

# **Application Report**

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



<b>Application No:</b>	78083
<b>Application Type:</b>	Full Application
<b>Application Expiry:</b>	20 March 2024
<b>Extension of Time Expiry:</b>	
<b>Publicity Expiry:</b>	26 January 2024
<b>Parish/Ward:</b>	ILFRACOMBE/ILFRACOMBE WEST
<b>Location:</b>	Former Bicclescombe Nurseries Furze Hill Road Ilfracombe Devon
<b>Proposal:</b>	Demolition of existing buildings and erection of 16 social rented units with associated landscaping and parking
<b>Agent:</b>	Woodward Smith Chartered Architects
<b>Applicant:</b>	Ilfracombe Community Land Trust
<b>Planning Case Officer:</b>	Mr S. Emery
<b>Departure:</b>	N
<b>EIA Development:</b>	
<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Delegated The site is owned by North Devon District Council

## **Site Description**

The application site is formed of a sloping topography from east to west. The east of the site comprises of the Bicclescombe Nursery building, sheds, and various other small outbuildings. Surrounding this, the land is contained by densely overgrown areas of trees and planting.

The main access to the site is via Furze Hill Road to the north. Residential properties bound the site to the north east and south, together with the nursing home and other residential properties located to the west.



Access to site from Doone Way



From Access to Doone Way



From inside site to rear of Doone Way



Rear of Doone Way to common boundary



Site for new access



Existing nursery buildings



Internal vegetation



Internal vegetation





**Recommendation**

**Approved**

Legal Agreement Required: Yes

**Planning History**

Reference Number	Proposal	Decision	Decision Date
78/0323/34/02	PROPOSED DWELLING AND GARAGE at ADJ. BICCLESCOMBE PARK HOSPITAL, KINGSLEY AVENUE, , , ILFRACOMBE, DEVON, EX34 8QB	APPROVE - WITH CONDITIONS	15 March 1978

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
<b>34843</b>	APPLICATION FOR CONSENT FOR WORKS TO TREES COVERED BY A TREE PRESERVATION ORDER IN RESPECT OF DISMANTLING OF 1 NO. BEECH TREE at GREENFORD, KINGSLEY AVENUE, ILFRACOMBE, EX348ET	TREE WITH TPO - REFUSE WORKS	24 March 2003
<b>41080</b>	APPLICATION UNDER REGULATION 4 OF THE T & C P GENERAL REGULATIONS 1992 IN RESPECT OF OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 15 DWELLINGS & GARAGES TOGETHER WITH CREATION OF ACCESS ROAD (AMENDED SURFACE WATER PROPOSALS) at BICCLESCOMBE NURSERY, DOONE WAY, ILFRACOMBE, EX348HR	APPROVE REG 3/4	16 August 2007
<b>48560</b>	APPLICATION FOR CONSENT FOR WORKS TO TREES COVERED BY A TREE PRESERVATION ORDER IN RESPECT OF VARIOUS WORKS TO CONIFERS at LAND TO THE REAR OF, 6 - 10 DOONE WAY, ILFRACOMBE, EX348HR	TREE WITH TPO - APPROVE WORKS	30 July 2009
<b>50316</b>	EXTENSION OF TIME LIMIT FOR IMPLEMENTATION OF OUTLINE PLANNING PERMISSION 41080 - APPLICATION UNDER REGULATION 4 OF THE T & C GENERAL REGULATIONS 1992 FOR THE DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 15 DWELLINGS & GARAGES TOGETHER WITH CREATION OF ACCESS ROAD at BICCLESCOMBE NURSERY, DOONE WAY, ILFRACOMBE, , DEVON, EX34 8HR	OL APPROVAL	9 December 2010
<b>70780</b>	Application for consent for works to trees covered by a tree preservation order in respect of coppicing of 2 Field Maple (T1 & T2) 1 Sycamore (T3) and 2 Ash (T4 & T5) at Doone Way Ilfracombe Devon EX34 8HR	Approved	3 March 2020
<b>64890</b>	DEMOLITION OF EXISTING BUILDINGS & STRUCTURES & ERECTION OF TEN DETACHED DWELLINGS WITH	Withdrawn	19 May 2021

Reference Number	Proposal	Decision	Decision Date
	ASSOCIATED WORKS (AMENDED DESCRIPTION, PLANS & SUPPORTING DOCUMENTS) at BICCLEScombe NURSERIES, FURZE HILL ROAD, ILFRACOMBE, DEVON		

### **Constraints/Planning Policy**

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Advert Control Area Ilfracombe	Within constraint
Ancient Woodland: CAIRN TOP Ancient & Semi-Natural Woodland	334.25
Ancient Woodland: CAIRN TOP Ancient Replanted Woodland	455.24
Chivenor Safeguard Zone Consultation Structure or works exceeding 45.7m	Within constraint
Critical Drainage Area	Within constraint
Land is potentially contaminated, site was used for:Hospitals, Is ranked:MEDIUM, Year:1905	Within constraint
Land is potentially contaminated, site was used for:Hospitals, Is ranked:MEDIUM, Year:1932	Within constraint
Land is potentially contaminated, site was used for:Hospitals, Is ranked:MEDIUM, Year:1938	Within constraint
Landscape Character is:	Within constraint
Tree Preservation Order: 205 - A1, Greenford, Kingsley Avenue, Ilfracombe Tree Preservation Order 1986	Within constraint
Tree Preservation Order: 356 - A1, Bicclescombe Nursery, Doone Way, Ilfracombe Order 2007	Within constraint
USRN: 27500391 Road Class:R Ownership: Highway Authority/Private	2.05
USRN: 27500403 Road Class:R Ownership: Highway Authority	11.72
USRN: 27500411 Road Class:R Ownership: Highway Authority	12.66
Within Adopted Coast and Estuary Zone	Within constraint
Within adopted Development Boundary: Ilfracombe Development Boundary DM04	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint

SSSI Impact Risk Consultation Area      Within constraint

DM01 - Amenity Considerations  
DM02 - Environmental Protection  
DM03 - Construction and Environmental Management  
DM04 - Design Principles  
DM05 - Highways  
DM06 - Parking Provision  
DM07 - Historic Environment  
DM08 - Biodiversity and Geodiversity  
DM08A -  
DM10 - Green Infrastructure Provision  
ILF - Ilfracombe Spatial Vision and Development Strategy  
ST01 - Principles of Sustainable Development  
ST02 - Mitigating Climate Change  
ST03 - Adapting to Climate Change and Strengthening Resilience  
ST04 - Improving the Quality of Development  
ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres  
ST14 - Enhancing Environmental Assets  
ST15 - Conserving Heritage Assets  
ST17 - A Balanced Local Housing Market  
ST18 - Affordable Housing on Development Sites

### **Consultees**

<b>Name</b>	<b>Comment</b>
Arboricultural Officer  Reply Received 17 April 2024	No comments received – see below comments from Devon Tree Services.
Building Control Manager  Reply Received 16 April 2024	No comments received.
Councillor J Quinn  Reply Received 17 April 2024	No comments received.
Councillor S Wilson  Reply Received 16 April 2024	No comments received.
DCC - Childrens Services  Reply Received 12 January 2024	Dear Planning,  Devon County Council has identified that the proposed 16 additional family type dwellings will generate an additional 4.00 primary pupil and 2.40 secondary pupils which would have a direct impact on Ilfracombe Infant, Junior and Secondary Schools.

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>We have forecast that there is enough primary capacity within Ilfracombe for the number of pupils expected to be generated from this development and therefore a contribution towards primary education would not be sought. We have forecast that the nearest secondary school has not got capacity for the number of pupils likely to be generated by the proposed development and therefore Devon County Council will seek a contribution towards this additional education infrastructure to serve the address of the proposed development. The contribution sought for secondary would be 56,496 (based on the DfE secondary extension rate of 23,540 per pupil). These contributions will relate directly to providing education facilities for those living in the development.</p> <p>All education infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to these contributions 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 It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.</p> <p>In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.</p> <p>Many thanks,</p> <p>Mark</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 31 January 2024</p>	<p>I am able to confirm the proposed development is acceptable to Development Management (Highways), subject to the following conditions being incorporated within any formal planning approval:</p> <p>1) The proposed road, footways, junction, sewers, drains, service routes, car parking spaces, construction staff car parking and construction site compound shall be laid out, constructed and completed in accordance with a detailed programme that is to be submitted to the Local Planning Authority for approval in writing before any part of the development commences.</p>

Name	Comment
	<p data-bbox="443 197 584 226">REASON</p> <p data-bbox="443 271 1098 300">To ensure the proper development of the site.</p> <p data-bbox="443 344 1385 595">2) No other part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway with the ironwork set to base course level and a site compound and car park have been constructed, in accordance with details previously submitted for approval.</p> <p data-bbox="443 640 584 669">REASON</p> <p data-bbox="443 714 1358 815">To ensure adequate on site facilities are available for all traffic attracted to the site during the construction period and to protect the amenities of adjoining residents.</p> <p data-bbox="443 860 1342 960">3) The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:</p> <p data-bbox="443 1005 1401 1182">i) the road and/or cul-de-sac carriageway including the vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level with the ironwork set to base course level and the sewers, manholes and service crossings completed;</p> <p data-bbox="443 1227 1385 1361">ii) the road and/or cul-de-sac footways which provide that dwelling with direct pedestrian routes to an existing highway maintained at public expense have been constructed up to and including base course level;</p> <p data-bbox="443 1406 1385 1473">iii) the street lighting for the road and footpaths/footways has been erected and commissioned;</p> <p data-bbox="443 1518 1385 1585">iv) the car parking and any other vehicular access facility required for the dwelling by this permission have been completed;</p> <p data-bbox="443 1630 1043 1659">v) the highway boundary properly defined;</p> <p data-bbox="443 1704 1394 1771">vi) the street nameplates for the spine road and/or cul-de-sac have been provided and erected.</p> <p data-bbox="443 1816 584 1845">REASON</p> <p data-bbox="443 1890 1385 1957">To ensure adequate access and associated facilities are available for the traffic attracted to the site.</p> <p data-bbox="443 2002 1310 2056">4) When once constructed and provided in accordance with condition 3 above, the carriageway, vehicle turning head and</p>



Name	Comment
	<p>footways shall be maintained free of obstruction to the free movement of vehicular and pedestrian traffic and the street lighting and nameplates maintained.</p> <p>REASON</p> <p>To ensure the highway facilities remain available.</p> <p>5) Within twelve months of the first occupation of the first dwelling in an agreed phase of the development all roads, footways, drainage, statutory undertakers' mains and apparatus and junction works shall be wholly completed.</p> <p>REASON</p> <p>To ensure the access arrangements are completed within a reasonable time.</p> <p>6) Provision shall be made within the curtilage of each dwelling for the disposal of surface water so that none discharges onto the public highway.</p> <p>REASON</p> <p>In the interest of public safety and to prevent damage to the highway.</p> <p>The Advance Payments Code applies. I shall be pleased if you will ensure that I am notified as soon as any Building Regulations approval is issued.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 19 March 2024</p>	<p>My ref: Arch/DM/ND/39019b</p> <p>I can confirm that the programme of historic building recording works as described in the Written Scheme of Investigation (WSI) prepared by South West Archaeology - (document ref: IBN24WSlv1 and dated: 18th January 2024) and submitted in support of this planning application is acceptable to the Historic Environment Team.</p> <p>As such, I would like to withdraw the Historic Environment Team's previous comments and instead advise that any consent that may be granted by the Planning Authority should be conditional upon the following worded conditions:</p> <p>'The development shall proceed in accordance with the Written Scheme of Investigation prepared by South West Archaeology - (document ref: IBN24WSlv1 and dated: 18th January 2024 and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'</p>

