

Application Report

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



Application No: 73606
Application Type: NDC Reg 3
Application Expiry: 14 January 2022
Ext Of Time Expiry: 14 January 2022
Publicity Expiry: 25 November 2021
Parish/Ward: BARNSTAPLE/ROUNDSWELL
Location: North Devon Leisure Centre
Seven Brethren Bank
Barnstaple
Devon
EX31 2AP

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)

Agent: Mrs Sarah Jane Mackenzie-Shapland
Applicant: Mrs Sarah Jane Mackenzie-Shapland
Planning Case Officer: Mrs J Meakins
Departure: Y
EIA Development: Y
EIA Conclusion: An environment statement has been submitted.
Reason for Report to Committee: NDC are applicants

Report addendum to Committee

The above application is brought back to the attention of Committee members on the basis that Policies ST17 and ST18 of the North Devon and Torridge Local Plan's provisions have been exercised. This is by means of an independent Viability Review having been carried out for the above development in respect of the ability for the development to provide affordable housing on-site through the planning obligations previously agreed.

Member's attention is drawn to the planning obligations list in Section 12 of the report below, whereby the development secures 28 affordable units (15.5%) across the development, taking into account vacant building credit on the site. A package of financial contributions amounting to £2,298,000 was also secured.

The viability of the scheme has been reviewed independently by the District Valuer, who has confirmed that scheme cannot provide a full policy compliant package based upon the outcomes of the appraisal which considered 4

development scenarios for delivery of the planning obligations, the outcome of which were that the only viable options were those that included a contractual obligation to provide AH rather than on-site delivery, leaving profit from the development at a maximum of 15.2%, which is still at the very lower limits of a viable development.

In essence this contractual agreement is linked to external funding, secured via a Development Agreement, outside of the planning system between North Devon Council, the developer and the affordable housing funding body. As such, this means that there would no longer be a 'planning obligation' to provide 28 units of affordable housing as this has been demonstrated to be unviable in the context of what the other costs are and the large planning obligations being sought such as for flood defences and key transport infrastructure links.

As such, it accepted in this instance that it is not viable for the delivery on-site affordable housing as part of the scheme, which would comply with ST17 and ST18 based upon the independent viability review demonstrating that this is unviable.

As such, a resolution to approve the development, without a planning obligation for affordable housing to be delivered on-site, is sought. In terms of the overall planning balance, whilst the loss of the planning obligation would reduce the social benefits for the planning proposals, the development still delivers much needed market housing of various sizes and tenure and is a key site for regeneration with Barnstaple therefore there remains no significant or demonstrable harm from the development such that approval is recommended by the Lead Planning Officer.

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: Yes

Planning History

Only recent applications are listed relevant to this application.

Reference Number	Proposal	Decision	Decision Date
23114	Application under Regulation 4 of the T & C P General Regulations 1992 in respect of outline application proposed erection of tennis centre, gym club, skate board park, roller hockey pitch, together with formation of new car park and extension to existing car park (amended description and plans) at land adj. North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	Full Planning Approval	11 February 1997
27565	Application under Regulation 3 of The T & C P General Regs 1992 in respect of change of use of land to form overflow car park at land adj. Leisure Centre Car Park, Seven Brethren Bank, Sticklepath, Barnstaple, EX312AS	Full Planning Approval	1 October 1999
29354	<u>Proposed extension to provide childrens play facilities at North Devon Leisure Centre, Seven Brethren Bank, Sticklepath, Barnstaple, EX312AP</u>	Full Planning Approval	1 August 2000
30397	<u>Application under Regulation 3 of the T & C P General Regs 1992 in respect of change of use of land to form overflow car park at land at, Seven</u>	Full Planning Approval	9 July 2001

Reference Number	Proposal	Decision	Decision Date
	<u>Brethren Bank, Sticklepath, Barnstaple, EX312AP</u>		
36660	Application under regulation 3 of the t & c p general regulations 1992 notification by Devon County Council in respect of proposed provision of a cycleway between the Longbridge and the entrance to the leisure centre car park as stage 1 of a proposal to connect the Longbridge to the tennis centre with a parallel route to the road at footpath between Longbridge & North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	DCC Approval	8 March 2004
52606	<u>Application under Regulation 3 of the T & C P General Regulations 1992 for extension of car park into the overflow car park & events area at Seven Brethren Car Park, Seven Brethren Bank, Barnstaple, Devon, EX31 2AS</u>	Full Planning Approval	6 January 2012
63351	Outline application for the erection of a new swimming facility in an extension to the existing centre, to include 25m swimming pool & learner pool, sports hall & associated facilities; together with external works comprising the provision of a new full size 3g artificial grass playing pitch, extension of the existing car parking, relocation of hgv parking to accommodate the new car parking, hard & soft landscaping at Tarka Tennis Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AS	OL Approval	20 December 2017
64257	Application under Regulation 3 of the T & C P General Regulations 1992 Notification by Devon County Council in respect of proposed cycle/walkway approximately 540m in length linking lake lane to seven brethren which includes the construction of a 58m bridge over the a361 and the railway line, approach ramps, embankments and associated landscaping and lighting (DCC 4027/2017) at Seven Brethren Industrial Estate, Barnstaple, North Devon, EX31 3HT	County - Observations	16 January 2018

Reference Number	Proposal	Decision	Decision Date
65312	<u>Flood defence improvement works comprising the part removal & replacement of a flood wall along the southern bank of the river Taw</u>	Full Planning Approval	15 November 2018
65329	<u>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</u>	LB (Execution Works) Approval	15 November 2018
66400	Approval of details in respect of discharge of condition 11 (contamination), 13 (piling re floodlights), 14/15 (surface water management), 16 (construction management), 18 (lighting), 19 (lemp), 20 (tree protection) attached to planning permission 63351 (outline planning permission) in respect of the agp works (amended description) at Tarka Tennis Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AS	Discharge Of Condition Approve	1 July 2019
66445	Application under Regulation 3 of the T & C P General Regulations 1992 for approval of details in respect of reserved matters application for artificial grass pitch (layout/scale/appearance and landscaping) along with levels and means of enclosure (outline application 63351) at Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS	Reserved Matters Approval	22 May 2019
71405	Reserved matters application for the erection of a new swimming facility in an extension to the existing centre, to include 25m swimming pool & learner pool, sports hall & associated facilities; together with the extension of the existing car parking, relocation of HGV parking to accommodate the new car parking, hard & soft landscaping (outline planning permission 63351) at Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS	Approved	10 July 2020
71516	Approval of details in respect of discharge of conditions 6 (discontinuance order for existing leisure centre), 11 & 12 (remediation strategy),	Approved	25 September 2020

Reference Number	Proposal	Decision	Decision Date
	13 (foundation works) 14 & 15 (surface water drainage), 16 (construction environment management plan), 17 (noise impact assessment), 19 (landscape and ecological management plan) and 20 (protection of trees and hedges) attached to planning permission 63351 (outline application for the erection of a new swimming facility in an extension to the existing centre to include 25m swimming pool & learner pool, sports hall & associated facilities; together with external works comprising the provision of a new full size 3G artificial grass playing pitch, extension of the existing car parking, relocation of HGV parking to accommodate the new car parking, hard & soft landscaping) at Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS		
71912	Application for a non-material amendment to planning permission 71405 to change approved timber cladding to a composite material for the elevations at Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS	Approved	10 September 2020
74060	Application under Regulation 3 of the T&CP General Regulations 1992 notification by Devon County Council in respect of a new pedestrian and cycle bridge spanning the A361 carriageway and railway line, and associated paths, ramps, embankments, fencing and landscaping/mitigation planting (DCC/4254/2021) at Land at Seven Brethren Bank Barnstaple Devon EX31 3HT	Observations	30 September 2021
74108	Approval of details in respect of discharge of Conditions 4 (CEMP) and 5 (CMP) attached to planning permission 65312 in respect of Zone 5 (Flood Defence Improvement works comprising the part of removal and replacement of a flood wall along the southern bank)(amended description) at Taw Wharf Anchorwood Bank Sticklepath Barnstaple EX31 2AA	Approved	21 October 2021

Reference Number	Proposal	Decision	Decision Date

Constraints/Planning Policy

Constraint / Local Plan Policy

Adopted Existing Strategic Footpath/Cycleway: Other Footpath/Cycle Routes

Advert Control Area Barnstaple

Burrington Radar Safeguard Area

Chivenor Safeguard Zone

Historic Landfill Buffer

Land is potentially contaminated, site was used for:

Factory or works

Land is potentially contaminated, site was used for:

Heap, unknown constituents & Refuse disposal

Landscape Character is: 4A Estuaries

Landscape Character is: 7 Main Cities and Towns

Waste Consultation Zone

Public Right of Way: Footpath 204FP27

Public Right of Way: Footpath 204FP9

Within 50m Adopted Pedestrian Cycle Bridge Proposal

Within 50m of Adopted Proposed Footpath/Cycle

Route:BAR20(e) Strategic Green Infrastructure Links

Within Adopted Coast and Estuary Zone

Within Barnstaple South Development Boundary ST06

Within Adopted Mixed Use Allocation: BAR13 Seven

Brethren

Within Adopted Unesco Biosphere Transition (ST14)

Within Braunton Burrows Zone of Influence

Within Flood Zone 2

Within Flood Zone 3

Within Surface Water 1 in 100

Within Surface Water 1 in 1000

Within Surface Water 1 in 30

Within:, SSSI 5KM Buffer in North Devon,

Within: Braunton Burrows, SAC 10KM Buffer

SSI Impact Risk Consultation Area

Distance (Metres)

Within constraint

Within constraint

Within constraint

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BAR - Barnstaple Spatial Vision and Development Strategy

BAR13 - Seven Brethren

BAR20 - Strategic Green Infrastructure Links

BAR21 - Flood Management Strategy

BAR22 - Green Wedges

DM01 - Amenity Considerations

DM02 - Environmental Protection

DM03 - Construction and Environmental Management

DM04 - Design Principles

Constraint / Local Plan Policy**Distance (Metres)**

DM05 - Highways
 DM06 - Parking Provision
 DM07 - Historic Environment
 DM08 - Biodiversity and Geodiversity
 DM08A - Landscape and Seascape Character
 DM09 - Safeguarding Green Infrastructure
 DM10 - Green Infrastructure Provision
 DM12 - Employment Development at Towns, Local Centres and Villages
 DM13 - Safeguarding Employment Land
 DM19 - Town and District Centres
 DM30 - Sites for Traveller Accommodation
 ST01 - Principles of Sustainable Development
 ST02 - Mitigating Climate Change
 ST03 - Adapting to Climate Change and Strengthening Resilience
 ST04 - Improving the Quality of Development
 ST05 - Sustainable Construction and Buildings
 ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres
 ST09 - Coast and Estuary Strategy
 ST10 - Transport Strategy
 ST11 - Delivering Employment and Economic Development
 ST12 - Town and District Centres
 ST14 - Enhancing Environmental Assets
 ST15 - Conserving Heritage Assets
 ST17 - A Balanced Local Housing Market
 ST18 - Affordable Housing on Development Sites
 ST20 - Providing Homes for Traveller Communities
 ST22 - Community Services and Facilities
 ST23 - Infrastructure

Consultees

Name	Comment
Arboricultural Officer	No response
Barnstaple Town Council Reply Received 20 August 2021	RECOMMEND: Refusal (NC) on the basis that there is a significant amount of uncertainty in the application, with a number of technical issues yet to be addressed. The committee has requested additional information and further consultation.
Barnstaple Town Council	Questions following NDC presentation At the presentation and at the subsequent Committee meeting discussion 12th August there were a number of concerns raised which remain fully answered:

Name	Comment
<p>Reply Received 23 September 2021</p>	<p><u>General:</u> There seems to be lack of paperwork in relation to change of use from Industrial /Commercial to change to Residential. Lot of uncertainty within the application.</p> <p>Concern that Vacant Building Credits appear to be being used to reduce the requirement for social / affordable housing when there is such a significant availability of this housing in the town.</p> <p><u>Flood Risk:</u> The proposal states that there had not been flooding since 1984. This as a statement is not true and is fairly meaningless as it only considers the river and Seven Brethren in isolation. Whilst the EA may be agreeing on the 'principle' of the development, the proposal needs to better consider and understand the effect of rain fall and high tides in an area that is already prone to flooding. Also, to consider any potential impact of the Seven Brethren development in relation to the increasing pressure in neighbouring areas. Additional detail required.</p> <p><u>Traffic:</u> Need to revisit the DCC traffic assessment, which it is believed, does not fully reflect the true position for the Seven Brethren estate. Traffic on the Seven Brethren Estate is recognised as being a problem at peak times and this development is going to add to the current problems.</p> <p><u>Active Travel:</u> Application states it has addressed the cyclist & pedestrian needs through improved footpath/cyclist route along the river, Councillors do not agree. There needs to be evidenced additional space for a segregated cyclist route in the application. An upgrade for Seven Brethren to join to Tesco passed Jewson be included. The Longbridge Junction/Station Road needs to be included in this application (Being difficult to design is not seen as a satisfactory response). Increases in motor vehicle movements as a result of this development will require further improvements / measures to ensure that active travel targets are achieved.</p> <p><u>Public Transport:</u> Is there going to be greater consideration given to ensure access to a local bus services?</p> <p><u>Barnstaple Fair:</u> The license stated that there would be a site similar in size & suitability. The impression was that the original plan for the site was much bigger. Whilst the showmen are being consulted, they appear to remain at a disadvantage in the negotiations. To</p>

Name	Comment
	<p>consider the potential for conflict with the toleration site when the Fair is in use, historically there has been an issue.</p> <p><u>Car Park:</u> The two access routes remain a concern. The walk to the car park stated as "pleasant". What evidence is there of the potential impact assessment on the residential streets closer to the town centre due to the long-stay car park being further away? What consideration has been made for security / safety for users of the car park with it being moved to a more remote site and in particular in the winter months when it will be dark when people are walking to and from the car park?</p> <p><u>Gypsy & Traveller Temporary Site.</u> How long is 'temporary'</p> <p><u>S106</u> It was stated that DCC require a contribution but currently there is no proposal.</p> <p>BTC would like to be an active partner in drawing up the S106 agreement and for the onsite and offsite Public Realm, community, etc activities and in implementation monitoring.</p>
<p>Barnstaple Town Council</p> <p>Reply Received 17 November 2021</p>	<p>Recommend: Objection. The town council is, in principle, in favour of the redevelopment of the seven brethren area with use of part of the site for car parking and housing, but is still not able to recommend approval because there are significant areas of detail that have not yet been resolved.</p> <p>29/11/21 Just to clarify, Barnstaple Town Council did not receive a direct response to the emailed document of Cllrs concerns, receiving the information initially from within the planning application documentation. Councillors reviewed the documentation and felt that there was not enough detail in response to their already stated concerns, to allay those concerns or to allow them to make a recommendation</p>
<p>Barnstaple Town Council</p> <p>Reply Received 14 December 2021</p>	<p>The document titled Questions following NDC presentation was considered by Members but their comments remain as before.</p>
<p>Car Parks Manager</p>	<p>No response (part of project team)</p>

Name	Comment
Councillor D Knight	No response
Councillor G Lofthouse Reply Received 16 July 2021	<p>Environmental Assessment Climate Change.</p> <p>9.63-9.67. The GHG emissions of the construction will need to be calculated to show how much mitigation is required for this to achieve net zero. All construction (Cumulative effect) will have. GHG value when under construction and the gasses will remain in the atmosphere for at least 54 years (study by S E Schwartz 2018), This time scale is beyond the governments 2050 net zero and therefore would contribute towards this. Hence, some form of reduction mitigation is required, for instance using concrete construction where it the process sequestrates CO2 should be used.</p> <p>9.74. New car park- how much CO2 will be released when the vegetation is removed and the earth disturbed? (This also goes for the main site).</p> <p>9.83 How does the impermeable membrane work when laid on top of permeable substrate? The run off should not be allowed to go straight into the stream/river/river, it should be filtered through reed beds or similar.</p> <p>9.85 has a statement- guaranteed life (until 2021)? I believe that the 7.47m AOD flood barrier will not suffice for the lifetime of the buildings and why is the escape route level lower? Surely water will find the same level if it overtops the defences?</p> <p>As the winters will be wetter then a full proof ventilation system is required to stop condensation, this will require a mechanically ventilated intelligent system.</p> <p>9.109 statement is not totally true as we know that buildings can be produced to be zero or negative CO2 emitters.</p> <p>9.111 to deal with overheating then consideration should be given to fitting shutters on the south facing windows.</p> <p>9.112 Active travel- the busses do not stop near this site. David Knight and I have pointed this out before so some measure needs to be considered to place a stop on the Halfords side of the road for people that wish to travel in the Bideford/Torrington direction. Also long stay car park may be considered by some as too far from town and therefore a disincentive for those that wish to spend a day in town and buy much locally only to have to carry it to their car.</p>

Name	Comment
	<p>9.113- I'd be interested in knowing where the. Offsite plantings will be?</p> <p>9.118 lower floor taps?</p> <p>The table shows that all except the water usage areas do not change from the pre to post mitigation residual effect. Therefore one could conclude that the mitigation is not sufficient.</p> <p>There was mention of smart meters to gauge energy usage but who will collect the data and how will it be used?</p> <p>No mention of roof mounted PV's to provide energy for the buildings, also if these are fitter into roof it reduces the number of tiles/slates require.</p> <p>I've not looked at the ecological assessment as yet in terms of the disturbance to existing, mainly bird life and nesting sites. For instance the Common gulls and oyster catchers have nested on the leisure centre roof.</p> <p>I could not identify here the 2 Suds where on the plan.</p>
<p>Councillor G Lofthouse</p> <p>Reply Received 22 October 2021</p>	<p>I read with interest the response to my original queries, however I am still concerned that the suggested mitigations will be insufficient to truly make this proposed development an exemplar and showing what NDC expect from other developers.</p> <p>I also note that the rainwater harvesting mentioned will not be used for flushing toilets, this surely is one way to minimise water usage? I am also concerned that the ground water levels in the area will be adversely affected with the further additional weight of the development, on what was once river mash land, such that it further aggravates current flooding in close by residential properties.</p> <p>I look forward to the detailed plans for scrutiny.</p>
<p>DCC - Childrens Services</p> <p>Reply Received 21 July 2021</p>	<p>Devon County Council has considered the application above and would like to provide an education response. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033.</p> <p>Regarding the above planning application, Devon County Council has identified that of the 180 dwellings proposed, 142 are considered family type dwellings. A development up to 142 family type dwellings will generate an additional 35.50 primary pupils and 21.30 secondary pupils which would have a direct impact on the primary and secondary schools in Barnstaple.</p>

Name	Comment
	<p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>It is set out in the DCC Education Section 106 Infrastructure Approach that approximately 1.5% of the school population require specific Special Education provision, therefore this development is likely to generate 0.85 pupils who will require a specialist place. DCC would request for additional primary and secondary SEN provision that would be required as a result of the development. The request would be a total of 66,362 (based on the SEN rate of 77,890 per pupil) equivalent to 0.53 primary pupil and 0.32 secondary pupils. This equates to 467.33 per family type dwelling.</p> <p>When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local primary schools have enough spare capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a contribution towards additional primary education infrastructure on the application.</p> <p>However, when factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution towards additional secondary education infrastructure to serve the address of the proposed development. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore we will only request secondary education contributions against the remaining 20.98 pupils expected to be generated from this development. The secondary contribution sought would be 472,333 (based on the DfE expansion rate of 22,513 per pupil). This equates to a per family-dwelling rate of 3,326.29. The contributions will be used towards the expansion of existing secondary provision in Barnstaple.</p> <p>All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 prices and any indexation applied to contributions requested should be applied from this date.</p> <p>The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably</p>

Name	Comment
	<p>related in scale to the development proposed which complies with CIL Regulation 122.</p> <p>In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed 500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 13 August 2021</p>	<p>The application is supported by a hefty transport assessment including bespoke traffic data collection and modelling in VISSIM.</p> <p>Some documents refer to the 2019 edition of the NPPF, which has been superseded by the 2021 edition. I do not believe that this makes a material difference in the assessment of the traffic and transport impacts of the proposal.</p> <p>The proposed car park element of the scheme is unlikely to result in any change to the level of traffic on the wider road network, as this will replace the existing car park, there will be some rerouting of traffic in the local vicinity of the site, where there are a number of private roads, including the road south of Tesco linking around to south of BJs Value House.</p> <p>The housing element of the proposal will result in an increase of traffic movements by all modes in the local area and further afield. With the location being close to the town centre, retail and employment opportunities on Seven Brethren, the train station and bus stops, all being within acceptable walking distances, if this location can not result in a low number of car based trips, then no where will. There is no better location in the District for the opportunity for trips to be made without the private car. There will of course still be car based trips, and to encourage high levels of walking and cycling improved infrastructure for these modes is needed. The residual cumulative impact of the additional vehicles, which has been modelled by the applicant in great detail, is considered to be acceptable, but will add to existing queuing and delay on local roads in the area.</p> <p>To ensure adequate infrastructure improvements for non-car modes, contributions will be sought through section 106 payments towards a number of schemes including:</p> <ul style="list-style-type: none"> • A new bridge over the A361 and railway to Sticklepath – providing non-car access between the site and Petroc College and areas of employment at Roundswell,

Name	Comment
	<ul style="list-style-type: none"> • An improved cycle connection across the River Taw – the design of the Longbridge and level of traffic is not conducive to cycling, and cycling is prohibited on the footways, • Improvements to the train station forecourt and access. <p>Such contributions are considered necessary and reasonable, however the exact amount is to be discussed with the applicant and agreed. The applicant has also suggested that they would carry out their own improvement to the highway network in their design and access statement.</p> <p>The Design and Access statement states: 5.14 THE LONG BRIDGE PUBLIC SPACE The Transport Assessment anticipates an offsite contribution towards encouraging sustainable modes of transport. North Devon Council; however, would like to explore the possibility of an off site solution, which seeks to redesign the Station Road and Longbridge junctions. At the public consultation event for this project, the functioning of these junctions for all users was raised on a number of occasions. Furthermore, the Barnstaple Vision work recently commissioned by North Devon Council is critical of these junctions as a gateway to Barnstaple from the South. This area is the ‘front door’ to Barnstaple town centre and this project provides the opportunity to deliver a ‘place based’ solution to this space, which functions for all users and provides an attractive gateway to our town. The following conceptual drawings have been developed. These would need to be tested. It would be anticipated that either an off site contribution or designed scheme was secured by way of a Section 106 Agreement, with the latter being the applicant’s preference.</p> <p>I agree that a designed scheme secured by way of section 106 agreement should be looked at and is preferred. However, any scheme must be presented for consideration with the application now so that the LPA, Highway Authority and the public knows what is being proposed and what will be approved if permission is granted, and through the planning process will have consultation carried out. This will also enable the estimated cost of these works to be calculated and used in viability assessment as part of the determination of the planning application, rather than possibly impacting on the viability of the development in the future. Furthermore, this will allow a precise and enforceable condition to be attached to any permission if approved. To this end, the applicant should engage highway designers to draw up a proposed scheme in detail for consideration as part of this application. This will require road safety audit and checking with design standards. I would welcome discussion with the designer on any such scheme, and can provide input to this, without charge.</p>

Name	Comment
	<p>Looking further at the application and the impacts of the proposal, the car park access going past the entrance to the recycling centre is likely to result in significant queuing and delay to all vehicles on this road at times when the recycling centre is busy and at the start of the day before it is open when queues form up to the gates. While this is a private road, the blocking of this road, particularly on Saturday mornings, is likely to cause queuing back onto the public highway and cause jams back onto Station Road and the A3125. The issue arises from vehicles wishing to enter the new car park not being able to do so and having to join this queue, which on a Saturday morning would be a significant volume of traffic attempting to enter the recycling centre combined with all traffic trying to access the car park to work or shop in the town at this time. The applicant needs to submit plans of the proposed access, which are not currently submitted, and look at how this issue can be addressed.</p> <p>Cycling links in the area, in addition to the larger infrastructure mentioned above, are essential for the site to be successful in traffic terms. The plans show 'improvements' to NCN3 cycle network along the riverfront, and this is welcomed. However, no details of this are provided – it is expected that a minimum width 4.5m shared use path is provided in accordance with LTN1/20, or segregated cycling and pedestrian paths. Furthermore, the path between the Iron Bridge and Tesco, alongside the new car park, needs considering in detail and plans for this are required to be submitted. This must include provision of cycleway on the section currently without cycleway in front of the recycling centre, linking to the path by Tesco. Links must also be made with the car park, which should have secure cycle parking provided as well as charging for electric vehicles – however I have no policy basis to demand the latter.</p> <p>Physical barriers shall also be needed to stop vehicles from the car park and event space accessing onto or under Iron Bridge or NCN3 cycleway.</p> <p>Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION</p>
DCC - Development Management Highways	I note the additional technical note dated 7th September 2021. While this does not adequately address the concerns raised in regards to a number of points, It does go far enough for me to have no objection to the proposal on the impact on the public highway, however, planning officers, Councillors and decision makers should

Name	Comment
<p>Reply Received 2 November 2021</p>	<p>consider the likely impacts of the proposal, in particularly queues to the recycling centre and new car park when considering whether the scheme should be delivered or not.</p> <p>In regards to the details provided in the technical note: Firstly, the data regarding queuing traffic is only in regards to the number of vehicles entering the new car park. These would be added to the queues already accessing the recycling centre, which on dry days and Bank Holiday weekends are significant and will block the entrance to the new car park for over 30 minutes before opening at 10 am. Even if these queues are significant, and cause tailbacks to the Junction by Jewson/Tesco (causing further queues and delays to accesses to properties such as the supermarket delivery entrance, storage company and fuel company) this will likely result in people altering their route to the new car park and/or finding alterative car parking in the town. Queues are likely to be significant, inconvenient and cause significant additional delay to drivers. However, most of this queuing will be on private land and if extending to the public highway, is questionable as to whether this would be 'severe' with alternative routes and car parks being available in the town.</p> <p>Secondly, the proposed physical works for access arrangements to the car park are considered acceptable, and being on private land are therefore of little concern to Devon County Council as Highway Authority.</p> <p>Thirdly, a 4.5m wide shared cycle and pedestrian path should be provided on the river front, not just a 3.5m path. It is hoped that in the future, as a result of development in this area being sustainable in transport terms, and through other improved transport infrastructure, walking and cycling rates will be vastly higher and more than 300 pedestrians and cyclists will use this route per hour, distributing along other onward routes around the town. However, I have no evidence of the exact number of cyclists likely to use this path.</p> <p>Fourthly, the cycle link by the recycling centre alongside the new leisure centre car park should be provided and has been promised a number of times by North Devon Council. However, other routes are available and it would be unreasonable to refusal this specific application on grounds that this link alone is not provided.</p> <p>Finally, Devon County Council as Highway Authority has no objection to this application subject to financial contributions being secured towards the construction of the cyclebridge over the railway line and A361 and improvements to cycle provision over the River Taw to the town centre. Devon County Council's Transport Infrastructure Plan (March 2020) and supporting</p>

