

# **Application Report**

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



<b>Application No:</b>	76809
<b>Application Type:</b>	Outline Application
<b>Application Expiry:</b>	4 October 2024
<b>Extension of Time Expiry:</b>	4 October 2024
<b>Publicity Expiry:</b>	13 June 2024
<b>Parish/Ward:</b>	MORTEHOE/MORTEHOE
<b>Location:</b>	Land to North of Station Road Woolacombe Devon EX34 7AX
<b>Proposal:</b>	Outline application for residential development of 105 dwellings with some matters reserved (Appearance, Scale and Landscaping) (Further information received) (Development Affecting a Public Right of Way)
<b>Agent:</b>	Mr Mike Kelly
<b>Applicant:</b>	Mr Andrew Pegg
<b>Planning Case Officer:</b>	Mrs J. Meakins
<b>Departure:</b>	Y
<b>EIA Development:</b>	Y
<b>EIA Conclusion:</b>	
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee – As the development constitutes a major departure from the Development Plan.

## **Site Description**

The site is located on agricultural land to the north of Woolacombe Station road in an area designated as open countryside.





**Aerial Photograph with site outlined in red**

The topography of the site is sloping downwards to the south, with the northern boundary forming a local ridgeline where the land to the north of this slopes away from the site.

The site is within the North Devon Coast Designated National Landscape, Heritage Coast and locally designated Coastal and Estuary Zone. It should be noted to the reader that the submission of this application has been made in the crossover period between the Area of Outstanding Natural Beauty (AONB) being rebranded a National Landscape, however references to both are contained throughout the report given terminology in the National Planning Policy Framework (NPPF) and North Devon Torridge Local Plan (NDTLP) still refers to AONB, there are however considered to be one and the same for the purposes of interpretation by the reader.

## **Recommendation**

### **Refused**

Legal Agreement Required: No

## **Planning History**

No relevant planning history

## **Constraints/Planning Policy**

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Advert Control Area Area of Special Advert Control	Within constraint
Ancient Woodland: BOROUGH/SIX ACRE WOODS Ancient & Semi-Natural Woodland	427.14
Chivenor Safeguard Zone Consultation Any Development	Within constraint
Class II Road	
Class III Road	
Landscape Character is: 5C Downland	Within constraint
Public Right of Way:Footpath 247FP11	Within constraint
Unclassified Road	
USRN: 27500003 Road Class:C Ownership: Highway Authority	2.49
USRN: 27500052 Road Class:B Ownership: Highway Authority	6.38
USRN: 27506116 Road Class:YFP Ownership: Highway Authority	Within constraint
Within 100m of Adopted Heritage Coast	Within constraint
Within Adopted AONB (ST09 & ST14)	Within constraint
Within Adopted Coast and Estuary Zone	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:Braunton Burrows, 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 - Landscape and Seascape Character DM10 - Green Infrastructure Provision DM24 - Residential Development in Rural Settlements	

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
MOR - Woolacombe and Morteohoe Spatial Strategy ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST08 - Scale and Distribution of New Development in Northern Devon ST09 - Coast and Estuary Strategy ST10 - Transport Strategy ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets ST17 - A Balanced Local Housing Market ST21 - Managing the Delivery of Housing	

National Planning Policy Framework 2023

**Consultees**

<b>Name</b>	<b>Comment</b>
Arboricultural Officer  Reply Received 16 May 2024	Recommendation: Object – No tree report supports the application which would show the impacts of development on retained trees and hedges.  Observations: A site visit was undertaken to view the site and its arboricultural resource.  There are trees and hedges on the extremities of the field which will require consideration through this proposal. As the site is exposed tree establishment will be difficult and this puts a value on the existing tree and hedge stock.  The boundary hedges are key for the retention of green infrastructure within the area and at present there are pinch points at the SW, SE and E boundaries.  We would also like to have conformation with regards to the southern boundary hedge and its treatment. Will it be removed or relocated as part of this proposal.
Councillor M Wilkinson  Reply Received 25 April 2023	Can I assume that this application will be considered as a form "major" and then automatically qualify for consideration by the full planning committee or do I have to complete a call in form?

Name	Comment
<p data-bbox="180 197 421 264">DCC - Childrens Services</p> <p data-bbox="180 304 408 371">Reply Received 12 May 2023</p>	<p data-bbox="443 197 1398 300">DCC has identified that the proposed increase of 105 family type dwellings will generate an additional 26.25 primary pupil and 15.75 secondary pupils.</p> <p data-bbox="443 340 1398 448">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 data-bbox="443 488 1398 851">The local primary school for this development is Woolacombe Primary School. Woolacombe Primary School cannot be expanded any further due to its site constraints, but at its current capacity of 210 places it is large enough to accommodate the local Woolacombe children and the pupils expected to be generated from the development. Therefore, a contribution towards primary education infrastructure would not be sought against this development. However should this application be approved, Devon County Council cannot support further major development in Woolacombe that will impact local primary provision.</p> <p data-bbox="443 891 1398 1218">We have forecast that the local secondary school does not have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure to support the pupils likely generated from this development. The contribution sought for secondary would be 370,755 (based on the DfE extension rate of 23,540 per pupil). This contribution would relate directly to providing education facilities for those living in the development.</p> <p data-bbox="443 1258 1398 1397">We will also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from the local secondary school. The costs required are as follows: -</p> <p data-bbox="443 1438 1398 1545">15.75 Secondary pupils 3.19 per day x 15.75 pupils x 190 academic days x 5 years = 47,730</p> <p data-bbox="443 1585 1398 1872">The transport contributions above has been calculated based on the DCC contract cost of transporting a pupil from the area of development to the local school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil will attend the school. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.</p> <p data-bbox="443 1912 1398 2051">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</p>

Name	Comment
	<p>this date. All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application.</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 the costs of transporting children to the local schools. 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 13 June 2024</p>	<p>I recall looking at this proposal during the pre-application submission and subsequently as part of the formal planning application.</p> <p>I note the detailed Transport Assessment, which follows on from the approved Transport Scoping Note, the proposed access arrangements by way of a formal right turn lane and internal estate road layout. In principle, these matters are acceptable.</p> <p>However, the major concern I have is regarding the lack of accessibility to and from the site for non-motorised users and, therefore, the following objection is raised:</p> <p>1) There is inadequate footway/cycleway provision to accommodate the additional pedestrian/cyclist movements likely to be generated between the proposed development site and the services and facilities required by the new residential occupants. As a result, the increase in vulnerable users on the Class II County Road, the B3343, and other county roads, is likely to lead to additional danger and inconvenience for such users, contrary to Policy DM05 (1) of the joint North Devon and Torridge Local Plan 2011-2031 (2018) and Paragraphs 114 (a) (b), 115 and 116 (c) of the National Planning Policy Framework (December 2023).</p>
<p>DCC - Historic Environment Team</p>	<p>2/05/2023 15:19 - Comments from Stephen Reed, Senior Historic Environment Officer</p> <p>Devon County Historic Environment Team ref: Arch/DM/ND/38519a</p>