Name	Comment
	<p>Reason            'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'</p> <p>In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:</p> <p>'The development shall not be occupied use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'</p> <p>Reason            'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'</p> <p>I will be happy to discuss this further with you, the applicant or their agent.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received            17 January            2024</p>	<p>Recommendation:            At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.</p> <p>Observations:            The applicant has proposed to manage surface water within an underground attenuation tank before discharging into the nearby watercourse via a sewer requisition.</p> <p>The outfall from the site needs to be confirmed at this stage. If the landowner will not accept the headwall within their land, then the applicant might not be able to form an outfall from the site.</p> <p>A rain garden should be assessed just upstream of the proposed attenuation tank. If one proposed tree is removed, there should be enough space to provide a rain garden for interception losses before overflowing into the attenuation tank:</p>

Name	Comment
	<p>Could the proposed trees either side of the attenuation tank be used as tree pits?</p> <p>The applicant should confirm that trees can be planted above the attenuation tank.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 11 April 2024</p>	<p>Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:</p> <p>No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:</p> <p>(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.</p> <p>(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.</p> <p>(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.</p> <p>(d) A plan indicating how exceedance flows will be safely managed at the site.</p> <p>(e) Evidence there is agreement in principle from South West Water to requisition a surface water sewer.</p> <p>No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.</p> <p>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.</p> <p>Observations:</p> <p>Following my previous consultation response (FRM/ND/78083/2023; dated 16th January 2024), 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 proposed to install a filter drain to provide more opportunity for interception losses.</p> <p>Whilst this is greatly appreciated, oversized tree pits might give even greater opportunities for interception losses.</p>

Name	Comment
	<p>The applicant has confirmed that North Devon Council are the landowner where the surface water outfall is proposed. An agreement for the outfall location and headwall appearance would therefore be with North Devon Council.</p> <p>The applicant has also confirmed that they will install root barriers to protect the attenuation tank from any root damage.</p>
<p>DCC Waste Management</p> <p>Reply Received 16 January 2024</p>	<p>It is noted this is a major application, and as such, the Waste Authority Planning provide the following comment.</p> <p>Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance.</p> <p>It is recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development.</p> <p>"Prior to the commencement of development, a waste audit statement shall be submitted to the Local Planning Authority. 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 following points shall be addressed in the statement:</p> <ul style="list-style-type: none"> <li>• The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.</li> <li>• Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.</li> <li>• The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.</li> <li>• Identify the main types of waste generated when development is occupied.</li> <li>• The details of the waste disposal methods likely to be used; including the name and location of the waste disposal site.</li> <li>• Identify measures taken to avoid all waste occurring.</li> <li>• Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.</li> </ul> <p>The development shall be carried out in accordance with the approved statement.</p> <p>Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with</p>

Name	Comment
	<p>Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation."</p>
<p>Designing Out Crime Officer</p> <p>Reply Received</p>	<p>No objection received.</p>
<p>Devon County Council Planning Team</p> <p>Reply Received 16 April 2024</p>	<p>No comments received.</p>
<p>Devon Tree Services</p> <p>Reply Received 26 January 2024</p>	<p>Documents reviewed:</p> <ul style="list-style-type: none"> <li>• 2202_0500_P3_Drainage Layout</li> <li>• N138 22 204I Site Plan as Proposed A1</li> <li>• N138 22 206A Site Sections as Existing A1</li> <li>• N138 22 216B Sections and Boundary Treatments A1</li> <li>• N138 22 218F Soft Landscaping Plan A1</li> <li>• N138 22 219A Hard Landscaping Plan A1</li> </ul> <p>Recommendation:</p> <p>Object-</p> <ul style="list-style-type: none"> <li>• High value protected trees adjacent to the site and there isn't enough detail to understand the impact of the works within the RPAs of trees in relation to the proposed highways, footpaths and final levels.</li> <li>• A high level of tree removal is required and the proposed planting plan does not mitigate against that loss in the short or long term.</li> </ul> <p>Observations:</p> <p>A site visit was undertaken to view the trees in relation to this proposal. The site and the trees within it are in a prominent location offering a level of visual amenity within the local and wider landscape. This value is a collective feature and it is noted that the site does contain a high volume of low-quality trees which contribute to the bigger feature. The site is protected by an Area TPO which reinforces the site as a public amenity feature.</p> <p>In terms of developing this site there will always need to be tree loss and in general this is low quality with the exception of the Monterey pine T20 which has been classed as High quality.</p> <p>Adjacent to the site there are also protected tree features, most notably the Monterey cypress T22. As an individual this is a key tree and there is a highway located within the RPA covering an</p>



Name	Comment
	<p>estimated 19% which is near the 20% limit for new hard surfaces. There is very little detail if this can be achieved in terms of levels and on the specification and how this will tie in with the adjacent highway sections which I assume will be constructed using traditional methods. This also applies to other protected trees and new surfaces and levels next to G14.</p> <p>As the site requires a high level of tree removal therefore a high level of new quality tree planting is expected to mitigate against this loss for the short to long term. The proposed soft landscaping does not do that in terms of species, size of trees, numbers and positions.</p> <p><u>15/04/2024:</u></p> <p>1. From the submitted highways plan I can see the new levels against the old levels and this satisfies my concerns around the off-site protected trees. I would recommend a condition which secures tree protection and the use of the 3D cellular confinement system within the RPA and arb monitoring as detailed within the AMS.</p> <p>2. Landscaping plan- I still can't see a significant increase in overall tree planting? The new trees are annotated with an exaggerated canopy spread which takes up a large portion of space where in reality they will take up a small fraction of that area. For example the red arrow indicates a Hazel which will be planted and the size is specified as 45-60cms which isn't very big. The annotated canopy spread indicates tree with a 8m radial RPA. A more accurate representation of that tree would be the green dot I have added to the north west. As stated before, there are a lot of trees being removed and there appears to be space to get some good quality trees back in to mitigate for the loss of differing sizes. Subject to your thoughts I wouldn't object to this being sorted through a pre commencement condition.</p>
<p>Environment Agency</p> <p>Reply Received 11 March 2024</p>	<p>We have received a complaint regarding the above proposal in relation to the fact that we have not provided a formal consultation response to you. Looking at the file the application form states no previous contaminating uses, no vulnerable proposed end use and no contaminated land report has been provided with the application. As such we have screened this application as not requiring a response from us. However, having investigated the complaint it appears that the previous use was a hospital, and the proposed end use is for residential use. I can also see that a former scheme 64890 had an accompanying contaminated land report which identified several sources of contamination and necessary remediation.</p> <p>I note the online comments of your Environmental Health Officer on this current application and their proposed conditions which we would endorse, as they also include protection of controlled waters.</p>

Name	Comment
	<p>However, I would just raise a concern that this appears to be based on the previous contaminated land report which does not appear to form a part of this current application. This proposal itself contains no evidence relating to contaminated land and the application form is incorrect in stating that there is none and that the proposed use is not a vulnerable end use. We would suggest that a contaminated land statement needs to be submitted and added to this current proposal to properly inform the consideration of this matter. If the site has already been remediated, in line with the previous contamination report, it would be useful if the applicant would clarify this in a supporting statement.</p> <p>Can you please let me know the course of action NDC will be taking to ensure contaminated land is considered in this application?</p> <p>Environment Agency Position We have no objection to this development.</p> <p>We have reviewed the Ground Investigation &amp; Environmental Assessment Report. Ref: SR/JF/DT/09174/GIEAR, dated 15 April 2009 submitted in support of this application and have no groundwater quality objection with regards to this development.</p> <p>However, we recommend inclusion of the following condition within any granted permission.</p> <p>Condition: If, during development, 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 the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason For the protection of controlled waters. As highlighted in Section 8.5 (Revised Conceptual Mode) of the report, the results of this investigation indicate slightly elevated levels of contamination (arsenic, nickel, benzo(a)pyrene and dibenzo(a,h) anthracene recorded at the site are potentially harmful to human health and would be managed by isolating the contaminated soils from end-users by a covering of hardstanding or a suitable depth of capping of inert soil in garden areas. This also breaks the pathway of any contaminants to groundwater.</p>
Environmental Health Manager	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Land Contamination</p>

Name	Comment
Reply Received 19 January 2024	<p>A contamination assessment report was submitted in relation to a previous planning application for residential development of this site (application 64890). The report identified sources of potentially significant contamination at the site requiring remediation and subsequent validation testing.</p> <p>It will be important to ensure that contamination risks associated with the proposals under this application are properly considered and addressed.</p> <p>I recommend any permission include the following condition:  - Contaminated Land Condition  Prior to the commencement of the development hereby permitted a land contamination report shall be submitted for the written approval of the Local Planning Authority. The report shall be prepared by a suitably qualified and experienced competent person and have regard to relevant standards and guidance. The report shall also have regard to the findings of any previous contamination assessments of the site where such reports are available and relevant.  For the avoidance of doubt and as relevant, the report shall include:  a) A Phase 1 Preliminary Risk Assessment for potential ground contamination (including a site walkover) to establish the potential extent, scale and nature of any contamination issues affecting the site. The assessment shall include consideration of potential risks to human health, controlled waters, ecological systems, property, archaeological sites and the wider environment as well as recommendations for any more detailed Phase 2 investigation and assessment required.  (b) In accordance with the findings of the Phase 1 assessment, the results of a Phase 2 intrusive site investigation and assessment detailing all investigative works and sampling as well as the results of analysis and further risk assessments undertaken. The report shall highlight any unacceptable risks identified.  (c) Where remedial measures are identified as necessary, a remediation options appraisal and proposed remediation scheme shall be submitted to the Local Planning Authority for approval prior to remediation works commencing. The remediation scheme shall include a remediation method statement and details of any post remediation verification measures that are necessary.  Prior to occupation of the development hereby permitted:  (d) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the approved methodology and established good practice.  (e) A completion and validation report shall be submitted to the Local Planning Authority for written approval. The report shall include details of the remediation works undertaken along with the results of any post-remedial sampling, analysis or monitoring undertaken to demonstrate that remediation has been undertaken in full accordance with the approved methodology and that the site</p>

Name	Comment
	<p>has reached the required clean-up criteria. Where relevant, waste transfer documentation detailing waste removed from the site shall be included.</p> <p>(f) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the approved works have been undertaken as detailed in the completion report.</p> <p>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 accordance with the National Planning Policy Framework.</p> <p>- Contaminated Land (Unexpected Contamination) Condition</p> <p>Should any suspected contamination of ground or groundwater not previously identified be encountered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination exposed during development is assessed and remediated in accordance with the National Planning Policy Framework</p> <p>2 Asbestos</p> <p>A contamination report submitted in relation to a previous planning application for this site noted a warning sign on existing buildings concerning asbestos containing materials (ACMs). The existing buildings should be surveyed for ACMs prior to demolition by a suitably qualified person in order to protect site workers and public health. Where found, ACMs must be dealt with and be disposed of in accordance with asbestos regulations and health and safety guidance.</p> <p>The results of the asbestos survey should be referenced within the Construction Environmental Management Plan (see below) along with any requirements for dealing with ACMs prior to demolition.</p> <p>3 Construction Phase Impacts</p> <p>In order to minimise and manage dust, noise and other potential impacts associated with construction of the development, I recommend the following conditions be included:</p> <p>- Construction Environmental Management Plan Condition</p> <p>Prior to the commencement of development, including any demolition, site clearance, groundworks or construction (save such</p>

Name	Comment
	<p>preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works shall be submitted to and be approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:</p> <ul style="list-style-type: none"> <li>a) measures to regulate the routing of construction traffic;</li> <li>b) the times within which traffic can enter and leave the site;</li> <li>c) details of any significant importation or movement of spoil and soil on site;</li> <li>d) details of the removal /disposal of materials from site, including soil and vegetation;</li> <li>e) the location and covering of stockpiles;</li> <li>f) details of measures to prevent mud from the site contaminating public footpaths and roads / wheel-washing facilities;</li> <li>g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;</li> <li>h) a noise control plan which details hours of operation and proposed mitigation measures;</li> <li>i) location of any site construction office, unloading areas, compound and ancillary facility buildings;</li> <li>j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;</li> <li>k) measures for identifying, removing and safely dealing with any asbestos containing materials prior to demolition; asbestos demolition survey;</li> <li>l) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.</li> </ul> <p>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.</p> <p>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 health and amenities of local residents and the area.</p> <p>- Construction Hours Condition</p> <p>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:</p> <ul style="list-style-type: none"> <li>a) Monday - Friday 08.00 - 18.00,</li> <li>b) Saturday 08.00 - 13.00</li> <li>c) nor at any time on Sunday, Bank or Public holidays.</li> </ul> <p>Reason: To protect the amenity of local residents</p>