Name	Comment
	<p>documents to the Local Plan provide a list of infrastructure required to support new development in the town. This includes the 'Larkbear cyclebridge' over the A361 and railway line at an indicative cost of £3 million and River Taw bridge at £4 million. Despite likely costs being higher, I have no more detailed cost to calculate a contribution from. Therefore this development should pay towards these schemes totalling £7 million.</p> <p>Turning to the exact level of contribution sought from this application, it could be that all allocated sites across the town should pay a per dwelling amount, but some have been approved/built, and this has previously not been considered 'CIL compliant'. The only two sites that have not yet been entirely approved, and happen to be adjacent, are Seven Brethren (BAR13) and Larkbear (BAR02). These being 180 dwelling and 820 dwellings, this gives a total of 1000 dwellings. Therefore contributions of £7,000 per dwelling towards the required transport infrastructure is sought. This totals £1,260,000 from this application.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 13 December 2021</p>	<p>The applicant has made no attempt to challenge the calculations used in reaching an amount for a requested contribution, but has challenged justification for requesting any such contributions. In terms of the specific amount and calculation, it is acknowledged that there is no defined way to calculate a contribution, and Devon County Council as Highway Authority is open to discussion regarding the methodology used to calculate such a contribution and open to negotiation of the precise amount. The applicant has not offered an alternative methodology to calculate the amount.</p> <p>It should first be noted that through the permission for the new leisure centre it was established that the trip generation for the old leisure centre would be replaced like for like by the new leisure centre and that it would be a requirement of that permission to demolish the old leisure centre and that there would be no residual traffic generation from the old leisure centre site. This is acknowledged in the Transport Assessment for application 73606 and it is unknown why that issue is now being raised again. Planning policies that are relevant to justifying contributions from this site towards the Seven Brethren to Lake Road cycle bridge and improved cycle link over the River Taw to the town centre are set out below, with bold highlighting particularly relevant parts of these policies. It should be noted that these policies are referred to by the applicant in many of their documents including the Transport Assessment and EIA.NPPF (2021)</p> <p>104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p>

Name	Comment
	<p>a) the potential impacts of development on transport networks can be addressed;</p> <p>b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised– for example in relation to the scale, location or density of development that can be accommodated;</p> <p>c) opportunities to promote walking, cycling and public transport use are identified and pursued;</p> <p>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and</p> <p>e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.</p> <p>105.The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.</p> <p>110.In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;</p> <p>b) safe and suitable access to the site can be achieved for all users;</p> <p>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; and</p> <p>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.</p> <p>111.Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p> <p>Torrige and North Devon Local Plan (2011-2031) Policy BAR:</p>

Name	Comment
	<p>Over the period to 2031, the Local Plan will enable substantial growth of high quality development supported by necessary infrastructure to meet the needs of Barnstaple and its surrounding area and to strengthen Barnstaple's role as a Sub-regional Centre. The spatial vision for Barnstaple will be delivered through:</p> <p>(k) provision of additional strategic footpaths and cycle routes through and around the town to extend the green infrastructure network and improve opportunities for sustainable modes of travel and healthy living;</p> <p>Policy BAR13: Seven Brethren (3) Land north of the civic amenity recycling centre, as shown on Policies Map 1, is identified to facilitate provision of new footpath/cycle bridges over the A361 and railway line.</p> <p>The supporting text for this policy says specifically that such a bridge 'will provide safer pedestrian access from Seven Brethren towards Petroc and Roundswell'.</p> <p>Devon and Torbay Local Transport Plan 3 (2011-2026) Market and Coastal Town Policies: Make Devon 'the place to be naturally active' through investment in the leisure network</p> <ul style="list-style-type: none"> • Use development contributions to provide more opportunities for, and encourage, walking, cycling, and other outdoor leisure and recreation, to increase levels of physical activity and improve health <p>In some cases, some low cost highway and public transport improvements would help to increase the capacity and safety of the roads serving towns. Transport infrastructure and improvements identified in the LDF will need to be met by developer's contributions and by working with the transport operators.</p> <p>North Devon Council's Planning Policy Team have also responded to this application stating that contributions should be sought towards this bridge:</p> <p>As part of the strategy and development objectives for the regeneration and environmental enhancement of Seven Brethren, 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. Enough land needs to be safeguarded to accommodate one end of the proposed footbridge from Larkbear over the main road and railway, as set out in BAR02(3d) and BAR20b. Funding towards its delivery should also be sought. Firstly, I welcome the redevelopment of the existing Leisure Centre incorporates the enhancement of the existing strategic footpath and cycle route along the riverfront although any redevelopment of the Leisure</p>

Name	Comment
	<p>Centre site, including the formation of a replacement car park should also contribute to the delivery of this policy requirement. It is already recognised that existing traffic arrangements within Seven Brethren cause conflict between different users and there is some concern that the increase in traffic movements with the delivery of up to 180 homes and new car park will increase existing problems in the area although due to the location of the proposal on the edge of the town centre and improvements to existing footpath and cycle links are delivered, a number of journeys can be achieved by cycling or walking thereby reducing pressure on the surrounding road network. All highway issues should be considered against Policies ST10, BAR(k), BAR13, BAR20, DM05 and DM06 of the Local Plan.</p> <p>The relevance of these policies is that the Transport Assessment and traffic impact of the proposal has been considered in the context of the site locality and assumes a high level of non-car transport to and from the site. That is the correct approach, but for that to occur contributions are required for the delivery of the infrastructure that will enable that to happen.</p> <p>The policies listed above, and more, set out the requirement for sites to provide high quality design with pedestrians and cyclists at the heart of the proposals to reduce reliance on the private car. This is the most urban of sites that could possibly come forward within the area covered by the Local Plan, in Northern Devon's largest and busiest settlement. If there is opportunity anywhere for mode change and reducing the need to travel by car, then it is at this site, if the appropriate infrastructure is provided.</p> <p>The third Devon Local Transport Plan (LTP3) sets out the DCC approach to seeking developer contributions towards walking and cycling infrastructure, and the reasons for that are matched with the policy requirements of the NPPF and Local Plan.</p> <p>The Local Plan includes all infrastructure requirements for all of the development allocated within it. That includes both of the bridges to which contributions have been requested. There is a cumulative investment required across the area to combat the cumulative impact. With no levy on development in place in North Devon, major developments nearby to the required infrastructure is expected to pay to that infrastructure. The requirement for the infrastructure has been proven at the examination in public by the Planning Inspectorate approving the Local Plan and its infrastructure plan.</p> <p>Regarding the bridge to Lake Road specifically, employment opportunities as well as services and facilities in Roundswell and Stickelpath are well within walking and cycling distance of this site</p>

Name	Comment
	<p>if the new bridge is built. The current route for such users requires cycling on the A3125 along with thousands of vehicles against the latest design guidance for cycling (LTN1/20) and this substandard route is the feature of complaints from NDDC Councillors for the area. The new bridge route would provide a segregated off road route, encouraging cycling to the levels needed for this site if it is to be successful in transport terms. Travel to work census data from 2011 shows significantly higher volumes of vehicle drivers between this area and Roundswell than cyclists and pedestrians, and with future increases in the volumes of people needing to travel between these sites and no additional highway capacity being planned, improving cycling and pedestrian links is key. The failure of this site to mitigate its cumulative impact by contributing proportionately to required infrastructure would be contrary to NPPF paragraphs 110 and 111. Without a contribution to this bridge the proposal fails to enhance and pursue opportunities to promote walking and cycling, fails to provide high quality living environments, does not offer a genuine choice of transport modes and maximise the sustainable travel options contrary to NPPF paragraphs 104 and 105. This application would also be contrary to Local Plan policies BAR(k) and BAR13(3) and the LTP3.</p> <p>In regard to the improved connection to the town centre, the contribution towards a bridge over the River Taw I can provide an update on this scheme.</p> <p>The new cycle bridge scheme over the River Taw was subject to public consultation for different options by North Devon District Council in 2017, and Devon County Council is progressing with the design of a scheme to improve cycle links across the River Taw and add additional cycle links between the Town Centre and Seven Brethren. Discussions with the LPA Conservation Officer as well as Historic England have occurred and detailed design work for a scheme that will widen the Longbridge will commence in April 2022 after large scale 3D survey work and archeologically investigations. Cycle connections at both ends of the Longbridge will also look to be improved for onward connections.</p> <p>This scheme will include changes to the Longbridge Junction to facilitate those improved cycle connections. Contributions to such a scheme are implied as being something that should be contributed to in the applicant's Transport Assessment (para 10.2.1) and EIA (paras 15.52 and 15.53). This scheme is a fundamental aspect of work by North Devon District Council (both the applicant and LPA) on their Vision for Barnstaple and the future of transport in the town.</p> <p>Turning to compliance with planning legislation, The Community Infrastructure Levy</p>

Name	Comment
	<p>Regulations 2010 states Limitation on use of planning obligations 122.—(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.</p> <p>(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <p>(a) necessary to make the development acceptable in planning terms;</p> <p>(b) directly related to the development; and</p> <p>(c) fairly and reasonably related in scale and kind to the development.</p> <p>(3) In this regulation—</p> <p>"planning obligation" means a planning obligation under section 106 of TCPA 1990 and includes a proposed planning obligation; and "relevant determination" means a determination made on or after 6th April 2010—</p> <p>(a) under section 70, 76A or 77 of TCPA 1990(1) of an application for planning permission which is not an application to which section 73 of TCPA 1990 applies; or (b) under section 79 of TCPA 1990(2) of an appeal where the application which gives rise to the appeal is not one to which section 73 of TCPA 1990 applies.</p> <p>I have set out below how each of the requested contributions are compliant with the parts highlighted in bold.</p> <p>For the Seven Brethren / Lake Road cycle bridge this is considered:</p> <p>(a) necessary to make the development acceptable in planning terms because this infrastructure is identified as a key part of the transport strategy in the LPA's own Local Plan and is a deeply rooted requirement in planning policy as set out in my response above. The Transport Assessment for the proposal relies heavily on cyclist and pedestrian movements to reduce the impact of vehicle traffic to the point that vehicle impact is not considered 'severe' and therefore without this contribution the assumptions in the TA could not be realised and the application might be refused on the grounds of vehicle impact.</p> <p>(b) directly related to the development because the application land directly abuts the land required for the cycle bridge and for the same reasons as set out above; and</p> <p>(c) fairly and reasonably related in scale and kind to the development because this has been calculated on publicly available figures of a reasonable value (£3 million) and proportioned between allocated housing developments on both sides of the bridge and will not be required to be paid until a late</p>

Name	Comment
	<p>stage of the housing development (the trigger is yet to be discussed but could be at 90% occupation of the dwellings in order to aid cash flow of the site if that is an issue). The contribution will also be paid back if not spent as specified within 10 years of payment. Furthermore, the entire bridge is not being required to be delivered by the applicant, only a contribution sought towards it making it 'cost effective mitigation' (NPPF para 110(d)) and related in scale to the size of this application. Additionally, the applicant has not challenged how the contribution is calculated, simply that they should not pay at all towards it. If the applicant has an alternative means to calculating a contribution this would be considered by the Highway Authority, however, no alternative calculation has yet to be presented.</p> <p>For the contribution towards improved cycle connection to the town centre by improvement to the Longbridge, this is considered:</p> <p>(a) necessary to make the development acceptable in planning terms because this infrastructure is identified as a key part of the transport strategy in the LPA's own Local Plan and own Vision for the future of Barnstaple and is a requirement in planning policy as set out in my response above as well as being identified in the Transport Assessment and Environmental Impact Assessment as being a required contribution.</p> <p>(b) directly related to the development because the application land directly abuts the land required for the improvement and for the same reasons as set out above; and</p> <p>(c) fairly and reasonably related in scale and kind to the development because this has been calculated on publicly available figures of a reasonable value (£4 million) and will not be required to be paid until a late stage of the housing development (the trigger is yet to be discussed but could be at 90% occupation of the dwellings in order to aid cash flow of the site if that is an issue). The contribution will also be paid back if not spent as specified within 10 years of payment. Furthermore, the entire improvement is not being required to be delivered by the applicant, only a contribution sought towards it making it 'cost effective mitigation' (NPPF para 110(d)) and related in scale to the size of this application. Additionally, the applicant has not challenged how the contribution is calculated, simply that they should not pay at all towards it. If the applicant has an alternative means to calculating a contribution this would be considered by the Highway Authority, however, no alternative calculation has yet to be presented. Finally, provision of such a contribution would be consistent with applications on site BAR12 (Anchorwood) to the north of this application and sharing many similarities.</p> <p>In conclusion, the requests for contributions are considered 'CIL compliant', and I would be willing to negotiate the precise amount and triggers for payment. Issues of not being able to afford the</p>

Name	Comment
	<p>contribution and viability have not yet been presented but are the prerogative of the LPA to determine the priority of contributions should there be a proven viability issue. That is however, different to contribution not being CIL compliant and those two issues should be kept separate.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 15 December 2021</p>	<p>While I maintain that my previous request is justified and necessary, I am willing to accept a contribution of £500,000 as offered by the applicant due to the level of affordable housing being provided and likely viability issues. This is also comparative to other nearby sites and sites across Northern Devon.</p> <p>The contribution should be worded such that it can be used for either the new bridge over the railway and A361, OR improved pedestrian and cycle connection over the River Taw. It will be subject to BCIS indexation and paid back if unspent after ten years of the date of payment. The trigger for payment should be prior to the occupation of 20 open market dwellings on the site.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 24 September 2021</p>	<p>Assessment of the Historic Environment Record (HER) and the details submitted do not suggest that the scale and situation of this proposed development will have any impact upon any known heritage assets with archaeological interest. The areas subject to this proposed development have all been subject to substantial dumping of material to raise ground levels and any heritage assets with archaeological interest are unlikely to be disturbed by groundworks in these area.</p> <p>The Historic Environment Team has no comments to make on this planning application. However, I would advise that the Planning Authority's Conservation Officer and Historic England are consulted with regard to any comments they will have on the impact of the proposed development upon the setting of any designated heritage assets.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 6 August 2021</p>	<p>Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>Observations: The applicant must clarify their calculations of the tide-locking storage. The applicant must confirm how the culvert flows have been determined.</p> <p>The applicant has noted within the Flood Risk Assessment & Drainage Strategy (RMA-RC2209; Rev. 3; dated 1st June 2021) that further features could be assessed for water quality and</p>

Name	Comment
	<p>interception losses. The applicant should change the wording from could to should.</p> <p>The applicant should clarify how the traveller site will be drained.</p> <p>The applicant should assess further features within the long-stay car park. Could a swale convey flows from the car park to the stream instead of pipework?</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 1 December 2021</p>	<p>At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that pre-commencement planning conditions are imposed on any approved permission.</p> <p>Observations: Following my previous consultation response (FRM/ND/73606/2021; dated 6th August 2021), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.</p> <p>The applicant has also clarified, in an email (dated 1st October 2021), how tidal-locking has been assessed.</p> <p>When attempting to discharge the above condition, the applicant will need to confirm how the surface water drainage system shall be constructed. The consultant, working on behalf of the applicant, has noted that they recommend a layer of clean soil before laying the impermeable liner on top.</p> <p>The applicant will need to consider the shallow groundwater levels monitored within the site. The applicant will need to submit details to confirm that groundwater will not impact on the surface water drainage system.</p> <p>The applicant should assess features to form a SuDS Management Train</p>
<p>DCC - Waste & Mineral</p> <p>Reply Received 3 September 2021</p>	<p>Part of the proposed development falls within the Waste Consultation Zone (WCZ) for the recycling centre. Waste Consultation Zones are associated with policy W10 of the Devon Waste Plan which "seeks to ensure that consideration of proposals for non-waste development by the County Council and Devon's district councils and neighbourhood planning bodies takes account of the need to safeguard waste management capacity and avoid constraining its operations."</p> <p>The proposed land use of a car park would not impact upon the operations at this recycling centre and therefore we have no objection to this. However, due to there being a small number of houses that extend onto the edge of the WCZ, the district should be mindful of noise and nuisance arising from the centre and may</p>

Name	Comment
	<p>wish to advise the applicant of this potential constraint, who may wish to reconsider the site layout.</p> <p>In addition to this, paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p>This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.</p> <p>Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 11 August 2021</p>	<p>In addition to my initial response, please note the following further comments received from the Police Diversity Officer.</p> <p>There are concerns that if the land that has been allocated to GRT remains unprepared and poorly drained, the GRT will resort to parking on hard standing of the proposed car park. It is also recommended consideration should be given to including a basic toilet and wash facilities block to reduce the burden on those of the Leisure and Tarka Tennis centres as currently happens and subsequently reduce demand on police resources called to deal with perceived incidents of anti-social behaviour at these locations.</p>
<p>Designing Out Crime Officer</p>	<p>Further to my original comments, which remain valid, the provision of any public open space and associated landscaping must not undermine surveillance opportunities across the site and be able to</p>

Name	Comment
Reply Received 2 November 2021	demonstrate clear definition of private and public space so as to not undermine the safety and security of any adjacent dwellings or facilities.
Designing Out Crime Officer Reply Received 10 December 2021	Many thanks for the attached information and clarification from SarahJane in response to my initial observations regarding the carpark and temporary toleration site and I can confirm I have no further comments at this time regarding this part or the application.
Environment Agency Reply Received 18 August 2021	<p>We have no objections to the proposed development provided that conditions are included within any permission granted in respect of:</p> <ul style="list-style-type: none"> •Flood Resilience; •Site Investigation and Remediation; •Unsuspected Contamination; •Any piling; and •Construction Environment Management Plan. <p>Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application. Your Authority will also need to be satisfied that the provision of appropriate off-site Biodiversity Net- Gain can be secured.</p> <p>The suggested wording for our recommended conditions is set out below, together with advice on flood risk, contaminated land, water quality, biodiversity, pollution prevention and waste management.</p> <p>Advice – Flood Risk</p> <p>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.</p> <p>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.</p> <p>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</p>

Name	Comment
	<p>having the residential properties high and dry also offers safe means of access and egress.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>Informative – Environmental Permitting The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:</p>

Name	Comment
	<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 culvert (16 metres if tidal) <p>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</p> <p>Advice – Contaminated Land</p> <p>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.</p> <p>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.</p> <p>Advice – Water Quality</p>

Name	Comment
	<p>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.</p> <p>Advice – Biodiversity</p> <p>Overall, the ecological survey and reporting is thorough, and we welcome the updated assessment in light of the delayed submission of the application. However, there are a number of issues that need to be resolved or clarified at the detailed stage.</p> <p><u>Biodiversity Net Gain</u></p> <p>The proposal will result in the loss of 0.57ha of marshy grassland, assessed as of Local value for its floral interest and County value for its invertebrate interest. The survey and assessment suggest that the site could meet County Wildlife Site standards, potentially protecting the site from development. Although there is intention to retain part of the site as marshy grassland and to relocate the Southern Marsh Orchids, any potential changes to hydrology, as well as run-off from the new car park, will likely degrade the habitat in time. Off-site compensation is proposed, and the relocation of the Southern Marsh Orchids to the ‘new’ marshy grassland site, should be explored. In addition, the Biodiversity Calculation needs to be amended to reflect the fact that the loss of marshy grassland will be compensated for OFF-SITE and not on-site. The revised calculations for loss of habitat, and off-site compensation, will likely result in the need for a greater area of habitat restoration/creation than that currently calculated. We advise that the Biodiversity Calculation for all habitats is revised to reflect off-site compensation before full planning permission can be approved.</p> <p>While we note the communications with Northern Devon Biosphere regarding off-site compensation, the figures are based on the incorrect Biodiversity Calculations for offsite habitat compensation. There is also a lack of detail relating to the BNG commitment here, with no assessment of the off-site baseline. We would expect this level of detail to have been included in the application and are concerned that the approach taken in this application could set a precedent for future planning applications and BNG. We therefore advise that this aspect of the application is reviewed, with more detail submitted to inform the proposal and to ensure delivery of 10% BNG.</p>

Name	Comment
	<p>The application states that the Landscape Strategy Plan & Habitat Management Plan (HMP) will be developed at the operational phase. We usually expect these to be submitted at the planning application stage because they contain key information regarding ecological mitigation, as well as climate resilience. In addition, considering Biodiversity Net Gain requirements, we would expect the HMP to extend to 30 years as opposed to 10 years. We therefore recommend that these plans are submitted for approval before construction takes place.</p> <p><u>Other matters</u></p> <ol style="list-style-type: none"> 1. Climate (Chapter 9) – Paragraph 9.96 is incomplete and missing key information. We also recommend developing a climate and disease resilient planting proposals using native species wherever possible as a key part of the detailed Landscape Planting plan (refer back to comment on the Landscape Strategy Plan). 2. Invasive non-native species – there is an opportunity to control and eradicate INNS on-site for ecological benefit. We feel this would benefit consideration. 3. Lighting – the Scoping Opinion referenced the need for lighting to be assessed. Reference to the development of a Sensitive Lighting Strategy has been made in the EIA, but we would usually expect the strategy (or equivalent) to have been provided as part of the full planning application. We therefore recommend that a Sensitive Lighting Strategy is submitted for approval before construction takes place, to protect the ecological interest of the site (in accordance with the ecological assessment). <p>Advice – Pollution Prevention</p> <p>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</p> <p>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.</p> <p>Advice – Waste management</p> <p>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:</p>

Name	Comment
	<p data-bbox="466 230 1417 304">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf.</p> <p data-bbox="466 304 1390 450">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</p> <p data-bbox="466 488 762 521"><u>Use of waste on-site</u></p> <p data-bbox="466 521 1425 925">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.</p> <p data-bbox="466 925 1430 1070">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.</p> <p data-bbox="466 1108 855 1142"><u>Movement of waste off-site</u></p> <p data-bbox="466 1142 1425 1435">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:</p> <p data-bbox="466 1435 1430 1693">https://www.gov.uk/uploads/system/uploads/attachment_data/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.</p> <p data-bbox="466 1693 1401 1917">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.</p>

Name	Comment
<p>Environment Agency</p> <p>Reply Received 24 November 2021</p>	<p>Clarification has been provided in the 'RMA/LC2209 – Severn Brethren Flood Risk and Drainage Addendum' regarding safe access and egress for which we are grateful.</p> <p>Although all the ground levels are not being raised above the design flood level as stated in paragraph 3.37 of the FRA the finished floor levels and access/egress routes are being raised so this will be safe for residents for the lifetime of the development. Figure 3.2: Flood Risk Mitigation Plan within the FRA demonstrates this.</p> <p>We refer you to our previous response and requested conditions. A copy is attached below for your information.</p> <p>With regard to the flood risk condition requested. A detailed design for the embankment, finished floor levels and raising of the ground should be addressed under this condition.</p> <p>The detailed design should take into account any increases in climate change allowance and update the design flood levels and design the flood resilience measures accordingly, including increasing ground levels, finished floor levels and embankment level as required.</p>
<p>Environmental Health Manager</p> <p>Reply Received 30 July 2021</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Land Contamination</p> <p>I have reviewed the CGL Geoenvironmental and Geotechnical Interpretative Report dated October 2017. The investigations described within the report identify sources of potentially significant contamination at the site requiring remediation and verification. The report describes a number of remediation options for addressing contamination risks and includes recommendations in relation to a number of related issues including dealing with unexpected contamination encountered during the development, piling works and health and safety.</p> <p>I recommend the Environment Agency be consulted in case they have any additional requirements in relation to protection of the water environment.</p> <p>Given the above, I recommend the following condition be imposed:</p> <ul style="list-style-type: none"> • Contaminated Land Condition - Remediation <p>2 Air Quality Impacts</p> <p>I have reviewed Chapter 7 (Air Quality) of the Environmental Impact Assessment dated June 2021 and related documents.</p> <p>- Construction Phase</p> <p>The Air Quality Impact Assessment (AQIA) identifies a number of potentially significant construction phase impacts and recommends</p>

Name	Comment
	<p>a scheme of mitigation for inclusion in a Construction Environmental Management Plan (see below). I accept the findings and recommendations of the assessment and have included reference to the proposed mitigation scheme in a recommended CEMP planning condition below.</p> <p>- Operational Phase The AQIA considers potential traffic related impacts associated with the proposals having regard to relevant standards and guidance. The report concludes that no significant traffic pollution related impacts will arise and that no specific mitigation measures are required. I accept the findings of the report.</p> <p>3 Noise I have reviewed Chapter 13 (Noise and Vibration) of the Environmental Impact Assessment dated June 2021 and related documents. The noise and vibration assessment considers potential impacts arising as a result of the proposed development, having regard to recognised standards and guidance.</p> <p>- Construction Phase The report concludes that potentially significant construction phase noise impacts may arise unless suitable noise mitigation measures are incorporated. Chapter 13 includes proposed mitigation measures for inclusion in a Construction Environmental Management Plan (see below). I have included reference to the proposed mitigation scheme in a recommended CEMP planning condition below.</p> <p>- Operational Phase The assessment considers noise impacts associated with operation of the development and concludes that noise is unlikely to cause any significant adverse impacts provided certain noise mitigation measures are incorporated in the detailed design including screening of sensitive outside amenity spaces and appropriate acoustic glazing and ventilation of relevant dwelling facades.</p> <p>I accept the main findings of the report and recommend that any reserved matters application include details of noise mitigation for proposed dwellings and outside amenity space in accordance with the recommendations of the Chapter 13 noise and vibration assessment.</p> <p>Notwithstanding the above, I recommend further details be provided at reserved matters stage in relation to the potential for noise from the new leisure centre / swimming pool to the south of proposed dwellings to impact the detailed proposals. Chapter 13 states that the "noise assessment for the proposed tennis centre</p>

Name	Comment
	<p>redevelopment indicates that noise levels are likely to decrease following the proposed developments and therefore no impacts are likely." Further details are required in order to clarify whether noise emissions from the new centre (such as due to ventilation or other external plant) have the potential to impact the detailed proposals. Where potential impacts are identified these will need to be assessed having regard to relevant standards and guidance.</p> <p>4 Construction Phase Impacts</p> <p>In order to ensure that nearby businesses and other sensitive receptors are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the following conditions be imposed:</p> <ul style="list-style-type: none"> - Construction Environmental Management Plan Condition - Construction Hours Condition
<p>Gypsy & Traveller Liaison officer</p> <p>Reply Received 19 July 2021</p>	<p>The regulation of the already used temporary stopping area in the car park is a really welcome addition to the rising problem of unauthorised encampments across the County. I whole heartedly support the application on the grounds of welfare and support when families protected under race law, can travel through the area for economic purpose and access an authorised space to reside for a short period of time. Having authorised stopping points such as these is the only way to reduce the amount of unauthorised encampments that we see across the district area and County overall.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 5 October 2021</p>	<p>This is a hybrid application therefore my comments are in two parts:</p> <p>Regarding the full application for the long stay car park and the temporary traveller site to the south-west of the Tarka Tennis Centre, I do not consider there will cause harm to the significance of the nearby heritage assets through effect on setting provided that existing tree cover to the east, along the river banks, is maintained, and that the provision of high level floodlighting is avoided.</p> <p>Regarding the outline application for 180 dwellings, this is likely to have an effect on the significance of nearby heritage assets through effect on setting. As noted in the EIA, this may be offset to some degree by the removal of the existing Leisure Centre, which is not a particularly glorious example of this type of building. It is not possible to say to what degree significance will be affected without seeing detailed designs, but a point worth making is that a consistently high storey height across the scheme is likely to have a detrimental effect. The Leisure Centre may not be considered to enhance settings, but it is at least a compact building, and the riverside walk to the south, and car park to the north are well</p>