Name	Comment
Reply Received 2 May 2023	<p>The geophysical survey of the site has identified anomalies that are indicative of the presence of archaeological deposits and features. In particular the survey has identified the possible presence of a multi-vallate ditched enclosure within the development site. Similar anomalies elsewhere in the county have been shown to be prehistoric or Romano-British settlement sites. However, without undertaking intrusive archaeological investigations it is not possible to understand the significance of the heritage assets within the development site, the impact of the development upon them or the efficacy of the survey itself. As such, I would advise that the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.</p> <p>Given the high potential for survival and unknown significance of below ground archaeological deposits associated with the putative prehistoric or Romano-British ditched enclosure and the absence of sufficient archaeological information, the Historic Environment Team objects to this application.</p> <p>If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application by your Authority. This would be in accordance with Policy DM07 in the North Devon and Torridge Local Plan (2018) and paragraphs 194 and 195 of the National Planning Policy Framework (2021).</p> <p>The additional information required to be provided by the applicant would be the results of a programme of intrusive field evaluation that should investigate the anomalies identified by the geophysical survey as well as any apparently blank areas. The field evaluation should sample 3% of the development site as a minimum.</p> <p>The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.</p> <p>I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:  <a href="https://new.devon.gov.uk/historicenvironment/development-management/">https://new.devon.gov.uk/historicenvironment/development-management/</a>.</p>



Name	Comment
<p>DCC - Historic Environment Team</p> <p>Reply Received 28 May 2024</p>	<p>Comments from Stephen Reed, Senior Historic Environment Officer</p> <p>Devon County Historic Environment Team ref: Arch/DM/ND/38519b</p> <p>I refer to your recent re-consultation for this planning application. The Historic Environment Team has no additional comments to make to those already made, namely:</p> <p>The geophysical survey of the site has identified anomalies that are indicative of the presence of archaeological deposits and features. In particular the survey has identified the possible presence of a multi-vallate ditched enclosure within the development site. Similar anomalies elsewhere in the county have been shown to be prehistoric or Romano-British settlement sites. However, without undertaking intrusive archaeological investigations it is not possible to understand the significance of the heritage assets within the development site, the impact of the development upon them or the efficacy of the survey itself. As such, I would advise that the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.</p> <p>Given the high potential for survival and unknown significance of below ground archaeological deposits associated with the putative prehistoric or Romano-British ditched enclosure and the absence of sufficient archaeological information, the Historic Environment Team objects to this application.</p> <p>If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application by your Authority. This would be in accordance with Policy DM07 in the North Devon and Torridge Local Plan (2018) and paragraphs 194 and 195 of the National Planning Policy Framework (2021). The additional information required to be provided by the applicant would be the results of a programme of intrusive field evaluation that should investigate the anomalies identified by the geophysical survey as well as any apparently blank areas. The field evaluation should sample 3% of the development site as a minimum.</p> <p>The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.</p> <p>I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the</p>

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<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 23 May 2024</p>	<p>Recommendation: At this stage, we object to this planning application because we believe it does not satisfactorily conform to saved Policy ST03 linking to climate change of North Devon and Torridge Local Plan (2011 - 2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>Observations: The Land at Morteheo Station Road, Woolacombe Foul and Surface Water Drainage Strategy (Report Ref. 11143-HYD-XX-XX-RP-DS-5001-P01, Rev. P01, dated 19th December 2022) is contained within Chapter 10 of the submitted Environmental Statement - Volume 1 Residential Development on Land at Station Road, Woolacombe (Report Ref. CAH/2980A, Rev. -, dated 05th January 2023). The applicant have carried some ground investigation and the infiltration rates ranging between <math>6.97 \times 10^{-5} \text{m/s}</math> and <math>2.92 \times 10^{-4} \text{m/s}</math> have been found but there are shallow groundwater encountered in the centre and southern half of the site.</p> <p>The submitted soakaway testing results for SA01, SA02 and SA03 are all concentrated in the centre part of the proposed development site. The applicant may need to carry out more infiltration testing in a later stage.</p> <p>The applicant proposed to discharge surface water to soakaways for the northern part of the site and via a positive discharge to the nearest public surface water sewer for the southern part of the site. It is proposed to provide three attenuation basins within the southern half of the site. The storage for Basin C will be supplemented by an underground tank. The derived greenfield runoff rate is <math>6.6 \text{l/s/ha}</math> and appears to be high. The greenfield runoff rates have been calculated using the FEH method. The applicant must submit a screenshot of the FEH web service to evidence the values used. The applicant shall also check the calculation using IH124 method.</p> <p>As no groundwater monitoring has been conducted for the proposed development site, the applicant shall submit a backup attenuation option for the northern parcel.</p>

Name	Comment
	<p>The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.</p> <p>The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 11 May 2023</p>	<p>The submitted Environmental Statement - Volume 1 Residential Development on Land at Station Road, Woolacombe (Report Ref. CAH/2980A, Rev. -, dated 05th January 2023) mentions surface water drainage in Chapter 10 but no further information was provided in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <a href="https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/">https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/</a>.</p> <p>The above report also mentioned that a scoping report was submitted in January 2022 and as part of the response, the Lead Local Flood Authority (LLFA) stated that 'The Illustrative Masterplan indicates that various basins are being proposed to manage the runoff from the development and would encourage the basins to be designed to be sympathetic to the wider landscape. The applicant should fully explore the use of infiltration at the site in line with the surface water management hierarchy'. The Site Layout Plan (Drawing No. SRM-LHC-00-00-DR-UD-L0102, Rev. P3, dated 30th November 2022) indicates that 4 SuDS attenuation basins are proposed for the proposed development site to manage surface water runoff.</p>
<p>DCC - Public Rights Of Way</p> <p>Reply Received 23 May 2024</p>	<p>Please find enclosed the response from Devon County Council's Public Rights of Way Team in relation to Application no.76809 Land to North of Station Road, Woolacombe, Devon, EX34 7AX</p> <p>The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.</p> <p>Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 - Defra October 2009, paragraph 7.2) and that public</p>

Name	Comment
	<p>rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 98).</p> <p>Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.</p> <p>It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.</p> <p>Assessment of application</p> <p>The proposal as submitted:</p> <ol style="list-style-type: none"> <li>1. would have a direct effect on public rights of way as identified in the Outline Application.</li> <li>2. would have a direct effect on public rights of way and is not addressed in the Outline Application.</li> </ol> <p>Response</p> <p>A. The Public Rights of Way Team therefore objects to the proposal as submitted on the basis that:</p> <ol style="list-style-type: none"> <li>1. The proposal does not address the impact on public rights of way</li> <li>2. The proposal would have a detrimental impact on the use and amenity of public rights of way in the locality</li> <li>3. The proposal does not consider access and public rights of way and therefore cannot be undertaken and complied with in the manner stated in the application documents</li> </ol> <p>Information</p> <p>Please note that the grant of planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way without following the due legal process, including confirmation of any permanent diversion or stopping-up order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity.</p> <p>Further information about public rights of way and planning is available on our website here. Please do not hesitate to contact me if you would like further clarification.</p>