Name	Comment
<p data-bbox="178 197 416 264">Housing Enabling Officer</p> <p data-bbox="178 304 408 409">Reply Received 15 January 2024</p>	<p data-bbox="443 197 895 230">Thank you for your consultation</p> <p data-bbox="443 271 1406 703">Housing Enabling fully support this proposal for 16 Affordable Dwellings. 100% of the dwellings will be Social Rent secured through a Section 106 with a Local Lettings Plan attached. Ilfracombe perhaps more than any community in North Devon needs Affordable Housing as none has built there since 2006. Ilfracombe's private housing stock consists of a lot of HMOs, and flats above shops, both of which can be in poor condition due to the age of the properties and damp climate. In recent years numerous private rental properties have been lost to 2nd home owners, holiday lets, and Air B&amp;B, pushing rent prices up making it extremely difficult for local people to remain living in Ilfracombe due to the dwindling stock.</p> <p data-bbox="443 743 1393 922">If accepted this proposal will provide desperately needed Affordable Housing and go some way to addressing the huge shortfall of Affordable Homes in Ilfracombe. Local families who are allocated the homes will sign long-term Social Rent tenancies and be able to remain in Ilfracombe.</p> <p data-bbox="443 963 1401 1361">A huge positive for the community is the site will be owned in perpetuity by Ilfracombe Community Land Trust (CLT). The CLT is a non-for-profit organisation run by members of the local community; who in partnership with Aster will ensure the dwellings are allocated to local people and families, who meet the criteria set out in the Local Lettings Plan. The properties will not be subject to Right to Buy or Right to Acquire and therefore will never be able to be sold on the open market; and will be available to future generations. The CLT undertook extensive public consultations regarding this site which is well located and close to facilities in Ilfracombe.</p> <p data-bbox="443 1402 1382 1507">The housing mix of 6 x 1 bedroom, 8 x 2 bedroom, 2 x 3 bedroom is based on the CLTs work with Aster, Devon Home Choice and consultations with the community.</p> <p data-bbox="443 1547 1406 2022">Devon Home Choice (DHC) shows there are 275 households living in the parish of Ilfracombe registered as being in need of affordable housing for rent as of Jan 2024. Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (Shared Ownership/Discounted Market Sale). We don't</p>

Name	Comment
	<p>hold data on numbers of households requiring some form of affordable housing for 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 <a href="https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard">https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard</a> (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document).</p> <p>Additionally, to make the dwellings as flexible as possible for allocation and to future-proof dwellings to allow families to grow or downsize, the Registered Providers will generally require the dwellings to be constructed to maximum occupancy. This means the highest number of bed-spaces per room (double bedrooms) are required:</p> <ul style="list-style-type: none"> <li>1-bed 2-person</li> <li>2-bed 4-person</li> <li>3-bed 6-person</li> <li>4-bed 8-person</li> </ul> <p>Accordingly, the Council will seek affordable housing to be constructed to the maximum bed-space requirements for the size of dwelling (number of bedrooms) and to accord with the associated nationally described space standards for those bed-spaces.</p> <p>The properties should be allocated in line with Local Lettings Plan which will be attached to the Section 106. The Local Lettings Plan is currently being worked on.</p>
<p>Ilfracombe Town Council</p> <p>Reply Received 14 February 2024</p>	<p>Discussion: Following on from the presentation given by the applicant, members had no concerns with this application and felt that it would only be beneficial to the town given the current housing crisis.</p> <p>Recommendation: Support.</p> <p>A recommendation to support this application was proposed by Cllr Newland, seconded by Cllr Coates with all in favour.</p> <p>At our recent Full Council meeting held on the 12th February, the council discussed the past minutes of our planning meeting. Planning application 78083 was raised and discussed. The Town Council would like to further add that it is in full support of our Planning Committee comments of support for this application.</p>
<p>Natural England</p> <p>Reply Received 17 April 2024</p>	<p>No comments received.</p>

Name	Comment
<p>NDC Waste, Recycling &amp; Commercial Services</p> <p>Reply Received 16 April 2024</p>	<p>No comment received</p>
<p>Open Space Officer</p> <p>Reply Received 15 January 2024</p>	<p>Dear Planning</p> <p>Any application for residential development of 3 or more dwellings 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.</p> <p>We are happy to provide advice regards the layout and design of open space and play throughout the application process.</p>
<p>Planning Policy Unit</p> <p>Reply Received 3 January 2024</p>	<p>Thank you for consulting the Planning Policy team concerning the full application for the erection of 16 social rented units with associated landscaping and parking.</p> <p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions. It should also be noted that in April 2023, the Councils published its updated 5 YHLS statement where it was concluded that a five year supply of deliverable housing sites is clearly demonstrated.</p> <p>If this full application is to be approved and in order to help retain the Council's 5 YHLS, I would like to clearly understand the housing delivery timetable for this proposal so as to inform our trajectory including details as to when development may start and be completed. The current evidence would suggest a commencement on site in January 2025 with handover of the completed development by January 2026. Is this timetable still deliverable?</p>

Name	Comment
	<p>This non-strategic housing allocation and previously developed site is within the defined development boundary for Ilfracombe where the principle of housing is acceptable in accordance with Policies ST02, ST06 and ILF. The Plan makes it clear that the reuse and redevelopment of previously developed land will be encouraged where available and environmental constraints allow.</p> <p>From a policy perspective, it is very disappointing that the traditional red-brick building at the site entrance is proposed to be demolished where previously, its retention has been sought by the Council but it is fully understood as to the reasons why its removal may be required in order to achieve the scheme proposed plus the fact that the principle of its demolition has already been agreed through a lapsed planning permission.</p> <p>As the Council received Government funding to deliver self-build and custom housebuilding on this site, I would like to understand whether future occupiers will be given the opportunity to customise their new pre-designed home with a clearly defined menu of choices, with enough flexibility to enable the occupier to customise the homes to suit their needs?</p> <p>Previous policy involvement with the Property Manager of the Council sought to deliver a footpath from this site on to Chandlers Way to the south in order to facilitate improved permeability for future residents to walk/cycle to access areas such as Bicclescombe Park, TDK Lambda, the Cairn and South West Coast Path. I note from the submitted site plan that this link has been excluded so I would like to understand the reasons behind this?</p> <p>Other relevant policies for you to consider are ST03, ST04, ST05, ST09, ST10, ST14, ST17, ST18, ST23, DM01, DM02, DM03, DM04, DM05, DM06, DM08, DM08A and DM10.</p>
<p>South West Water</p> <p>Reply Received 10 January 2024</p>	<p>Your ref: 78083 Our ref: HS100124 EX34 8HR</p> <p>Proposal: Demolition of existing buildings and erection of 16 social rented units with associated landscaping and parking</p> <p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p>Surface Water Services The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p>

Name	Comment
	<p>1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)</p> <p>2. Discharge into the ground (infiltration); or where not reasonably practicable,</p> <p>3. Discharge to a surface waterbody; or where not reasonably practicable,</p> <p>4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</p> <p>5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</p> <p>Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.</p> <p><b>Clean Potable Water</b> South West Water is satisfied that the existing water distribution network should be able to supply this development without the need for further network reinforcement. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p><b>Foul Sewerage Services</b> The local waste network should also have the capacity to accept the flows from this development without the need for specific reinforcement. This development will be included in any future assessment of spill performance in the network further downstream. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p>The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:</p> <p><a href="http://www.southwestwater.co.uk/building-and-development/services/pre-development-services">www.southwestwater.co.uk/building-and-development/services/pre-development-services</a></p>
<p>Sustainability Officer</p> <p>Reply Received 23 January 2024</p>	<p>The submitted Ecological Impact Assessment and subsequent protected species surveys is a sufficiently detailed assessment of all existing buildings and habitats on site.</p> <ul style="list-style-type: none"> <li>• The EA concludes that building B1 is a day roost, night roost and hibernation roost for lesser horseshoe and greater horseshoe bats, as well as a day/ night roost for brown long-eared and a day roost for common pipistrelle bats. Buildings B3 and B6 were both identified as being used as night roosts for low numbers of brown long-eared, lesser horseshoe and greater horseshoe bats. B4 was</li> </ul>



Name	Comment
	<p>identified as a night roost for low numbers of lesser horseshoe bats. No further survey work is considered necessary and appropriate mitigation is proposed to inform a Natural England licence application. Submitted Plans clearly identify an appropriate location and design for the proposed bat house.</p> <ul style="list-style-type: none"> <li>• There does not appear to be any clear justification for the provision of visitor parking immediately adjacent to the required bat house. The access route and visitor parking provision could be further centralised around the turning head to enable further habitat provision in close proximity to the bat house ensure that lighting and noise from vehicles is minimised in the SW corner of the site. This would also reduce the length of the access road and increase capacity for further habitat provision/enhancement.</li> <li>• The proposed hedge bank specification is insufficient and should be revised. 'Rows to be 25cm apart and plants within each row to be planted at 50cm centres = 5 plants per linear metre of hedging' should be revised to ensure that the planting pattern delivers 6-8 plants per linear metre in accordance with <a href="https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf">https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf</a></li> <li>• The MoE to the rear of units 5-16 does not appear to be specified and should be considered an opportunity to deliver a domestic hedgerow which would further enhance the open space to the east.</li> <li>• A LEMP and CEMP should be a condition of any subsequent planning permission and must demonstrate the provision of all EA recommendations.</li> <li>• Hedgehog holes in residential fences should be illustrated on the submitted Landscape Plan</li> <li>• The invasive species on Site (which includes three-cornered garlic, montbretia and cotoneaster sp.) must be treated/ removed appropriately by suitably qualified practitioners under provisions of a method statement to be secured by condition.</li> <li>• The submitted Lighting Assessment does not include a clear lighting specification in accordance with recommendations contained in EA pg14.</li> <li>• Building integrated bat/bird boxes, habitat piles and bee bricks are appropriately illustrated on submitted Plans.</li> <li>• The Site baseline comprises 2.78 habitat units and 0.21 hedgerow/ linear units. The proposed development will comprise 2.93 habitat units and 0.54 hedgerow/ linear units, resulting in a net gain of 0.15 habitat units (5.32%) and an increase in hedgerow units of 0.34 (162.21%). The full BNG Metric should be submitted in support of the application.</li> </ul>
<p>The Forestry Commission</p> <p>Reply Received 16 April 2024</p>	<p>No comments received.</p>

## **Neighbours / Interested Parties**

<b>Comments</b>	<b>No Objection</b>	<b>Object</b>	<b>Petition</b>	<b>No. Signatures</b>
4	56	6	0.00	0.00

57 letters of support have been received supporting the need for affordable and social rent properties within the town. 6 letters of objection, and 4 comments, which can be summarised as follows:

Unsuitable access  
Surface water drainage a big concern  
Highway capacity and safety  
Loss of existing buildings  
Loss of trees  
No public footpath  
Contamination  
Unsustainable location  
Impact upon ecology  
Impacts upon neighbours  
Loss of privacy and light