Name	Comment
	<p>provided with trees and green spaces, which have preserved something of the pastoral nature of this side of the river (and thus make a positive contribution to the setting of the various heritage assets). Nearby buildings are some distance away. If the river frontage is built up with 5 and 6 storey buildings as seems to be indicated on some of the section drawings, then this will change the character of this area quite significantly, and the settings of the various heritage assets will be affected as a result. Consideration may need to be given to stepping back the building heights, inserting meaningful green wedges into the scheme, and providing a pleasant, welcoming and green-edged riverside walk, which should help to soften the development and maintain something of the existing informal character.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 9 November 2021</p>	<p>No further observations at this stage.</p>
<p>Historic England</p> <p>Reply Received 27 September 2021</p>	<p>On the basis of the information available to date, we do not wish to offer any comments. We recommend that you seek the views of your specialist conservation and archaeological advisers.</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>Housing Enabling Officer</p> <p>Reply Received 28 July 2021</p>	<p>The proposed site is within the Barnstaple development boundary in the Local Plan and forms part of BAR 13 Seven Brethren. In accordance with Council policy, 30% affordable housing provision would be required.</p> <p>The applicant's Affordable Housing Statement states "The applicant's will provide a policy compliant provision of affordable housing, as reduced by the application of Vacant Building Credit (VBC). The application of VBC is to be agreed with the Local Planning Authority and the final figure conditioned. The housing mix and tenure will be agreed between the parties in line with the advice of the Housing team."</p> <p>Government guidance states that "National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the</p>

Name	Comment
	<p>local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.". The application form states that the existing gross internal floorspace to be lost by change of use or demolition is 7,080 square metres. It will be for Planning to determine whether Vacant Building Credit is applicable. If Planning determine that Vacant Building Credit is applicable then we would need the applicant to provide the gross internal floorspace of the proposed residential dwellings in order to calculate the affordable housing provision required.</p> <p>If Vacant Building Credit does apply and the Affordable Housing levels are low, it would be worth the applicant discussing the scheme further with Housing Enabling to see if an interested registered housing provider could apply for funding on this site through their programme to provide additionality on site and increase the level of affordable housing.</p> <p>Council policy is that the affordable tenure mix would need to be at least 75% Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale).</p> <p>The applicant has asked Planning regarding the situation relating to First Homes. The applicant has already done extensive pre-app work with NDC on this site, which would negate the need to provide First Homes. The Council equivalent to this product and within current policy is Discounted Sale.</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document). The attached table shows the policy requirement for dwelling mix & occupancy levels. Registered providers require housing to be built to National Space Standards; these are indicated in the table.</p> <p>Please note that due to the limited supply and high demand for larger family homes and the issues with their allocation we are requesting 4 bed 8 person units.</p> <p>The affordable dwellings should be pepperpotted throughout the site in clusters of no more than 6-10 units.</p> <p>The properties, for rent and sale, would need to be advertised to those persons with a local connection to the administrative area of North Devon Council.</p>

Name	Comment
	<p>The affordable homes should be designed and of the same material and construction as the open market - including car parking.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 4 November 2021</p>	<p>Government guidance states that "National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.". It will be for Planning to determine whether Vacant Building Credit is applicable.</p> <p>The applicant's document titled "Seven Brethren Accommodation Schedule VBC" on the planning tracker refers to Vacant Building Credit and states "39.96% Proportion of total floor area to which VBC doesn't apply". My understanding is that this calculation is reached using the gross floorspace (7,080 m2) of the existing building (North Devon Leisure Centre) and the total proposed floorspace (11,793 m2) of the proposed dwellings, excluding the retirement dwellings. This would therefore mean that 39.96% of the policy affordable housing provision would be required. In the case of 179 proposed dwellings this would mean $30\% \text{ of } 179 = 53.7 \times 39.96\% = 21.46$ dwellings. This should be rounded up to 22 affordable dwellings. However, my understanding is that the total proposed floorspace including the retirement dwellings (14,793 m2) should be used. This would mean that 52.14% of the policy affordable housing provision would be required ($14,793 - 7,080 = 7,713$ divided by $14,793 \times 100$). In the case of 179 proposed dwellings this would mean $30\% \text{ of } 179 = 53.7 \times 52.14\% = 28$ affordable dwellings.</p> <p>The requirements for affordable housing property size, mix and tenure are as stated in Housing Enabling's previous response dated 28 July 2021. Housing Enabling also stated in that response:- "If Vacant Building Credit does apply and the Affordable Housing levels are low, it would be worth the applicant discussing the scheme further with Housing Enabling to see if an interested registered housing provider could apply for funding on this site through their programme to provide additionality on site and increase the level of affordable housing."</p>
<p>NHS England</p>	<p>The planning application above for 180 dwellings will fall within a footprint of three GP Practices from which residents will have a</p>

Name	Comment															
Reply Received 12 August 2021	<p>choice as to whom they register. Whereas Litchdon Medical Centre has capacity to receive and register patients, Brannam Medical Centre and Queens Medical Centre are already at capacity or oversubscribed, even though they are still registering new patients. The following table outlines the current patient list size and patient capacity for each individual practice and as an accumulation of the three:</p> <table border="1" data-bbox="470 526 1428 705"> <thead> <tr> <th>Practice Name</th> <th>Total Patient Capacity</th> <th>Current Patient List</th> </tr> </thead> <tbody> <tr> <td>Litchdon Medical Centre</td> <td>17,948</td> <td>15,842</td> </tr> <tr> <td>Brannam Medical Centre</td> <td>18,042</td> <td>17,753</td> </tr> <tr> <td>Queens Medical Centre</td> <td>9,333</td> <td>9,779</td> </tr> <tr> <td>Totals</td> <td>45,323</td> <td>43,374</td> </tr> </tbody> </table> <p>Whilst the current position appears to demonstrate that there is capacity to accommodate an additional 1,949 patient's, consideration is needed to account for previous planning applications that have been either consented or commenced. The latest information from North Devon District Council advises that there are a further 1,210 dwellings that have been consented or commenced which would equate to an additional population of 2,735 (1,210 dwellings multiplied by 2.26 average occupancy). Therefore, once the CCG has taken these into account the actual situation is:</p> <p>-1,949 (current patient list capacity) + 2,735 (population from consented and commenced) = 786 Final position (Over Capacity)</p> <p>Each NHS GP practice in England, has a catchment boundary in which they can give priority to new patients that wish to register with them. In the case of the three GP practices that serve the Barnstaple area the catchment boundaries of each practice, practically cover the same areas. Therefore, new residents in this area can and do register at any of the three practices. With this in mind, the spare capacity at Litchdon Medical Centre will be absorbed by the planning applications that have been commenced or consented. In addition, not all patients will wish to register at Litchdon Medical Centre and many will join the already oversubscribed patient list sizes at Queens Medical Centre or Brannam Medical Centre.</p> <p>The CCG needs to account for the commenced and consented applications and the overall capacities of all three GP practices when a new planning application request is received by North Devon District Council LPA. This then represents a true assessment of the capacity issues that will affect the GP practices if the development is approved and built.</p>	Practice Name	Total Patient Capacity	Current Patient List	Litchdon Medical Centre	17,948	15,842	Brannam Medical Centre	18,042	17,753	Queens Medical Centre	9,333	9,779	Totals	45,323	43,374
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Name	Comment
	<p>Using this principle and keeping in line with the Devon Health Contributions Approach: GP Provision (https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance), the following calculation can be made:- Methodology for Application 73606</p> <ol style="list-style-type: none"> 1. Residential development of 180 dwellings 2. This development is in the catchment Litchdon Surgery, Queens Surgery and Brannams Surgery which have a total capacity for 45,323 patients. 3. The current patient list size including the consented and commenced developments is 46,109 (43,374 + 2,735) which is already over the existing capacity. 4. The increased population from this development = 407 <ol style="list-style-type: none"> a. No of dwellings x Average occupancy rate = population increase b. $180 \times 2.26 = 407$ 5. The new GP List size will be 46,516 which is over capacity by 1,193 <ol style="list-style-type: none"> a. Current GP patient list + Population increase = Expected patient list size b. $46,109 + 407 = 46,516$ (1,193 over capacity) c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6 6. Additional space required = 27.27 m² <ol style="list-style-type: none"> a. The expected m² per patient, for this size practice = 0.067m² b. Population increase x space requirement per patient = total space (m²) required c. $407 \times 0.067 = 27.27$ m² 7. Total contribution required = £87,264 <ol style="list-style-type: none"> a. Total space (m²) required x premises cost = final contribution calculation b. $27.27 \text{ m}^2 \times \text{£}3,200 = \text{£}87,264$ (£485 per dwelling). <p>Could you please acknowledge the CCG's request for a s106 contribution request of £87,264 based upon the above and include the request in the s106 Agreement with the developer to mitigate the pressures on the local healthcare facilities.</p>
<p>Open Space Officer</p> <p>Reply Received 27 July 2021</p>	<p>This application generates a requirement for open space and green infrastructure in accordance with policy DM10 (calculation attached).</p> <p>The Council's preference, in line with policy DM10 of the local plan is to see on-site provision, minimum standards will need to be met. Where on-site provision is not viable or off-site provision is more suitable as a result of proximity to existing facilities, an off-site contribution for that particular provision would be sought to deliver a scheme at a suitably linked location. If the application is</p>

Name	Comment
	<p>recommended for approval, we can provide details of specific open space schemes, in line with CIL regulations.</p> <p>From our review of the documentation provided it appears that neither play area, allotments or built recreation facilities are provided on-site. Whilst it appears there is informal open space provided we need to understand if there is any increase/decrease from current provision; and if so what the quantum is so that a deduction/addition against the off-site provision can be made.</p>
<p>Open Space Officer</p> <p>Reply Received 27 October 2021</p>	<p>Baseline Informal Open Space currently provided on site is 3,302sq.m. Calculation for informal open space requirement as a result of the development 73606 is 7,320sq.m. Therefore Total Required: 10,622sq.m.</p> <p>The landscaping plan identifies: Planting buffer 1,792sq.m. Structural Planting 774sq.m. Amenity Parkland 6957sq.m. TOTAL: 9,523sq.m.</p> <p>Therefore based on the above there is a 1,099sq.m. shortfall in informal open space provision to meet on-site requirement in full.</p> <p>Gardens and Green Roofs do not contribute towards informal open space. We need to understand please if the communal gardens (2,780sq.m.) can be accessed by the general public or residents only? Is the river edge accessible open space?</p>
<p>Open Space Officer</p> <p>Reply Received 12 November 2021</p>	<p>As long as the communal gardens are accessible to the general public then all informal open space requirements are met on site and there is no need to make the river edge accessible.</p> <p>Therefore the total off-site contributions required would be: Allotment: £16,469.10 Amenity & Green Space: N/A 12,303sq.m. out of 10,622sq.m. requirement is provided on site. Play Space: N/A 256 sq.m. play space to be provided on site for ages 6+ as an extension to the play area near the new leisure centre but within the red line boundary of the application. Built Rec: £342,557.28.</p> <p>Have we considered safe access to the river from the new long-stay car park to promote the site for water sports use? It would seem a sensible place for groups wanting to access the water for canoeing etc to park up and access the water. The cost of this could potentially come from the Built Rec requirements. If not this could be one option to invest the off-site contribution at a later date.</p>

Name	Comment
<p data-bbox="199 271 430 338">Planning Policy Unit</p> <p data-bbox="199 383 430 483">Reply Received 3 September 2021</p>	<p data-bbox="466 271 1412 416">Thank you for consulting the Planning Policy team concerning the above hybrid application as full for a replacement long stay car park and temporary toleration site together with outline application for the erection of 180 dwellings and associated infrastructure.</p> <p data-bbox="466 454 1433 891">Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions as is the fact that North Devon, at this present time cannot clearly demonstrate a 5 year supply of deliverable housing sites.</p> <p data-bbox="466 929 1428 1368">This previously developed site, on the edge of the Barnstaple town centre is within the defined development boundary where the principle of development is acceptable in accordance with Policies ST02, ST06, ST12(3) and BAR(e) of the Local Plan. It is also recognised at paragraph 5.24 that 'opportunities exist within and adjoining town centres through redevelopment to deliver regeneration that will improve functionality and encourage intensification of use' and 'the Councils will pursue initiatives, which strengthen and support existing town centre roles'. From a policy perspective, it is considered that additional housing on the edge of the town centre will help to ensure the long-term vitality and viability of Barnstaple Town Centre is strengthened.</p> <p data-bbox="466 1406 1422 1921">Paragraph 3.6 of the Local Plan supports the 'reuse and redevelopment of previously developed land will be encouraged where available and environmental constraints allow'. Also, paragraph 120(c) of the NPPF seeks to 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. It is clear that the re-use of sites such as this are encouraged by both national and local planning policy (Policies ST01 and ST02) and therefore there is clear policy support in principle for the site's redevelopment but you must still be assured that the current scheme is policy compliant in terms of the level of development proposed and the potential impacts of the development on environmental and heritage assets.</p> <p data-bbox="466 1960 1390 2027">As you are aware, Seven Brethren is identified for environmental enhancement and regeneration to deliver further economic,</p>

Name	Comment
	<p>recreation and leisure development that cannot be located within Barnstaple town centre in accordance with Policy BAR13. Policy BAR13 does not explicitly facilitate the delivery of housing as part of any regeneration and environmental enhancement of Seven Brethren although I accept the future availability of this site is only due to the construction of a new leisure centre attached to the existing tennis centre on Seven Brethren. It is not considered appropriate to allow this previously developed site to remain vacant once the new Leisure Centre is completed and all services and facilities move across to the new building. I also recognise that central Government funding has been secured through the 'Land Release Fund' (LRF) to release this future vacant site (once the new leisure centre is completed) for new homes.</p> <p>Following the Burwood appeal decision in Torridge, the Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031. I recognise the base date for this assumed housing supply is April 2019 and although the Council has not been able to update that position to April 2021, from a policy perspective I do not see that the 4.23 year supply would have improved to a position that we could confidently demonstrate a 5 year supply of deliverable housing sites.</p> <p>National planning policy (Footnote 8, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.</p> <p>If there is no clear reason to refuse an application based on a protected area or asset (footnote 7 – NPPF), including areas at risk of flooding such as this, the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits – the so-called tilted balance (Paragraph 11(d)(ii), NPPF). From a policy perspective, the lack of a 5 YHLS is a material planning consideration and I would suggest you must apply significant weight in the tilted balance to a proposal of up to 180 homes. I am of the opinion that it could make a</p>

Name	Comment
	<p>substantial contribution to the Councils' shortfall in deliverable housing sites if some of the proposed homes were to be developed within the next 5 years. However, I do recognise that the housing element of the proposal is in outline only and therefore such contribution to the Councils' shortfall may therefore be very limited so if this scheme is approved, then I would appreciate details from the landowner/developer as to their proposed timeline in terms of build-out. I also accept that this submission is not on the basis as a 'hostile application' and a challenge to the Council for not being in a position to clearly demonstrate a 5 year supply of deliverable housing sites.</p> <p>The Councils currently accept that clause (2) of Policy ST21 is triggered on the basis that, at this point in time, it is not possible to demonstrate that completions are above 90% of that which was required for the previous monitoring year and that there would be an appropriate recovery demonstrated for the next two years. Whilst Policy ST21 recognises the need to support additional housing sites coming forward where there is a shortfall in the annualised dwelling requirement, clause (2) is clear in that such support will be given to proposals for additional residential development outside of defined settlement limits in accordance with the stated criteria (a to d).</p> <p>The site is within the indicative flood zone 3 where Policies ST03 and BAR(f) will apply. As set out in the NPPF, the 'presumption in favour of sustainable development' does not necessarily apply within areas at risk of flooding as confirmed by Paragraph 11(d), footnote 7 of the NPPF, due to other restrictions placed on such areas elsewhere within the Framework. Annex 3 of the NPPF recognises that housing is a more vulnerable use within areas at risk of flooding and in accordance with paragraph 159, such development should be avoided by directing it away from areas at higher risk but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. As you are aware, flood defence improvements of Seven Brethren were secured through the Anchorwood Bank development. Again, I recognise that part of funding through the LRF is safeguarded for flood mitigation through the raising of site levels to allow residential development which I understand has been agreed in principle with the Environment Agency. However, it may still be appropriate to undertake a 'Sequential Test' to site selection and if, through this process it is not possible for the development to be located in areas with a lower risk of flooding whilst recognising the potential wider sustainability and regeneration benefits of the proposal, the 'Exception Test' may have to be applied in accordance with paragraph 164 and 165 of the NPPF.</p>

Name	Comment
	<p>Should you be minded to support this planning application then I will set out the policy requirements.</p> <p>Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide on-site delivery of affordable housing equal to 30% of the total number of dwellings (gross). In this instance there should be an on-site requirement of at least 54 affordable dwellings. PPG (Paragraph: 028 Reference ID: 23b-028-20190315) sets out clearly that 'the vacant building credit applies where the building has not been abandoned'. The PPG further clarifies the factors the LPA should take into account when determining abandonment which are as follows:</p> <ul style="list-style-type: none"> i) the physical condition of the building; ii) the length of time that the building had not been used; iii) whether it had been used for any other purposes; and iv) the owner's intentions. <p>Paragraph 028 continues, the policy is to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.</p> <p>In doing so, it may be appropriate for authorities to consider:</p> <ul style="list-style-type: none"> • whether the building has been made vacant for the sole purposes of re-development; • whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development <p>From a policy perspective, I accept the North Devon Leisure Centre has not been abandoned yet as it is still operational although it will be for yourself as the decision taker to consider any potential arguments regarding abandonment. However, I do not consider that the application of VBC in this particular circumstance is necessarily as clear cut as suggested. Whilst policy accept the building is not abandoned, I am not convinced the building would even qualify as being vacant as I am of the opinion that it is not at this present time and I understand it will not be vacant until April 2022, presumably post the decision of this planning application? Therefore, if this were the case then in my opinion VBC would not apply until post April 2022. You must also weigh in the balance as to whether the building has been made vacant for the sole purpose of redevelopment as set out within PPG? It may be necessary to seek advice from the Council's solicitor on these particular issues.</p> <p>If you are minded to accept the implications of VBC on the site of the Leisure Centre building and therefore the delivery of affordable housing may be much reduced, I would consider the calculation should be based on the gross internal floor area (including</p>

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	<p>garages) of the development as set out within the RICS Code of Measuring Practice.</p> <p>Also, you must be assured that the proposed housing mix will meet the identified housing need in accordance with Policies ST17. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs. For information, Part (1) of the policy could be used to seek particular forms of housing where there is evidence of need. I have provided an extract from the HEDNA (Table 114: Recommended Housing Mix – page 214) which identifies the recommended housing mix across the Plan area.</p> <table border="1" data-bbox="470 705 1340 862"> <thead> <tr> <th></th> <th>1 – bed</th> <th>2 – bed</th> <th>3 - bed</th> <th>4 - bed</th> </tr> </thead> <tbody> <tr> <td>Market</td> <td>5-10%</td> <td>30-35%</td> <td>40-45%</td> <td>15-20%</td> </tr> <tr> <td>Affordable</td> <td>30-35%</td> <td>35-40%</td> <td>20-25%</td> <td>5-10%</td> </tr> <tr> <td>All Dwellings</td> <td>15%</td> <td>35%</td> <td>35%</td> <td>15%</td> </tr> </tbody> </table> <p>As you are aware, on the 24th May 2021 the Government introduced ‘First Homes’ as a type of affordable housing with the intention of helping eligible first-time buyers secure home ownership. These provisions came into effect on 28th June 2021 although such requirements did not appear in the latest version of the NPPF (July 2021). However, National planning policy through the PPG establishes a threshold, requiring a minimum of 25% of all affordable housing secured through a planning proposal to be First Homes on sites that are not within a Designated Rural Area and not subject to transitional arrangements in relation to pre-existing pre-application discussions or submitted planning applications. First Homes are a form of discount market sale housing that meets the definition of affordable housing for planning purposes. They are required to be:</p> <ul style="list-style-type: none"> • discounted by a minimum of 30% against the market value of the dwelling, with the discount remaining in perpetuity; • subject to an initial sales value of no more than £250,000, with subsequent sales values tied to the discounted open market value at that time; and • only eligible for purchase by first-time buyers with a combined annual household income not exceeding £80,000 and where subject to a mortgage or home purchase plan funding a minimum of 50% of the discounted purchase price. <p>However, in considering the national First Homes provisions, the Council has determined, in partnership with Torridge DC that the most legitimate way to consider the routine implementation of First Homes for northern Devon is as part of the review of the North Devon and Torridge Local Plan which was formally instigated by resolution of the Councils in late 2019. This approach recognises</p>		1 – bed	2 – bed	3 - bed	4 - bed	Market	5-10%	30-35%	40-45%	15-20%	Affordable	30-35%	35-40%	20-25%	5-10%	All Dwellings	15%	35%	35%	15%
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Name	Comment
	<p>the need to robustly consider the wider policy implications of introducing First Homes and to legitimise the formal introduction of the additional local requirements necessary in order for the product to meet identified local needs. Also, the Council has had due regard to PPG and the transition period for decision making where the requirement for 'First Homes' does not apply for the following:</p> <ul style="list-style-type: none"> • sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021; • applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022; and • sites where local and neighbourhood plans are adopted/made under the transitional arrangements, as detailed in paragraphs 18 and 19. These transitional arrangements will also apply to permissions and applications for entry-level exception sites. <p>Of particular relevance to this current application is the fact the scheme has been subject to extensive pre-application discussions so from a policy perspective, Therefore, I am of the opinion that if the application is determined before 28th March 2022 then the implications of 'First Homes' legislation would not apply unless the landowner were minded to deliver this model of affordable housing in which case the LPA would be flexible in accepting First Homes as an alternative type of tenure.</p> <p>Although not specifically set out within policy and therefore not a requirement, the Government are committed to increase the supply of housing whereby local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. This approach is also recognised at paragraph 7.19 of the Local Plan which states 'the Government is seeking to increase the supply of housing through self- build schemes (including individually built properties, custom built developer schemes and the provision of self-build housing through co-operatives and community land trusts). The Councils will support construction of self-build schemes where they accord with the wider spatial strategy and will keep under review how to provide appropriate support for such development'. I refer you again to PPG (Paragraph 025 Reference ID: 57-025-20210508) which states 'Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site). More widely, relevant authorities can play a key role in</p>

Name	Comment
	<p>brokering and facilitating relationships to help bring suitable land forward. This can include:</p> <ul style="list-style-type: none"> • supporting Neighbourhood Planning groups where they choose to include self-build and custom build housing policies in their plans; • effective joint working across service delivery areas and with local delivery partners including Housing Associations, Arms Length Management Organisations and housing developers; • using their own land (if available and suitable) for self-build and custom housebuilding and marketing it to those on the register; • working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom build housing; • when engaging with developers and landowners who own sites that are suitable for housing, and encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested. • working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need. <p>Of particular importance here is bullet 3 where it is a clear intention of the Government that the Council should be using their own land for self-build and custom housebuilding and marketing it to those on the register. Therefore, if such an opportunity would exist on part of this site then, during the decision making process could this be explored with the landowner / developer. For information, to date North Devon have 114 persons registered of which 30 persons would require a serviced plot anywhere in North Devon, 4 persons with a first choice of Barnstaple; 5 persons with a second choice of Barnstaple; and 9 persons with a third choice of Barnstaple. Therefore, although relatively small numbers, evidence would suggest there is some demand for self/custom housebuilding in this area of North Devon and if opportunities were to exist for part of this site to be safeguarded for an element of self-build then this would be fully supported by policy.</p> <p>In January 2019, the Leisure Centre site and adjoining car park was submitted as part of the SHLAA (SHA/BAR/638). Although not formally considered by the Panel and over a smaller site than that proposed within the planning application (also excluding the new car park), it was concluded that 'the site is within the development boundary for Barnstaple, with the principle of development being set out in policy ST06. If it is demonstrated that the proposed residential development will facilitate the delivery of the site's regeneration as set out in BAR13, then an element of housing development would be supported as long as it does not prejudice the requirements of BAR13, subject to being policy compliant on all</p>

Name	Comment
	<p>other matters. The number of units proposed will be better determined as part of a design-led approach as opposed to a density multiplier. The site will need to demonstrate that the proposed number of residential units can be accommodated, taking into account the range of constraints and green infrastructure requirements. Without this work it is not possible to comment on the number of units which could be accommodated on this part of the allocated site. Site could accommodate town houses / flats or a combination of both’.</p> <p>The design and layout of the development should be considered against Policies ST02, ST03, ST04, ST05(1), DM01, DM04, DM08A and BAR of the local plan and the National Design Guide. It is also worth noting that criterion 2 of DM04 will expect all major residential proposals such as this to be supported by a Building for Life 12 assessment (updated to Building for a Healthy Life – July 2020) where the developer must minimise ‘amber’ scores and avoid ‘red’ scores. I welcome that the agent has submitted a BfHL statement in accordance with Policy DM04(2) and that it has shown the development will achieve 12 ‘green’ scores albeit I would wish to see this being critically examined to ensure the intentions of policy DM04 are delivered.</p> <p>The site is adjacent the Barnstaple Town Centre Conservation Area as well as being visible from a substantial number of listed buildings along Taw Vale opposite and the Grade I listed Longbridge to the north. Paragraph 10.66 makes it clear that ‘the character and appearance of the adjacent conservation area and setting of the historic assets of Longbridge and Old Slaughterhouse (Halfords) will be protected’. In accordance with Policy DM07(1) you should expect the planning application to be accompanied by a Heritage Statement to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. All issues around any potential impact on the designated heritage asset should be considered against Policies ST15, BAR13 and DM07 together with the response from Collette Hall.</p> <p>As set out in paragraph 6.5 of the Local Plan, ‘all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support ‘biodiversity offsetting’ to deliver a net gain in bio-diversity off-site’. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. The Defra metric should be used to ensure there is an overall net gain in biodiversity. As the site is within the Braunton Burrows SAC Zone of Influence, the applicant will be liable for a financial contribution towards the long term management and maintenance of the Special Area of Conservation. It would appear from the proposed site layout that</p>

Name	Comment
	<p>the developer is retaining and making best use of existing hedge / tree boundaries to accommodate development which is welcomed particularly as all boundaries form a 'key network feature' within the wider biodiversity network as identified within the document 'Identification of Local Nature Conservation Sites and Biodiversity Networks in North Devon' by the Devon Biodiversity Records Centre (June 2001). All issues around ecology should be considered against ST14 and DM08 including the response from Mark Saunders.</p> <p>The Leisure Centre site is adjoining the undeveloped part of the Coastal and Estuarine Zone where Policy ST09 should be considered.</p> <p>As part of the strategy and development objectives for the regeneration and environmental enhancement of Seven Brethren, 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. Enough land needs to be safeguarded to accommodate one end of the proposed footbridge from Larkbear over the main road and railway, as set out in BAR02(3d) and BAR20b. Funding towards its delivery should also be sought. Firstly, I welcome the redevelopment of the existing Leisure Centre incorporates the enhancement of the existing strategic footpath and cycle route along the riverfront although any redevelopment of the Leisure Centre site, including the formation of a replacement car park should also contribute to the delivery of this policy requirement. It is already recognised that existing traffic arrangements within Seven Brethren cause conflict between different users and there is some concern that the increase in traffic movements with the delivery of up to 180 homes and new car park will increase existing problems in the area although due to the location of the proposal on the edge of the town centre and improvements to existing footpath and cycle links are delivered, a number of journeys can be achieved by cycling or walking thereby reducing pressure on the surrounding road network. All highway issues should be considered against Policies ST10, BAR(k), BAR13, BAR20, DM05 and DM06 of the Local Plan.</p> <p>In terms of the proposed provision of a replacement long stay car park and temporary toleration site for travelling communities, I will advise accordingly. Policy ST20(5) seeks to safeguard existing authorised sites such as this where it provides traveller accommodation that meets an identified need. I accept the proposal is only seeking to deliver a temporary toleration site and the long-term plan is to deliver a more permanent facility elsewhere which again is supported by Policy ST20(5) but this temporary</p>

