12 weeks of the date of this notice.

- Information and guidance on submitting Planning Appeals can be found at <https://www.gov.uk/government/organisations/planning-inspectorate>
 - Householder Appeals should be made online at <https://www.gov.uk/appeal-householder-planning-decision>
 - Full application appeals should be submitted at <https://www.gov.uk/appeal-planning-decision>
 - Enforcement appeals can be submitted online at <https://www.gov.uk/appeal-enforcement-notice>
- If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

NORTH DEVON COUNCIL
Planning, Housing and Health
Lynton House
Commercial Road
Barnstaple
EX31 1DG

IMPORTANT INFORMATION REGARDING YOUR DECISION

Dear Sir or Madam

Proposal: 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)

Location: North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon EX31 2AP

The Council needs to ensure there is enough housing land available to deliver sufficient housing over the next five years. To enable the Local Planning Authority to monitor this, we need to assess when each planning permission is scheduled to be completed.

I enclose a form entitled 'Monitoring of Housing Supply' and would appreciate if you could complete the information requested, to the best of your current estimates. The requested details are indicative and will not be binding should the target dates not be met. Once the form has been completed could you please return it as soon as possible in the pre-paid envelope provided.

The information you provide will not be used for any purpose other than to monitor and project the supply of new housing provision within North Devon.

Should you wish to discuss the content of this form or require some assistance in completing it then please contact me on 01271 388 288 or by email to planning-policy@northdevon.gov.uk

Yours faithfully

Planning Policy Team
Place, Property and Regeneration

MONITORING OF HOUSING SUPPLY

Application Number:	73606
Proposal:	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)
Site Address:	North Devon Leisure Centre Seven Brethren Bank Barnstaple Devon EX31 2AP
Date of Planning Permission:	15 November 2022

The Council is required to prepare trajectories estimating the levels of new housing, affordable housing and housing on previously developed land that will be built each year, to monitor housing land supply.

The Council is required to estimate levels of new housing, affordable housing and housing on previously developed land that will be built each year, to monitor housing land supply.

To assist us, please could you complete and return this form to the address below, advising when you anticipate the housing in your planning permission (identified above) will be commenced and completed. This information will help to inform and monitor the ongoing supply of new housing but any estimated dates will not be binding.

If your development will be built in distinct phases, whether as a requirement of the planning permission or otherwise, please would you advise how many dwellings are proposed in each phase, together with anticipated start and completion dates for each phase.

	Phase 1 or single dwelling	Phase 2 (if applicable)	Phase 3 (if applicable)
Estimated start date:			
Number of dwellings:			
Estimated completion date:			

Thank you for completing this form. Please return it in the pre-paid envelope provided to: Place, Property and Regeneration, North Devon Council, Lynton House, Commercial Road, Barnstaple, Devon EX31 1DG.

For further information please contact us on localplan@northdevon.gov.uk or by telephone on 01271 388392 or 388409

Signature: _____

Date: _____