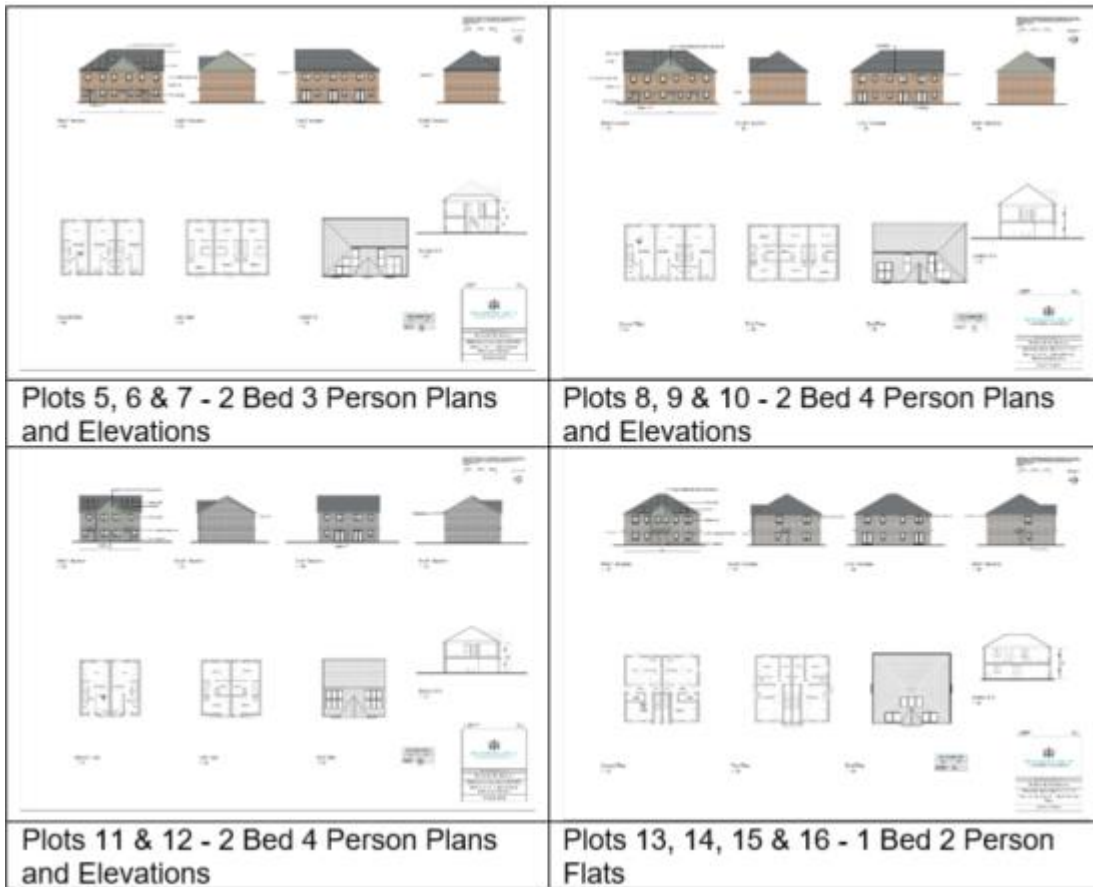
These matters have been considered in the following report.

## **Considerations**

### **Proposal Description**

This application seeks detailed planning permission for the demolition of the existing buildings and erection of 16 social rented units with associated landscaping and parking.

<p><b>Location Plan</b></p>	<p><b>Proposed Site Plan</b></p>
<p><b>Proposed Street Elevations</b></p>	<p><b>Proposed Section Plan</b></p>
<p><b>Proposed Soft Landscaping Plan</b></p>	<p><b>Proposed Hard Landscaping Plan</b></p>
<p><b>Plot 1&amp;2 - 3 Bed 5 Person Plans and Elevations</b></p>	<p><b>Plot 3&amp;4 - 1 Bed 2 Person Flats Plans and Elevations</b></p>



The proposed built form is to be an 'L shape' with plots 1 to 3 running west to east along the northern periphery of the site and plots 5 to 16 running north to south midway through the site. The access road is to enter the site to the north-western corner, and will run parallel to the western boundary and eventually turning through 180 degrees to a parting and turning area to the west of plots 5 to 16. Visitor parking and a bat house are proposed to the south of the site, and the remaining spaces are to be soft landscaped.

#### Plots 1 and 2

Plots 1 and 2 are to be two-storey, three-bedroom (5 person dwellings). They are to measure 9.06m in length, 7.747m in width (including the single storey storage lean-to), an eaves height measuring 5m and a gabled ridge height measuring 7.4m.

#### Plots 3 and 4

Plots 3 and 4 is formed of one, two-storey building accommodating two, one bedroom (two persons) maisonettes. It is to measure 10.34m in length, 6.5m in width, 5.2m in height to the eaves and 7.9m in height to the ridge of the hipped roof form.

#### Plots 5 to 10

Plots 5 to 10 are formed of two, two-storey blocks of three terraced, two-bedroom (three persons) dwellings. The blocks will be identical in size, scale and design. Plots 5, 6 and 7 are to have a hipped roof to the north elevation and a gable to the south elevation. Plots 8, 9 and 10 mirror this design. Each block are to have a length measuring 14.503m, a width measuring 9m, and eaves height measuring 5.2m, and a ridge height measuring 8.5m.

#### Plots 11 and 12

Plots 11 and 12 are a pair of semi-detached dwellings; each with two bedrooms (four persons). The building is to measure 9.857m in length, 9.22m in depth, 5m in height to the eaves and 7.6m in height to the gabled ridge.

#### Plots 13 to 16

Plots 13 to 16 are formed of one building with four, one-bedroom (two persons) flats. The building is to measure 11.955m in length, 10.947m in depth, 4.9m in height to the eaves and 8.2m in height to the ridge of the hipped roof form.

The site is located within the development boundary of Ilfracombe. The site is also within the developed Coast and Estuary Zone and within the Critical Drainage Area.

#### **Planning Considerations Summary**

- Principle of development
- Design and Landscape
- Heritage (Archaeology)
- Amenity
- Ecology
- Flood risk and drainage
- Contamination
- Waste
- Highways/parking
- Planning obligations/ Viability
- Planning Balance

#### **Planning Considerations**

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

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

#### **Principle of development**

The Planning Statement supporting the application justifies the development as follows:

‘The proposal will provide 16 high-quality social rented dwellings to local people. The Local Plan acknowledged that there is a severe shortage of, and an overwhelming need for, affordable housing in North Devon: that the affordability gap is significant and that it is increasingly difficult for local people to access market housing. A proposal for 100% affordable housing is therefore considered to be acceptable.

This detailed planning application is made by Ilfracombe’s Community Land Trust (ICLT), a registered Community Benefits Society under the Co-operative and Community Benefits Societies Act 2014. The organisation is non-for-profit and is ran by members of the local community to secure homes for local people. The ICLT will aim to progress immediately to site upon planning determination ensuring that the site is able to contribute to the housing delivery within the next five-year period and make a meaningful contribution to local housing need in the short-term



The development proposal aims to make a significant contribution to meeting the need for social rented housing to local people in Ilfracombe and will address the housing needs for North Devon as a whole. The delivery of affordable housing is therefore considered to be a strong material consideration in this case’.

The site is located within the development boundary of Ilfracombe wherein the principle of residential development is acceptable that will support appropriate levels of growth that will increase the town’s capacities to increase self-containment, to meet their own needs and those of surrounding communities were such is sought through the local vision (Policy ST06 of the Local Plan).

Policy ILF of the Local Plan (Ilfracombe Spatial Vision and Development Strategy) details the spatial vision as follows:

‘Ilfracombe will be regenerated through a strategy of population growth, with a southern extension to the town providing employment opportunities, a new neighbourhood hub and a mix of high quality, sustainable family and affordable housing. Community driven regeneration of the town centre through high quality design, including improvements to the existing housing stock, and enhancement of the harbour and sea front will capitalise on the town’s built heritage, cultural assets, open spaces, high quality landscape, key habitats and coastal setting. Tourism will be revitalised over an extended season with the town prospering as a maritime gateway for northern Devon and beyond. Opportunities for new maritime and leisure industries will be maximised, whilst safeguarding the harbour and seafront from rising sea levels and facilitating its continued operation as a port. Ilfracombe will become a vibrant, healthy, prosperous town providing for the needs of all with access to superfast broadband, workforce and business support and improved accessibility to training opportunities to improve both skills and business productivity with expanded employment opportunities at Mullacott Business Park. Increased partnership working with ‘One Ilfracombe’ including other local organisations will deliver key services and facilities including through the community and voluntary sectors. The community will be empowered to make the most of its talents and leadership to deliver the vision’.

The spatial vision for Ilfracombe will be delivered through: support for initiatives, including innovative ways of promoting, procuring and delivering required affordable housing for Ilfracombe, including encouraging the refurbishment of existing buildings to meet needs on and off site where justified by robust and credible evidence of need.

Policy ST17 (A Balanced Local Housing Market) of the Local Plan states the following:

‘Housing Scale and Mix

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

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

The Planning Statement supporting this application describes the proposal meeting a housing need as follows:

‘6.5. The proposal will provide 16 high-quality social rented dwellings to local people. The Local Plan acknowledged that there is a severe shortage of, and an overwhelming need for, affordable housing in North Devon: that the affordability gap is significant and that it is

increasingly difficult for local people to access market housing. A proposal for 100% affordable housing is therefore considered to be acceptable.

6.6. This detailed planning application is made by Ilfracombe's Community Land Trust (ICLT), a registered Community Benefits Society under the Co-operative and Community Benefits Societies Act 2014. The organisation is non-for-profit and is ran by members of the local community to secure homes for local people. The ICLT will aim to progress immediately to site upon planning determination ensuring that the site is able to contribute to the housing delivery within the next five-year period and make a meaningful contribution to local housing need in the short-term

6.7. The development proposal aims to make a significant contribution to meeting the need for social rented housing to local people in Ilfracombe and will address the housing needs for North Devon as a whole. The delivery of affordable housing is therefore considered to be a strong material consideration in this case'.

Policy ST18 of the Local Plan (affordable Housing on Development Sites) states that development proposal for the provision of 11 or more dwellings will be expected to provide on-site delivery of affordable housing equal to 30% of the number of dwellings (gross) on site. The provision of affordable housing will be required to meet the criteria as set out in the above policy (parts 5 to 10 inclusive are relevant to this application):

'(5) Negotiation to vary the scale and nature of affordable housing provision, along with the balance of other infrastructure and planning requirements, will be considered on the basis of a robust appraisal of development viability.

(6) Where it is considered that a proposal is formulated with a view to circumventing affordable housing requirements, the affordable housing provision will be re-negotiated.

(7) Affordable housing will be sought initially on the basis of a tenure mix of 75% social rented and 25% intermediate accommodation, although variation may be negotiated on the basis of identified local housing need and/or development viability.

(8) Affordable housing provision should be provided broadly in-step with market housing as development delivery progresses, be visually indistinguishable from market housing and be intermixed with it across the site. Any proposed departure from these requirements will need to be robustly justified.

(9) All affordable housing will be subject to arrangements to ensure that it or provision of broadly equivalent value remains available to eligible households in perpetuity.

(10) Affordable housing will be subject to planning conditions, obligations or other legally defensible limitations to:

(a) restrict occupation to households identified as being in need of affordable housing; and

(b) in designated rural areas, give priority of occupation to households with a local connection'.

The current proposal is for the delivery of 100% affordable housing provision through a Community Land Trust (CLT). The consultation response from the Housing Enabling team (as detailed at the beginning of this report) outlines the demand for such a development within the town and the desired housing mix.

The provision of 100% affordable housing on this site with the proposed mix is supported and therefore the principle of development is acceptable, in accordance with the Local Plan, subject to a S106 agreement ensuring this provision.

Further consideration is therefore given to other material planning considerations.

## **Design and landscaping**

Policy ST04 of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

Policy DM04 of the Local Plan encourages good design and ensures that development proposals should be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood; reinforce the key characteristics and special qualities of the area in which the development is proposed; and contributes positively to local distinctiveness, historic environment and sense of place.

The proposed layout is acceptable from a landscape character perspective. The existing site has value in terms of its openness and the value of the vegetation. The Landscape advice sought by the Council described the landscape value of the site as: 'The site and the trees within it are in a prominent location offering a level of visual amenity within the local and wider landscape. This value is a collective feature and it is noted that the site does contain a high volume of low-quality trees which contribute to the bigger feature. The site is protected by an Area TPO which reinforces the site as a public amenity feature'. The Arboricultural Impact Assessment and Method Statement by GE Consulting describes the significance of the site as follows:

### **'4.2 Site Appraisal**

In general, the tree stock on Site is considered to have limited arboricultural merit. The majority of trees on the Site are low value, category C trees.