Name	Comment
	<p>facility must still meet all the criteria as set out with Policy DM30. In terms of the proposed new car park, Policy ST22 will support the development of new, extensions or improvements to existing community facilities that meet the needs of local communities subject to the stated criteria (a to c). Whilst the location of the car park is further away from the town centre particularly for shoppers, there is no in principle policy objection to its re-location but I would wish to ensure that those parking in this area have safe and easy access to the strategic network of footpaths and cycle links in the area that connect to the town centre. The design, illumination and landscaping around the proposed car park must be made safe for all users especially in hours of darkness.</p> <p>On balance, the principle of housing on this previously developed site as well as the delivery of a temporary toleration site for travelling communities and replacement long stay car park is acceptable subject to the above policy considerations being satisfactorily addressed.</p>
Recycling & Commercial Services	No Response
Sustainability Officer	Views awaited re updated information
<p>Sustainability Officer</p> <p>Reply Received 15 September 2021</p>	<p>The submitted EIA includes an appropriately detailed assessment of the sites habitat composition and condition and is informed by the necessary habitat and protected species surveys. A standard Phase I habitat survey of the site was carried out on the 5th June 2018, with a further update ecological walkover on 22nd February 2021. The update site walkover is appropriate validation of the existing Phase 1 habitat surveys with the findings and recommendations of all protected species surveys updates also presented. Further bat and botanical surveys are ongoing during 2021 and should now be completed. The proposed Addendum to EIA Chapter 10 should be submitted to confirm whether any significant changes to the mitigation and enhancement already outlined within the EIA are necessary. This is of particular importance for the southern area of the site where 59 plant species were recorded with the northern half of the marshy grassland. This area is considered the most botanically valuable and includes southern marsh orchids which will require translocation to an appropriate offsite location.</p> <p>Protected Species</p> <p>Bats</p>

Name	Comment
	<p>The results of the bat surveys demonstrate high levels of foraging and commuting common and soprano pipistrelles, and also less frequent greater horseshoe, long-eared species, Myotis species, and lesser horseshoe bats. Greater horseshoes were recorded on the eastern boundary adjacent to the Tarka Trail and at the southern extent of the site. The majority of bat commuting and foraging is in close association with the eastern and western boundaries which extend to the north and south forming part of a wider network of corridors. The River Taw linear feature and darkened corridor of trees along the adjacent Tarka Trail has been identified as being of high value for a significant number of commuting bats including species of higher conservation concern. The marshy grassland and woodland/scrub habitats associated with the western site boundary also provide commuting and foraging habitat, likely to be used in combination with the adjacent railway habitat corridor. A significant proportion of street trees identified for removal within the Tree Constraints Plan have low potential for roosting bats (T17, T24, T29, T42, T89, T92 and T93) and within group A3, A6, A14, A15 and A16). Given the low suitability, it is unlikely that a significant bat roost is present on site. Trees with moderate potential will be retained on site.</p> <p>The development will result in the loss of around 1.6 ha (65%) of terrestrial foraging habitat (broad-leaved woodland, scrub, tall ruderals, grassland and trees), but has retained key boundary features including the majority of trees along the eastern boundary and the woodland towards the south-west of the site where the greatest levels of bat activity were recorded. This loss of foraging habitat used by moderate to high level of bats would be permanent and not reversible, significant adverse effect at the Local level. With the maturation of 3.25 ha of new and enhanced habitats included as part of the landscape scheme, it is predicted to be an insignificant effect in the long-term.</p> <p>Birds</p> <p>A total of 30 bird species were recorded with 16 of these species confirmed as breeding within areas associated with the woodland, scrub and mature trees on the western and eastern site boundaries. The woodland and scrub areas in the south-western extent of the site supported the highest density and number of bird species, supporting territories for blackbird, blackcap, chaffinch, chiffchaff, dunnock, goldfinch, great tit, greenfinch, robin and wren. Four RSPB Red listed species were recorded; herring gull, house sparrow, song thrush and starling. Of these species, house sparrow were confirmed as breeding on site and song thrush were recorded as probably breeding. Eight RSPB Amber listed species were also recorded on the site. Of these species, only dunnock were recorded as breeding on site. Kingfisher is a specially</p>

Name	Comment
	<p>protected schedule 1 species and was recorded during the winter bird survey visits; no evidence of nesting was noted during the surveys. It is considered likely that the importance of this site is limited in the context of the main estuarine habitats and SSSI downstream.</p> <p>The proposed development will result in moderate loss of nesting habitat and a food resource in the form of the broad-leaved woodland, scrub, street trees, tall ruderal and grassland habitat totalling 1.6 ha (65%). A moderate amount of other nesting habitat will be retained and enhanced in the form of treelines and woodland and the proposals include for the planting of new hedgerow/ tree habitat. This loss of nesting and foraging habitat used by breeding birds would be an adverse effect, if unmitigated. The effect would be permanent and not reversible. There will be a significant adverse effect at the Site level in the first instance, but with the maturation of new and enhanced habitats included as part of the landscape scheme, it is predicted to be an insignificant effect in the long-term.</p> <p>Reptiles</p> <p>The proposed development will result in the loss of 0.97 ha (70%) of reptile foraging habitat (grassland and tall ruderals) and 0.5 ha of refuge (57%). A total of 0.45 ha of reptile habitat will be retained and enhanced in the form of some grassland and scrub and the proposals include for the planting of new hedgerow/tree habitat to provide hibernacula. Connectivity to adjacent habitats to the west and south will ensure that the retained habitat is not isolated. This loss of reptile habitat used by low numbers of slow worms and common lizard would be permanent and not reversible. There will be a significant adverse effect at the Site level in the first instance, but with the maturation of new and enhanced habitats included as part of the landscape scheme, it is likely to be an insignificant effect in the long-term.</p> <p>Invertebrates</p> <p>The proposed development will result in the loss of 0.57 ha (58%) of the marshy grassland habitat on site that has been identified as being of local to county importance to invertebrates. The effect would be permanent and not reversible. There will be a significant adverse effect at the Local level. Marshy grassland important to invertebrate fauna should be the focus of any mitigation measures to maintain and enhance the invertebrate interest on site.</p> <p>Visitor Pressure</p>

Name	Comment
	<p>An increase in the number of people may increase pressure on the saltmarsh habitat on the edge of the estuary and retained habitats such as marshy grassland and broad-leaved woodland for dog walking. Unmitigated, this is likely to have a significant impact on over-wintering birds associated with the salt-marsh habitat. It is also likely to deter breeding birds within the retained scrub/woodland habitats. This disturbance, if unmitigated, would be an adverse effect that would be permanent and significant at the Site level. Access within the retained woodland habitat will be discouraged though planting of scrub habitat along the woodland edge, with thorny species such as hawthorn and blackthorn to also discourage public camping/access. Disturbance from people and pets will be controlled by education, though notices, leaflets and the internet. For example, information leaflets will be provided to all new homeowners detailing the habitats and species of interest locally and measures to protect them.</p> <p>Mitigation and Compensatory Habitat</p> <ul style="list-style-type: none"> • Hedgerow habitat will be planted along the western boundary of the southern parcel along the woodland edge to mitigate for woodland edge lost to facilitate the tree protection zones adjacent to the long-stay car park. Additional tree and scrub planting will also be undertaken towards the south-west of the site where the highest level of bird activity was recorded to enhance habitat links along the adjacent railway line embankment • The eastern tree-line will be enhanced through supplementary hedgerow/tree planting, particularly where trees are anticipated for removal, to maintain a bat foraging/commuting corridor along the Tarka Trail. This will also provide a buffer to adjacent saltmarsh and estuary habitats and associated wintering bird populations. • Two attenuation basins are to be provided in the northern area of the site (0.08 ha). These will be dry (i.e. no permanent wet centre), although there is scope for wildflower seeding that will tolerate water. • A small area of grass and wildflower planting will be provided on a flood embankment and culvert structure which will encroach slightly onto the marshy grassland on-site from adjacent flood defence improvement works. • 16 bat boxes would be provided in advance of any felling to compensate for the loss of eight street trees and those within the tree groups with low bat roost potential. The provision of purpose-built bat boxes is likely to provide a greater number of more suitable bat roosting opportunities within the site. • 20 bird boxes would be provided to compensate for the loss of nesting bird habitat and to provide a more immediate resource for nesting birds prior to the maturation of new planting. The provision of bird nest boxes along with the proposed landscaping is

Name	Comment
	<p>likely to provide a greater number of nesting opportunities within the site in the long-term than is currently the case.</p> <ul style="list-style-type: none"> • 5 reptile hibernacula will be constructed on the periphery of the retained marshy grassland to compensate for the loss of suitable refuges for reptiles. Retained and new habitats will be managed for the benefit of reptiles. • Southern marsh orchids will be translocated from the marshy grassland area to areas of retained marshy grassland habitat along the southern boundary which will be confirmed at the detailed design stage. Management of the retained marshy grassland and receptor site will aim to maintain suitability for this species and for species of greatest note to invertebrates including marsh woundwort and water figwort. The success of the relocation and management of the retained grassland and receptor site will depend on the implementation of a Habitat Management Plan (HMP) during the operational phase of the development. • Disturbance from people and pets will be controlled by education, though notices, leaflets and the internet. For example, information leaflets will be provided to all new homeowners detailing the habitats and species of interest locally and measures to protect them. <p>Biodiversity Net Gain</p> <p>An appropriately detailed Defra Metric Net Gain calculation has been submitted which quantifies the extent of habitat loss as assessed in the EIA. The Metric calculates the onsite and offsite mitigation and compensatory habitat necessary to arrive at a 10% gain in biodiversity, however this is based on the indicative Landscape Strategy Plan with the vast majority of proposed landscaping contained within the Outline element of the application.</p> <p>The development will result in a loss of 0.24 ha (54%) of broad-leaved woodland, 0.57 ha (58%) of marshy grassland, 0.08 ha (33%) of street trees and 0.21 km (22%) of tree-lines. The off-setting calculations have revealed a gain of 0.27 habitat units and a gain in 1.43 hedgerow units including all on-site habitat retention/creation anticipated in relation to current development proposals. The total project biodiversity percentage change including all on-site and retained habitats is a gain of 1.6% habitat units and a gain in 49.41% hedgerow units.</p> <p>On-site, areas of open space have been incorporated within the scheme design comprising a native planting buffer (0.18 ha), structure planting (0.08 ha), gardens/communal gardens (0.64 ha), river edge (0.74 ha) and amenity parkland (0.32 ha). Provision of extensive green roofs has also been incorporated (0.1 ha) to maximise biodiversity. Areas of wildflower planting will be provided</p>

Name	Comment
	<p>particularly within the amenity parkland areas comprising native species of known benefit to wildlife.</p> <p>Unavoidable loss of habitats will be compensated for with off-site habitat creation and management to enable a net gain in biodiversity. The off-setting will comprise creation of an area of broad-leaved woodland (at least 0.24 ha), marshy grassland (at least 0.57 ha), wildflower meadow and scrub habitat (at least 0.26 ha) in order to compensate for habitats lost and aim to achieve a 10% net gain in biodiversity across the site. Sufficient areas for off-setting have been identified by North Devon Biosphere in the Penhill area (3.96 ha of grassland with hedgerows along the boundaries as viewed on aerial images, located approximately 4 km west of the site); where riparian woodland is proposed in the Venn and Landkey Streams. North Devon Biosphere is also looking for sites to restore or create marshy grassland in response to sea level rise taking some of the existing marsh areas likely to be upstream on the Taw Valley. North Devon Biosphere have agreed to provide costs and a letter of commitment to create marshy grassland, woodland and scrub habitats.</p> <p>The BNG calculations are broadly supported on the condition that the metric is fully updated as part of any subsequent amendments or reserved matters applications and that verification is received that double counting has occurred with habitat provision on adjacent development sites.</p> <p>Construction</p> <p>A Construction Environmental Management Plan (CEMP) will be required for both areas of development with input from the relevant specialists in order to minimise the damage to retained and adjacent habitats. This must include:</p> <ul style="list-style-type: none"> • The Taw-Torridge Estuary SSSI is located 500 m north-west of the site, downstream of the section of river adjacent to the site. Unmitigated, the proposed development risks degradation of the habitat resulting from the mobilisation of contaminants, dust and run-off. Pollution events, if unmitigated, will be a significant adverse effect at the Regional level. • Habitat degradation of Bishop's Tawton Saltmarsh CWS, which is located 80 m south-east of the site, is not anticipated through dust emissions or surface water runoff during construction. There appears little substantive evidence for this conclusion given the works required to facilitate the traveller/events site. • Adjacent habitats, including the retained marshy grassland will be exposed to risks from dust and surface water run-off from the site throughout construction. Unmitigated, the effect would be

Name	Comment
	<p>permanent and not reversible and could be a significant adverse effect up to the Local level.</p> <ul style="list-style-type: none"> • Heras-type fencing around the construction boundary and tree root protection zones • Dust and run-off prevention and pollution prevention and control methods • Protected species method statements including sensitive lighting strategy, closure of open trenches overnight and litter prevention • Controls for construction noise during works such as 'silenced' plant, use of screening and acoustic enclosures, operating plant at low speed Such measures may only be needed during bird migratory/ winter periods • Construction works between April and September will be restricted to daylight hours and avoid the use of construction lighting. • Woodland/scrub/tall ruderal habitat clearance works to be undertaken outside of the bird nesting season (i.e. March to August inclusive) • Habitat clearance works within the northern, middle and southern sections of the site will be undertaken following a relocation and habitat manipulation exercise of any reptiles within the construction area to suitable areas of retained habitat. These works will be carried out between April and September (inclusive) in order to avoid the reptile hibernation period. • Controls for non-native cotoneaster, montbretia and Japanese knotweed to ensure the works do not inadvertently spread these species both on and off-site <p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> • Compensation for habitat losses and impacts on protected species associated with the development of the car park/traveller site and to be delivered within the southern area of the proposal should be detailed in full with appropriate landscaping plans, planting specifications, Landscape and Ecological Management Plans (LEMP) and Construction Environmental Management Plans (CEMP). • The BNG calculation will be expected to be revised and updated as part of any subsequent detailed application for the residential development, taking full account of any habitat delivered in the southern area and reflecting all proposed detailed habitat provision within the northern area. The resultant biodiversity loss/gain balance may result in significant increases in the stated costs towards offsite habitat mitigation. • Any future detailed application will be required to be supported by an appropriately detailed landscaping plan, planting specification, LEMP and Habitat Management Plan (HMP) and should demonstrate how the habitat connectivity of existing

Name	Comment
	<p>network features has been retained and enhanced throughout both the southern and northern areas of the application.</p> <ul style="list-style-type: none"> • The proposed Addendum to EIA Chapter 10 providing results of further bat and botanical surveys in spring/summer 2021 should be submitted to confirm whether any significant changes to the mitigation and enhancement already outlined within the EIA are necessary. This is of particular importance for the southern area of the site where 59 plant species were recorded with the northern half of the marshy grassland. This area is considered the most botanically valuable and includes southern marsh orchids which will require translocation to an appropriate, but as yet unspecified offsite location. • Significant habitat losses as demonstrated in the EIA and Tree Constraints Plan will have a potentially significant impact on bat foraging and commuting routes on the eastern and western boundaries. The Landscape Strategy Plan (LSP) does not identify appropriate opportunities for the proposed supplementary hedgerow/tree planting to mitigate tree losses and strengthen the important corridor along the Tarka Trail or the area surrounding the Ecological Buffer to the southwest in order to maintain the existing bat flight lines. • Mitigation for the significant roost and feeding bird habitat losses, particularly in the southern area, including those supporting important red and amber list species have not been appropriately demonstrated. The LSP does not identify appropriate opportunities to mitigate habitat losses and strengthen the areas surrounding the retained woodland and Ecological Buffer to the southwest. • Mitigation for the significant losses of reptile and invertebrate habitat in the southern area have not been appropriately demonstrated. The LSP does not identify appropriate opportunities to mitigate habitat losses and strengthen the areas surrounding the retained woodland and Ecological Buffer to the southwest or provide indicative marshy grassland receptor sites. Opportunities for enhancing an extended area to the south and west of the red line boundary should be considered. • Areas of proposed hedgerow planting along the western boundary of the southern parcel to mitigate for woodland edge lost and facilitate the tree protection zones adjacent to the long-stay car park and additional tree and scrub planting towards the south-west of the site where the highest level of bird activity was recorded to enhance habitat links along the adjacent railway line embankment should be illustrated on the LSP. • Indicative locations for the proposed bat and bird boxes and reptile hibernacula should be shown on the LSP. • The proposed retained marshy grassland and translocated Southern Marsh Orchids sites should be identified on the LSP. • Increases in permanent and non-permanent residents and displacement of existing visitors including dog walkers further into the retained habitats to the south would potentially result in habitat

Name	Comment
	<p>degradation and displacement of protected species beyond the site boundary. Woodland edge management is not shown on the LSP and further opportunities to enhance the marshy grassland to the south of the site boundary should be considered. This may include formalisation of the informal network of routes connecting the site to the Iron Bridge.</p> <ul style="list-style-type: none"> • A sensitive lighting strategy will be required for both elements of the proposed development to ensure that appropriate dark buffers are created adjacent to retained and new habitats. Reference will be made to current guidance (Institution of Lighting Professionals, 2018). This will include any external lighting within the car park and external and internal lighting within the residential development. Enhancement of boundary habitats through native planting should seek to increase separation of light sources from important bat commuting habitat. • A Braunton Burrows SAC contribution of £190 per unit will be required towards the mitigation strategy including additional wardening, education, visitor information and monitoring projects.

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
6	0.00	6	0.00	0.00

- excessive growth in housing
- lack of other amenities such as infrastructure, medical services, schools, care sector
- impact on environmentally protected areas,
- Impact on traffic levels
- Assessment of traffic impact is flawed - under-estimated
- the roads leading to the train station and Tesco have tailbacks, pollution and problems for pedestrians
- Changes to road layout on Seven Brethren Bank to allow turn lanes.
- Contaminated site
- Long term risks of flooding given global warning and rise in sea levels.
- Need affordable houses in the right place/price to serve young
- The height and the density of the buildings are too high,
- Comparisons with Anchorwood are not relevant, development is downstream from the town centre and the river is wider there.
- The proposed long-stay car park is also a "long-way away" car park.
- Car parks should be broken up by trees
- not informed of the meeting in the leisure centre on the 12th
- Significant number of heavy goods vehicles, servicing the recycling centre, builders' yards, and utility depot.
- Provision of an enhanced footpath and cycleway along the riverfront between Long Bridge and Iron Bridge. Although the route extends beyond the boundary of

the site, its provision in its entirety should be made a condition of any planning permission.

- aspiration to improve the junction between Seven Brethren and Long Bridge
- welcomes the proposed enhanced footpath/cycleway on the river
- amendments to the submitted plans needed for the proposed car park/events space/traveller site to show provision of a segregated, lit and fenced cycleway/footpath linking Iron Bridge with the proposed bridge over the rail line/A361, designed in accordance with LTN 1/20.

Considerations

Proposal Description

Figure: Illustrative Artist Impression of Proposals



This application is Hybrid whereby **outline permission** is sought for up to 180 dwellings in a variety of forms (apartments/duplexes and town houses as illustrated in the indicative plan above) and **full permission** is sought for the relocation of the long stay car park (328 car parking spaces) and the gypsy and travellers site/events space. The later elements are proposed on land to the south west of the Tarka Tennis centre as shown below.

Figure: Car Park Layout and Temporary toleration site



In accordance with the Executive resolution of the 1st April 2019, the relocation of the gypsy and traveller toleration site would be a temporary solution until a long-term solution for a transit site in North Devon is found, in line with Local Plan requirements. It has been confirmed by the Head of Place, Property and Regeneration that *'there remains a commitment to find a long term solution for the provision of gypsy and travellers off Seven Brethren. This has been delayed because of the pandemic but the new Head of Housing has now been tasked with securing a site, this will be done alongside the Local Plan review'*.

The annual Barnstaple Fair currently operates from Seven Brethren and the replacement car park has been designed to accommodate the loading requirements of the Fair.

The application is supported by an EIA carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 [Statutory Instruments 2017 No. 571] and associated guidance set out in the former Department of the Environment, Transport and the Regions (DETR) Circular 02/99. This considers:

- Construction and Environmental Management
- Air Quality
- Archaeology and Cultural Heritage
- Climate change
- Ecology and Nature Conservation
- Ground Condition
- Townscape and Visual Amenity
- Noise and Vibration
- Socio-economics and Health Impacts
- Traffic and Transport
- Water Resources, Drainage and Flood Risk

The ES has identified nearby developments that may potentially give rise to cumulative effects. These include:

- Land at Anchorwood Bank;
- Anchorwood Flood Defence Improvements;
- Severn Brethren Temporary Police Station;
- Oliver Buildings Redevelopment; and
- Tarka Leisure Centre Tennis Centre.

Chapter 17 contains the Summary and Conclusions and Volume 3 is the Non-technical summary which is attached to this report

Planning Considerations Summary

1. Principle of Residential Development – Outline
2. Principle of relocating the car park & toleration site – full
3. Design and master planning
4. Amenity
5. Heritage Assets

6. Townscape & Landscape
7. Ecology
8. Highways
9. Site Conditions & Contamination
10. Flood Risk and Drainage
11. Socio Economic Benefits
12. Heads of Terms
13. Planning Balance

Planning Considerations

1. Principle of Residential Development – Outline

- 1.1 In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. Any determination, to be made under the planning Acts, should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes North Devon and Torrington Local Plan and the Devon Waste Plan. The relevant Policies are detailed above.
- 1.2 The NPPF is a material consideration in planning decisions as is the fact that North Devon, at this present time cannot clearly demonstrate a 5 year supply of deliverable housing sites.
- 1.3 Following the Burwood appeal decision in Torrington, the Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031. The base date for this assumed housing supply is April 2019 and although the Council has not been able to update that position to April 2021, from a policy perspective the 4.23 year supply would not have improved to a position that the LPA could confidently demonstrate a 5 year supply of deliverable housing sites.
- 1.4 National planning policy (Footnote 8, National Planning Policy Framework (NPPF)) establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the distribution of housing to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.
- 1.5 If there is no clear reason to refuse an application based on a protected area or asset (footnote 7 – NPPF), including areas at risk of flooding such as this (see below), the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits – the so-called **tilted balance** (Paragraph 11(d)(ii), NPPF).

- 1.6 The site is not specifically allocated for housing but is within the development boundary for the town. The Councils currently accept that clause (2) of Policy ST21 is triggered on the basis that, at this point in time, it is not possible to demonstrate that completions are above 90% of that which was required for the previous monitoring year and that there would be an appropriate recovery demonstrated for the next two years.
- 1.7 From a policy perspective, the lack of a 5 YHLS is a material planning consideration and significant weight should be accorded in the tilted balance to a proposal of up to 180 homes which could make a substantial contribution to the Councils' shortfall in deliverable housing sites if some of the proposed homes were to be developed within the next 5 years.
- 1.8 The ES indicates that the construction period is anticipated to be approximately 5 years from commencement in 2022. On this basis significant weight is accorded to an application that will boost housing supply and meet the Government's aspiration to deliver more new homes.

Location of site Within Development Boundary

- 1.9 The site is on the edge of the Barnstaple town centre and is within the defined development boundary where the principle of development is acceptable in accordance with Policies ST02, ST06, ST12(3) and BAR(e) of the Local Plan. It is also recognised at paragraph 5.24 that *'opportunities exist within and adjoining town centres through redevelopment to deliver regeneration that will improve functionality and encourage intensification of use' and 'the Councils will pursue initiatives, which strengthen and support existing town centre roles'*.
- 1.10 From a policy perspective, it is considered that additional housing on the edge of the town centre will help to ensure the long-term vitality and viability of Barnstaple Town Centre is strengthened.

Brownfield Site

- 1.11 Paragraph 3.6 of the Local Plan supports the 'reuse and redevelopment of previously developed land will be encouraged where available and environmental constraints allow'. Also, paragraph 120(c) of the NPPF seeks to *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'*.
- 1.12 In line with the NPPF and the aspirations to see regeneration at Seven Brethren (see below), it is not considered appropriate to allow this previously developed site to remain vacant once the new Leisure Centre is completed and all services and facilities move across to the new building, The re-use of sites such as this are encouraged by both national and local planning policy (Policies ST01 and ST02) and therefore there is policy support in principle for the site's redevelopment.

- 1.13 Whilst it could be argued that the brownfield element is limited to the site of the leisure centre, it is recognised that to address the flood risk and to provide an attractive development opportunity as well as dealing with the other issues set out below that a larger site area needs to be considered. Looking at areas on a comprehensive basis is also one of the tenants of 'good planning'. Whilst the long stay car park is a facility in active use, this proposal is not seeking to remove car parking but relocate spaces to make effective use of primary river facing land. Some of the site (used as the events area) has limited visual or social value.
- 1.14 It should also be noted that Government funding has been secured through the 'Land Release Fund' (LRF) to release this future vacant site (once the new leisure centre is completed) for new homes. Again this all aligns with policies set out above that seek to deliver housing on these types of sites.

Site Specific Policies: BAR13: Seven Brethren

- 1.15 Seven Brethren is identified for environmental enhancement and regeneration to deliver further economic, recreation and leisure development (including enhanced pedestrian and cycle links along the river frontage between the Longbridge and the iron bridge) that cannot be located within Barnstaple town centre in accordance with Policy BAR13.
- 1.16 Policy BAR13 does not explicitly facilitate the delivery of housing as part of any regeneration and environmental enhancement of Seven Brethren. This site specific policy needs to be considered in the above policy context.
- 1.17 In January 2019, the site was submitted as part of the SHLAA (SHA/BAR/638). It was concluded that *'the site is within the development boundary for Barnstaple, with the principle of development being set out in policy ST06. If it is demonstrated that the proposed residential development will facilitate the delivery of the site's regeneration as set out in BAR13, then an element of housing development would be supported as long as it does not prejudice the requirements of BAR13, subject to being policy compliant on all other matters. The number of units proposed will be better determined as part of a design-led approach as opposed to a density multiplier. The site will need to demonstrate that the proposed number of residential units can be accommodated, taking into account the range of constraints and green infrastructure requirements'*.
- 1.18 There is a long-term aspiration for Seven Brethren to become an attractive and vibrant mixed used area that makes the most of its waterfront location and supports an increased range of activities. This could reasonably include residential, offices, retail, leisure facilities and other economic uses.
- 1.19 In 2016/2017 NDC commissioned JLL to look at options for the delivery of Seven Brethren. This looked at a larger site than just that forming part of this application and considered parts of wider Seven Brethren, including the site of the new leisure centre. Economic analysis considered that residential together with the leisure provision, a cinema, a budget hotel and retail should be the preferred option for the site. The leisure provision was pursued but there was concern around a cinema and retail on this side of the river given the impact that this would have on

the vitality and viability of the town centre and the provision on Anchorwood bank. Instead it was considered that the residential development could increase footfall into the town centre to support its vitality and viability. There is opportunity for further commercial development on the remainder of Seven Brethren as required.

1.20 Since late 2017, the land release fund was granted on the basis of this brownfield land being released for residential development.

1.21 Permission has been granted for the new leisure centre (under construction). The redevelopment of the Anchorwood site has resulted in additional retail floorspace (ASDA and the retail park). It should be noted that not all the commercial units have been let on the retail park and an application has been granted (73964) to vary the range of uses. As with any site redevelopment will only occur if market conditions allow. In that there are other opportunities to delivery commercial expansion, the consideration of a solely residential scheme to achieve regeneration and the economic advantages from increasing footfall close to the Town Centre has merit.