<b>Name</b>	<b>Comment</b>
<p>DCC Waste Management</p> <p>Reply Received 21 May 2024</p>	<p>As no new information has been submitted that relates to our concerns, our comments from 23 April 2023 still stand.</p>
<p>DCC Waste Management</p> <p>Reply Received 24 April 2023</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. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p>This application is not supported by a Waste Audit Statement. It is noted that the 'Waste Planning and Disposal' section of the planning statement states the intention to submit a waste audit statement at the reserved matters stage. Therefore, it is recommended that a condition is attached to any consent to require the submission of a statement at the reserved matters stage.</p> <p>Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <a href="https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document">https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document</a></p> <p>Please do not hesitate to get in touch should you have any queries in relation to our comments.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 13 May 2024</p>	<p>Thank you for this application, I have no additional comments or observations from a designing out crime and ASB perspective.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 24 April 2023</p>	<p>Having reviewed the proposed site layout plan and Crime &amp; Disorder Statement (Appendix B), from a designing out crime and ASB perspective I have no objections in principle to the proposal.</p>

Name	Comment
	<p>The proposed layout provides good overlooking of roads, footpaths, play areas and open space, the inclusion of back to back rear gardens where feasible is noted and supported.</p> <p>An early point to consider is that if existing hedgerow is likely to comprise new rear or side garden boundaries, then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured.</p> <p>Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function. Any proposed pedestrian links require careful consideration, as from an offenders perspective, these will provide a legitimate excuse for being in the area without fear of being challenged or noticed.</p> <p>Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence.</p> <p>Residential vehicle parking may be considered as a matter for later discussion, how it will be implemented must be fully considered as early as possible as disconnected parking will likely lead to residents ignoring their allotted space to park closer to their dwelling for convenience and where they have sight of their vehicle.</p> <p>Pedestrian and cycle routes through the site, must be and feel as safe as possible for users and again should not potentially undermine the security of dwellings. Where possible, they should be overlooked and have dwellings facing on to them. It is important to consider which routes may just be used for leisure and others which for example children may have to use to walk to school etc.</p> <p>The question of lighting will also need careful consideration as I assume the new streets will be formally adopted? Some proposed footpaths may also need lighting, therefore consideration must be given as to how this will work with ecology issues.</p> <p>Whilst the above can really only be fully addressed once more detail is known, even at this early stage, the principles of and attributes of Crime Prevention Through Environmental Design (CPTED) should be considered as they play a are key role to ensuring a safe and sustainable community.</p>

Name	Comment
	<p>Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.</p> <p>Structure: Places that are structured so that different uses do not cause conflict</p> <p>Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.</p> <p>Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community</p> <p>Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019</p> <p>Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.</p> <p>Management and maintenance: Places that are designed with management and maintenance</p>
<p>Environment Agency</p> <p>Reply Received 12 July 2024</p>	<p>No Comment to make as not a statutory consultee in this instance</p>
<p>Environmental Health Manager</p> <p>Reply Received 3 May 2023</p>	<p>I have reviewed this outline application in relation to Environmental Protection matters and comment as follows:</p> <p>1 NOISE</p> <p>I have reviewed the noise impact assessment presented at Chapter 11 (Noise and Vibration) of the Environmental Statement dated 5 January 2023. The assessment considers the impact of the existing noise climate on the proposed development and the impact of the proposed development on the surrounding area. The report takes account of impacts associated with the construction and operational phases of the development and includes recommendations for noise mitigation.</p> <p>1.1 Construction Phase Noise</p> <p>The report concludes that construction phase noise and vibration is .not likely to cause any significant impacts provided suitable mitigation is implemented as part of an agreed Construction Environmental Management Plan (CEMP).</p> <p>I accept the findings of the report and have included CEMP recommendations below.</p> <p>1.2 Operational Phase Noise</p>



Name	Comment
	<p>The assessment report identifies two sources of potentially significant noise affecting the proposals - road traffic noise and noise emitted by the existing Golden Coast Service Station.</p> <p>1.2.1 Traffic Noise</p> <p>The predicted noise levels set out in the report indicate that a number of proposed dwellings located closest to local roads may be significantly impacted by traffic noise.</p> <p>- External Amenity Areas</p> <p>The report states:</p> <p>Garden noise level of below 55 dB LAeq can be provided in most gardens, including those closest to B3343, if the gardens can be screened from road noise by the house or a slightly higher than standard (e.g. 2.2m) close boarded garden fence (ref' s. 11.5.5).</p> <p>BS8233 states:</p> <p>"For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments."</p> <p>Given the context of the development locality, I believe it is appropriate and reasonable to aim to meet the desirable standard of 50dB based on a 'good acoustic design approach in line with recommendations contained within ProPG: Planning &amp; Noise (Professional Practice Guidance on Planning &amp; Noise 2017). If, following a good acoustic design approach, there are proposals to create external amenity areas where the BS8233 'desirable' target level will not be met but where the higher 'acceptable' level of 55dB can be achieved, this should be discussed and justified within the report. Conditions exceeding the 'acceptable' level should be avoided.</p> <p>- Internal Noise Conditions</p> <p>The report states:</p> <p>"There are a number of dwellings at the north and south of the site, closest to the B3343 and Morteheo Station road, where façade noise levels are expected to exceed 49 dB LAeq and/or 65 LAm<sub>ax</sub> at night. [...] some dwellings may require slightly enhanced acoustic double glazing and trickle vents. At medium and high noise exposure facades, mechanical cooling or other means of maintaining thermal comfort will also be necessary to ensure windows can remain closed in bedroom at night (ref. s. 11.5.3)</p> <p>The above reliance on the building facade to achieve suitable internal noise conditions needs to be fully justified, having regard to</p>

Name	Comment
	<p>good acoustic design guidance given in ProPG: Planning &amp; Noise 2017.</p> <p>1.2.2 Service Station Noise</p> <p>The current outline site plan shows a number of proposed dwellings and garden areas in close proximity to the Golden Coast Service Station. The report states:  "A few of the proposed dwellings are affected by noise from Golden Coast Service Station. Effective consultation with this existing business and targeted mitigation measures, which may include solutions within the bounds of the PD site or within the Golden Coast Service Station site, can avoid the risk of significant restrictions to their on-going operations resulting from the PD. [...] The Golden Coast Service Station should be consulted further post-planning to better understand the noise risk associated with their normal activities and determine how best to ensure they can continue to operate without risk of significant impacts occurring." It will be important to ensure that the proposals take proper account of this existing business and do not create circumstances in which justified noise complaints arise. Noise from the service station should be assessed having regard to relevant standards and guidance including that contained within BS4142: 2014 +A1:2019 Methods for Rating and Assessing Industrial and</p> <p>-Commercial Sound.  The recommended further consideration of noise risks should be undertaken prior to approving any detailed site layout so that mitigation options involving moving sensitive receptor locations further away remain open.</p> <p>1.2.3 Recommendations  The above discussion makes clear that further consideration is required in relation to noise impacts affecting the proposals and the selection of appropriate mitigation options. This is acknowledged within the report,</p> <p>It will be important to ensure that this further consideration follows a good acoustic design approach in accordance with guidance contained within ProPG: Planning &amp; Noise 2017 . A good design approach ensures that factors such as site and building layout, use of noise bunds, buffer zones and so on are fully considered as part of the design process along with any site constraints. ProPG 2017 emphasises that "it is imperative that acoustic design is considered at an early stage of the development process"</p> <p>Prior to approving the detailed layout of the site therefore, I recommend the Applicant be asked to provide a further noise assessment report and associated mitigation scheme for approval.</p>