The most significant tree is a category A Monterey pine (T20) which is central to the Site. Tree T20 is a prominent feature of the Site with high amenity value.

A number of category B trees surround the Site boundary (T12, G14, G17, T22). These trees are prominent landscape features which provide moderate amenity value to the Site and the adjacent areas.

The Site contains two category U trees (T4, T13). These trees are in a poor structural condition and should be felled if their position makes them hazardous.

### **4.3 Statutory Protection**

All trees on the Site are protected by an area TPO (ref. 356 A1). The Site is not located within a conservation area (as confirmed by using North Devon District Council's online mapping tool on 11<sup>th</sup> October 2023).

The proposed site plan includes dwellings orientated to the northern boundary then running from north to south centrally through the site. Large areas of landscaping are proposed to the west adjacent to the access road, and to the east of the dwellings.

The proposed dwellings are of a traditional two-storey gabled or hipped form. Their appearance relates to the local vernacular and will not appear out of character. The proposed residential development of the site, including the hard landscaping and associated works will alter the appearance of the site. However, Officers recommend that

the site has been designed with a density and layout that allows for the provision of the required housing whilst respecting the existing landscape value. For these reasons Officers recommend that the size, scale, siting and design of the proposed dwellings are acceptable.

With regard to external materials of construction, the proposed external materials of construction are as follows:

Plots 1, 2, 11, 12, 13, 14, 15 and 16

Roof – Slate

Walls – Brickwork (Grey); Cedral Weatherboard Fibre Cement Panel\_Sage Green

Windows - uPVC - Anthracite Grey (RAL 7016)

Doors - uPVC - Sage Green

Plots 3 and 4

Roof – Slate

Walls - Brickwork (Grey)

Windows - uPVC - Anthracite Grey (RAL 7016)

Doors - uPVC - Sage Green

Plots 5, 6, 7, 8, 9 and 10

Roof – Slate

Walls – Brickwork (red); Cedral Weatherboard Fibre Cement Panel\_Sage Green

Windows - uPVC - Anthracite Grey (RAL 7016)

Doors - uPVC - Sage Green

These materials are acceptable and any grant of planning permission should be subject to a condition that ensures such. This condition is reasonable in the interests of the appearance of the development and locality in accordance with Policies ST04 and DM04 of the North Devon and Torridge Local Plan.

The design of the dwellings are such as to allow to offer a positive contribution to their setting of and not detract from the wider character and setting. It is reasonable to consider that post development the owner may wish to exercise 'permitted development rights' that would materially alter the appearance of the dwellings and how they contribute to their setting. For this reason it is reasonable and necessary that any grant of planning permission is subject to a condition that removes classes A, AA, B, D, and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

With regard to landscaping, as previously stated, the site has value through the existing Tree Preservation Order and the soft vegetation. The proposed landscaping scheme assists in retaining much of the value of this site, whilst allowing for the benefits of the housing as proposed. However, concern has been raised throughout the consideration of this application with regard to whether the proposed landscaping scheme maximises the potential that the site has to regain arboricultural value, together with the enhancement of biodiversity net gain. As result of consultations Officers concur that the site can reasonably accommodate a more enhanced landscaping scheme than that proposed, and such a scheme should be presented as part of a pre-commencement condition, with details to be submitted for approval prior to the commencement of Phase 2 of the proposed development. The Agent has agreed the imposition of such a condition.

With regard to the protected trees subject to a Tree Preservation Order and other elements of landscaping to be retained, the submitted Arboricultural Impact Assessment and Method Statement offers a detailed methodology in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. It is therefore reasonable that any grant of planning permission be subject to a condition that states that the development shall accord with the Arboricultural Impact Assessment and Method Statement by GE Consulting dated November 2023. Such a condition is reasonable and necessary 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.

Subject to the above condition, the proposal will result in an acceptable scheme of landscaping that will respect the character and appearance of the locality and the landscape value of the site, in accordance with policies ST04, ST14, DM04 and DM08A of the Local Plan.

### **Heritage (Archaeology)**

Whilst the site is not within the Conservation Area or contain any listed buildings (or within their curtilage), the value of the site locally is defined in its previous use. From an archaeological perspective, the site could have value as a non-designated heritage asset. The County Archaeologist has commented that the site includes the eastern part of the former Isolation Hospital shown on the early 20th century OS maps of the area. These types of hospitals were usually built in response to contagious disease outbreaks and were situated away from urban populations, to reduce the spread of the disease, and were mostly built in the early 20th century. Some of these buildings would have also had landscaped gardens and 'walks' to allow patients to undertake gentle, therapeutic, exercise. The proposed development will involve the demolition of the former hospital buildings as well as landscaping the area around.

Policy ST15 (Conserving Heritage Assets) states that great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by:

- (a) conserving the historic dimension of the landscape;
- (b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated;
- (c) identifying and protecting locally important buildings that contribute to the area's local character and identity; and
- (d) increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community.

Policy DM07 (Historic Environment) of the Local Plan states that all proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. As part of such an assessment, consideration should be given, in order of preference, for avoiding any harm, providing, then minimising and mitigating any harm. In addition policy DM07 ensures that proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.

The heritage considerations of the Local Plan accords with the aims and objectives of the National Planning Policy Framework (NPPF). In particular, Paragraph 200 states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”. Also, paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

Following the advice given by the County Archaeologist, and in accordance with paragraph 205 of the National Planning Policy Framework (2023), the Applicant submitted a Written Scheme of Investigation (WSI). The County Archaeologist thereafter approved the WSI and recommended that planning permission be granted subject to the following conditions:

‘The development shall proceed in accordance with the Written Scheme of Investigation prepared by South West Archaeology - (document ref: IBN24WSlv1 and dated: 18th January 2024 and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

To ensure, in accordance with Policy DM07 of the North Devon and Torrington Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.’

In addition, the County Archaeologist advised that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

‘The development shall not be occupied use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

#### Reason

To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.’

Officers concur that such conditions are reasonable and necessary and should be included in any grant of planning permission. Subject to these conditions, the development should

not result in harm to heritage assets of archaeological significance, in accordance with the heritage consideration of the Local Plan and the NPPF.

### **Amenity**

Policy DM01 of the Local Plan (Amenity Considerations) states that development will be supported where:

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

### Number 2 Doone Way

Objections have been received from the occupants of number 2 Doone Way on the grounds that the development of plots 1 and 2 will result in overlooking and a loss of privacy, and that these properties will also result in overshadowing and loss of light harmful to the enjoyment of their property, including their garden.

The distance from the rear of Plot 1 to the common boundary with number 2 Doone Way is approximately 5.5m. The distance to the rear elevation of this neighbouring dwelling is approximately 15.2m.

With regard to matters of privacy, it is noted that this neighbouring dwelling has windows to the rear, and the rear of the dwellinghouse offers their principle defensible amenity space. The rear elevation of Plots 1 and 2 are to have patio doors and a window to the ground floor that serve the lounge and dining area, and one window to the first floor that serves the bathroom. It is noted that the first floor window is proposed (as annotated on the submitted plans) to be obscure glazed, given the alignment of these properties, it is reasonable that any grant of planning permission be subject to a condition that states that the first floor window on the north elevation of Plots 1 and 2 shall be obscure glazed and non-opening prior to the first use of the room to which it relates and (i) obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and retained as such thereafter. Such a condition is reasonable to safeguard the privacy of neighbouring occupiers in accordance with Policy DM01 of the North Devon and Torridge Local Plan.

In addition, whilst any grant of permission is likely to grant permission subject to the removal of permitted development rights (Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended), it is recommended that any grant of permission is subject to a condition that states that, notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order), no additional opening shall be established on the north elevation of Plots 1 and 2 without the prior written approval of the Local Planning Authority. Such a condition is reasonable to safeguard the privacy of neighbouring occupiers in accordance with Policy DM01 of the North Devon and Torridge Local Plan.

Whilst the ground floor window to window distance is less than that normally sought in such relationships, it is not to a degree as to be harmful. There will be little in difference between ground levels and the proposed 1.8m featherlap fencing as proposed would overcome any loss of privacy. It is reasonable that the provision of the boundary treatments can be secured through an approved landscaping plan.

With regard to matters of loss of light, the application has been supported by a solar study (Plan reference N138 22 214 B) that indicates that the size and siting of the proposed dwellings will not result in shadowing of the neighbouring dwelling. There will be some shadowing of the most southerly part of the garden during the Spring Equinox, but this is to a limited extent that will not be harmful to the enjoyment of the dwellinghouse.

With regard to matters of outlook, the proposal will result in a change given the proposal will be viewed from the rear of the dwellinghouse and the garden; however, sufficient distance has been retained between the dwellings as to not result in an overbearing effect. The removal of Class A (Schedule 2, Part 1) permitted development rights would not allow for the enlargement of the approved dwellinghouses without planning permission to ensure that the relationship between these properties remain acceptable.

In having regard to the above, and subject to the proposed conditions, this proposal results in an acceptable relationship with these neighbouring dwelling.

#### Numbers 4 and 6 Doone Way

Numbers 4 and 6 Doone Way are on a similar alignment as number 2 Doone Way.

Number 4 Doone Way has a very similar relationship with the application proposal as number 2 Doone Way. For the reasons as outlined above, subject to the proposed conditions, this proposal will not result in harm to the enjoyment of this neighbouring dwelling.

Plots 3 and 4 are two, one-bedroom flats. The rear (North) elevation of the ground floor flat is to have one bedroom window, and a set of patio doors to serve a lounge/kitchen/dining room. The rear (north) first floor is to have one hallway window, one bathroom window and one lounge/kitchen/dining room window.

The rear wall of Plots 3 and 4 is to be approximately 7.1m from the rear boundary with numbers 4 and 6 Doone Way, and 18.2m from the rear wall of these neighbouring dwellings (at its closest).

With regard to the ground floor flat, whilst this will have primary accommodation facing the neighbouring dwelling, the physical relationship between these dwellings together with the proposed boundary treatment results in limited overlooking. With regard to the upper floor, the proposed windows will have a direct overlooking of the rear of this neighbouring dwelling. The bathroom and hallway windows can be reasonably obscure glazed and fixed shut with a similar condition to that imposed upon Plots 1 and 2. The kitchen window would have an interrupted view of the neighbouring bungalow; however, this window serves a kitchen, where a sink will be sited in front of the window. Given this arrangement, it is unlikely that the degree of overlooking will be such as to cause harm to the detriment to the occupants of this neighbouring dwelling.

With regard to matters of light, the development is sited as such as to not result in harm to light provision for the dwelling and its curtilage.

As with Plots 1 and 2, whilst the outlook from the rear of this neighbouring dwelling will be altered by the proposed development, it will not be harmful.

In having regard to the above, this proposal will not result in harm to the amenities of this neighbouring dwelling.



### Number 8 Doone Way

Number 8 Doone Way is on a similar alignment to numbers 2 to 6.

The application proposes a row of terraced two-storey properties (Plots 5, 6 and 7), with a hipped flank sited approximately 3m off the common boundary. A distance of approximately 15.5m is to separate the flank wall of Plot 5 with the rear elevation of number 8 Doone Way.

With regard to matters of privacy, the proposal does not include fenestration to the flank elevation and therefore the proposal will not result in overlooking of the neighbouring property. As with Plots 1 and 2, it is recommended that any grant of permission is subject to a condition that states that, notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order), no additional opening shall be established on the north elevation of Plots 1 and 2 without the prior written approval of the Local Planning Authority. Such a condition is reasonable to safeguard the privacy of neighbouring occupiers in accordance with Policy DM01 of the North Devon and Torridge Local Plan.

With regard to light provision, even though this building will be sited closer to the common boundary than Plots 1 to 4, the built form will not cause significant shadowing that would cause harm to the occupants of this neighbouring dwelling.

Finally, whilst this building will be in close proximity to the common boundary, its size, siting and massing would not result in a degree of loss of outlook that would be harmful to the enjoyment of this property.