Policy Conclusion

1.22 Having regards to the fact that the site is:

- a brownfield site
- within the development boundary
- allocated for regeneration
- at a time when there is no proven 5 year land supply
- and with consideration to the mix of uses that have already been delivered at Anchorwood Bank

a residential led scheme would not result in an '*in principle*' objection and significant weight needs to be given to housing delivery within the tilted balance subject to being policy compliant on all other matters.

Housing Mix and Numbers

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

Table: Extract from HEDNA

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

1.24 The scheme is in outline so at this stage the only specific details relate to quantum (up to 180 units). The reserved matters would be expected to deliver a range of house sizes (see also Design & Master planning).

Affordable Housing and Vacant Building Credit

- 1.25 Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide on-site delivery of affordable housing equal to 30% of the total number of dwellings (gross) which would equate to at least 54 affordable dwellings.
- 1.26 Government guidance states that *“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”*
- 1.27 The PPG (Paragraph: 028) sets out that *“the vacant building credit applies where the building has not been abandoned”*. The PPG further clarifies the factors the LPA should take into account the physical condition of the building; the length of time that the building had not been used; whether it had been used for any other purposes; and the owner’s intentions.
- 1.28 The Leisure Centre has reached the end of its useful life and when it closes it will be vacant. The planning permission to re-provide the Leisure Centre at Tarka Tennis demonstrated that the former leisure centre uses will cease and will not reopen due to the building’s condition.
- 1.29 At present the Leisure centre remain open BUT a reserved matters application would not realistically be submitted until after the Leisure Centre closes which is when the building becomes vacant in April 2022.
- 1.30 Legal advice has been taken and is that *‘VBC could be applied in respect of an application made after the building becomes vacant’*. The case-law on abandonment (Hughes v Sec of State[2000]) is clear that factors such as the physical state of the building, the length of time for which the building has not been used, whether it has been used for other purposes and the owner’s intentions are all highly relevant to an assessment as to the abandonment of use. In this instance, unless or until a significant time passes, during which the building deteriorates, and perhaps the building is used for other purposes, the notion of abandonment would not arise.
- 1.31 What may be more arguable is whether the building has been made vacant for the sole purpose of re-development. Whilst on the one hand the building has become vacant because a new leisure centre, more sustainable and fit for purpose, has been built, rendering the existing leisure redundant, and has not been made vacant so that the site can be re-developed, nonetheless the potential re-development of the redundant building would be an inevitable consequence of its becoming vacant and would have been contemplated. On balance, it is probably fair to say the vacating of the building will not be “solely” so that it can be re-developed

- 1.32 There is very little guidance as to when a building can be considered to be “vacant,” to the extent that some authorities have developed their own policy. It is open to NDC to treat the building as vacant, once that is factually the case.
- 1.33 In light of this advice VBC is considered a reasonable part of the incentivisation to bring this site forward. The calculation should be based on the gross internal floor area (including garages) of the development as set out within the RICS Code of Measuring Practice.
- 1.34 Housing advise that the gross floorspace (7,080 m²) of the existing building (North Devon Leisure Centre) and the total proposed floorspace including the retirement dwellings (14,793 m²) should be used. This would mean that 52.14% of the policy affordable housing provision would be required (14,793 – 7,080 = 7,713 divided by 14,793 x 100). In the case of 179 proposed dwellings this would mean 30% of 179 = 53.7 x 52.14% = 28 affordable dwellings.
- 1.35 The requirements for affordable housing property size, mix and tenure is set out in Housing Enabling's previous response dated 28 July 2021 (above). As this is an outline application the mix, tenure and percentage would be secured within the s106 (see also Heads of Terms).

Table: Affordable Housing Requirement

Bed size & dwelling type	Occupancy	NDC dwelling mix requirement	Dwelling type	National Space Standards (m²)	
4 bedroom house	8 person	5-10%	House (2 storey) Bungalow	124 17	
3 bedroom house	5 person	20-25%	House (2 storey) Bungalow	93 86	
2 bedroom house	4 person	35-40%	House (2 storey) Bungalow	79 70	
1 bedroom house	2 person	30-35%	House (2 storey) Bungalow / flat	58 50	

- 1.36 Housing Enabling also stated in that response: *" it would be worth the applicant discussing the scheme further with Housing Enabling to see if an interested registered housing provider could apply for funding on this site through their programme to provide additionality on site and increase the level of affordable housing."* The Head of Place, Property and Regeneration has advised *'NDC as land owner will look to increase affordable housing outside of the planning system'*.

First Homes

- 1.37 If the application is determined before 28th March 2022 then the implications of 'First Homes' legislation would not apply unless the landowner were minded to deliver this model of affordable housing in which case the LPA would be flexible in accepting First Homes as an alternative type of tenure.

Self-build and custom house building.

- 1.38 The PPG (Paragraph 025) states 'Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site). Councils should be using their own land for self-build and custom housebuilding and marketing it to those on the register.
- 1.39 To date North Devon have 114 persons registered of which 30 persons would require a serviced plot anywhere in North Devon, 4 persons with a first choice of Barnstaple; 5 persons with a second choice of Barnstaple; and 9 persons with a third choice of Barnstaple. Therefore, although relatively small numbers, evidence would suggest there is some demand for self/custom housebuilding in this area of North Devon and if opportunities were to exist for part of this site to be safeguarded for an element of self-build then this would be fully supported by policy.
- 1.40 The applicant has consider the issue of self-build plots and has commented that *'this site does not lend itself to a development delivery model for self-build and custom housebuilding 'Right to Build'. This is due to the development types which are deliverable on this site. Plus, NDC are currently midway through an OJEU compliant tender process to appoint a development partner which is subject to clearly defined targets and outputs and at the outset self-build and custom housing was not identified as an opportunity for this redevelopment. Therefore from a procurement standing point and legal complexities in the build lease NDC would not be able to bring forward opportunities for 'Right to Build' in part or whole on this site'*.
- 1.41 Whilst it may be technically possible to disaggregate parts of the site for use of self-builders, the site delivery is very complex and in order to achieve a comprehensive and well planned for scheme which complies with the very high design standards that have been set this proposal is not being suggested for such purposes.

2. Principle of Relocating Long Stay Car Park and the Toleration Site

Long Stay Car Park

- 2.1 In terms of the proposed new car park, Policy ST22 supports the development of new, extensions or improvements to existing community facilities that meet the needs of local communities subject to the stated criteria (a to c).
- 2.2 The short stay spaces associated with the Leisure Centre are being re-provided through the new leisure centre proposals as part of the Tarka Tennis complex. There is no loss in short stay spaces.
- 2.3 The 328 long stay spaces located to the south of the existing Leisure Centre will be re-provided to the south of Tarka Tennis Centre. The distance between the existing Long Stay Car Park and Barnstaple Square is approximately 550m to the

Square. At an average walking speed this takes about 5/6 minutes. The new Long Stay Car Park will be approximately 1k distance from Barnstaple Square. At an average walking speed this will double to 10/12 minutes. This is comparable to other long stay car parks in other commercial centres.

- 2.4 By ensuring that the footpaths and way marking are both attractive and effective, the car park will still serve the needs of the Town Centre. Whilst the location of the car park is further away from the town centre particularly for shoppers, there is no in principle policy objection to its re-location.

Temporary Transit/Toleration site

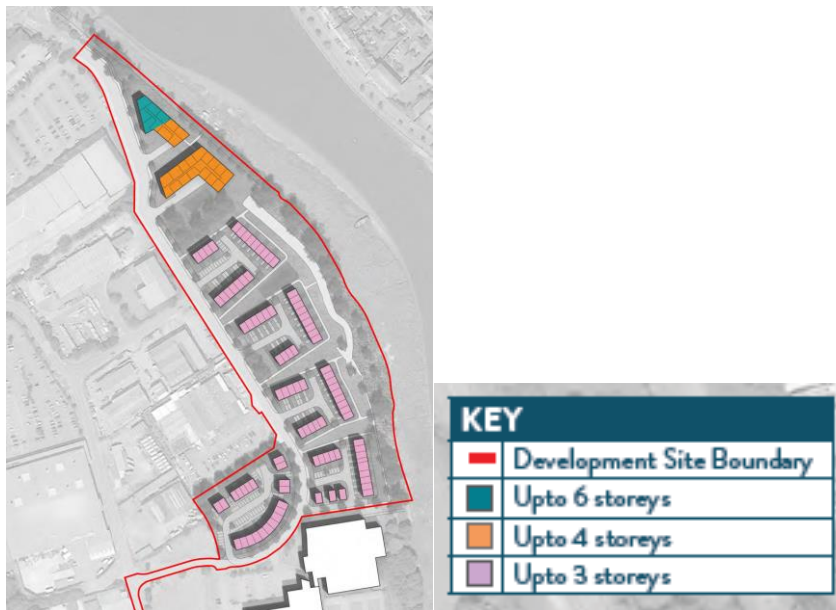
- 2.5 Policy ST20(5) seeks to safeguard existing sites which provide traveller accommodation. The long-term plan is to deliver a more permanent facility elsewhere (Policy ST20(5)) but this temporary facility must still meet all the criteria as set out with Policy DM30.
- 2.6 The Gypsy & Traveller Liaison Officer welcomes the relocation of the temporary stopping area as a means of addressing unauthorised encampments. The temporary site is required on the grounds of welfare and support when families protected under race law, can travel through the area for economic purpose and access an authorised space to reside for a short period of time.
- 2.7 The site area is comparable to that used on land opposite to the Tarka Tennis Centre. The Design Section of the report will consider the relationship of the two areas to each other. It is recognised that a new transit site is required and the Executive at their meeting of the 1st April 2019 minuted (135) that *'within an agreed timetable, proceed to purchase or otherwise secure an alternative site for long term provision of Gypsy and Travellers to meet the Council's obligations and obtain the relevant planning permission to allow use of the site. The aim will be to have an alternative site available for use by December 2020'*.
- 2.8 Whilst the timetable has not been met as set by Executive there are no 'in principle' issues with relocating this area on a temporary basis. As set out above there is still commitment to finding an alternative permanent solution.

3. Design and Master Planning

- 3.1 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.
- 3.2 In determining applications Paragraph 131 states that *"great 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."*

- 3.3 The Design & Access Statement (December 2019 (as updated October 2021)) summarises the design principles and outlines the fixed and illustrative proposals. As this is an outline application, sufficient detail needs to be agreed at this stage to guide the reserved matters. The 'Vision' section explores how the site's distinctive features might be enhanced through the design process, and the 'Concept' section explores a methodology of access, movement, and land use, based on the contextual assessment and conveyed as a conceptual plan.
- 3.4 The Parameter Plans fixed as part of the outline planning permission detail Scale, Land Use and Access. Illustrative design strategies are then explored to explain how the principles and parameters will deliver a high-quality place as part of the reserved matters application.
- 3.5 The Design and Access Statement contains Place making Principles summarised as:
- The creation of a legible development structure
 - A network of connected routes, spaces and streets so that movements are direct attractive and safe
 - Streets designed as places rather than solely in response to traffic or engineering considerations
 - The design for a 'walkable neighbourhood'
 - The layout of development to encourage low traffic speeds
 - Parking for vehicles and cycles will be conveniently located
 - The over-arching principle is to provide easy and convenient access to public spaces for all users
- 3.6 The concept plans results in
- Residential for approximately 180 dwellings
 - High quality housing and a new river front park
 - Green links and generous areas of public open space
 - Retention of Existing Vegetation
 - Enhanced pedestrian and cycle routes
 - A gateway building marking the entrance to the site
 - A landscape buffer between the new residential area and current adjoining industrial uses
- 3.7 Section 6 of the Design and Access Statement contains Architectural Principles which provide site specific benchmarks that will inform the detailed design of the scheme. These principles sets out plot parameters for height, scale and massing, colour palettes, roofs, doors and windows and landscaping. The future Reserved Matters will be expected to demonstrate how the proposals accord with these Architectural Design Principles.

Figure: Scale Plan



- 3.8 The existing leisure Centre has a roof line approximately 13.5 metres above ground level. This will be replaced with two blocks, the tallest at 6 storey (approximately 17 metres above ground level), which forms a focal point by Long Bridge and will act as a counterpoint to the Oliver Buildings development.

Figure: View from footpath to the north of the Long Bridge



Figure: View of site from Taw Vale



Figure: Extract from Design and Access Statement showing scale



3.9 The aspiration is that this will be a distinctive exemplar entrance building to define a new gateway, creating a sense of arrival for Barnstaple and the Seven Brethren Site. This building will comprise 1, 2 and 3 bed apartments. This building will benefit from river and townscape views, the northern most apartments having dual aspect. This building steps down to 4 storeys (approximately 11.5 which will be slightly lower than the existing leisure centre as shown above).

3.10 Planning permission 66122 relates to the Oliver Buildings. As well as the works of conversion two new buildings are approved. Block 1 is a 4 storey structure (with rooms in roof) with a gable end facing the road. Block 2 is two storey again with rooms in the roof. This part of the scheme was revised to reflect planning policy that sought to limit the height of any new build to that of the Oliver Buildings and to provide a better relationship with the public realm.

Figure: Oliver Building: Approved new works next to road



3.11 The proposed 6 storey block on Seven Brethren will be an imposing feature on the site but one that could be partly mitigated by landscaping and through the detailed design as shown below.

Figure: the views show the approximate massing of the proposed blocks in comparison to the existing leisure centre. These show the maximum potential volume of the proposals, which would be reduced through development of the detailed architectural approach (form, fenestration, architectural articulation etc). The sketch gives an illustration of a potential architectural design approach.



3.12 The Oliver Buildings proposal was to a hard edge area of public realm so was read in a different street context. The wider Anchorwood redevelopment scheme provides a range of storey heights as the scheme progresses from the Oliver Buildings to the Bridge as illustrated below. The approved scheme contains 4 and 5 storey blocks over under-croft car parking effectively making them 5 and 6 storey in height. The 'scale' is mitigated by how the top floor is designed as each of the blocks uses the roofscape or an inset floor to visually limit impact. These blocks are used to provide visual interest as well as an effective use of premium land and hence the principle of larger scale development along the riverside is accepted.

Figure: Ariel View of 60406



Figure: 60604: View of Oliver Buildings and Eastern Parcel (under construction)



Figure: 60604: View of Western Parcel (constructed)



3.13 The second 4 storey building on Seven Brethren has been designed to accommodate 45 retirement apartments. Parking for both of these buildings will be on the ground floor.

Figure: Scale of development plan - extract



- 3.14 To the south of these buildings are some significant London Plane trees which are proposed to be retained and sit within a public open space, forming a natural threshold between the proposed apartment blocks and town houses.
- 3.15 Townhouses in a terrace form will occupy the existing car park area south of the existing Leisure Centre. The four main blocks running alongside the river will be separated by substantial 'fingers' of green infrastructure which will create links and vistas to the river. A fifth group of similar terraced townhouses will be built on the hardened area that lies to the north of the Tarka Tennis centre. The 3 storey town houses will take precedent from and respond to the larger scale brick developments within Anchorwood, and also the larger feature brick buildings within the Town Centre and along the eastern riverbank north of Long Bridge (notably Barnstaple Museum, Bridge Chambers).
- 3.16 These properties will have rear gardens, which will include 2 parking spaces, bin / cycle storage and a generous front garden, fronting open space. These units are proposed be a contemporary response to the formal (river fronting) Regency townhouse terraces on the opposite side of the river, '3-11 Taw Vale Parade' and 'Union Terrace'

Figure: Suggested Architectural Approach Along River Fronting Terraces



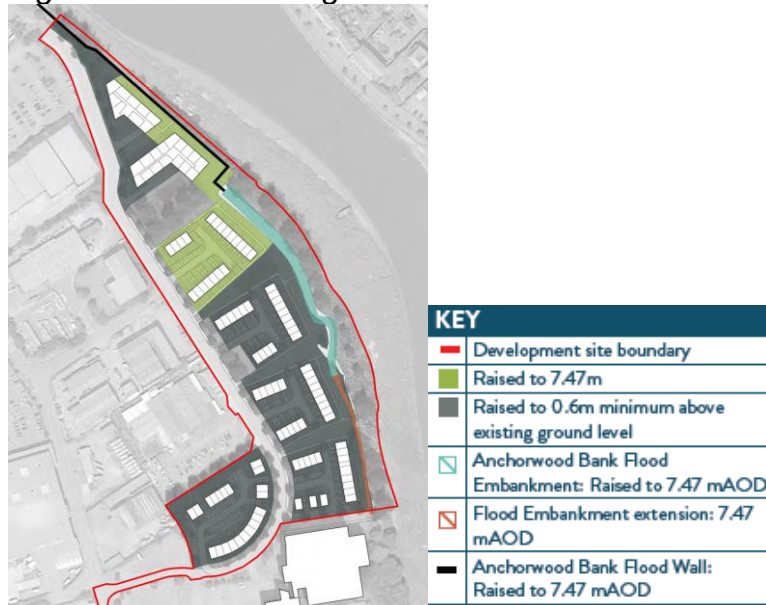
Figure: Suggested Architectural Approach For Terraces Fronting Parkland 'Fingers'



Climate Change and Site levels

- 3.17 Chapter 9 of the ES considers climate change and makes recommendation about how the development could be designed and delivered to mitigate the impact that climate change will have over the lifetime of the development.
- 3.18 The existing site is reasonably level requiring very little modification to create the building platforms. Ground floor levels will need to be raised for flood defence (see below) and to avoid contaminated fill (see below). Finished floor levels of 7.47 m AOD are proposed. The riverside walkway will also be raised to provide an emergency egress route.

Figure: Ground Raising Plan



Sustainable Principles

- 3.19 The Sustainability Statement V4– May 2021 (551077cpMar21) contains the Building for Life 12 Checklist. This outlines the features that have been incorporated into the design proposals and the measures that will be implemented during the construction and operation phases, which aim to reduce the environmental impact of the scheme and contribute positively to sustainable development.
- 3.20 The BfHL statement accords with Policy DM04(2) and has shown the development will achieve 12 ‘green’ scores. These principles would need to be applied and demonstrated at the reserved matters stage.
- 3.21 The general aspiration for the architectural design is to be sustainable, and to have fabric first, efficient low energy buildings. The energy hierarchy principles are to ‘*be lean, be clean and be green*’, whereby first the demand for energy is reduced through a range of passive and active energy efficiency measures.
- 3.22 The dwellings are orientated to maximise solar gains and natural lighting thus reducing the energy requirements for heating and artificial lighting with consequent reduction in energy consumption and greenhouse gas emissions. To minimise overheating risk, it is recommended that the targets an air permeability rate should go beyond the baseline requirements of the Building Regulations. Promoting high levels of air tightness will both improve the energy efficiency of the buildings but also stop unwanted heat or hot air entering the building. To minimise overheating risk, it is recommended that the development incorporates natural/passive ventilation or energy efficient mechanical ventilation to provide comfort cooling to the units and its residents. This will increase the development’s resilience to overheating.
- 3.23 The use of ‘Sustainable’ materials such as recycled steel and aggregates which will help minimise the production of greenhouse gas emissions as will the

recovery and reuse of construction materials, and if possible re-use on site or use on other projects.

3.24 Green infrastructure includes the provision of green roofs for two of the apartment buildings, covering 50% of the roof space. These measures will also provide natural cooling and help to reduce the risk of overheating.

3.25 Policies ST02 and ST03 contain measures aimed at encouraging efficient water use. Water efficiency measures includes low water use sanitary appliances; optimising hot water use; dual flush toilets and within the residential gardens, water butts so that water can be stored and used, which reduces the demand on mains water.

3.26 In summary the sustainable specification could include the following range of measures:

- Cycle storage
- Electric charging points for electric cars to enable a full overnight charge
- Timber specification
- Rainwater harvesting
- Waste water heat recovery to showers
- Ground source heating
- District heating
- Solar panels
- High specification installation
- Solar shading
- High specification glazing
- Smart time and temperature controls to heated zones
- Lower U Values to external walling (0.20), Ground (0.12) and roof (0.11)
- Measured thermal junctions
- Low energy LED lighting

Layout

3.27 The design of the proposed development aims to create a clear distinction between private and public areas. The public realm has been designed to provide '*maximum wellbeing benefit*', with the provision of an enhanced riverfront pedestrian and cycle pathways. The design creates a safe, pedestrian friendly environment which maintains secure private gardens and public spaces which are well overlooked. The principles include:

- street frontage overlooking the public areas;
- boundaries to the gardens which front public areas to be solid walls;
- secure shed storage; and
- planting to public spaces to be low

Refuse

3.28 Refuse storage will need to accord with the NDC Design Guide on Refuse Storage for New Residential Properties. Details of the exact location of stores and collection points will be determined at Reserved Matters. Refuse storage will be provided on plot for the town-houses, and within the parking areas, on the ground floor of the apartment blocks. These collection points must be no further than 25m from the nearest point of access for the refuse vehicle.

Design of Temporary Gypsy and Traveller site/Events space/Long Stay Car Park

Events space

- 3.29 The proposed events space has been agreed in principle with Barnstaple Town Council and The Showman's Guild as the future location for the annual fair. The Barnstaple Town Council provided a Letter of Comfort dated the 21st April 2021 which confirmed that *'the area outlined on the attached plan is considered a suitable, alternative site for the Fair'*.
- 3.30 In respect of the consultation response of the Town Council that the license stated that there would be a site similar in size & suitability, the Head of Place, Property and Regeneration has advised *NDC continue to work with the Showmen in this regard. They have always been made aware that this site is smaller but have been working with them to ensure that the space available to them is maximised and that the entirety of the new car park and temporary toleration site is constructed to meet their full loading requirements. NDC have also been working with them and they have been working directly with the Mechanical and Electrical engineer to ensure that the lighting strategy will not impact upon their use of the space and that they have the required services needed to operate the fair.*

Temporary Transit Site

3.31 The temporary transit site (toleration site) will have a knee high fence around its perimeter and lighting is proposed as identified in the lighting strategy. The Designing Out Crime Officer has asked that *'consideration should be given to including a basic toilet and wash facilities block to reduce the burden on those of the Leisure and Tarka Tennis centres as currently happens and subsequently reduce demand on police resources called to deal with perceived incidents of anti-social behaviour at these locations'*. In response to this comment the applicant has advised that *NDC have experience in managing toleration sites and note the concerns raised by the Police and will seek to address them through liaison with our housing and property teams and residents of the site. As this only a temporary solution it would not be reasonable to require such facilities.*

Access

3.32 Access to the car park will be from the existing estate roads. Access to the toleration site will be via the main carpark which increases potential for conflict with motorists and pedestrians once the space is in use. There is potential for

conflict between motorists and residents children and animals and hence the design and management of the area is therefore critical.

Boundary treatments

3.33 The perimeter of the area will clearly defined with a knee high fence (0.9m high) as identified on the car park drawings. This will prohibit easy access to 'green areas' and allow for removal of a vehicle in an unauthorised area. Clear demarcation should encourage drivers and pedestrians to use only designated routes. There will be no barrier at the entrance due to the fair requirements. There is no lockable barrier to the existing long stay car park and NDC will manage this car park in the same way. The car park will be on the Parking order and we would use our security team to patrol the car parks, together with our CEO's, as with other NDC managed car parks.

Surfacing

3.34 The surface of the car park and toleration site/events space has taken into consideration the previous use as a landfill site. In order to cater for the existing ground conditions and loading requirements for the annual fun fair, the subgrade will be stabilised with a 450 mm depth Class 6F1 capping granular material with two layers of geogrids overlaid with 100 mm layer of Type 1 granular sub-base material. An impermeable membrane will be installed at formation level to prevent infiltration into groundwater. The proposed parking bay areas and gypsy and travellers toleration site/events space will be of a permeable construction with a 70 mm layer of 20 mm single sized chippings. The circulatory access routes within the car parking area will consist of a 70 mm layer of 20 mm DBM binder course. It will be important to ensure that any run off from this area is clean and does not negatively impact habitat.

Lighting and Services

3.35 The Mechanical and Engineering specification for the car park shows the services required by both the Fair and the temporary toleration site. Energy consumption will primarily be associated with lighting installations. Each of the fittings installed will be energy efficient LEDs with daylight sensors to prevent operation during daylight hours and only be used when required. This will help to minimise energy consumption and thus reduce the production of greenhouse gases. The lighting strategy has now been designed to ensure that the car park is adequately lit. In safety terms pedestrians want to see and be seen as they walk to and from their car. People can fear dark areas.

3.36 As this is an environmentally sensitive area the lighting needs to be such that the fear of crime and opportunities to commit offences is reduced whilst addressing ecological constraints (see below). It is recognised that minimising light spill onto ecologically sensitive parts of the site including bat corridors and the needs for car park safety will bring with them inherent conflict.

CCTV

3.37 CCTV will be installed. It is intended cover the whole of the car park and toleration site with a system of fixed or patrolling PTZ cameras to specialist contractor's selection. The Design and Build contract for the car park will require the engagement of a CCTV specialist to develop, design, supply, install, commission and set to work a complete CCTV system in accordance with BS 7958, BS 8418, BS 8495, BS EN 50131-1 and BS EN 50132-7. The current system maintainer for the Council is M+E Alarms of Barnstaple and the contractor will be required to speak with them in respect of the installation. The field of view shall be selected so that each camera has a clear view of the next with no gaps. This includes CCTV provision. The Pay and Display stations shall be viewable from a camera which may be either a fixed camera dedicated to the areas or a PTZ with a regular patrol to the Pay and Display machines. Cameras will be full HD 1080P and fitted with colour/monochrome switching to ensure image clarity under low light levels at night. The cameras shall also feature the "Starlight" functionality to enhance night and low light images.

3.38 The provision of CCTV is supported by the Designing Out Crime Officer

Electric Vehicle Charging Points

3.39 Contractors will be required to provide the ducting for EV chargers for the car park. Provision for the installation of electric vehicle charging points is still being investigated in accordance with the Travel Plan, developed by Hydrock. The EV points themselves will be supplied separately. This is a car parks management issue. The layout allows for EV charging points which will enable their future delivery. This matter is within the control of NDC as car park operator.

Landscaping

3.40 Park Mark Safer Parking Scheme is a Police Crime Prevention Initiative (Police-CPI) which is aimed at reducing both crime and the fear of crime in parking facilities. The Designing Out Crime Officer recommends that all landscaping, including that on pedestrian access routes, should be maintained to ensure hedges and bushes do not exceed one metre, and trees should be pruned of any branches below 2.5 metres. Sight lines should not be obscured, where new planting is under taken care should be taken to select shrubs that have low natural growth characteristics. There will be no landscaping within the car park itself.

3.41 Landscaping is however required around the site edges for biodiversity and setting issues and again a balance will need to be reach between ensuring the public are safe but that ecologically sensitive areas are well screened from activities and to prevent ingress into such areas by using dense planting/prickly species. A detailed landscaping scheme will be required along with a Landscape Management Plan (LEMP) to support this full application.

Conclusion

3.42 The design measures set out above have responded to the comments raised by consultees and will provide a suitable replacement space for the long stay car park, temporary toleration site and event area with minimal environmental impact subject to appropriate management and conditions.

4. Amenity

4.1 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.

4.2 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

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

Air Quality

4.4 The site is not located within an Air Quality Management Area (AQMA). There are however several residential properties within 350 m of the proposed site. Chapter 7 of the ES indicates that there is the potential for impacts on local air quality during both the construction and operational phases of the proposed development. During the construction phase, there is the potential for impacts to occur as a result of dust and PM10 emissions (PM10 describes inhalable particles, with diameters that are generally 10 micrometers and smaller).