Name	Comment
	<p>The report should be prepared by a suitably qualified and experienced person (Member of the Institute of Acoustics or equivalent) having regard to relevant standards and guidance and demonstrating a ProPG: Planning &amp; Noise 2017 'good acoustic design' approach. The report should include a discussion of good acoustic design options including those relating to site layout, internal room layouts and use of road noise acoustic barriers to achieve 'desirable' noise conditions wherever possible. Any circumstances where desirable target noise levels (internal and external) will not be achieved should be fully justified within the report. The report should also address noise impact risks associated with the Golden Coast Service Station. The submitted report should include full details of the acoustic design and mitigation measures proposed.</p> <p><b>2 Air Quality Impacts</b> I have reviewed the Hydrock Air Quality Assessment report dated 7 November 2022.</p> <p>- Construction Phase The Assessment identifies a number of potential impacts and recommends a scheme of mitigation for inclusion in a Construction Environmental Management Plan (CEMP). I accept the findings of the report and have included CEMP recommendations below.</p> <p>- Operational Phase The Assessment considers potential traffic related impacts associated with the proposals having regard to relevant standards and guidance. The report concludes that no significant traffic pollution related impacts will arise and that no specific mitigation measures are required. Recommendations relating to a Residential Travel Plan and Electric Vehicle use are included in the report. I accept the findings of the report and have no further comments.</p> <p><b>3 Land Contamination</b></p> <p>I have reviewed the Hydrock Ground Investigation Report dated 22 April 2020. The report does not identify any significant contamination risks associated with the proposed development and no specific remedial measures are required unless unexpected contamination is discovered during development works.</p> <p>Notwithstanding the above, the assessment did identify elevated levels of naturally occurring arsenic at a maximum concentration of 59mg/kg compared to a guideline GAC level of 37mg/kg. The report states that the concentrations of arsenic recorded are not considered to pose a significant risk to site end users or the wider environment but may require some further confirmatory assessment of the risks posed to human health.</p>

Name	Comment
	<p>I recommend a further site-specific risk assessment be undertaken in relation to arsenic to ensure that human health risks associated with the presence of elevated levels of arsenic at the site are fully considered and mitigated if necessary.</p> <p>I recommend the following conditions be included on any permission:</p> <ul style="list-style-type: none"> <li>- Contaminated Land (Arsenic) Condition</li> </ul> <p>Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with a site-specific risk assessment report in relation to elevated concentrations of arsenic identified at the site. The assessment shall include the results of arsenic bioaccessibility testing and recommendations for mitigation or remediation where considered appropriate. The report shall be prepared by a suitably qualified competent person having regard to relevant standards and guidance.</p> <p>Reason: To ensure that human health risks associated with the presence of elevated levels of arsenic are adequately considered and mitigated where necessary.</p> <ul style="list-style-type: none"> <li>- Contaminated Land (Unexpected Contamination) Condition</li> </ul> <p>Should any suspected contamination of ground or groundwater not previously identified be discovered 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 remediated in accordance with the National Planning Policy Framework</p> <p><b>4 Construction Phase Impacts</b></p> <p>In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the following conditions be imposed:</p> <ul style="list-style-type: none"> <li>- Construction Environmental Management Plan Condition</li> </ul> <p>Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction</p>

Name	Comment
	<p>during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The CEMP shall include reference to dust mitigation recommendations within the Hydrock Air Quality Assessment report dated 7 November 2022, noise mitigation recommendations within Chapter 11 (Noise and Vibration) of the approved Environmental Statement and contamination related mitigation recommendations within the Hydrock Ground Investigation Report dated 22 April 2020.</p> <p>For the avoidance of doubt and where relevant, the CEMP shall also 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, 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) 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 amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.</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> </ul>

Name	Comment
	<p>b) Saturday 08.00 - 13.00 c) nor at any time on Sunday, Bank or Public holidays.</p> <p>Reason: To protect the amenity of local residents</p>
<p>Environmental Health Manager</p> <p>Reply Received 16 May 2024</p>	<p>Foul Drainage Pumping Station - Noise</p> <p>The Hydrock Foul and Surface Water Drainage Strategy states that a foul pumping station will be installed to serve 48 of the dwellings. The site layout plan shows this pumping station being located around 10 metres from the rear garden boundary of an existing residential property to the southwest of the application site.</p> <p>There is a potential for noise arising from operation of a pumping station of this size to adversely impact amenity at the existing neighbouring residential property. This potential should be considered and be addressed where adverse impacts appear likely to occur.</p> <p>Given the above, and further to my comments on noise of 3 May 2023, I recommend the Applicant be asked to provide a pumping station noise impact assessment. The assessment should be prepared by a suitably qualified and experienced person (Member of the Institute of Acoustics or equivalent) and have regard to relevant standards and guidance including that contained within BS4142:2014 +A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound. The assessment should consider whether noise from the proposed pumping station is likely to adversely impact residents within the existing dwelling or when using the rear garden. A predicted pumping station rating noise level of 5dB or more below the typical background noise level at sensitive times and relevant locations (for example during evening periods in the rear garden when background noise levels tend to be lower) would indicate that adverse impacts are unlikely to arise. The assessment report should include a description of any noise mitigation measures proposed where necessary.</p> <p>I do not foresee any fundamental challenges in achieving acceptable conditions with regard to pumping station noise as there is good scope for introducing noise mitigation measures where needed. As such, the above matters can be dealt with via planning conditions if preferred.</p> <p>Other than as stated above, my comments of 3 May 2023 stand.</p>
<p>Heritage &amp; Conservation Officer</p>	<p>There are no designated heritage assets in the near vicinity; the closest listed buildings are Cherrytree Cottage and the Old Forge at the Sandy Lane junction. I do not consider that the significance of these will be harmed through effect on setting.</p>