In having regard to the above, this proposal will not result in harm to the amenities of this neighbouring dwelling.

### Numbers 18 to 24 Doone Way

Numbers 18 to 24 Doone Way are located to the east of the application site with number 18 to 22 in a common alignment running north to south, and number 24 set closer to the common boundary with the application site.

The closest dwelling closest to the application buildings in number 24 Doone Way, which will be separated by a distance measuring approximately 35m (to Plots 13 to 16). Given this distance, including the proposed landscaping between, together with the topography of the site sloping away to the west, this proposal will not cause unacceptable harm to the occupants of these neighbouring properties.

### Kingsley House and St James Vicarage

The dwellings known as Kingsley House and St James Vicarage are located to the southeast and south of the site and are separated from the proposed built form by a distance of approximately 25m and 45m respectively. Given the distance separating these neighbouring properties and the proposed building form, together with the topography and alignment, it is unlikely that this proposal will result in unacceptable harm to amenity.

### Parkview Nursing Home

Parkview Nursing Home is located to the west of the application site and separated by such a distance and topography that the development is unlikely to result in harm to amenity on the grounds of loss of light, overlooking and outlook.

#### Future occupants

The dwellings have been designed to include an appropriate standard of design that accords with National Space Standards. The layout of the development also includes an appropriate design of external amenity space for the future occupants. The proposed boundary treatment is acceptable, and can be ensured through an appropriately detailed landscaping plan.

#### Summary on amenity

The representations as received have been taken into consideration. Whilst the concerns raised with regard to the size and siting of the proposed dwellings and their proximity to neighbouring properties, Officers recommend that this relationship is acceptable as to not result in harm to neighbour amenity. However, any future development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), may result in harm by the reduction in the spacing between the properties, and also the reduction in the amount of defensible amenity space for the future occupants of the proposed dwellings. It is therefore reasonable that any grant of planning permission be subject to a condition removing 'permitted development rights' (specifically Schedule 2, Part 1, Classes A, AA, B, C and E) to ensure that any such alterations of enlargements, or the reception of outbuildings, do not result in harm to residential amenity.

Subject to the above, the proposal accords with the amenity considerations of the Local Plan.

#### **Ecology**

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

Policy DM08 of the Local Plan states that Adverse impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible, subject to: (i) the legal tests afforded to them where applicable; or otherwise unless (ii) the need for and benefits clearly outweigh the loss. Also, where adverse impacts are unavoidable they must be adequately and proportionately mitigated, if full mitigation cannot be provided, compensation will be required as a last resort.

As a result of the consultation process comments of concern have been received with regard to the existing wildlife on the site, including bats and birds, and the possible harm that could occur from the proposed development.

The application has been supported by an Ecological Impact Assessment (EA) (ref: 0589-EclA-SC) by GE Consulting dated December 2023. The Sustainability Officer has commented that the submitted Ecological Impact Assessment and subsequent protected species surveys are sufficiently detailed assessments of all existing buildings and habitats on site.

It is noted that the EA concludes that building B1 is a day roost, night roost and hibernation roost for lesser horseshoe and greater horseshoe bats, as well as a day/ night roost for brown longeared and a day roost for common pipistrelle bats. Buildings B3 and B6 were both identified as being used as night roosts for low numbers of brown long-eared, lesser horseshoe and greater horseshoe bats. B4 was identified as a night roost for low numbers of lesser horseshoe bats. No further survey work is considered necessary and appropriate mitigation is proposed to inform a Natural England licence application. The Sustainability Officer is satisfied that the submitted plans clearly identify an appropriate location and design for the proposed bat house.

The Sustainability Officer questioned the siting of the visitor parking in relation to the bat house. In response, the Applicant's ecologist has commented that: 'many bat roost mitigation designs that are accepted by Natural England (and existing roosts) are in house lofts and above car ports, so are subject to a certain level of disturbance. Therefore, I do not consider the presence of unlit visitor parking in the vicinity of the bat house to be a significant concern in terms of disturbance. The access point is on the western elevation and therefore does not face on to the visitor parking and access road, where there will be occasional headlights. The proposed planting will also reduce any impact from lighting and the bat house will be kept securely locked to avoid unauthorised entry'. The Sustainability Officer acknowledges these comments and there is no objection to the siting of the bat roost.

The Sustainability Officer has raised concerns with regards to close proximity of the works compound to the bat house. It was noted that the current Construction Environment Management Plan (CEMP) and Plans do not appear to address the construction phase safe guarding of the bat house in order to limit noise disturbance, light spill, etc. There may not be a necessity to move the compound but the CEMP and associated Plans should provide adequate information to satisfy the LPA that any bats in the area will continue to use the compensation as intended. This may include temporary planting or fencing or simply a demonstration that the compound is small scale and the activities will not impact the bat house. For the reasons explained, any grant of planning permission should be subject to condition that states that prior to the commencement of development, detailed plans of the proposed screening between the bat house and the works compound shall be submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such until the works compound has been removed from the site. Such a condition is reasonable and necessary in order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework. A pre-commencement condition is necessary to ensure that the enhancement of the preservation of the bat habitat is protected during the development of the site.

The submitted CEMP is not sufficient to ensure the protection of protected species and therefore it is reasonable that any grant of planning permission be subject to a condition that requires a CEMP to the submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development (including demolition, ground works and vegetation clearance). A pre-commencement condition is necessary to ensure that protect species and their habitat are not harmed prior to any works commencing on site.

The Sustainability Officer has recommended that a detailed Landscape Ecological Management Plan (LEMP) be submitted prior to the commencement of development that 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. Officers recommend that such a pre-commencement condition is appropriate in order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework. A pre-commencement condition is necessary to ensure that all matters relating to landscaping and ecology are managed and maintained during development and for the long-term.

The application has been supported by a Lighting Assessment, which states that 'No lighting is to be directed at access points of the roosts, specifically the area surrounding the bat house in the south west corner where there will be no lighting associated with the visitor parking or the road'. In having regard to the above, it is reasonable that any grant of planning permission be subject to a condition that states that the development hereby approved shall accord with the Lighting Assessment by Woodward Smith Chartered Architects and shall remain as such unless otherwise agreed in writing by the Local Planning Authority. Such a condition is necessary in order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework. For the same reasons, any grant of planning permission should ensure that no further external lighting shall be erected or inserted on the site unless otherwise agreed in writing by the Local Planning Authority.

Given the information received, it is unlikely that the development would result in harm to protected species and their habitat and will result in net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.

### **Flood Risk and Drainage**

The site is located within Flood Zone 1, but within a Critical Drainage Area where Policy ST03 of the Local Plan states that Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by reducing existing rates of surface water runoff within Critical Drainage Areas.

The application has been supported by a Drainage Statement by JRC Consulting that concludes that:

- The drainage strategy recognises the importance of water in the Environment and complies with the NPPF.
- All SuDS features will be designed to 1 in 100 years plus 50% for climate change and 10% urban creep, in accordance with best practice and CIRIA 753.
- There are a variety of sectional agreements that need to be made with SWW at the detail design stage. These should be confirmed in principle prior to the commencement of any works on site.

Concern has been raised as a result of the consultation process with regard to possible flooding resulting from the development due to the age of the existing drainage systems and the gradient of the site.

South West Water (SWW) have stated that matters of clean potable water and foul sewerage services should have the capacity to accept this development; however, have made the following comment with regard to surface water services:

‘The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant’s current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy’.

Following consultation with the Agent and the Lead Local Flood Authority, the application has been supported by a drainage statement and a detailed drainage design. Following this submission, the LLFA withdrew their previous objection and now have no in-principle objection to the proposed development subject to the following pre-commencement condition:

‘No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.
- (e) Evidence there is agreement in principle from South West Water to requisition a surface water sewer.

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’.

Officers recommend that such a condition is reasonable and necessary and should form any grant of planning permission.

### **Contamination**

Policy DM01 of the Local Plan (Amenity Considerations) supports development that will not significantly harm the amenities of neighbouring occupiers or users and the intended occupants of the proposed development would not be harmed as a result of existing or allocated use. Policy DM02 (Environmental Protection) of the Local Plan states that development will be supported where it does not cause unacceptable risk to public health and safety, though, with relevance to this application, its siting on known or suspected contaminated land which is unsuitable for the use proposed. Policy DM02 also controls matters of pollution and air quality.

Concern has been raised by the occupants of a neighbouring property with regard to the contamination of the site and the possible harm caused to public health through the development of the land; both from the pollution of the water source and air pollution.

The application has been supported by a Ground Investigation and Environmental Assessment Report (ref: SR/J/DT/09174/GIER) by Ruddlesden Geotechnical Ltd dated 15 April 2009. This report concluded as follows:

1. The site was undeveloped as parts of two fields, until 1904, when the west of the site was occupied by buildings associated with an isolation hospital. Over the following years, more buildings were shown in the west of the site and, by 1975, the site was labelled as a nursery. By 1992, the configuration of small buildings in the central-west changed slightly and the site generally resembled its present day layout.
2. Ground conditions encountered were typically topsoil and/ or made ground, to depths of up to 1.20m, underlain by (medium dense to dense) brown silty gravel of slate, to the base of all of the trial pits, to a depth of up to 2.20m.
3. Strip or trench-fill foundations are recommended at a minimum depth of 0.90m below existing or proposed ground levels, whichever is deepest. Foundations do not need to be deepened in accordance with NHBC Standards as laboratory testing has classified the gravel deposit as being non-shrinkable.
4. In-situ soakaway testing showed that although some infiltration may be achieved, the ground is not sufficiently permeable for the adoption of soakaway drainage and an alternative drainage solution is recommended.
5. Elevated levels of arsenic, nickel, benzo(a)pyrene and dibenzo(a,h) anthracene have been recorded in this investigation and are considered to present a significant risk of causing significant harm to human health but not to controlled waters. Proposed remedial measures include providing a capping layer of 600mm of inert subsoil and topsoil in garden areas.
6. Basic radon protective measures are required and additional precautionary ground gas protective measures are also recommended.

On noting the age and findings of this report, the Environmental Health Officer (EHO) has offered the following comments:

'The report identifies sources of significant contamination at the site requiring remediation and subsequent validation testing. The report's findings and recommendations are similar to those contained in the contamination reports submitted for application 64890.

It will be important to ensure that contamination risks associated with the proposals under this application are properly considered and addressed in line with current standards and good practice guidance. This consideration and any proposed remediation / validation scheme will no doubt have regard to the findings of the previous contamination assessment reports as relevant and appropriate.

My previous comments include recommended conditions for addressing these matters should they not be dealt with prior to granting any permission'.

On this matter, the Environment Agency (EA) has offered the following comment:

'We have no objection to this development.

We have reviewed the Ground Investigation & Environmental Assessment Report. Ref: SR/JF/DT/09174/GIEAR, dated 15 April 2009 submitted in support of this application and have no groundwater quality objection with regards to this development'.

The EA, like the EHO, has recommended an unexpected contamination condition to be included in any grant of permission with their reasoning being: 'For the protection of controlled waters. As highlighted in Section 8.5 (Revised Conceptual Model) of the report, the results of this investigation indicate slightly elevated levels of contamination (arsenic, nickel, benzo(a)pyrene and dibenzo(a,h) anthracene recorded at the site are potentially harmful to human health and would be managed by isolating the contaminated soils from end-users by a covering of hardstanding or a suitable depth of capping of inert soil in garden areas. This also breaks the pathway of any contaminants to groundwater'.

However, concern has been raised by the EHO with regard to matters of contamination in advising that no development works should commence until land contamination risks have been suitably addressed and any necessary remediation / verification works have been agreed. Such a condition is reasonable and necessary 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 accordance with Policy DM02 of the North Devon and Torridge Local Plan.