Construction Phase

4.5 The route of the construction traffic is assumed to be via the A3215. The impact of 'track-out' has been considered for a distance of 500 m from the site entrance. There are several sensitive receptors (dwellings) along the roads within this distance, therefore, the sensitivity of the area to impacts from trackout is considered to be **high** for dust impacts and **low** for human health impacts.

4.6 The existing leisure centre is primarily brick built with a volume of between 20,000 m³ and 50,000 m³. The magnitude of the dust emission for the demolition phase is therefore considered to be **medium**. Earthworks will primarily involve excavating material, haulage, tipping and stockpiling, levelling and landscaping. During earthworks, there is likely to be a number of heavy duty vehicles on site at any given time. The magnitude of the dust emission for the earthworks phase is therefore considered to be **large**.

- 4.7 Dust emissions during construction will depend on the scale of the works, method of construction, construction materials and duration of build. Main construction materials will be brick and timber, which have a **low to moderate** potential for dust release with the dust emission magnitude is considered to be **medium**. The number of HGV movements (leaving the proposed development site) is likely to be between 10 and 50 per day, therefore, dust emission magnitude due to trackout is considered to be **medium**. The ES recommends a **Dust Management Plan (DMP)** to be approved prior to commencement of any work on the site. This should include the 'Highly Recommended' Measures plus desirable measures set out in the ES. This will be secured as part of the CEMP.
- 4.8 The ES concludes that *'After the implementation of the mitigation measures listed above, the impact risk for each stage of the construction programme will be reduced and the residual significance of impact for the construction phase is expected to be **Negligible**'*. With adequate controls over construction, this conclusion is accepted.

Operational Phase

- 4.9 The results of the detailed modelling assessment predict a **Negligible** impact on local NO₂, PM₁₀ and PM_{2.5} concentrations. No mitigation measures during the operation of the proposed development are considered necessary in the ES. This conclusion is accepted.

Conclusion Air Quality

- 4.10 Through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter releases may be effectively mitigated and the resultant impacts are considered to be **Negligible**. Future occupants of the proposed development would not be exposed to pollutant concentrations above the relevant objective levels, therefore, the impact of the proposed development with regards new exposure to air quality is considered to be **Negligible**.
- 4.11 With adherence to the CEMP (which will include a Dust Management Plan), EH agrees with the findings and recommendations of the Air Quality Impact Assessment.

Noise

- 4.12 Chapter 13 of the ES deals with Noise and Vibration. Existing noise conditions were determined by an environmental noise survey conducted between 28th and 30th May 2019 on the roof of the existing leisure centre. The noise levels have been predicted across the application site for the year 2024.
- 4.13 This is a Town Centre location where noise levels can be expected to be higher. The calculated noise contours indicate that ambient noise levels at all proposed properties would exceed the BS 8233 criterion noise levels within habitable rooms with windows partially open during both daytime and night time periods, therefore, windows would need to remain closed in order to achieve the criteria. Mitigation is

therefore requires such as the use of acoustic air bricks, trickle ventilation and mechanical ventilation. Any passive or mechanical system should allow for sufficient airflow whilst maintaining the integrity of the façade with regard to noise insulation. The specification of the glazing should be selected with consideration to the required façade reduction. When relying on closed windows to meet noise criterion, acoustically treated ventilation should be provided to habitable rooms. The windows should be openable such that the choice of meeting the internal noise levels is provided to the occupants. It should be noted that the sound reduction performances detailed above apply to habitable rooms, such as living rooms and bedrooms, only. For non-habitable rooms, such as kitchens, bathrooms, stairways, halls, landings etc, lower acoustic performance glazing configurations are permissible. The use of such measures would need to be demonstrated at the design stage.

- 4.14 Amenity areas at the closest properties to the road are calculated to fall below the upper guideline value provided by BS 8233. Boundary fences at these locations should comprise a suitably dense continuous construction in order to ensure suitable ambient noise levels are achieved.
- 4.15 The construction noise and vibration predictions have been undertaken for the noisiest construction phases to provide assessment levels at the nearest noise sensitive receptors. The highest noise levels are from plant usually associated with earthworks, piling, concreting, road paving and general construction site activities. Façade noise levels for the nearest existing noise sensitive locations are predicted to achieve the target criteria for all construction related operations due to the intervening distances. General measures to control construction noise and vibration will be incorporated within the Construction Environmental Management Plan (CEMP).
- 4.16 Again EH concur with the findings of the report with mitigation being the CEMP and they recommend that any reserved matters application include details of noise mitigation for proposed dwellings and outside amenity space in accordance with the recommendations of the Chapter 13 noise and vibration assessment further details be provided at reserved matters stage in relation to the potential for noise from the new leisure centre / swimming pool to the south of proposed dwellings and from commercial properties to impact the detailed proposals

Construction Management

- 4.17 Chapter 6 of the ES details that a Construction Environmental Management Plan (CEMP) will be prepared for the construction phases of the proposed development. The ES advises that Mitigation measures are required to reduce as far as possible the impacts the proposed development will have on noise, vibration, dust, pollution and climate change.
- 4.18 The Full application will require its own site specific CEMP which can either be secured by condition or submitted whilst the s106 is being resolved to ensure that the full application can proceed without the need for a discharge of the recommended condition.

5. Heritage Assets

- 5.1 Chapter 8 of the ES 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

- 5.2 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.
- 5.3 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.
- 5.4 The ES considers that the existing Leisure Centre is within the visual riverside setting of listed buildings which when built had views over the river into countryside beyond. Given the change to this original historic context, it can be concluded that the existing Leisure Centre and associated car park have a negative effect on the setting and resulting significance of these listed buildings. However, this negative effect is partly mitigated by the below tree level height of the existing Leisure Centre and the trees lining the riverbank.
- 5.5 The proposed mass and height of the proposed development will not compete with, overwhelm or dominate the riverside outlook from any of the listed buildings, with the possible exception of the grade I listed Long Bridge. The setting of the grade I listed Long Bridge will be changed by the proposed development largely due to the increase in height at the northern end of the proposed development.
- 5.6 Similarly, the setting of the grade II listed buildings along Taw Vale will be changed by the mass of the proposed development. The 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.

Conservation Areas

- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority in respect of conservation areas in exercise of planning functions. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 5.8 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. 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. 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.
- 5.9 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.
- 5.10 Four wireframes were taken in May 2019 allowing a comparison of existing and predicted views. The proposed development will change views from the western edge of the Barnstaple Conservation Area and the riverside outlook from the Newport Conservation Area. The predicted views shown in the wireframe shows that there will be an increase in mass and height (which will be in the region of 3m) compared to the existing Leisure Centre. The proposed increase in height will also be noticeable from the riverside portion of the Newport Conservation Area including Taw Vale. The proposed mass and height of the proposed development will not compete with, overwhelm or dominate the riverside outlook from the conservation area. However, given the increase in the built riverside mass of the proposed development and the increased height at its northern end the overall effect on the significance of the conservation area from the riverside portion of the conservation area is predicted to be at the very low end of less than substantial.
- 5.11 The ES concludes that it will not compete with or overwhelm the existing riverside outlook from the Conservation Area but the magnitude of change is predicted to be minor adverse. With appropriate design could instead result in a positive effect. This will be further discussed below.

Archaeology

- 5.12 The site is located away from known historic centres of settlement and outside the core of the medieval town. A Desk Based Geo-Archaeological Deposit Model produced by Oxford Archaeology (May 2019) concludes that the geology beneath the site has limited potential to preserve significant paleo-environmental remains.

Due to the dynamic nature of the river system and the presence of meandering tidal channels, it is considered that much of the floodplain beneath the site is likely to have been significantly reworked and the potential for the preservation of extensive in situ archaeological remains is considered to be low.

5.13 It is highly unlikely that the site contains evidence for prehistoric, Romano-British, early medieval and medieval activity. Any evidence of agricultural activity is likely to have been destroyed by groundworks required for the Leisure Centre, flood defences and car parks or will be deeply buried under landfill.

5.14 The overall archaeological potential of the site is therefore considered to be low and of **neutral to low** significance. The overall magnitude of change caused by construction groundworks is considered to be neutral and the overall effect of the scheme upon the significance of archaeological deposits is predicted to be **Negligible**.

Heritage Conclusion

5.15 The Conservation Officer is of the view that *'It is not possible to say to what degree significance will be affected without seeing detailed designs'*. The Conservation Officer considers that consistently high storey height across the scheme is likely to have a detrimental effect. The Leisure Centre may not be considered to enhance settings, but it is at least a compact building, and the riverside walk to the south, and car park to the north are well provided with trees and green spaces, which have preserved something of the pastoral nature of this side of the river (and thus make a positive contribution to the setting of the various heritage assets). Nearby buildings are some distance away. If the river frontage is built up with 5 and 6 storey buildings, then this will change the character of this area quite significantly, and the settings of the various heritage assets will be affected as a result.



5.16 The Conservation Officer advises that *'Consideration may need to be given to stepping back the building heights, inserting meaningful green wedges into the scheme, and providing a pleasant, welcoming and green-edged riverside walk, which should help to soften the development and maintain something of the existing informal character'*.

5.17 The Applicants response to the Heritage Comments is copied below in full:

The scale and height of the existing Leisure Centre was considered in terms of choosing the appropriate scale and massing for the two northern apartment buildings. The section shows the height and mass of the existing Leisure Centre and the proposed new buildings. The 6 storey element is not hugely higher than the height of the existing Leisure Centre. The proposed

two apartment buildings will enhance the setting of the area, especially the view from Taw Vale across the river, as the current existing Leisure Centre is a large voluminous building, the proposed apartment blocks are two separate buildings, similar in length to the runs of town houses at Taw Vale.

From the east of the scheme (the Taw Vale side of the River Taw) the apartment buildings will read as almost a storey less, this is due to the existing ground levels and proposed flood defences. The 6 storey element marks the gateway in to Seven Brethren. A key design principle within the proposals is to form a transition between the more dense town centre to the north and open countryside to the south of the scheme along the river Taw towards Bishops Tawton.

The buildings will be set back behind existing trees with a substantial offset from this landscaped edge, preserving the informal character of this side of the river. The scheme intertwines large open spaces (green wedges) between the development blocks.

The Architectural Design Principles - Section 6 within the Design and Access Statement, details the architectural approach which strongly draws inspiration from the surrounding heritage assets. These principles sets out plot parameters for height, scale and massing, colour palettes, roofs, doors and windows and landscaping, all influenced by the surrounding historic context. The content of the future Reserved Matters Planning Application will be expected to demonstrate how the proposal accord with these architectural design principles.

- 5.18 The key test in NPPF paragraphs 194-196 is whether a proposed development will result in substantial harm or less than substantial harm. Paragraph 196 states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.
- 5.19 The reserved matters will still need to address the impact on heritage assets and show that the design measures have considered the setting of heritage assets. With reference to the above it is considered that a detailed scheme can be delivered which will result in less than substantial harm to heritage assets and that this level of harm would need to be considered in the planning balance.

6. Townscape & Landscape

- 6.1 Chapter 12 of the ES deals with Townscape and Visual Amenity. The site is currently dominated by the existing Leisure Centre, car parks and events space. The construction of floodlit all-weather pitches and new Leisure centre to the east provide what the ES describes as the formal sporting character of the landscape. This however only relates to a small part of Seven Brethren which should be better characterised as an urban edge of mixed commercial and leisure uses.

- 6.2 As set out above a significant scale of development is proposed which will change the character of this part of the riverfront. Some elements of the two apartment blocks will be taller than the existing leisure centre, but the massing of the blocks could be better articulated to reflect the shape of the site. The comparatively low-rise development (3 storey) of town houses will be in scale with the properties along Taw Vale and will be largely screened by either retained tree cover along the river, the enhanced flood embankment and new tree planting. The format of terraces fronting the waterfront will echo that of the terraces within the conservation area on the opposite side of the river.
- 6.3 A number of trees will be removed along the riverbank, primarily to adjacent to the current leisure centre, to allow the construction of enhanced flood defences, including an emergency escape route.
- 6.4 The construction of the new Leisure Centre is not particularly prominent from the far side bank when the deciduous vegetation is in leaf. The ES concludes that it will be possible to view construction activities and the resultant development from Taw Vale, Long Bridge and Seven Brethren Bank and the loss of some of the trees will be noticeable, particularly those adjacent to the leisure centre car park. The construction of the flood defence works will also be noticeable, as they run along the riverbank. The magnitude of change will be **High**, and the sensitivity of the viewer will range from **Low** in the west to **High** north and east of the site, resulting in an overall **adverse**, effect on visual amenity of **Moderate to Major** significance. The residual effect of the construction works on townscape character will be **Adverse of Minor significance, Temporary and Local**.
- 6.5 Effective landscaping will be required in mitigation.

Long Stay Car Park

- 6.6 In respect of the Car Park within the southern area of the site the magnitude of change will also be **High** and the sensitivity is **Medium**, but the conversion of some of the area of semi-natural scrub to a car park and traveller's site is considered to be detrimental in terms of landscape character, resulting in an adverse effect of **Major - Moderate** significance. To mitigate this, landscape buffers will be planted around the boundaries of the car park to screen the vehicles. The residual impact on townscape character to this part of the Site will be **Moderate adverse**. Again effective landscaping and management of this area is required in mitigation and will need to be secured by conditions.

Landscape

- 6.7 The Leisure Centre site adjoins the undeveloped part of the Coastal and Estuarine Zone where Policy ST09 should be considered. The most significant landscape feature of the site is its riverside setting, with the Barnstaple Long Bridge forming a landmark to the north and the railway bridge of the former Ilfracombe Branch Line (now pedestrian cycle crossing) to the south. The inter-tidal marsh along the frontage with the fringe of mature trees along the riverbank is an attractive feature and is important to the setting of the site.

- 6.8 The trees along the river edge form an important part of the area’s landscape character, and therefore should be mostly retained. A group of valuable trees are the London Planes located south of the existing Leisure Centre. It is planned for these trees to be retained with an open space, which will form a gap between the apartments and townhouses

- 6.9 Arboricultural Constraints Appraisal Ref: TH/A345/0519 dated 05/06/19 contains an Optimised Tree Constraints Plan. The reserved matters should seek to incorporate these trees into the overall site layout, noting their rooting, canopy and shade extents which are likely to limit the proximity of future structures, particularly new dwellings. It may be necessary to remove some trees due either to their condition or construction constraints. Residential use will put pressure on these trees for thinning to allow improved visibility of the river in areas where there are dense groups of trees. Whilst some pollarding, crown reduction and shrub removal will be required, the removal of a few trees should be limited to that required to deliver the associated site works, such as the flood defences.

Figure: Landscape Strategy Plan



6.10 The saltmarsh, broad-leaved woodland and mature trees within the site that are of local importance will be retained and protected as far as possible and a retained and enhanced ecological buffer will be provided, maintained and enhanced along the western and southern boundaries of the southern area of the site. This will help to enhance the current areas of grassland landscape setting and safeguard ecological habits (see below). The Landscape strategy will need to inform the reserved matters, of which landscaping is one. Tree protection conditions are also recommended.

7. Ecology

7.1 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural

Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

- 7.2 Chapter 10 of the ES deals with Ecology and Nature Conservation. All issues around ecology should be considered against ST14 and DM08
- 7.3 There are no environmental features within the application boundary which have a statutory environmental designation. The site lies within the Impact Risk Zone (IRZ) of both Taw-Torridge Estuary and Bradiford Valley SSSIs which lie within a 2 km radius of the site:
- the Taw-Torridge Estuary SSSI is located around 550 m north-west of the site at its nearest point, downstream of the section of river adjacent to the site and was designated due to its importance to overwintering birds, populations of migratory birds and presence of rare plants; and
 - Bradiford Valley SSSI is located around 1.8 km north of the site and was designated for its ancient sessile oak woodland and the presence of over 50 breeding bird species.
- 7.4 The site also lies within the Zone of Influence (ZOI) of Braunton Burrows Special Area of Conservation (SAC).
- 7.5 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.
- 7.6 The application is supported by:
- Preliminary Ecological Appraisal 5th July 2018 Project Number:RMA-C1843
 - Bat Activity Survey Report No: 18/3341.01 Date: May 2019
 - Preliminary Bat Roost Assessment October 2019
 - Dormouse Survey August 2018 - May 2019
 - Breeding Bird Survey Report No: 18/3341.03 Date: August 2019
 - Winter Bird Survey Report No: 18/3341.05 Date: June 2019
 - Reptile Survey Report No: 18/3341.04 Date: May 2019
 - Assessment of invertebrate fauna at Seven Brethren, Barnstaple – 2018-19 DC Boyce Ecologist May 2019
 - Botanical Survey Report No: 18/3341.02 Date: June 2019
 - Botanical Monitoring Report Ref: SET1900_05: June 2021
 - Bat Surveys April - October 2021 Report Ref: SET1900-06 dated 26/10/21

The final bat transect survey was undertaken on the 13th October. The results of the surveys have been fairly consistent to those of 2018. Given the results the recommendations within the ES chapter will remain the same. These found:

Bats

- 7.7 Five bat species utilising the site (common pipistrelle, soprano pipistrelle, long-eared species, Myotis species and greater horseshoe bats). The ES and Species Surveys conclude that the loss of foraging habitat used by moderate to high level of bats would be permanent and not reversible effect. There will be a significant adverse effect at the Local level.

Mitigation

- 3.25 ha of new and enhanced 'wildlife-friendly' habitats informed by recommendations in the ecology reports
- 16 bat boxes (Schwegler 2FN, Schwegler 2F and wooden Kent bat boxes are recommended) to be provided in advance of any felling to compensate for the loss of eight street trees and those within the tree groups with low bat roost potential.
- Detailed lighting design would also be required
- The design of the housing in the northern extent of the site will include consideration of the retained eastern boundary. Careful design of building layout will reduce internal light spill from the proposed new buildings onto the retained corridor. The corridor will be buffered by the positioning of garden areas adjacent to the retained vegetation and further buffer planting will be included where necessary.
- Where street lighting is required, the Devon County Council 'part night' lighting will be adopted in order to minimise the impact of street lighting on commuting/foraging bats.
- the lighting strategy for the proposed car park and this strategy will need ensure this dark western corridor is maintained
- Bat activity monitoring of the site, commencing in the year following completion of the development, will be undertaken in order to assess whether the mitigation has been successful and inform any future recommendations, if appropriate

With mitigation the residual impact on bats would be would be negligible / minor positive

Birds

- 7.8 Thirty bird species were recorded during the survey visits including four RSPB Red listed species, eight RSPB Amber listed species and the Kingfisher which is a specially protected schedule 1 species. Breeding territories were primarily associated with the woodland, scrub and mature trees on the western and eastern site boundaries.
- 7.9 Eighteen wetland and wildfowl species were recorded during the survey. These included blacktailed godwit, lapwing and herring gull which are red list species. It is considered likely that the importance of this site is limited in the context of the main estuarine habitats and Site of Special Scientific Interest (SSSI) downstream. No wetland and wildfowl species were observed roosting or foraging within the remainder of the development area.

Mitigation

- 3.25 ha of new and enhanced habitats which should concentrate on enhancing habitat links with the existing vegetation present along the adjacent railway line embankment. Additional planting along the Tarka Trail on the eastern boundary would enhance habitat structure and buffer the adjacent saltmarsh and estuary habitats
- 20 bird boxes would be provided to compensate for the loss of nesting bird habitat and to provide a more immediate resource for nesting birds prior to the maturation of new planting
- Scrub and tree removal works will need to consider the presence of nesting birds. Removal of this type of vegetation should ideally be undertaken outside of the bird nesting season
- visual screens such as close-board fencing or Heras fencing with mesh should be used to minimise visual disturbance during any construction activities carried out immediately adjacent to the identified roosting areas between September and March (inclusive)
- It is further recommended that site design includes buffer planting and fencing along the Tarka Trail in order to limit public access to the saltmarsh area and minimise disturbance from dogs

With mitigation it is likely to be an insignificant effect in the long-term

Other

7.10 Slow worms and common lizards were recorded throughout this area. No reptiles were recorded.

Mitigation

- Translocation of species where identified
- Recommendation re habitat clearance methodology and timings
- Creation of refuges and over-wintering sites. Five reptile hibernacula will be constructed on the periphery of the retained marshy grassland to compensate for the loss of suitable refuges for reptiles.

As above the loss of habitat would be permanent and not reversible but with the provision of new and enhanced habitats included as part of the landscape scheme, it is likely to be an insignificant effect in the long-term.

7.11 There was no evidence of dormouse on site. Overall the invertebrate fauna is assessed as being of no more than local importance for invertebrates. The reports also consider the suitability of the site for badgers, otters, hedgehogs and other amphibians but makes no specific recommendations other than the CEMP and LEMP.

Habitat

- 7.12 The northern area comprises the existing Leisure centre, hard-standing (car parks), bare ground, grassland and trees. The hard-standing and bare ground towards the south is bounded and segmented by trees. The northern area is bounded by a narrow strip of grassland and a tree line to the north and east, beyond which lies the Taw Estuary and associated marginal habitats. To the west, the area is bounded by a road and industrial buildings and to the south it is bounded by the Tarka Tennis Centre. The southern area comprises an area of grassland, scattered trees and a small area of woodland. There is likely to be some connectivity to other habitats via the estuary, the railway line and the road verges of the A361. The indicative site layout retains and making best use of existing hedge / tree boundaries to accommodate development which is welcomed particularly as all boundaries form a 'key network feature' within the wider biodiversity network as identified within the document 'Identification of Local Nature Conservation Sites and Biodiversity Networks in North Devon' by the Devon Biodiversity Records Centre (June 2001).
- 7.13 The site is characterised by a number of tree lines, including those which have clearly been planted for amenity purposes and those with a more semi-natural element.
- 7.14 A total of 59 plant species were recorded within the survey area. The northern half of the marshy grassland area was considered to be the most botanically valuable area containing a diversity of species including the southern marsh orchids. **Southern marsh orchids** are not specifically protected but are of intrinsic value within the landscape and are difficult to seed within a landscaping scheme. It is therefore recommended that the existing colony is maintained within the site. Orchids grow in turf through the development of rhizomes and therefore in order to maintain the population within the site sections of turf can be translocated to areas of post-development landscaping. It is recommended that a receptor area is created for the orchid turfs along the western site boundary.
- 7.15 As set out in the ES, the botanical survey has been completed and whilst a greater number of species were recorded than in 2019, the value of the habitats present remains the same, and the continued presence of southern marsh orchids across the site indicates the soil remains wet and habitats are fairly undisturbed and no significant changes have been recorded as per the original results set out in the Ecology ES Chapter
- 7.16 The landscaping strategy for the proposed development will create opportunities for enhancing biodiversity as well as the safeguarding of biodiversity and retention of trees as far as possible. The landscaping strategy includes planting more trees, hedgerows, plants and large areas of grassland. There will also be an ecological buffer along the western boundary of the proposed car parking and the marshy grassland will be retained where possible. The increased quantity of planting through offsite enhancements and habitat creation will improve the soil structure and also increase the uptake of carbon dioxide (as well as other pollutants) by the plants, thus reducing greenhouse gas emissions.

Ecological Mitigation

7.17 Ecological mitigation has been built into the design through retention of the habitats of greatest interest particularly the site boundaries comprising broad-leaved woodland, marshy grassland and tree-lines. Retained and new habitats will be subject to a Habitat Management Plan (HMP). The HMP will include measures to be implemented on site to maintain and enhance the ecological value of retained and created habitats. The HMP will outline both capital and ongoing management prescriptions for the site. If adhered to, the HMP will reduce the risk of neglect and cover areas including litter, thereby limiting effects of habitat degradation to a negligible level during its implementation period. Litter will be minimised through education of the public and through law enforcement relating to removal of dog faeces and litter in public open spaces. The relationship of ecological sensitive areas to the transit site needs to be recognised within the HMP.

7.18 The Landscape and Ecological Management Plan (LEMP) will be produced, comprising specifications for creation and management of habitats in line with BS 42020:2013. The LEMP will include but not be limited to the following:

- Details of features to be managed including retained and new habitats, planting specifications and specific management objectives (amenity grassland, amenity planting, trees, artificial structures (bird and bat boxes))
- Management prescriptions (i.e. management timings and frequency, avoiding use of chemicals, sensitive timings with respect to birds, litter checks, maintenance of boxes etc.)
- Who is responsible for management (i.e. management company)

7.19 The application states that the Landscape Strategy Plan & Habitat Management Plan (HMP) will be developed at the operational phase. This should have been submitted at the planning application stage because they contain key information regarding ecological mitigation, as well as climate resilience. In addition, considering Biodiversity Net Gain requirements, we would expect the HMP to extend to 30 years. Whilst the submission of these plans is conditioned, it would be desirable for the one supporting the Full Application to be submitted whilst the s106 is being prepared

Net Biodiversity Gain

7.20 Policy BAR: Barnstaple Spatial Vision and Development Strategy "...provision of accessible natural green spaces to enhance the green infrastructure network adjoining the Taw estuary to deliver a net gain in biodiversity and provide betterment in addressing flood risks by reducing rates of surface water runoff...".

7.21 Paragraph 6.5 of the Local Plan states that 'all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support 'biodiversity offsetting' to deliver a net gain in bio-diversity off-site'. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. Anticipated biodiversity net loss or gain across the site has been calculated

through use of the Biodiversity Metric 2.0 Beta Version (Natural England, 2019) and in consultation with North Devon Council and RMA Environmental.

- 7.22 The development will result in a loss of 0.24 ha (54%) of broad-leaved woodland on-site. This loss, if unmitigated, would be an adverse effect. The effect would be permanent and not reversible. There will be a significant adverse effect at the Local level
- 7.23
- 7.24 The development will also result in the loss of 0.57 ha (58%) of marshy grassland on site. This loss, if unmitigated, would be an adverse effect. The effect would be permanent and not reversible. There will be a significant adverse effect at the Local level.
- 7.25 Approximately 0.08 ha (33%) of street trees (ornamental) and 0.21 km (22%) of tree-lines (estuary) will also be removed to facilitate development. This loss, if unmitigated, would be an adverse effect. The effect would be permanent and not reversible. There will be a significant adverse effect at the Site level.
- 7.26 On-site, areas of open space have been incorporated within the scheme design comprising a native planting buffer (0.18 ha), structure planting (0.08 ha), gardens/communal gardens (0.64 ha), river edge (0.74 ha) and amenity parkland (0.32 ha). Provision of extensive green roofs has also been incorporated (0.1 ha) to maximise biodiversity. Areas of wildflower planting will be provided particularly within the amenity parkland areas comprising native species of known benefit to wildlife.
- 7.27 Looking at the on-site provision against the losses there will be a net gain of 0.27 biodiversity (area) units on-site (1.6% net gain in area units which is 8.4% below the 10% net gain) and a gain in 1.43 hedgerow/linear units (49% net gain which is above 10% net gain and hence no additional compensation is required).
- 7.28 Unavoidable loss of these habitats will be compensated for with off-site habitat creation and management to enable a 10% net gain in biodiversity and linear features (hedges and tree lines). The off-setting will comprise creation of an area of broad-leaved woodland (at least 0.24 ha), marshy grassland (at least 0.57 ha), wildflower meadow and scrub habitat (at least 0.26 ha) in order to compensate for habitats lost and aim to achieve a 10% net gain in biodiversity across the site.
- 7.29 Sufficient areas for off-setting have been identified by North Devon Biosphere in the Penhill area (3.96 ha of grassland with hedgerows along the boundaries as viewed on aerial images, located approximately 4 km west of the site); where riparian woodland is proposed in the Venn and Landkey Streams. North Devon Biosphere is also looking for sites to restore or create marshy grassland in response to sea level rise taking some of the existing marsh areas likely to be upstream on the Taw Valley. North Devon Biosphere have agreed to provide costs and a letter of commitment to create marshy grassland, woodland and scrub habitats.
- 7.30 The EA have specifically commented that:

The proposal will result in the loss of 0.57ha of marshy grassland, assessed as of Local value for its floral interest and County value for its invertebrate interest. The survey and assessment suggest that the site could meet County Wildlife Site standards, potentially protecting the site from development. Although there is intention to retain part of the site as marshy grassland and to relocate the Southern Marsh Orchids, any potential changes to hydrology, as well as run-off from the new car park, will likely degrade the habitat in time. Off-site compensation is proposed, and the relocation of the Southern Marsh Orchids to the 'new' marshy grassland site, should be explored. In addition, the Biodiversity Calculation needs to be amended to reflect the fact that the loss of marshy grassland will be compensated for OFF-SITE and not on-site. The revised calculations for loss of habitat, and off-site compensation, will likely result in the need for a greater area of habitat restoration/creation than that currently calculated. We advise that the Biodiversity Calculation for all habitats is revised to reflect off-site compensation before full planning permission can be approved.