Name	Comment
Reply Received 15 May 2024	I note, however, that there may be archaeological issues and whilst these do not relate to designated heritage assets, these factors nonetheless need to be taken into account.
Heritage & Conservation Officer  Reply Received 15 May 2024	11/05/2023 11:28 - I do not consider that this proposal will cause harm to the significance of designated heritage assets through effect on setting. There are no designated heritage assets in the near vicinity; the closest listed buildings are Cherrytree Cottage and the Old Forge at the Sandy Lane junction. I do not consider that the significance of these will be harmed through effect on setting. I note, however, that there may be archaeological issues and whilst these do not relate to designated heritage assets, these factors nonetheless need to be taken into account.
Historic England  Reply Received	No reply received
Housing Enabling Officer  Reply Received 17 May 2024	Thank you for your consultation,  The proposed site is outside the development boundaries of Woolacombe and Morteohoe. In accordance with Policy ST07 of the Local Plan, my understanding is that the site would be classed as being in the Countryside and therefore development would be limited to that which is enabled to meet local economic and social needs.  A housing needs survey was jointly commissioned by the applicant and Morteohoe and Woolacombe Community Land Trust. The survey and subsequent report identified the need for at least 21 affordable homes within the next 5 years in Morteohoe parish. Devon Home Choice shows there are 36 households registered as in need of affordable housing for rent as of January 2024.  Morteohoe parish council and the ward member, alongside the local community, have explored possible sites for the provision of affordable housing. A site which adjoins the development boundary within the village of Woolacombe has been identified as acceptable by the local community and shown through the formation a Community Land Trust (CLT) to have public support. This is a genuinely community-led housing project, who have submitted an application for 21 dwellings at 100% Social Rent, affordable housing. this site is closer to the population that requires the housing. An application has also been submitted in the adjoining parish of Georgeham for a CLT site for 18 Social Rent dwellings.  It is questionable whether there is a need for the quantity of housing proposed at this sites location. However, Housing Enabling would be pleased to comment further regarding issues such as housing size and tenure mix if appropriate once Planning have determined the classification of the site



<b>Name</b>	<b>Comment</b>
<p data-bbox="180 197 421 264">Housing Enabling Officer</p> <p data-bbox="180 304 408 371">Reply Received 11 May 2023</p>	<p data-bbox="443 197 1182 232">11/05/2023 10:12 - Thank you for your consultation.</p> <p data-bbox="443 268 1390 448">The proposed site is outside the development boundary. In accordance with Policy ST07 of the Local Plan, my understanding is that the site would be classed as being in the Countryside and therefore development would be limited to that which is enabled to meet local economic and social needs.</p> <p data-bbox="443 488 1398 1034">Devon Home Choice (DHC) shows there are 46 households living in the parish of Morteohoe registered as being in need of affordable housing for rent as of January 2023. 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 (such as Shared Ownership/Discounted Market Sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.</p> <p data-bbox="443 1075 1401 1218">A Housing Needs Survey Report for the parish of Morteohoe was published in February 2016. The report remained as appropriate evidence of need for up to 5 years so it is therefore now out of date and cannot be used as an indication of housing need.</p> <p data-bbox="443 1258 1406 1550">The parish council and the ward member, alongside the local community, have explored possible sites for the provision of affordable housing. A site which adjoins the development boundary within the village of Woolacombe has been identified as acceptable by the local community and shown through the formation a Community Land Trust to have public support. This is a genuinely community-led housing project for 100% Social Rent affordable housing that is closer to the population that requires the housing.</p>
<p data-bbox="180 1630 421 1697">Morteohoe Parish Council</p> <p data-bbox="180 1738 408 1805">Reply Received 17 May 2023</p>	<p data-bbox="443 1630 1374 1697">The Council strongly objects to this application for many reasons. Essentially it is creating a village with no amenities.</p> <p data-bbox="443 1738 1358 1805">The waste water capacity of the area we know from South West water is beyond capacity in the summer months.</p> <p data-bbox="443 1845 1145 1881">The area has no available primary school places.</p> <p data-bbox="443 1921 1401 2024">This project does not meet the housing needs of the area Traffic concerns in an area that already has major traffic problems half the year and no pavements.</p>

Name	Comment
	<p>There is no proven need for the development of this site. This level of development in an AONB sets a nasty precedent for future developers.</p> <p>Objection proposed by Councillor Wilkinson, Seconded by Councillor Duffield, all in favour decision unanimous.</p>
<p>Mortehoe Parish Council</p> <p>Reply Received 14 May 2024</p>	<p>The Council would like to restate its objections. The Council strongly objects to this application for many reasons. Essentially it is creating a village with no amenities. The waste water capacity of the area we know from South West water is beyond capacity in the summer months. The area has no available primary school places. This project does not meet the housing needs of the area Traffic concerns in an area that already has major traffic problems half the year and no pavements. There is no proven need for the development of this site. This level of development in an AONB sets a nasty precedent for future developers. Objection proposed by Councillor Wilkinson, Seconded by Councillor Duffield, all in favour decision unanimous.</p>
<p>Natural England</p> <p>Reply Received</p>	<p><b>SUMMARY OF NATURAL ENGLAND'S ADVICE</b></p> <p><b>Designated sites</b> Based on the plans submitted, Natural England considers that the proposed development will not affect any designated sites.</p> <p><b>Protected Landscapes</b> Your decision should be based on national landscape policy and landscape policies set out in your Local Plan.</p> <p><b>The Culm Grasslands Special Area of Conservation (SAC)</b> This site is a departure from the Joint North Devon and Torridge Districts Local Plan (JLP). The JLP Habitat Regulations Assessment (HRA) considered whether there would be air quality impacts on the Culm Grasslands SAC associated with housing development allocated in the JLP. The development site is not allocated in the adopted plan and is therefore classed as a 'windfall site'.</p> <p>The Council's HRA of non-plan led development concluded no effect on site integrity as a result of additional growth (over and above the allocated sites) of up to 10,000 dwellings in-combination with the Local Plan. This application should therefore screen out from any further assessment with the Council keeping track of non-plan led development numbers.</p> <p><b>Protected Landscapes</b> The proposal is for a major development within the North Devon Area of Outstanding Natural Beauty (AONB) which is a nationally designated landscape. The site is not allocated for housing in the joint Torridge and North Devon Local Plan and is outside the development boundaries of Woolacombe and Mortehoe (<b>policies</b></p>

Name	Comment
	<p><b>maps 25 and 26</b>). North Devon Council is now able to demonstrate a 5 year housing supply.</p> <p>Your decision should be guided by <b>paragraph 176</b> of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.</p> <p>For major development proposals <b>paragraph 177</b> sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape:</p> <p>When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> <li>a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;</li> <li>b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and</li> <li>c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</li> </ul> <p>Alongside national policy you should also apply landscape policies set out in your Local Plan which includes:</p> <p><b>Policy MOR Woolacombe and Morteheo Spatial Strategy</b> – which states that the spatial vision for Woolacombe and Morteheo will be delivered through:</p> <ul style="list-style-type: none"> <li>(a) provision of a minimum of 39 dwellings to meet the range of needs in the community. The supply of housing will be delivered through extant planning permissions and new sites, although no additional site allocations are proposed;</li> <li>(b) protecting the important landscape setting of both Woolacombe and Morteheo including the special landscape character and qualities of the Area of Outstanding Natural Beauty.</li> </ul> <p>The supporting text sets out that 'the Development boundaries for the two communities are defined on <b>Policies Maps 25 and 26</b>, outside of which the principle of residential development is only supported on an exceptional basis'.</p> <p>It goes on to say that 'Where land is genuinely available for development that meets local needs, has local support, is appropriate in terms of scale and location and is in accordance with</p>