## **Waste**

Policy ST03 of the Local Plan states the following:

**Policy DM03: Construction and Environmental Management**

**(1) All development that will generate a significant volume of construction and operational waste will be required to demonstrate through a waste audit statement how the waste will be minimised, and residual waste will be reused or recycled on site, or segregated for reuse and recovery elsewhere in accordance with the waste hierarchy.**

**(2) Development adjacent to an existing or planned waste management facility will be required to demonstrate that the proposed development does not prevent, hinder or unreasonably restrict the operation of the waste development.**

**(3) Development that will generate a significant volume of operational waste will be required to demonstrate that its impact on the highway network is not severe and must provide adequate site access for the type and volume of vehicles that will be using the development.**

**(4) Management of waste from proposed development will be expected to accord with the Devon Waste Plan.**

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.

DCC have recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development:

“Prior to the commencement of development, a waste audit statement shall be submitted to the Local Planning Authority. 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 following points shall be addressed in the statement:

- The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.
- Identify the main types of waste generated when development is occupied.
- The details of the waste disposal methods likely to be used; including the name and location of the waste disposal site.
- Identify measures taken to avoid all waste occurring.
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.

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 DM03 of the North Devon and Torridge Local Plan and Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.”



Officers concur that such a condition is reasonable and necessary as a pre-commencement condition for the reasons as set out above and should be included as part of any planning approval.

### **Highways**

Policy DM05 of the Local Plan (Highways) states that: (1) All development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians, and (2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

Policy DM06 of the Local Plan (Parking Provision) states that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to the: (a) accessibility and sustainability of the site; (b) availability of public transport; (c) provision of safe walking and cycling routes; and (d) specific scale, type and mix of development. Proposals must also encourage the use of sustainable modes of transport through careful design, layout and integration to the existing built form.

Objections have been received on the grounds that Furze Hill Road is narrow with many cars parked on the highway making hazardous passing. The matter of the condition of the highway (pot holes) has also been raised. Concern has also been raised with regard to the width of the access road to the site, together with the lack of pavements, being dangerous to pedestrians.

County Highways have not objected to this proposal subject to the following recommended conditions:

1) The proposed road, footways, junction, sewers, drains, service routes, car parking spaces, construction staff car parking and construction site compound shall be laid out, constructed and completed in accordance with a detailed programme that is to be submitted to the Local Planning Authority for approval in writing before any part of the development commences.

Reason:

To ensure the proper development of the site.

2) No other part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway with the ironwork set to base course level and a site compound and car park have been constructed, in accordance with details previously submitted for approval.

Reason:

To ensure adequate on site facilities are available for all traffic attracted to the site during the construction period and to protect the amenities of adjoining residents.

3) The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out: i) the road and/or cul-de-sac carriageway including the vehicle turning head shall have been laid out, kerbed, drained

and constructed up to and including base course level with the ironwork set to base course level and the sewers, manholes and service crossings completed; ii) the road and/or cul-de-sac footways which provide that dwelling with direct pedestrian routes to an existing highway maintained at public expense have been constructed up to and including base course level; iii) the street lighting for the road and footpaths/footways has been erected and commissioned; iv) the car parking and any other vehicular access facility required for the dwelling by this permission have been completed; v) the highway boundary properly defined; vi) the street nameplates for the spine road and/or cul-de-sac have been provided and erected.

Reason:

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

4) When once constructed and provided in accordance with condition 3 above, the carriageway, vehicle turning head and footways shall be maintained free of obstruction to the free movement of vehicular and pedestrian traffic and the street lighting and nameplates maintained.

Reason:

To ensure the highway facilities remain available.

5) Within twelve months of the first occupation of the first dwelling in an agreed phase of the development all roads, footways, drainage, statutory undertakers' mains and apparatus and junction works shall be wholly completed.

Reason:

To ensure the access arrangements are completed within a reasonable time.

6) Provision shall be made within the curtilage of each dwelling for the disposal of surface water so that none discharges onto the public highway.

Reason:

In the interest of public safety and to prevent damage to the highway. The Advance Payments Code applies. I shall be pleased if you will insure that I am notified as soon as any Building Regulations approval is issued.

Whilst the concerns as raised with regard to highway capacity and safety have been acknowledged, subject to the response and proposed conditions from County Highways, the development accords with the relevant policies of the Local Plan.

### **Planning Obligations/ Viability**

Paragraph 55 of the NPPF states that: 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'. The following consultation responses require contributions to be made through a S106 Agreement.

### Public Open Space

Policy DM10 of the Local Plan (Green Infrastructure Provision) states the following:

‘Development will provide new accessible green infrastructure, including public open space and built facilities, to meet at least the green infrastructure quantitative and accessibility standards, as set out in Table 13.1 and Infrastructure Delivery Plan, to meet the needs of its intended occupants’.

The Open Space Officer commented that 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. We are happy to provide advice regards the layout and design of open space and play throughout the application process’.

No. of Bedrooms	No. Units	Bedspaces	Total bedspaces
1	6	2	12
2	8	3	24
3	2	4	8
4	0	5	0
5+	0	6	0
	<b>16</b>		<b>44</b>

	On Site Provision		Off-Site Contribution	
	Requirement per SQM per person	On site requirement in sq.m	Cost per sq.m per person	Amount requirement
<b>Urban</b>				
Allotment	1.5	66	£30	1,980.00
Amenity & Green Space	20	880	£15	13,200.00
Play Space	0.7	30.8	£170	5,236.00
Parks, Sport & Recreation	13	572	£72	41,184.00
<b>Totals</b>		<b>1548.8</b>		<b>£61,600</b>

### Education

Devon County Council (DCC) has identified that the proposed 16 additional family type dwellings will generate an additional 4.00 primary pupil and 2.40 secondary pupils which would have a direct impact on Ilfracombe Infant, Junior and Secondary Schools. 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: DCC have forecast that there is enough primary capacity within Ilfracombe for the number of pupils expected to be generated from this development and therefore a contribution towards primary education would not be sought. DCC have forecast that the nearest secondary school has not got capacity for the number of pupils likely to be generated by the proposed development and therefore Devon County Council will seek a contribution towards this additional education infrastructure to serve the address of the proposed development. The contribution sought for secondary would be £56,496 (based on the DfE secondary extension rate of £23,540 per pupil). These contributions will relate directly to providing education facilities for those living in the development. All education infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to these contributions should be applied from this date.

The above requests for contributions toward public open space and education have been taken into consideration; however, the matter of viability of the development has been highlighted by the applicant. On the matter of viability, paragraph 58 of the NPPF states the following:

‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available’

The application has been supported by a Viability Appraisal (VA) that states that the development can only be delivered with grant funding support to meet the significant shortfall in costs. The inclusion of any additional planning costs such as the community contributions mentioned, will only further contribute towards an increase in gap funding. The viability assessment is tested just on the basis of the 100% social rent and with no other s106 contributions added. Officers recommend that a scheme with 100% social rents is not going to be viable even with a £1 land value as due to a profit deficit generated by the scheme. This is why the Registered Provider has to have a complete different set of benchmarks to appraise community-led schemes because using their standard market benchmarks such schemes would simply not be viable. This is also why national, RP and CHF/BLRF funding will be required to plug the gap. Officers recommend that if this community-led housing scheme is to continue to come forward in the form the community wishes without cross-subsidy from open market units, then it needs to be without any other s106 contributions.

It is therefore reasonable that any grant of planning permission should be only subject to a S106 Agreement ensuring that the properties remain as social rent properties with no other obligations required.

### **Planning Balance**

The application proposes the demolition of existing buildings on the above nurseries site and erection of 16 social rented units with associated landscaping and parking.

The site is located within the development boundary of Ilfracombe where in the principle of residential development is acceptable subject to other material considerations of the Local Plan. The current proposal is for the delivery of 100% affordable housing provision through a Community Land Trust (CLT). Such provision on this site with the proposed mix is supported and therefore the principle of development is acceptable, in accordance with the Local Plan, subject to a S106 agreement ensuring this provision. Further consideration is therefore given to other material planning considerations. This has significant weight in the determination of the application.

Officers raise no objections to the design and layout of the proposed development. The stated materials are acceptable and can be reasonably controlled through a condition of approval. The matter of landscaping has been considered throughout the application process. Whilst the overall scheme as presented is acceptable in principle; further

amendments can be made to improve the level of planting. This can be reasonably controlled through a condition of approval. Matters of the protection of landscaping and the tree protected by the TPO can also be controlled by a condition of approval. In considering the above, the proposal will result in an acceptable scheme of landscaping that will respect the character and appearance of the locality and the landscape value of the site, in accordance with policies ST04, ST14, DM04 and DM08A of the Local Plan, and has moderate weight in the determination of the application.

Whilst the site is not within the Conservation Area or contain any listed buildings (or within their curtilage), the value of the site locally is defined in its previous use. The applicant provided a WSI, to which the County Archaeologist has agreed subject to conditions to ensure the correct implementation. The proposal therefore accord with the heritage consideration of the Local Plan and given moderate weight in the determination.

Objections have been received with regard to concerns with regard to harm to neighbour amenity resulting from the proposed development, which have been given significant weight in the consideration of the application. Following some amendments to layout and design throughout the application process, the size, siting and design of the proposal now results in an acceptable scheme that would not be to the detriment of the enjoyment of the neighbouring properties. Conditions have been suggested to ensure that neighbour amenity remains protected.

With regard to matters of ecology, significant weight has been given to the concerns raised due to the high ecological value of the site, together with roosting bats within the existing buildings. Following discussions throughout the application process, no objections have been raised with regard the principle of development on the site from an ecological perspective subject to methods of mitigation, such as the proposed bat house. These matters can be reasonably controlled through the submission and approval of a Landscape and Ecological Management Plan (LEMP) that can be submitted prior to the commencement of Phase 2 of the development, and the securing of the installation of the bat house and its screening from the service yard prior to the commencement of Phase 1 of the development.

With regard to matters of drainage, the comments of concern as raised by occupants of neighbouring properties have been taken into consideration. Officers concur with the statutory consultees that prior to the commencement of Phase 2 of the development, a drainage plan should be submitted to and approved in writing by the Local Planning Authority.

The matter of land contamination and public health has been given significant weight in the determination of this application. Following consultation with the statutory consultees it has been agreed that pre-commencement conditions should be imposed upon both phases of the development to ensure that the correct procedures and methods of mitigation are applied. In addition, a waste audit should be submitted to and agreed in writing prior to any development on the site.

In having regard to the above, this application has considered all matters, which have raised some concern with regard to ecology, drainage, contamination and highways. All of these matters, subject to the imposition of conditions, can be resolved to ensure that the development occurs in a sustainable manner. The proposal will offer the provision of much needed social housing in perpetuity for the town, which from a social perspective has significant weight in the determination of this application. In having regard to the fact

that all other matters can be reasonably secured through conditions of approval and a legal agreement, it is recommended that this application be granted planning permission.

### **Human Rights Act 1998**

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

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

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

### **Recommendation**

#### **Approved**

Legal Agreement Required: Yes to ensure that the properties remain as social rent properties.

### **Conditions**

1. 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.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

N138 22 201B Location Plan received on the 11/12/23

N138 22 204K Proposed Site Plan received on the 19/03/24

N138 22 205D Proposed Street Elevations received on the 19/03/24

N138 22 209C Right To Light Plan received on the 19/03/24

N138 22 214B Solar Study Plan received on the 11/12/23

N138 22 216B Proposed Sections CC DD & Boundary Treatments received on the 11/12/23

N138 22 218H Proposed Soft Landscaping Plan received on the 19/03/24

N138 22 219a Proposed Hard Landscaping Plan received on the 25/03/24

N138 23 301E Proposed Floors - Elevations Plot 1- 3B5P received on the 11/12/23

N138 22 302D Proposed Floor - Elevations Plots 3-4 - 1B2P received on the 19/03/24

N138 23 303B Proposed Floors - Elevations Plots 5-6-7 - 2B3P received on the 11/12/23  
N138 23 304B Proposed Floors - Elevations Plots 8-9-10 - 2B4P received on the 11/12/23  
N138 23 305B Proposed Floors - Elevations Plots 11-12 - 2B4P received on the 11/12/23  
N138 23 306C Proposed Floors - Elevations Plots 13-14-15-16 - 1B2P received on the 19/03/24  
N138 22 307A Proposed Bat Mitigation Plan received on the 11/12/23  
N138 22 308A Proposed Bin Store Floor - Elevations received on the 20/12/23  
2202 0120P4 Proposed Impermeable Area Plan received on the 19/03/24  
2202 0500P4 Proposed Drainage Layout received on the 19/03/24  
N138 22 225 Overlooking Study - Plot 5 A1 received on the 19/03/24  
0589 EclA-SC Final received on the 11/12/23  
N138 Lighting Assessment.pdf received on the 11/12/23  
09174SR/JF/DT/09174/GIEAR April 2009 received on the 28/02/24  
IBN24 WSlv1(1).pdf received on the 19/03/24  
N138 Lighting Assessment A(1) received on the 19/03/24  
(the approved plans).