- 7.31 In light of the above the Biodiversity Calculations for offsite habitat compensation will need to be checked. There is also a lack of detail relating to the BNG commitment here, with no assessment of the off-site baseline and advise that this aspect of the application is reviewed, with more detail submitted to inform the proposal and to ensure delivery of 10% BNG. Delegated authority is sought to address this.

Ecological Disturbance through Noise, Vibration, Lighting and Construction Activities

- 7.32 The degradation of Bishop's Tawton Saltmarsh CWS, which is located 80 m south-east of the site, is not anticipated through dust emissions or surface water runoff during construction. The anticipated noise levels associated with the Taw-Torridge Estuary SSSI during construction are more than 10 dB below the measured ambient noise level and are therefore unlikely to increase the ambient noise level.

- 7.33 A Construction Environmental Management Plan (CEMP) will include methods of working to minimise the likelihood of damage to retained and adjacent habitats and species:

- Heras-type fencing around the construction boundary,
- Tree root protection zones,
- Invasive species infestations,
- Dust and run-off prevention and pollution prevention and control methods.
- Measures to protect species such as a sensitive lighting strategy, closure of open trenches overnight (or provision of escape routes) and litter prevention.
- 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.
- 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.

- The provision of an Ecological Toolbox Talk

Lighting

- 7.34 A sensitive lighting strategy will be implemented for the operational phase of the proposed development to ensure that retained and new habitats remain suitable for bats. Reference will be made to current guidance (Institution of Lighting Professionals, 2018), but, in general, lighting will be minimised, directed downwards and away from suitable habitat, particularly the site boundaries, the vegetation associated with the Tarka Trail and the River Taw. Implementing a sensitive lighting strategy is likely to limit residual effects to being significant at no more than a Site level, i.e. not significant overall.
- 7.35 The north site and its immediate area is well lit light, including streetlights, car park lighting, lighting associated with the NDLC, Tarka Tennis (including exterior floodlighting to tennis courts) and the retail parks. The internal lights within the NDLC are also prominent from Taw Vale.
- 7.36 With use of modern light fittings appropriately located and orientated it should be possible to reduce the amount of obtrusive light and these measures are set out within the lighting strategy section. The lighting for the area shall not exceed the required limitations of ILP Environmental Zone E3, but ideally should achieve Zone E2. For ecological reasons, it will be important to maintain low lux levels along the riverbank, but since the riverside walk will be behind the proposed flood embankment, this should not be an issue.
- 7.37 The proposed townhouses will be lower than the trees and so the trees and embankment will substantially shield the river from the light sources. The main light source from the townhouses will be internal lighting from windows and only when they are unshielded by blinds or curtains, and this will result in far lower lux levels externally compared with the existing car park lighting and lighting from moving cars. While there will be parked cars and street lighting within the proposed development, these lights will be largely screened by the townhouses and the light source from the new streetlights will have far better control, shielding and cut off than the existing lighting
- 7.38 To minimise adverse effects on visual amenity and wildlife the following strategy is recommended:
- use appropriately designed luminaires. Use louvres and shields to prevent undesirable light break-out;
 - lighting should be directed so it does not intrude (or spill) outside of the immediate working area, particularly along the riverbank;
 - preference should be given to several, lower lighting units rather than tall, wide beam lighting units to illuminate large areas as it will limit light intrusion, glare and sky glow from the plant;
 - lighting should be reduced or switched off when not required for safety purposes. Security lighting should be kept at the minimum level needed for visual and security protection;

- the use of infra-red floodlighting and CCTV systems should be used for security to reduce the need for visible lighting outside working hours, and
- avoid working in the hours of darkness whenever practicable

7.39 The most significant change in the lit environment will arise from the installation of lighting within the long stay car park and gypsy and travellers site/event space (when in use) since this is currently an unlit area of scrub. Lighting in this area will be seen in the context of the existing lighting associated with the AGP. While the light levels within this area will increase, there are few human receptors nearby to be affected other than users of the footpath who may benefit from a greater level of illumination for safety

7.40 If the recommended lighting strategy is followed, the residual effects associated with lighting will be at worst **Neutral** of Minor significance for the north part of the site. The conversion of the area of scrub to the south to a long stay car park and the temporary gypsy and travellers' site/events space will result in a residual effect which is **adverse** of Moderate significance, Local and Permanent in terms of a change in nightscape but is unlikely to result in obtrusive light. If appropriate light fittings are installed, it should be possible to reduce skyglow. There will remain some conflict with ecology.

SAC

7.41 In terms of the location of the site, it is within the Zone of Influence identified through the Local Authority's Appropriate Assessment in relation to the Braunton Burrows Special Area Conservation (SAC) under the Habitat Regulations 2017. The applicant will be liable for a financial contribution towards the long term management and maintenance of the Special Area of Conservation to mitigate recreational impacts arising from the development. The applicant has agreed to enter in to a Section 106 agreement which include the payment of the relevant sum in relation to the development proposed.

8. Highways

8.1 Chapter 15 of the ES considers Traffic and Transport. It is supported by:

Transport Assessment 10311-HYD-XX-XX-RP-TP-5001 P05(Hydrock; May 2021) and
 Seven Brethren Residential Scheme, Barnstaple Residential Travel Plan For North Devon Council Date: 4 May 2021 Doc ref: 10311-HYD-XX-XX-RP-TP-6001.
 Technical Note - Rebuttal of Local Highway Authority Comments 10311-HYD-XX-XX-RP-TP-1002 7 September 2021

8.2 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.

Pedestrian/Cycling

- 8.3 The application site is located within suitable walking / cycling distances to existing services, amenities and facilities including retail, recreation and leisure, education and community facilities, healthcare, employment, open space and sustainable transport links. Both the railway station and the bus stops examined are a short walk/cycle of the site.
- 8.4 There is a good level of pedestrian / cycle provision in the vicinity of the site. Local routes include the Tarka Trail Cycle Path which provides a connection to the West Country Way (National Cycle Route 3) and runs adjacent to the site to the east, providing a traffic free walking and cycling route alongside Seven Brethren Bank towards Long Bridge where it crosses the A3125 junction. This continues in a north-western direction passing the Anchorwood Bank development and ASDA Superstore before routing along the northern extent of the areas of Bickington, Fremington and Yelland.
- 8.5 At the signalised junction with Seven Brethren Bank / Longbridge, controlled pedestrian crossing points are available across all carriageways. From Longbridge, footways are provided on both sides of the road leading to Barnstaple town centre, (an 8-minute walk (750 m) from the northern area of the site and 12 m walk from the southern area of the site).
- 8.6 Short sections of on and off-road cycle provision are available to use between Long Bridge and Barnstaple town centre with access also provided to the SW Coast Path and The Tarka Trail.
- 8.7 Enough land needs to be safeguarded to accommodate one end of the proposed footbridge from Larkbear over the main road and railway, as set out in BAR02(3d) and BAR20b. Planning permission has been granted for the bridge (74060). The proposals for the toleration site and car park do not impact on the delivery of this bridge.

Figure: Extract from site plan 74060 showing approved footbridge



- 8.8 Devon County Council's Transport Infrastructure Plan (March 2020) and supporting documents to the Local Plan provide a list of infrastructure required to support new development in the town. This includes the 'Larkbear cyclebridge' over the A361 and railway line at an indicative cost of £3 million and River Taw

bridge at £4 million. Despite likely costs being higher, DCC have no more detailed cost to calculate a contribution from. The two schemes total an estimated £7 million.

- 8.9 DCC initially requested funding towards the Larkbear cycle-bridge and River Taw cycle-bridge costed at of £7,000 per dwelling, totalling £1.26million. The planning policy response is that 'Funding towards its delivery should also be sought'. The question is whether the scale of the request is reasonably necessary in respect of the pedestrian and cycle movements that will result from the development.
- 8.10 The Seven Brethren / Lake Road cycle bridge identified as a key part of the transport strategy in the Local Plan. The Larkbear bridge is referred to as part of BAR02: Larkbear Strategic Extension, primarily as a means of enhancing accessibility between that site and the town centre. Contributions from the Larkbear development have been reasonably sought towards its provision. DCC consider that its cost (£3 million) should be proportioned between allocated housing developments on **both sides** of the bridge. DCC consider that a contribution to this structure is required as it is '*directly related to the development because the application land directly abuts the land required for the cycle bridge*'. The applicant argues that travel demands from this site towards Petroc and employment areas at Roundswell can already be accommodated within the existing network.
- 8.11 References within the NDTLP to the Taw bridge relate to BAR12: Anchorwood Bank (consented and built-out), and BAR20: Strategic Green Infrastructure Links. It is noted (p114) that the design of the new bridge 'must protect and enhance the historic setting of the Conservation Area and listed buildings along The Strand'. There is no policy specifically linking the Taw bridge to other development allocations.
- 8.12 DCC again consider their request fairly and reasonably related in scale and kind to the development. DCC do not have any published formulae for attributing contributions (unlike Education or Public Open Space for instance) and have indicated that they would consider a suggestion from the applicant. This approach hardly seems rigorous particularly as large sum of money (£1.26m) is being requested.
- 8.13 DCC refer to this as 'cost effective mitigation' as they are only asking for a proportion of the scheme cos (total £7m). It is questioned whether this is a justifiable way of arriving at the cost. Mitigation is needed to make a development acceptable and has to be rigorously defensible.

Figure: Extract from the ES re Impact

Effect	Sensitivity of Receptor	Magnitude of Effect	Effect Significance (pre-mitigation)	Mitigation measures	Residual Effect Significance (post-mitigation)
Cyclists amenity and delay	Negligible	Negligible	Negligible	No mitigation measures are required	Negligible
Pedestrian amenity and delay	Negligible	Negligible	Negligible	No mitigation measures are required	Negligible

8.14 DCC consider that the Transport Assessment for the proposal relies heavily on cyclist and pedestrian movements to reduce the impact of vehicle traffic to the point that vehicle impact is not considered 'severe' and therefore without this contribution the assumptions in the TA could not be realised and the application might be refused on the grounds of vehicle impact. When questioned on this point the actual reason for refusal would be:

The failure of this site to mitigate its cumulative impact by contributing proportionately to required infrastructure would be contrary to NPPF paragraphs 110 and 111. Without a contribution to these bridges the proposal fails to enhance and pursue opportunities to promote walking and cycling, fails to provide high quality living environments, does not offer a genuine choice of transport modes and maximise the sustainable travel options contrary to NPPF paragraphs 104 and 105. This application would also be contrary to Local Plan policies BAR(k) and BAR13(3) and the LTP3.

8.15 DCC have stated that *'the applicant has not challenged how the contribution is calculated, simply that they should not pay at all towards it. If the applicant has an alternative means to calculating a contribution this would be considered by the Highway Authority, however, no alternative calculation has yet to be presented'*.

8.16 In response the applicant has referred to the scheme at Anchorwood (166+6 dwellings) which contributed £500,000 towards the Taw bridge and has referenced other recent highways contributions such as the requested (albeit not agreed) £611,952 at Yelland Quay (250 dwellings). The applicant remains concerned that there *'has been no methodology associated with the calculation of contributions to justify requests and so I cannot establish how the contribution figure has been arrived at. I certainly don't think it is for the applicant to provide a suggested method of calculating the figure'*.

8.17 The applicant can *'understand the relationship between the scheme and the new Taw bridge and its contribution to the enhanced cycle/pedestrian network that*

would directly serve the residents of this site. To that end... the sustainable transport figure be set at £500,000?

- 8.18 *In response DCC maintain that their previous request is justified and necessary, but will accept a contribution of £500,000 as offered by the applicant due to the level of affordable housing being provided and likely viability issues. They would wish 'The contribution should be worded such that it can be used for either the new bridge over the railway and A361, OR improved pedestrian and cycle connection over the River Taw. It will be subject to BCIS indexation and paid back if unspent after ten years of the date of payment. The trigger for payment should be prior to the occupation of 20 open market dwellings on the site' (see Heads of Terms).*
- 8.19 The scheme aims to reduce emissions by the promotion of active travel. A key aim for the proposed development is to improve on site pedestrian and cycle connections through enhancing the existing riverside pedestrian/cycle route that runs along the river. These design measures supported by a Travel Plan will help to encourage the use of sustainable transport measures rather than car use which will minimise greenhouse gas emissions.
- 8.20 DCC have requested a 4.5m wide shared cycle and pedestrian path on the river front. The current infrastructure surrounding the riverbank is provided to a width of 3.5m. DCC have no evidence of the exact number of cyclists likely to use this path. The width at 3.5m accords with existing infrastructure and aligns with technical advice.
- 8.21 DCC have flagged that the cycle link by the recycling centre alongside the new leisure centre car park should be provided but as other routes are available and it would be unreasonable to refusal this specific application on grounds that this link alone is not provided. The applicant has advised that this could potentially be looked at as part of a scheme separate from this application. This has also been requested within the representations.
- 8.22 NDC remains supportive of measures to improve pedestrian and cycle facilities. It is agreed that any highway contributions towards physical highway infrastructure changes should focussed on improving sustainable connectivity into the town centre. The amount of contribution is now agreed (see Heads of Terms). The signalised junction at the end of the Long Bridge allows pedestrians and cyclist to link into the Anchorwood development. The Long Bridge itself connects the site to the Town and the Iron Bridge allows access to the Newport area. The site is well served for sustainable transport connections.

Highway Infrastructure

- 8.23 Existing traffic arrangements within Seven Brethren cause conflict between different users and there is some concern that the increase in traffic movements associated with 180 homes will increase existing problems in the area although.
- 8.24 The TRICS assessment highlighted that during the traditional AM peak period the proposed residential dwellings will generate 23 arrivals and 64 departures totalling

88 two-way vehicular trip movements, while during the traditional PM peak period the proposed residential dwellings will generate 62 arrivals and 28 departures totalling 90 two-way vehicular trip movements.

- 8.25 The residential trip generation equates to approximately one two-way vehicle movement every 40 seconds during the traditional AM and PM peak hours. Analysis of this data indicates that it is unlikely that any increase in the development traffic would adversely affect highway safety. It is considered that there are no overriding safety issues or trends within the area assessed over a three-year period.
- 8.26 The detailed analysis of the microsimulation model demonstrates that the proposed redevelopment will not generate an adverse increase in vehicular movements, therefore allowing for safe movement of traffic along the surrounding highway network. It is noted that on some routes assessed there are some increases to journey times of more than a minute when comparing the committed development forecast years against 2019 baseline conditions. However, this is related to the committed growth outlined and expected during the Local Plan period. Importantly, the additional impact when including the residential redevelopment proposal shows little change across the network.
- 8.27 It should also be noted that in all PM peak future year scenarios there are some capacity issues on the Station Road approach to Station Road roundabout, which means some vehicles are unable to enter the network on this approach. However, the difference in unreleased vehicle totals between the forecast years committed growth and the residential redevelopment are minimal, therefore it is considered that this is an impact associated with the anticipated growth in the area and not specifically down to the impact of the proposed redevelopment.
- 8.28 The issues at Station Road roundabout and Long Bridge traffic signals. Already exist and the TA argues that residential redevelopment is not the contributing factor towards seeking a solution at these junctions. **It is therefore considered that the redevelopment will not have a severe impact upon the future base conditions, up to the end of the Local Plan period.**
- 8.29 Residential redevelopment site would not have a material detrimental impact upon the operation and functioning of the local highway network. It is considered that the site is in a highly accessible location that provides access to an excellent range of services / facilities by sustainable modes of travel.
- 8.30 On the basis of the findings within this TA and in the context of the guidelines within paragraphs. 108 & 109 of the NPPF it is considered that there are no residual adverse cumulative impacts in terms of highway safety or the operational capacity of the surrounding transport network and therefore planning permission should not be withheld on transport grounds
- 8.31 DCC are concerned about queues to the recycling centre and new car park. The Technical Note looks at the residual queue (if no vehicles could enter the car park) and estimates it at 23 vehicles or the equivalent of 134m of queues at the start of the day. Using the agreed distance of 250m as a guide, this leaves 116m of the

carriageway clear before any blocking back would occur (the equivalent of approximately 20 vehicles). However, most of this queuing will be on private land. Even if this extended to the public highway, it is questionable as to whether this would be 'severe' with alternative routes and car parks being available in the town.

8.32 The physical works of access to the car park are considered acceptable, and being on private land are of little concern to Devon County Council as Highway Authority.

Mitigation

8.33 During the construction phase, vehicle movements will be controlled and regulated by a Construction Logistics Plan (CLP), submitted alongside the Reserved Matters Applications, to provide a framework for the management of construction vehicle movements to and from the site. The CLP will set out measures so that construction materials can be delivered and demolition and construction waste can be removed in a safe, efficient and sustainable manner. This will consider both routing and timing (as per the Leisure Centre).

Travel Planning

8.34 The implementation of the travel plan will encourage the use of sustainable travel options by building users and will make the information available to each of the residents through the provision of Travel Information Packs. Measures include:

- appoint travel plan co-ordinator;
- travel information pack;
- promote cycling, walking and public transport;
- free school transport;
- encourage car sharing;
- provision of Electric Vehicle Charging Points (EVCP) ; and
- personal journey planner

Car Parking

8.35 In line with Policy DM06, the current parking provision allows for each apartment to be allocated a single car parking space, whilst each of the houses will have an allocation of 2 spaces each. Due to the site's central location, visitors and residents will be encouraged to use alternative forms of transport, such as public transport or the local cycle network. Cycle parking within the residential scheme will be required.

8.36 Parking is proposed on the ground floor of the apartment blocks, within the envelope of the building. Having less cars visible will greatly improve the quality of the public realm. In most cases the town houses benefit from two parking spaces on plot at the rear of the property. The units that front the river are proposed to have an integral garage and 1 space on plot. The details will be agreed at the reserved matters stage and controlled by conditions.

8.37 The long stay car park is considered too remote to require cycle parking, as cyclist wanting to access the Town would use facilities within central car parks to store their bikes. Cycle parking is available at the Tarka Tennis Centre for users of that facility.

9. Site Conditions & Contamination

9.1 Para 178, 179 and 180 of the NPPF set out responsibilities for dealing with site contamination. Policy DM02 requires development to safeguard against hazards, and pollution policy DM02 of the NDTLP are satisfied.

9.2 Chapter 11 of the ES deals with Ground Conditions (Contamination). As with all other sections of the ES the magnitude of potential effects during both construction and operation of the proposed development has been assessed. The chapter is supported by:

- Groundsure Enviro+Geo Insight (April 2021) GS-7779522
- Card Geotechnics Ltd Phase 1 Desk Study (August 2016)
- Card Geotechnics Ltd Geoenvironmental and Geotechnical Interpretative Report (October 2017),
- Card Geotechnics Ltd Summary of Ground Gas Conditions (February 2021),
- North Devon Leisure Centre, Barnstaple Foundation Works Risk Assessment For Speller Metcalfe Date: 12 February 2020 Doc ref: 11596-HYD-XX-XX-RP-GE-1001
- North Devon Council's 'Environmental Search Enquiry – Seven Brethren, Sticklepath, Barnstaple' provided by Legal Services (Ref: EIR 7797, dated 05 May 2021
- Card Geotechnics Ltd Piling Works Risk Assessment (May 2021)

9.3 The reports show that ground conditions comprise topsoil overlying extensive made ground/landfill material to the maximum recorded depth of 10.5 m below ground level (bgl). The made ground generally comprises clay with a gravel and cobble of flint, brick concrete, mudstone and slate. Landfill waste lies in the north and southern parts of the site and consistent with the outline of the landfill taken from historical maps for the area. This is a known contamination risk that will require mitigation.

Ground Contamination

9.4 Contamination sources are summarised below:

- existing ground contamination
- elevated ground gas concentrations associated with made up land/landfill
- elevated levels of radon gas
- elevated levels of bulk gas (carbon dioxide and methane) due to organic-rich superficial deposits;
- potential future contamination associated with hazardous materials or spillages during site development works; and

- potential contamination from imported ground materials used to profile the site and to build the flood defence system

9.5 The potential risks during the operational phase are as follows:

- risks to the future site occupants/site users from contamination during operational phase from any existing ground contamination or other potentially hazardous materials;
- risks to future structures and end users from ingress, inhalation and accumulation of ground gases, including via creation of preferential pathways such as piles;
- risks to controlled waters from contamination during operational phase from any existing ground contamination or other potentially hazardous materials; and
- risks to human health (site residents and visitors) and controlled waters from potential contamination associated with any imported materials and any accidental spillages of hazardous substances, i.e. fuels in the proposed car parking area

Risk to Controlled Waters

- 9.6 The EA Groundwater Vulnerability Sheet 41 indicate that the site is underlain by soils of high leaching potential which readily transmit liquid discharges because they are either shallow, or susceptible to rapid by-pass flow directly to rock, gravel or groundwater. The proximity to the River Taw and the underlying Secondary A Aquifers means that without mitigation measures, the mobilisation of contaminants may result in a moderate adverse effect on the River Taw.
- 9.7 Ground Water Mitigation Measures include reducing contaminant pathways from the use of piles requires mitigation measures and good practices during the construction phase. An on-going groundwater monitoring plan as detailed in the Remediation Strategy may be required.
- 9.8 The building footprints and hardstanding, together with the area to be raised for flood defence and soft landscaped areas to be covered by engineered clean cover system, will limit rainwater infiltration and therefore minimise potential contaminated leachate generations during operational phase.
- 9.9 The surface water drainage strategy for the site includes appropriate Sustainable Drainage Systems (SuDS) features that will attenuate for the increased surface water runoff and provides the required treatment necessary prior to it discharging to the River Taw to ensure no adverse effects in terms of water quality.
- 9.10 The proposed surface water drainage strategy for the Long Stay Car Park area includes a 450 mm deep sub-base with granular material lined with impermeable membrane. This will provide attenuation and the required treatment necessary for the land uses proposed.
- 9.11 With the mitigation measures, the effect human health and controlled waters receptors is reduced to 'negligible' and the residual effect is "Negligible"

Contamination Mitigation Measures

Capping

9.12 The land will be raised due to flooding by 0.6m comprising clean capping materials to prevent contact with underlying organic and inorganic contaminants and localised asbestos containing materials. In the area of proposed public open space in the northern part site, where groups of trees are to be retained with associated root protection areas (RPA) remedial works may comprise careful removal of near surface soils, placement of a suitable geotextile membrane and replacement with suitable clean capping soils subject to Arboricultural recommendations and restrictions for the identified RPAs. All imported material used for reprofiling of the site during construction should be clean or of an acceptable environmental standard

Gas

9.13 Gas risks can be managed through design, i.e. basic radon protection measures and a minimum gas protection measures in accordance with score of 4.5 for Characteristic Situation 3 (as defined in BS8485) or further assessment on a plot-by-plot/ development-specific basis as recommended by within the remediation strategy.

Piling

9.14 Based on ground conditions, foundations for the proposed development structures will likely need to be piled. A Piling Works Risk Assessment (PWRA) prepared for the site by CGL (May 2021) considered the use of cast in situ CFA piles, installed by a competent specialist piling contractor to be appropriate. Once detailed foundation plans revision of the PWRA may be required. Conditions are recommended.

Asbestos

9.15 The application of the Control of Asbestos Regulations (2012) should prevent cross contamination of site soils during any demolition and construction works and to protect workers from exposure to asbestos. Where relevant, materials would be handled by a specialist contractors.

9.16 Whilst the above are generally accepted by EH, conditions will be required in respect of site remediation. These are set out below

Construction Controls

9.17 The sensitivity of construction/maintenance workers is considered high and the sensitivity of site visitors and off-site users is medium. Without mitigation measures, the mobilisation of contaminants may result in a magnitude of moderate adverse effects; therefore, the significance of effects is considered to be "Intermediate" adverse effect on construction/maintenance workers and "Minor" adverse effect on site visitors and off-site users.

- 9.18 During construction works all fuels, oils and chemicals etc. will be stored in appropriate containers within bunded compounds and in accordance with good site practices and EA pollution prevention guidance. Along with a Remediation Strategy a site-specific Construction Environmental Management Plan (CEMP) is required. The CEMP will need to include an appropriate scheme for dealing with contamination prior to construction, in accordance with industry best practice and current regulatory guidance.
- 9.19 Following the implementation of appropriate mitigation measures, the magnitude of the effect is reduced to negligible. Therefore, the residual effect is reduced to “Negligible” significance.

Long Stay Car Park

- 9.20 The proposed long stay car park will be constructed using an impermeable membrane overlain by sub-strata and permeable paving system. This area is considered of lesser environmental sensitivity with respect to identified and potential contamination as this area will be covered with hardstanding which is considered to mitigate against any risks to human health ground contamination and will limit the potential for infiltration and subsequent contaminant migration.

Conclusion

- 9.21 All the potential effects of the project arising from the ground conditions are commonplace in the redevelopment of brownfield sites and are readily overcome by standard engineering good design and practice. No residual impacts have been identified.
- 9.22 Long-term impacts to human health are not expected to be significant as the site would be covered by hardstanding (car parking areas, access roads and building footprints) or engineered clean cover and materials associated with flood defence structure and end users therefore protected from direct exposure to any ground contamination. In addition, long-term impacts to human health associated with ground gas are managed by installation of appropriate ground gas protection measures in the construction phase. Similarly, long-term impacts to controlled waters are not significant when appropriate mitigation measures and good practises during the construction phase are implemented. Where necessary, these will be supported by an appropriate on-going groundwater monitoring plan which would be detailed in the Remediation Strategy. Conditions are recommended to manage the development and mitigate the identifies issues.