Name	Comment
	<p>other relevant policies of the Local Plan, it will be considered for residential development on an exceptional basis even though located outside the development boundaries within the Undeveloped parts of the Coastal and Estuarine Zone.</p> <p><b>Policy DM08A Landscape and seascape (2)</b> - which requires that great weight will be given to conserving the landscape and scenic beauty of designated landscapes.</p> <p><b>Policy ST14 Enhancing Environmental Assets (e)</b> – which requires that development contributes to conserving the setting and special character and qualities of the North Devon Coast Areas of Outstanding Natural Beauty whilst fostering the social and economic wellbeing of the area.</p> <p>You should also seek and give weight to the advice provided by the North Devon AONB Partnership. Their knowledge of the location and wider landscape setting of the development, further informed by the LVIA, will be a valuable contribution to the planning decision and help to confirm whether the development would impact significantly on the purpose of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan.</p> <p>The statutory purpose of the AONB is to conserve and enhance the area’s natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to ‘have regard’ for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).</p> <p><b>Protected species</b>  We have not assessed this application and associated documents for impacts on protected species. Natural England has produced standing advice<sup>2</sup> to help planning authorities understand the impact of development on protected species and we refer you to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.</p> <p>It is the LPA’s responsibility to ensure that protected species, as a material consideration, are fully considered and that ecological surveys have been carried out where appropriate and appropriate mitigation is secured.</p> <p>Lighting should be as low as guidelines permit and if lighting is not needed it should be avoided. The Institute of Lighting Professionals has partnered with the Bat Conservation Trust and ecological consultants to provide practical guidance on avoiding or reducing the harmful effects which artificial lighting may have on bats and</p>

Name	Comment
	<p>their habitats Guidance Note 8 Bats and Artificial Lighting and we recommend this is followed when designing lighting schemes.</p> <p><b>Biodiversity net gain</b> Development provides opportunities to secure a net gain for nature as outlined in <b>paragraphs 174 and 179</b> of the NPPF, the Defra 25 year Environment Plan and the Environment Act. <b>Policy ST14</b> of the Joint Torridge and North Devon Local Plan also expects all development to provide a net gain in biodiversity.</p> <p>We advise you first to follow the mitigation hierarchy as set out in <b>paragraph 180</b> of the NPPF and Policy DM08 of the Local Plan and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal. An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions<sup>3</sup> (under Section 40 NERC Act, 2006). Biodiversity metrics<sup>4</sup> are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Act sets a minimum 10% threshold.</p> <p>Whilst it is not Natural England's role to comment on metric calculations or to provide detailed advice on biodiversity net gain at the planning application stage, we do advise the LPA to determine the application in accordance with Local Plan policy, and to check the calculations and supporting information to ensure the applicant has provided a clear narrative, and accurate assessment of condition, that enables the LPA to understand what has been factored into the calculations and how gains have been determined. The LPA is advised to secure the details for the delivery, management and monitoring of the net gain through planning condition or obligation.</p> <p>When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Local Nature Recovery Strategies where they are being developed, Green Infrastructure Strategies or biodiversity action plans.</p> <p>Opportunities for wildlife enhancements might include:</p> <ul style="list-style-type: none"> <li>• Incorporating nest sites for swallow, house martin, house sparrow, swift boxes or bat boxes into the design of new buildings. The RSPB recommends one bird box per dwelling as good practice.</li> <li>• Incorporating bee bricks into buildings <a href="https://greenandblue.co.uk/product/bee-brick/">https://greenandblue.co.uk/product/bee-brick/</a></li> <li>• Designing lighting to avoid disturbing wildlife.</li> <li>• Adding a green roof to new buildings.</li> <li>• Permeable fencing for hedgehogs and other species.</li> </ul>

Name	Comment
	<p>• Where sustainable drainage systems<sup>5</sup> are proposed their amenity and wildlife value can be increased with careful design. The RSPB/WWT<sup>6</sup> has produced a guide for developers and planners.</p> <p><b>Soils and Agricultural Land Quality</b>  From the documents accompanying the consultation 56% of the 7ha site is classed as Grade 3a BMV land.  We consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' (BMV) agricultural land.</p> <p>For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design / masterplan / Green Infrastructure.</p> <p>Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</p> <p>Further guidance is available in The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development.</p> <p>If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.</p> <p>Please do not hesitate to contact me via <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a> if you wish to discuss any of the advice in this letter further.</p>
<p>Natural England  Reply Received  28 May 2024</p>	<p><b>SUMMARY OF NATURAL ENGLAND'S ADVICE</b>  <b>Designated sites</b>  Based on the plans submitted, Natural England considers that the proposed development will not affect any designated sites.</p> <p><b>Protected Landscapes</b>  Your decision should be based on National Landscape policy and landscape policies set out in your Local Plan.</p> <p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 11 May 2023 reference number 430477.</p>

Name	Comment
	<p>The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.</p>
<p>NDC Waste, Recycling &amp; Commercial Services</p> <p>Reply Received</p>	<p>No reply received</p>
<p>NHS Acute Care</p> <p>Reply Received 10 May 2023</p>	<p>S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount of <b>£74,425.00</b> sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.</p> <p>Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.</p> <p>For full reply please see response on LPA website.</p>
<p>NHS Acute Care</p> <p>Reply Received 16 May 2024</p>	<p>For full reply see LPA website:</p> <p>46. This proposed development comprises of <b>105 dwellings</b> and based on the 2011 Census average household size per dwelling, the Trust has calculated that this development will accommodate a new population of <b>237 residents</b>.</p> <p>47. As detailed in the calculations in Appendix 5, <b>237 residents</b> are currently generating an average of <b>276.60 acute interventions</b> each per year.</p> <p><b>Formula</b>  <b>(Development New Population x % Development Activity Rate per head of Population x Cost per Activity X 80%) + (Development New Population x % Development Activity Rate per head of new Population x 20% (Cost per Activity - Tariff) = Developer Contribution</b></p>



Name	Comment
	<p><b>The final figure is then subject to an agreed local council migration factor.</b></p> <p>48. The costs consequences of the number of interventions and the costs of them arising from this proposed development are set out in detail in Appendix 5.</p> <p>49. Due to the payment mechanisms and that the proposed development will create a gap in the funding, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling.</p> <p>The Trust will only receive a proportion of commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.</p> <p>50. Therefore, the contribution requested for this proposed development of <b>105 dwellings</b> is <b>£33,431.00</b> This contribution will be used directly to provide additional services to meet patient demand as indicated in Appendix 4</p> <p>51. The Trust is happy to negotiate appropriate timing for the payment of the contribution. It is essential however, that the contribution is in place prior to the occupants residing in the development.</p> <p>52. The Trust is happy to work with the Council and provide any further information it requires. It is happy to negotiate a suitable abatement in relation to the provision of affordable housing on site</p>
<p>NHS Primary Care</p> <p>Reply Received 27 April 2023</p>	<p>The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<a href="https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance">https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance</a>) which was jointly prepared with NHS England.</p> <p>Planning application: 76809 - Council Services (<a href="http://northdevon.gov.uk">northdevon.gov.uk</a>) The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.</p> <p>However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the</p>