Reason:

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

3. The development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

Plots 1, 2, 11, 12, 13, 14, 15 and 16

Roof – Slate

Walls – Brickwork (Grey); Cedral Weatherboard Fibre Cement Panel\_Sage Green

Windows - uPVC - Anthracite Grey (RAL 7016)

Doors - uPVC - Sage Green

Plots 3 and 4

Roof – Slate

Walls - Brickwork (Grey)

Windows - uPVC - Anthracite Grey (RAL 7016)

Doors - uPVC - Sage Green

Plots 5, 6, 7, 8, 9 and 10

Roof – Slate

Walls – Brickwork (red); Cedral Weatherboard Fibre Cement Panel\_Sage Green

Windows - uPVC - Anthracite Grey (RAL 7016)

Doors - uPVC - Sage Green

Reason:

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

4. the first floor window on the north elevation of Plots 1 and 2 shall be obscure glazed and non-opening prior to the first use of the room to which it relates and (i) obscure-glazed, and non-opening unless the parts of the window which can be opened are

more than 1.7 metres above the floor of the room in which the window is installed, and retained as such thereafter. Such a condition is reasonable to safeguard the privacy of neighbouring occupiers in accordance with Policy DM01 of the North Devon and Torridge Local Plan.

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order), no additional opening shall be established on the north elevation of Plots 1 and 2 without the prior written approval of the Local Planning Authority.

Reason:

To safeguard the privacy of neighbouring occupiers in accordance with Policy DM01 of the North Devon and Torridge Local Plan.

6. Prior to the commencement of development, including any demolition, site clearance, groundworks or construction (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works shall be submitted to and be approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:

- a) Measures to regulate the routing of construction traffic;
- b) The times within which traffic can enter and leave the site;
- c) Details of any significant importation or movement of spoil and soil on site;
- d) Details of the removal /disposal of materials from site, including soil and vegetation;
- e) The location and covering of stockpiles;
- f) Details of measures to prevent mud from the site contaminating public footpaths and roads / wheel-washing facilities;
- g) Control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) A noise control plan which details hours of operation and proposed mitigation measures;
- i) Location of any site construction office, unloading areas, compound and ancillary facility buildings;
- j) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- k) Measures for identifying, removing and safely dealing with any asbestos containing materials prior to demolition; asbestos demolition survey;
- l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

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

Reason:

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the health



and amenities of local residents and the area, in accordance with policies DM01 and DM02 of the North Devon and Torridge Local Plan.

7. Prior to the excavation of the foundations of any dwellinghouse hereby approved, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- (a) Risk assessment of potentially damaging construction activities
  - (b) Identification of 'biodiversity protection zones'
  - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
  - (d) The location and timing of sensitive works to avoid harm to biodiversity features
  - (e) The times during construction when specialist ecologists need to be present on site to oversee works
  - (f) Responsible persons and lines of communication
  - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of Highways, Amenity and Ecology in compliance with Policies DM02, DM05, and DM08 of the North Devon and Torridge Local Plan. A pre-commencement condition is necessary to ensure that protect species and their habitat are not harmed prior to any works commencing on site.

8. Prior to the excavation of the foundations of any dwellinghouse hereby approved, a detailed landscape and ecological management plan (LEMP) shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The content of the LEMP will address and expand upon the provision and management of all landscape and biodiversity avoidance, mitigation and enhancement measures of the development as set out within the ecological appraisal and preliminary ecological appraisal shall include:
- a) A description and evaluation of landscape and ecological features to be created managed and ecological trends and constraints on site that might influence management;
  - b) A Defra Biodiversity Net Gain Metric calculation;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an initial 10- year period);
  - g) Details of the body or organization responsible for implementation of plan;
  - h) Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures;

i) Means of reporting of landscape and ecological monitoring results to the Local Planning Authority and provisions for seeking written agreement to any changes to the management actions and prescriptions that may be necessary to ensure effective delivery of the aims and objectives of the LEMP over time.

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

Reason:

In order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework. A pre-commencement condition is necessary to ensure that all matters relating to landscaping and ecology are managed and maintained during development and for the long-term.

- 9 Prior to the commencement of development, detailed plans of the proposed screening between the bat house and the works compound shall be submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such until the works compound has been removed from the site.

Reason:

In order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework. A pre-commencement condition is necessary to ensure that the enhancement of the preservation of the bat habitat is protected during the development of the site.

10. The development hereby approved shall accord with the Lighting Assessment by Woodward Smith Chartered Architects as received on 11 December 2023 and shall remain as such unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework..

Reason:

To protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.

11. No further external lighting shall be erected or inserted on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework

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

Reason:

To allow the Local Planning Authority to consider the impact of future development on the appearance and character of the development in the area, together with matters of neighbour amenity in accordance with the requirements of Policies ST04, DM01 and DM04 of the North Devon and Torridge Local Plan.

13. The proposed road, footways, junction, sewers, drains, service routes, car parking spaces, construction staff car parking and construction site compound shall be laid out, constructed and completed in accordance with a detailed programme that is to be submitted to the Local Planning Authority for approval in writing before any part of the development commences.

Reason:

To ensure the proper development of the site.

14. No other part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway with the ironwork set to base course level and a site compound and car park have been constructed, in accordance with details previously submitted for approval.

Reason:

To ensure adequate on site facilities are available for all traffic attracted to the site during the construction period and to protect the amenities of adjoining residents.

15. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out: i) the road and/or cul-de-sac carriageway including the vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level with the ironwork set to base course level and the sewers, manholes and service crossings completed; ii) the road and/or cul-de-sac footways which provide that dwelling with direct pedestrian routes to an existing highway maintained at public expense have been constructed up to and including base course level; iii) the street lighting for the road and footpaths/footways has been erected and commissioned; iv) the car parking and any other vehicular access facility required for the dwelling by this permission have been completed; v) the highway boundary properly defined; vi) the street nameplates for the spine road and/or cul-de-sac have been provided and erected.

Reason:

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

16. When once constructed and provided in accordance with condition 3 above, the carriageway, vehicle turning head and footways shall be maintained free of obstruction to the free movement of vehicular and pedestrian traffic and the street lighting and nameplates maintained.

Reason:

To ensure the highway facilities remain available.

17. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development all roads, footways, drainage, statutory undertakers' mains and apparatus and junction works shall be wholly completed.

Reason:

To ensure the access arrangements are completed within a reasonable time.

18. Provision shall be made within the curtilage of each dwelling for the disposal of surface water so that none discharges onto the public highway.

Reason:

In the interest of public safety and to prevent damage to the highway. The Advance Payments Code applies. I shall be pleased if you will insure that I am notified as soon as any Building Regulations approval is issued.

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

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

Reason: To protect the amenity of local residents, in accordance with policies DM01 and DM02 of the North Devon and Torridge Local Plan.

20. The development shall proceed in accordance with the Written Scheme of Investigation prepared by South West Archaeology - (document ref: IBN24WSlv1 and dated: 18th January 2024 and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.

21. The development shall not be occupied use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and

dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

**Reason**

To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

22. 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 in the Arboricultural Impact Assessment and Method Statement by GE Consulting dated November 2023 and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the residential properties hereby approved.

(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.

23. Provision, implementation and maintenance of detailed landscape proposals

i) Prior to the excavation of the foundations 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.

24. The development hereby approved shall not commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system. (d) A plan indicating how exceedance flows will be safely managed at the site.

(e) Evidence there is agreement in principle from South West Water to requisition a surface water sewer.

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

25. Prior to the commencement of any site clearance, groundworks or construction, a land contamination report shall be submitted for the written approval of the Local Planning Authority. The report shall be prepared by a suitably qualified and experienced competent person and have regard to relevant standards and guidance. The report shall also have regard to the findings of any previous contamination assessments of the site where such reports are available and relevant.

For the avoidance of doubt and as relevant, the report shall include:

a) A Phase 1 Preliminary Risk Assessment for potential ground contamination (including a site walkover) to establish the potential extent, scale and nature of any contamination issues affecting the site. The assessment shall include consideration of potential risks to human health, controlled waters, ecological systems, property,

archaeological sites and the wider environment as well as recommendations for any more detailed Phase 2 investigation and assessment required.

(b) In accordance with the findings of the Phase 1 assessment, the results of a Phase 2 intrusive site investigation and assessment detailing all investigative works and sampling as well as the results of analysis and further risk assessments undertaken. The report shall highlight any unacceptable risks identified.

(c) Where remedial measures are identified as necessary, a remediation options appraisal and proposed remediation scheme shall be submitted to the Local Planning Authority for approval prior to remediation works commencing. The remediation scheme shall include a remediation method statement and details of any post remediation verification measures that are necessary.

Prior to occupation of the development hereby permitted:

(d) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the approved methodology and established good practice.

(e) A completion and validation report shall be submitted to the Local Planning Authority for written approval. The report shall include details of the remediation works undertaken along with the results of any post-remedial sampling, analysis or monitoring undertaken to demonstrate that remediation has been undertaken in full accordance with the approved methodology and that the site has reached the required clean-up criteria. Where relevant, waste transfer documentation detailing waste removed from the site shall be included.

(f) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the approved works have been undertaken as detailed in the completion 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 accordance with Policy DM02 of the North Devon and Torridge Local Plan.

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

Reason:

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

27. If, during development, 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 the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

For the protection of controlled waters. As highlighted in Section 8.5 (Revised Conceptual Mode) of the report, the results of this investigation indicate slightly elevated levels of contamination (arsenic, nickel, benzo(a)pyrene and dibenzo(a,h) anthracene recorded at the site are potentially harmful to human health and would be managed by isolating the contaminated soils from end-users by a covering of hardstanding or a suitable depth of capping of inert soil in garden areas. This also breaks the pathway of any contaminants to groundwater.

28. Prior to the commencement of development, a waste audit statement shall be submitted to the Local Planning Authority. 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 following points shall be addressed in the statement:

- The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.
- Identify the main types of waste generated when development is occupied.
- The details of the waste disposal methods likely to be used; including the name and location of the waste disposal site.
- Identify measures taken to avoid all waste occurring.
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.

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 DM03 of the North Devon and Torridge Local Plan and Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

### **Informatives**

1. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
2. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is



in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.

3. For the purpose of interpreting the restrictions expressed in condition 11 of this consent, permitted development rights have been removed in respect of the following classes:

Part 1:

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

Class AA Enlargement of a dwellinghouse by construction of additional storeys

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

Class C Any other alteration to the roof of a dwelling-house

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

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

b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

Further detailed information can be obtained from the Local Planning Authority, including a guide to householder development, and the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

4. A contamination report submitted in relation to a previous planning application for this site noted a warning sign on existing buildings concerning asbestos containing materials (ACMs). The existing buildings should be surveyed for ACMs prior to demolition by a suitably qualified person in order to protect site workers and public health. Where found, ACMs must be dealt with and be disposed of in accordance with asbestos regulations and health and safety guidance.
5. As the proposed works affect / are in close proximity to the boundary with a neighbouring property, this decision does not convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Guide to the Party Wall etc. Act 1996 booklet. Copies available from the Communities and Local Government website [www.communities.gov.uk/publications/planningandbuilding/partywall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).
6. **Statement of Engagement**  
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included consideration of design, amenity, landscaping, ecology, drainage, contamination and highways.