10. Flood Risk and Drainage

- 10.1 Chapter 16 of the ES considers Water Resources, Drainage and Flood Risk. The application is also supported by a Flood Risk Assessment (FRA) and surface water and foul drainage strategy for the proposed development. ST02, ST03 Bar21.
- 10.2 The River Taw Estuary is located along the north-eastern boundary of the site and is classified by the Environment Agency as a ‘main river’. A stream is located

approximately 25 m to the west of the car park development site which flows in a south-easterly direction into the River Taw. A field ditch is located approximately 10 m to the north-western corner of the proposed car park development area of the site and is assumed to flow into the stream

- 10.3 The site lies entirely within Flood Zone 3 at **high** risk of flooding from rivers/sea and where Policies ST03 and BAR(f) apply. Flood risk is considered to be of High sensitivity. Surface water mapping identifies that the residential development area of the site has up to a **medium** surface water flood risk and the car park development area has up to a **low** surface water flood risk. The North Devon and Torridge Strategic Flood Risk Assessment (SFRA) and the EA's flood mapping has identified that the site is not at risk from groundwater or sewer flooding and the site does not lie within a Critical Drainage Area (CDA).
- 10.4 As set out in the NPPF, the 'presumption in favour of sustainable development' does not necessarily apply within areas at risk of flooding due to other restrictions placed on such areas elsewhere within the Framework. Annex 3 of the NPPF recognises that housing is a more vulnerable use and that such development should be avoided by directing it away from areas at higher risk but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Sequential Test

- 10.5 The Sequential Test is used to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. The NPPF requires that, if following the application of the Sequential Test, it is not possible for development to be located in lower risk zones then the Exception Test must be applied where development is more vulnerable to flooding.
- 10.6 The Sequential test applies even in the event of demolition of an existing building and works to a brownfield site. The Test needs to show that the proposed scheme could not be reasonably located elsewhere in the town. All reasonably suitable and available sites within flood zone 1 should be explored first, including the large urban extensions around Barnstaple.
- 10.7 The site is part of the BAR13 and hence was considered as part of the Strategic Flood Risk Assessment. The redevelopment of this area will provide wider sustainability benefits that outweigh the flood risk. The submitted FRA shows that the development will be safe for its lifetime. Demolition and new build would provide the opportunity for the present site level to be raised in order to mitigate against flood risk and satisfy the Environment Agency's requirements. It is not possible for the development to be located in areas with a lower risk of flooding as no such sites are available to accommodate this scale of development within the development boundary adjacent to the Town Centre. The potential wider sustainability and regeneration benefits of the proposal are also recognised. Planning permission has been granted to relocate the existing leisure centre and therefore consideration needs to be given to the future of this very prominent edge of centre site.

10.8 Policy BAR: Barnstaple Spatial Vision and Development Strategy

“...redevelopment of previously developed sites including those at risk of flooding where effective flood management can reduce the extent and severity of flood risks both on site and elsewhere in the Taw estuary...”.

Exception Test

10.9 The exception test has to be applied in accordance with paragraph 164 and 165 of the NPPF. The exception test shows how flood risk will be managed. In your exception test, the sustainability benefits of the development to the community must outweigh the flood risk. The development must be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere.

10.10 Flood defence improvements of Seven Brethren were secured through the Anchorwood Bank development but have yet to be delivered and hence this scheme cannot rely on third party works but must demonstrate that the scheme in its own right will be defended.

10.11 It is understood that part of funding through the LRF is safeguarded for flood mitigation through the raising of site levels to allow residential development.

Mitigation

10.12 There is currently a flood wall located along the northern section of the eastern boundary of the site and the redevelopment of the Anchorwood Bank site requires the flood defences to be raised. A separate planning application was submitted to upgrade these defences and this has recently been granted planning permission (under planning reference: 65312). The improved flood defences involved construction of a 240 m long flood wall adjacent to the Leisure Centre with a crest level of 7.4 mAOD. An embankment to the south of the Leisure Centre will be constructed to a level of 7.6 mAOD and an approximate length of 200 m. The stream located to the south of the car park will be culverted through the embankment and will have a tidal flap at the downstream end of the culvert.

10.13 Climate change is likely to increase and severity of flooding events in future climate scenarios which will have a permanent, long-term Moderate Adverse impact of High magnitude on the Proposed Development.

10.14 To mitigate this, the crest level of the current flood wall, will need to be increased from 7.4m AOD to 7.47m AOD to account for climate change and ensure that the site will remain protected for its operational lifetime. The flood embankment will also be extended to the south-eastern corner of the northern portion to account for future risk of flooding.

10.15 The proposal includes an 8 m maintenance buffer between the flood defences and any built development on site. This ensures that there is enough working room for the flood defences to be maintained to a high standard to ensure that the residual risk of the defences breaching is low.

- 10.16 Finished Flood Levels (FFLs) of 7.74m AOD mean that more vulnerable land uses will be located 420 mm above the design flood event for their operational lifetime.
- 10.17 Flood warnings and evacuation need to be considered in the design and layout of planned developments. Safe access/egress for occupants within the residential development would be via the Tarka Trail along the eastern boundary of the site .The proposal includes raising the ground level of the paths for the dwellings therefore, safe access/egress will be achievable for the future residential occupants of the site.
- 10.18 Safe access egress for the occupants within the proposed long stay car parking area would be in an easterly direction towards the Tarka Tennis Centre, which would be dry during the design flood event.
- 10.19 The future occupants of the site would be required to sign up to the EA's flood warning service for the River Taw, to ensure that sufficient warning is provided in the event of an extreme flood.
- 10.20 With the improved flood defences, it is considered that the site would remain defended during the design flood event for its operational lifetime. However, the site could become flooded if a breach in the defences was to occur; however, it should be noted that this represents a residual risk and, therefore, the risk of the site being affected by flooding is considered to be low.
- 10.21 If the flood defences associated with Anchorwood are not provided then the defended levels would still need to be provided but this scheme would need to do more work.
- 10.22 The EA have recommended a flood risk condition. A detailed design for the embankment, finished floor levels and raising of the ground should be addressed under this condition. The detailed design should take into account any increases in climate change allowance and update the design flood levels and design the flood resilience measures accordingly, including increasing ground levels, finished floor levels and embankment level as required.

Surface Water Drainage

- 10.23 The residential development area of the site is brownfield land comprising the North Devon Leisure Centre and associated car park, an existing road, an area of hardstanding and areas of open space. The redevelopment of the site will result in a decrease in impermeable material as large areas of green public open space will be provided.
- 10.24 The car park development area is currently greenfield land and the redevelopment of the site involves creating a long stay car park which will be surfaced with permeable material. There will therefore be an increase in surface water runoff from this area which could lead to increased flooding elsewhere, if not managed appropriately. However, this risk is reduced through the implementation

of the proposed detailed drainage strategy for the site which is included as part of the FRA.

- 10.25 There will be two attenuation basins incorporated into the design of the northern portion of the site (residential area). The northern portion's drainage is based on the storage required for the 1 in 30 year storm including a 40% allowance for climate change during the tidal locking of the outfalls caused by the 0.5% Annual Exceedance Probability (AEP) tidal event up to the year 2119.
- 10.26 It is proposed to discharge surface water to the tidal stream to west of the site at an unrestricted rate. The proposed car park will comprise of permeable paving overlaying granular substrate and lined with an impermeable membrane. This will provide adequate water quality treatment to runoff prior to it discharging to the stream to the west. The car park will be built up from ground level due to the historical contamination on site.
- 10.27 Following the implementation of the above mitigation measures, there will be a permanent, long-term Minor Adverse residual impact of High Magnitude on climate change.

Foul Drainage

- 10.28 SWW have confirmed that the local sewerage system has available capacity for the predicted flows. Foul sewers are proposed to run from each new building to connect into the existing 400 mm diameter foul sewer that runs along the north-western boundary of the site.
- 10.29 An existing water main is also located along the north-western boundary of the residential development area of the site.

11. Socio Economic Benefits

- 11.1 Chapter 14 deals with the Socio-Economic Benefits and Health Impacts.
- 11.2 The site is a short walk from the Town Centre where shops and community facilities such as the library can be accessed. Leisure facilities are on the doorstep with the Tarka Tennis centre and new Leisure centre and more informal open space can be accessed by the Tarka trail and associated footpath network with links to Rock Park.

Economic Benefits

- 11.3 Policy BAR13 of the NDTLP sets out the vision for Seven Brethren Bank and states that the site provides an opportunity to deliver new economic development.
- 11.4 Construction of the proposed development will generate 434 net operational construction person years employment in the target area which is equivalent to some 43 permanent jobs in the economy. Considering the leakage, displacement and multiplier factors this would have a net additional impact of 27 FTE jobs in the local economy.

- 11.5 The provision of construction jobs increases expenditure in the local area through spend in the supply chain and on local businesses as a result of more people in the area during the construction stage. This will contribute towards economic development of the local area. This is considered to be a temporary Moderate Beneficial impact of Medium magnitude in the short term.
- 11.6 The proposed development will bring forward approximately 179 residential units, which are estimated to be occupied by some 430 residents. It is estimated that the gross weekly expenditure of the residential development will be £104,822 resulting in a gross annual expenditure of £5.4 million. Assuming that 50% of the gross annual expenditure is spent locally on goods and services such as cafes, restaurants and supermarkets, this would be an additional £2.7 million in the local economy. The operational phase is considered to have a permanent Major Beneficial impact on the local economy of High magnitude over the long-term.

Affordable Housing

- 11.7 The proposed development will bring forward up to 179 residential dwellings. 28 should be affordable. As a result of this provision there will be a permanent Moderate Beneficial impact of High magnitude in the long-term (see Heads of Terms).

Education

- 11.8 A development up to 142 family type dwellings will generate an additional 35.50 primary pupils. DCC have forecast that the local primary schools have enough spare capacity for the number of pupils likely to be generated by the proposed development. In respect of the 21.30 secondary pupils this would have a direct impact on secondary schools in Barnstaple. Contributions are therefore requested towards secondary education and SEN. (see Heads of Terms)

Health

- 11.9 There are three GP surgeries within a 2 mile radius of the centre of the proposed development. The average ratio of patients per GP for these three practices is 1,754, which is below the best practice of 1,800 people per GP recommended by the General Medical Council, used by the Department of Health and Primary Care Trusts. This assessment in the ES is not agreed.
- 11.10 The latest information from North Devon District Council advises that there are a further 1,210 dwellings that have been consented or commenced which would equate to an additional population of 2,735 (1,210 dwellings multiplied by 2.26 average occupancy). Therefore, once the CCG has taken these into account the actual situation is:

-1,949 (current patient list capacity)
+ 2,735 (population from consented and commenced)
= 786 Final position (Over Capacity).

Therefore the 184 dwellings that will generate a further 416 new patients will be registering with anyone of the three surgeries that will already be over capacity therefore contributions are required towards improvements to existing services (see Heads of Terms)

11.11 There are 6 dental surgeries within a 2 mile radius of the site. Two of these dental surgeries are accepting new patients and one is accepting new patients only by referral. Two of these dental surgeries are not accepting new patients and information regarding new patients for the remaining surgery could not be sourced. There is no mechanism to support dental surgeries within current policy.

Open Space

11.12 This application generates a requirement for open space and green infrastructure in accordance with policy DM10. On-site provision, minimum standards will need to be met. Where on-site provision is not viable or off-site provision is more suitable as a result of proximity to existing facilities, an off-site contribution for that particular provision would be sought to deliver a scheme at a suitably linked location

11.13 The landscaping design of the proposed development includes the provision of a public open space, with informal amenity spaces, trees, grass and wildflower meadows. This will create open spaces for residents and local community members to enjoy. The proposals are offering an integrated and multifunctional network of open space, incorporating play areas, wildlife corridors, pedestrian and cycle routes. These open spaces, such as the provision of a pocket park to the site entrance, will not only benefit the future residents, but also wider members of the community. In addition, the public park will provide play and seating areas for use by residents and the wider community. These green spaces will also link parts of the development to the wider area including the River Taw.

11.14 The provision and enhancement of these green open spaces will create new spaces for residents and local community members to enjoy and encourage activity as well as social interaction, which both have positive impacts on health and wellbeing.

11.15 It is considered that the provision of open and play space will have a permanent Minor Beneficial impact of Low magnitude in the long-term. This provision would be secured by conditions and via the Heads of Terms.

12. Heads of Terms

12.1 Legal advice that 'NDC cannot enter into an agreement with itself as the landowner, and cannot covenant with itself as the Local Planning Authority. Any obligations would be unenforceable. As we are in an area where there are 2 tiers of Local Authority (i.e. North Devon and Devon County Councils), a Section 106 Agreement can be entered into with the other Authority agreeing to enforce the obligations. Potential issues would purely be political/practical which is unlikely. There are no legal reasons as to why this wouldn't be an option'.

12.2 The following have been requested:

Head of Terms	Detail	Amount
Affordable Housing	75% Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale).	28 units in total – details of mix requested
Sustainable Transport infrastructure contributions	Improved pedestrian and cycle connection over the River Taw. BCIS indexation and paid back if unspent after ten years of the date of payment. The trigger - prior to the occupation of 20 open market dwellings on the site	£500,000
Allotment:	Off-site delivery	£16,469.10
Amenity & Green Space:	12,303sq.m. out of 10,622sq.m. requirement is provided on site	To be recalculated at RM stage to ensure areas of informal open space are delivered
Play Space:	256 sq.m. play space to be provided on site for ages 6+ as an extension to the play area near the new leisure centre within the red line boundary of the application.	
Built Rec:	Off-site contributions	£342,557.28
Primary and secondary SEN provision.	SEN rate of 77,890 per pupil equivalent to 0.53 primary pupil and 0.32 secondary pupils. This equates to 467.33 per family type dwelling.	£66,362
Secondary School contribution towards the expansion of existing secondary provision in Barnstaple	Based on the DfE expansion rate of £22,513 per pupil. This equates to a per family-dwelling rate of £3,326.29.	£472,333
Health – to address capacity at Litchdon Medical Centre, Brannam Medical Centre and Queens Medical Centre	£485 per dwelling	£87,264
Braunton Burrows SAC	£190 per dwelling	£34,200
Off-site habitat creation and management	Creation of an area of broad-leaved woodland (at	Biodiversity Area Units (to be recalculated in line

Head of Terms	Detail	Amount
	least 0.24 ha), marshy grassland (at least 0.57 ha), wildflower meadow and scrub habitat (at least 0.26 ha) in order to compensate for habitats lost and aim to achieve a 10% net gain in biodiversity across the site	with EA advice and at Reserved Matters stage) =1.417 costed at £15,000 per unit. Estimated cost is around £21,255

12.3 Whilst the applicant is NDC, the Heads of Terms still have to result in a deliverable development. In this instance the above Heads of Terms are not as yet agreed. If the s106 can be completed on the basis of the above then the recommendation is that a policy compliant scheme has been secured. If a viability exercise is required then the Heads of Terms would need to be presented gain to Planning Committee.

13. **Conclusion – Planning Balance**

13.1 Policy ST01 indicates that Councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

13.2 This is a brownfield site, within the development boundary, allocated for regeneration, at a time when there is no proven 5 year land supply. With consideration to the mix of uses that have already been delivered at Anchorwood Bank the principle of housing rather than ‘economic’ based uses on this previously developed site is considered acceptable particularly given the resultant increase in footfall that will support the Town Centre. This is however subject to the delivery of a temporary toleration site for travelling communities and replacement long stay car park to ensure that existing community facilities are replaced in a timely manner. The full aspect of this application deals with this.

13.3 The Council has to show that when it takes a decision, it is considering the issues of equality under the Public Sector Equality duty. That applies to planning as well as any other decision. The re-provision of the toleration site albeit on a temporary basis will enable gypsies and travellers to maintain their way of life by re-providing an accepted transit stop. The relationship to the long stay car park is more direct than the existing area but with proper management is acceptable. A long term/permanent solution is still required.

13.4 The ES and supporting information has demonstrated that the policy considerations can be satisfactorily addressed subject to appropriate mitigation measures, which will prevent, reduce or off-set any likely adverse effect of the proposed development on environmental facets during the construction and operational lifetime. This will be controlled via conditions.

13.5 The ES has not identified any exceptional circumstances which contravene legislation or planning policy in respect of technical issues such as Noise and Vibration, Air Quality, Contamination & Ground Conditions, which pose a constraint to the proposed development, either during construction or once

operational and as such the residual effects are considered to be Negligible again subject to controls imposed through planning conditions.

- 13.6 As this is a significant site, prominent on the river front, care will need to be taken at the detailed design stage of the development to ensure the residual effect of the proposed development on Heritage assets remains Negligible to Minor Adverse. The recommended design parameters will need to be used to inform and guide the reserved matters to provide a quality of development appropriate to the locality and which achieves the stated at least a Moderate Beneficial residual effect on townscape and visual amenity. The scale of development when considered against the existing Leisure Centre or the Anchorwood development is appropriate and will provide a feature approach to this side of Seven Brethren. The supporting documents set out high level design and sustainability principles which will need to be demonstrated at the reserved matters stage and which will deliver a scheme that complies with the National Design Guide and Building for a Healthy Life guidance.
- 13.7 The NPPF at paragraph 127 states that planning should always seek to secure a high standard of amenity for existing and future occupants of land and dwellings. Policy DM01 a) of the NDTLP supports development where it would not significantly harm the amenities of any neighbouring occupiers or users. Policy DM04 i) supports development where the scheme ensures the amenity of existing and future occupiers are safeguarded. The amenities of local residents can be appropriately safeguarded through the detailed design process and conditions imposed in relation to noise, land contamination and construction measures. Conditions would be required to deal with any residual noise impact to proposed residents from Seven Brethren and the new Leisure Centre. Effective design would be the best solution and will be considered at the reserved matters stage.
- 13.8 Paragraph 196 indicates that where developments will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal. The site would result in less than substantial harm to the setting of heritage assets and significant weight is afforded to the social and economic benefits listed below.
- 13.9 By its very nature using land laid to grass/scrub to the rear of the Tarka Tennis centre will bring with it some adverse residual effect associated with the construction of the long stay car park and gypsy and travellers' site/events space on the area of scrub to the south. However, this can be mitigated by appropriate screen planting (such as a native hedge) between the car park and the footpath and around the site edges to create a barrier with the more sensitive areas. As a full application site landscaping and mitigation should have been detailed but can be conditioned. The additional walking time from the Long Stay car park to the Town Centre is within an acceptable range and will be from improved pedestrian links.
- 13.10 The residual effect of the proposed development on Climate Change is considered to be Minor Adverse. A range of measures to adapt and mitigate for these future scenarios has been incorporated into the design, construction and management processes and the works to protect the site from flood risk will need

to be delivered in full. The uncertainty around the delivery of the Anchorwood off site flood defences need to be addressed and it will be the responsibility of this scheme to ensure effective flood defences are in place with reliance on third party works. Conditions secure this. The site can appropriately deal with surface water run-off in accordance with Environment Agency and DCC Flood Risk advice and national requirements over the life time of the scheme.

- 13.11 Paragraphs 170 and Paragraph 175 of the framework indicate that when determining applications, if harm to biodiversity resulting from the development cannot be avoided then it should be adequately mitigated. Policy DM14: Enhancing Environmental Assets of the NDTLP expects new development to protect the quality of northern Devon's natural environment, to contribute positively towards providing a net gain in biodiversity. Whilst harm cannot be avoided, effective ecological mitigation can be secured along with replacement habitat in accordance with policies ST14 and DM08 and with paragraph 170 and 175 of the framework. The ecological impacts from development can be mitigated through appropriate construction management, and monitoring along with green infrastructure provision on and off site, controls over construction and lighting. With the mitigation measures, the scheme will have a Negligible to Minor Beneficial effect on ecology and nature conservation. Not all of the 10% net gain can be delivered on site so off site mitigation will be required. This is a sensitive site with regards to the relationship to ecology and protected species where lighting and recreational disturbance needs effective management as well as new areas of habitat creation and translocation of existing species delivered in a timely manner.
- 13.12 At paragraph 108 of the framework new development should ensure that safe and suitable access to the site can be achieved for all road users, and 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. This is reflected through policies ST10 (Transport Strategy) DM05 (Highways) and DM06 (Parking) of the NDTLP. It is agreed by all parties that this is a very sustainable location with good access to walking, cycling and public transport. The site is a short walk to the Town Centre and its facilities as well as being served by the Leisure Centre and facilities at Seven Brethren and Anchorwood. There are existing issues with the traffic in this area but DCC have not sought improvement to the highway network but are relying instead on further improvements to cycle and pedestrian linkages. Paragraph 109 is clear that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on the highway safety, or the residual cumulative impacts on the highway would be severe'. The test of severe harm to the highway network is not met and whilst the Heads of Terms are not agreed, some contribution to the local network is supported. Travel planning will be integral to this and is controlled by conditions.
- 13.13 Any new housing including much needed afforded housing will meet the socio-economics needs of our community. The economic benefits of the proposal would be strong, including the creation of jobs, the addition of spending power to the local economy and would result in the regeneration of this some to be redundant building and wider site. Contributions to health, education and recreation will

ensure that residents are provided with the facilities that they need and the ES concludes that operational impacts range from Negligible to Major Beneficial.

13.14 Planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The application is considered to accord with the adopted development plan. Given the above discussion it is considered, on balance, that the identified harm in landscape terms and on the highway network (where mitigation may not offered in full), which would not outweigh the substantial benefits attributed from the provision of much needed housing and public open space. Substantial weight is given in favour of the scheme which can be delivered to a high design standard, addressing biodiversity, amenity, contamination, drainage and flood risk. Having considered the environmental, social and economic strands of sustainable development, the package of works proposed with appropriate controls are considered to deliver an acceptable form of development which addresses Local Plan policies. Approval of the application is therefore recommended subject to the imposition of planning conditions and Section 106.

Human Rights Act 1998

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

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

Recommendation

APPROVED

Legal Agreement Required: Yes - If the s106 can be completed on the basis of the above Heads of Terms then the recommendation is that a policy compliant scheme has been secured. If a viability exercise is required then the Heads of Terms would need to be presented back to Planning Committee.

Delegated authority is also sought to resolve those points within the report that require further information such as the BNG calculations

Conditions

With delegated authority sought to finalise the wording of 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 80 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 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, contamination adequately dealt with 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 Torrridge 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 01.03P1 Landscape Strategy Plan received on the 15/06/21

ENG/A7800/100A Car Park - Location Plan received on the 15/06/21
ENG/A7800/101 Draft - General Layout Plan received on the 15/06/21
ENG/A7800/101A Car Park - Scheme 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 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

DOCUMENTS LIST TO BE ADDED

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:

18091 LHC D1 XX DR UD 01.01P1 Location Plan received on the 15/06/21
18091 LHC D1 XX DR UD 10.02C Illustrative Masterplan received on the 20/10/21
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
18091 LHC D1 XX DR UD 01 04P1 Proposed Sections A and B received on the 15/06/21
18091 LHC DR UD 01 05P1 Proposed Sections C and D received on the 15/06/21
18091 LHC DR UD 01 06P1 Proposed Section E received on the 15/06/21
18091 01 10 Open Space Plan received on the 20/10/21

('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 Torrridge Local Plan and the National Design Guide.

5. No part of the development hereby permitted shall be commenced until a phasing programme ('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). This programme 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.

(d) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the verification report.

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 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 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. T

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 with in the Ecology Reports listed in condition *) 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 design, position and layout of the LEAP including surface treatment, 5 pieces of play equipment, seating, signage and means of enclosure
- b) the precise planting schedule, means of enclosure of the areas of informal open space
- c) 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 strategic phase of the development. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason

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

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. No part of the development hereby approved shall be commenced until details of the treatment of the visibility splays required by the listed conditions and the means of defining the boundary between the visibility splay and the remainder of the application site have been submitted to and approved by the Local Planning Authority.

Reason

To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority

24. 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

25. 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

26. Garaging/hardstanding and parking spaces required by this permission shall be provided in addition to and separate from the required turning space.

Reason

To ensure that vehicles parked on the site are able to enter and leave in forward gear

27. 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.

28. No dwellings hereby approved shall be occupied until a minimum width 3.5 metre shared footway and cycleway has been constructed and made available for use between the Longbridge and Iron Bridge with connections to other paths in the area.

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.

29. 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.

30. 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

31. No other part of the development hereby approved shall be commenced 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

32. 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.

Informatives

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/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>

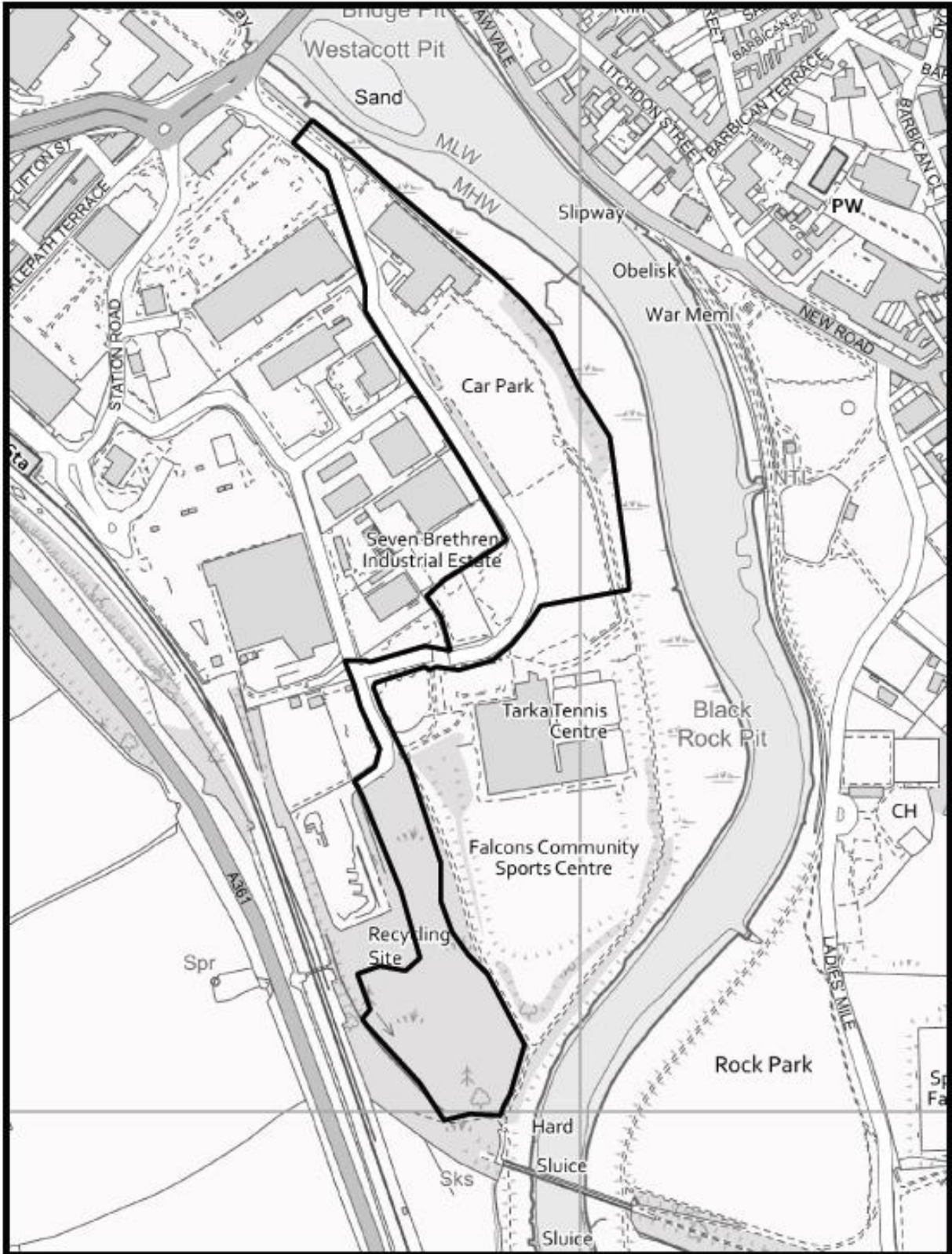
7. EA Advice re Water Quality


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.

END OF REPORT



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