Name	Comment
	<p>capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current planning applications that may or may not affect the capacity at Coombe coastal practice – Woolacombe Medical Centre being approved prior to a final decision on this particular development, then this will potentially initiate a further review on the NHS's position. Such factors could include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Increases in the patient list size which then exceed the practices' capacity during the period between this application being validated and prior to a planning decision</li> <li>• Consideration for future 'consented or commenced' planning applications that lead to an increase in the patient list size which then exceed the existing practices' capacity during the period between this application being validated and prior to a planning decision</li> </ul> <p>Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations. With this in mind, whilst at this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £580 per dwelling towards NHS Primary Care to any viability assessments. Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.</p>
<p>North Devon Coast National Landscape</p> <p>Reply Received 19 May 2023</p>	<p>Thank you for consulting the North Devon Coast AONB Partnership, with regard to this significant planning application. Since the AONB Partnership was formed in 1998, we have never had an application for so many houses on an unallocated site within the designated North Devon AONB.</p> <p>To put this application in context, from studying the supporting documentation this is an application for 105 dwellings, located on 6 hectares of unallocated land within the North Devon AONB. Furthermore, the site is not only designated as an AONB, but it is defined as a Heritage Coast and forms a part of the coastal zone, the latter defined within the Local Plan.</p> <p>As a result, the AONB Partnership considers this major development in terms of National Planning Policy Framework Paragraph 177. Whilst we appreciate that consideration as major development is a decision the local authority has to make and that this decision needs to be based on the overall effect on the</p>

Name	Comment
	<p>designated AONB, the application exceeds the guideline limit of 10 dwellings on a site of 0.5 hectares in size by a considerable margin, as prescribed in the Appendix of the National Planning Policy Framework (NPPF 2021).</p> <p>In addition, simply on scale and setting this application required the submission of an Environmental Impact Assessment, which would suggest that it is considered major development.</p> <p>As a result, besides the many Local Plan Policies designed to protect the designated AONB and Coastal Zone, the NPPF has two key paragraphs which should be considered of paramount importance.</p> <p>1. NPPF Paragraph 176 states :  <b><i>Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</i></b></p> <p>Of even greater importance is the following Paragraph 177 2.  NPPF 177</p> <p><b>When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.</b></p> <p>Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> <li>a) <b>the need for the development</b>, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;</li> <li>b) <b>the cost of, and scope for, developing outside the designated area</b>, or meeting the need for it in some other way; and</li> <li>c) <b>any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated</b></li> </ul> <p>The AONB Partnership would draw your attention to these two Paragraphs and would suggest the application, in order to</p>

Name	Comment
	<p>succeed, must meet the three essential tests listed above and it is our contention that it does not.</p> <p><b>The detrimental effect on the AONB Landscape</b>  Having studied the relevant documentation, in particular the submitted Landscape and Visual Impact Assessment (LVIA) we conclude that the proposed development does represent harm to the AONB landscape. Whilst the LVIA is a comprehensive document that appears to be in line with good practice, the AONB Partnership fundamentally disagrees with many of the conclusions drawn in the LVIA.</p> <p>Regarding the selected viewpoints chosen, we feel that they are representative of ones that illustrate the site within the landscape. However, we note that the only area that was not covered would be north-east of the site in the area around Shaftsborough Farm and Windcutter Hill. These are popular AONB circular walks used by people based in the Lee area. Whilst it can be argued that these are too far away, the fact that Viewpoint (VP) 11 and VP 10 (both located 2.5 km from the site) have been included, would suggest they should have been considered, particularly as they appear within the Zone of Theoretical Visibility. In addition, whilst we would accept that the area of National Trust land on the coast path to the east of Lee Village is popular, at 3+ km away the effects might not be that significant. However, it is possible they could be with regard to night-time affects and we would have expected the LVIA to produce a rationale as to why these viewpoints were not included in the assessment.</p> <p>The LVIA predicts that VP11 Potters Hill will suffer moderate adverse effects from the development and this is surprising as many of the other Viewpoints illustrated show much worse effects in our opinion. At 2.5 km distant it is one of the Viewpoints furthest away from the development. Presumably, this conclusion has been reached as the development appears to break the skyline.</p> <p>The night-time images, submitted in the LVIA are useful and VP03 is one that clearly illustrates that the area is currently dark. In addition, so does VP05, although we appreciate that this is a gateway view from the road.</p> <p>However, we disagree with the conclusions drawn from the LVIA in terms of the predicted effect on the landscape of the AONB and based on the information submitted in the LVIA, we have the following observations to make.</p> <p>We would accept that this area of land, is not a part of the dramatic coastal scenery that led to designation as an AONB, nonetheless it is designated AONB and currently undeveloped.</p>

Name	Comment
	<p>Whilst the surrounding area is fairly-well developed and not very well planned, this should not be used as a reason to further develop, what was designated as AONB (1960) and defined as Heritage Coast (1992) and forms part of the undeveloped coast in the local plan, in order to protect it.</p> <p>The key issues from an AONB perspective are that:</p> <ul style="list-style-type: none"> <li>a) The development is outside the development boundary</li> <li>b) It is on unallocated land</li> <li>c) it is not located adjacent to the existing settlements of Morteheo and Woolacombe</li> <li>d) the proposal represents a quite dense urban form of development with little opportunity to enhance the site, within the dwellings planned</li> <li>e) The area is designated AONB, defined Heritage Coast and forms part of the Undeveloped Coast (coastal zone)</li> </ul> <p>The current housing surrounding the site is around 60 dwellings (located between the Morteheo and Woolacombe Roads) the proposal would almost triple the number of dwellings within the area and would have the effect of creating a new village within the designated AONB. As a result, it is our contention:</p> <ul style="list-style-type: none"> <li>- <b>Visual Impact:</b> As the proposed site is located in a prominent location within the downland, development and the associated lighting will be widely seen within the landscape</li> <li>- <b>Cumulative Impact:</b> That there is cumulative impact on the AONB, when considering all the development that has taken place near the application site</li> <li>- <b>Loss of Undeveloped Land:</b> The proposal alters the balance between developed and undeveloped coast, such is the level of previous development, the area of undeveloped land is reducing to the extent that it is important not to lose what green land that remains. <b>It is vitally important to maintain what undeveloped land remains</b></li> <li>- <b>Quality of Neighbouring Development:</b> The AONB Partnership challenges the assumption that the quality and level of surrounding development has compromised the area to such an extent that the landscape is already ruined and so by default it can be built on.</li> <li>- <b>Impact on landscape character:</b> There would be severe narrowing of the green wedge between Headland/Hartland View and Fortescue. The area of remaining green space, would be reduced by 60% this would have the effect of the areas of development moving towards coalesce. Whilst we note that a fair proportion of the field is proposed to be used to create publicly accessible open space, which would take the form of a 'village common', the development would nonetheless result in a</li> </ul>

Name	Comment
	<p>substantial and permanent change to landscape character, as the contribution presently made by the agricultural field would be lost.</p> <p>- <b>Skyline/Ridge development:</b> In our opinion, the proposal represents skyline development. Whilst we recognise that the developers have done their best to avoid developing on the skyline, the fact remains that visually, this is a prominent location on the downland and the skyline is affected, as in our opinion it is so close to the summit that it does constitute an addition to ridgeline development. This is the case, especially when viewed from Potters Hill VP 11 (acknowledged in the LVIA) and VP1 &amp; VP 2 on Woolacombe Down, but in particular from VP 3 on the public footpath from Ivycott. In addition, the LVIA appears to demonstrate that from VP 09 (on the cycleway) the development would breach the skyline, even when placing bungalows in the northern part of the site. In our opinion, planting trees at the top of the site would only filter views of this part of the development and not screen it. As noted above, the best viewpoint for showing development is VP 03 on the PROW from Ivycott to Woolacombe. Outside of the AONB, VP13 Hartnoll Lane also gives a really good view of the field to be developed.</p> <p>Note these observations are based on wider landscape views and do not illustrate the significant level of change, experienced within the field itself and by people passing the site.</p> <p>In our opinion, the development will affect <b>tranquillity</b> and <b>dark night skies</b> decreasing the level of darkness between the two current areas of development (i.e Fortescue and Headland/Hartland View) VP03 &amp; VP 05 show that it is currently dark and inevitably a new development will increase light emissions and reduce tranquillity. The location of this site is a prominent one on the high downland which means that even well-designed lighting scheme would have a wide impact on the landscape and detract from the tranquillity, natural nightscapes and dark skies of the AONB.</p> <p>In addition, whilst we appreciate that there may be attempts to reduce light emissions through use of low lux external lighting, etc, the fact remains that the site will change from a field with no lighting to a lit and developed area. It should be noted that one of the key AONB Qualities are the Dark Night skies of the AONB and these will inevitably be affected.</p> <p>As previously mentioned, we do not agree with the argument that the area is already well developed and so the impact on the landscape is not as great. We would argue that as the green undeveloped land disappears, those areas that remain are even more important and in the case of this development, the field currently helps to keep the developed areas apart.</p>

Name	Comment
	<p>The more permanent developments at Tranquillity Park and the potential development of the Bay View Farmers Field (outside the AONB) as a 167 permanent caravan site, provide even greater reason for protecting what undeveloped land remains, as opposed to a reason to develop them further. Whilst the two developments cited above may be beyond the control of the Local Planning Authority, this development is not and, in our opinion, it should not be granted planning permission.</p> <p>In terms of the potential effect on the designed AONB, we maintain that the development will affect some of the Special Qualities, as defined in the current AONB Management Plan. These being:</p> <ul style="list-style-type: none"> <li>· Special Quality 4. Panoramic views across a rolling landscape of pastoral farmland, wooded combes and valleys from elevated inland areas.</li> <li>· Special Quality 16- Dark Night Skies</li> </ul> <p>With regard to the published landscape character assessments, which are well covered within the LVIA, we would draw your attention to the adopted Joint Landscape Character Assessment for North Devon and Torridge and to Landscape Character Type 5C Downland and the sections of relevance to this proposal</p> <p>The Assessment notes that the key characteristics of this landscape character type are:</p> <p><i>Rolling downland landscape with broad rounded ridges and hilltops, dropping in altitude in the south to meet the Taw/Torridge estuary and Barnstaple. Hill summits afford expansive views across the landscape and beyond, including to the coast and estuary.</i></p> <p>Special Qualities of this landscape are assessed as:</p> <ul style="list-style-type: none"> <li>· Dramatic and far-reaching views.</li> <li>· Smooth rolling skylines, often only broken by protruding square church towers.</li> <li>· Large square field</li> <li>· Small communities</li> </ul> <p>A key force for change is recognised as:</p> <p><i>Development pressure in nearby settlements and resorts due to the ever-increasing popularity of the area as a place to live – population increase leading to more demand for affordable housing, services and infrastructure.</i></p> <p>The overall strategy for this landscape character type is to:</p> <ul style="list-style-type: none"> <li>· <i>Protect the landscape’s far-reaching views (including to the coast and Exmoor National Park) and flowing open skylines, <b>avoiding the location of new development on downland hill summits.</b></i></li> <li>· <i>Protect the landscape’s high levels of tranquillity and dark night skies through the control and management of development, including highways</i></li> </ul>



Name	Comment
	<p data-bbox="443 194 1262 300">· <i>Protect the sparse settlement pattern of farmsteads and nucleated villages/hamlets nestled in valleys and landform dips</i></p> <p data-bbox="443 342 1385 667">In our opinion, it is clearly articulated in the Landscape Character Assessment, that this area is vulnerable to development and requiring protection. Whilst we would accept that at the development location some of these landscape characteristics are to some extent compromised, it is important that we protect what character remains. As a result, to permit development at this location would be contrary to the aims and objectives of the adopted landscape character assessment and as a consequence, the AONB Management Plan.</p> <p data-bbox="443 710 1378 851">The need for the development Whilst there is no doubt that an offer of 50% affordable housing in this scheme has its attractions, this should not outweigh the harm to the designated AONB.</p> <p data-bbox="443 893 1406 1402">In addition, we do not believe that the case for development, because of need, has been met. It must be born in mind, that this proposal, according to the Local Plan, is on an unallocated site, located away from the current settlements of Morteheo and Woolacombe within the designated AONB. We understand that recently, the North Devon and Torrington District Councils have jointly announced that they have achieved a 5 Year Housing Land supply, which means that Council are under no obligation to approve this application as it would appear that current housing needs within the Districts are being met. In addition, we should further point out that by virtue of Footnote 7 of Paragraph 11 (d) there is no presumption in favour of sustainable development, even in the case of a shortage of housing land, where harm is predicted to the designated AONB.</p> <p data-bbox="443 1444 1394 1729">With regard to affordable housing, we are aware that local communities in both Woolacombe and Georgeham are proceeding with affordable housing schemes which are being led by local community land trusts. In both instances, sites have been identified, which whilst part of the open countryside of the AONB, are nonetheless contiguous with the existing settlements of Woolacombe and Georgeham, which the application before you is not.</p> <p data-bbox="443 1771 1385 1912">We would further point out that judging by the many responses on the Council's website to this application, the proposal does not appear to have the support of either the local community nor the Parish Council.</p> <p data-bbox="443 1955 1401 2022">It would appear that by being located nearly two miles, outside of the existing settlement boundaries of Morteheo and Woolacombe it</p>

Name	Comment
	<p>is difficult to see how the local economy of these settlements would fully benefit from this development.</p> <p>The Cost and Scope of Meeting the need in another way With regard to this important test, we would argue that the applicant has failed to demonstrate that they have investigated alternative sites, particularly those that are not located within or likely to affect the designated AONB. As the site proposal is located away from existing village centres, we can see no reason why the proposal must be developed within the AONB and we are disappointed that the applicants have failed to demonstrate any alternative sites and why they should be ruled out in favour of this one, to our satisfaction.</p> <p>The proposed development lies nearly two miles from the centres of Woolacombe and Morteohoe and at this distance, with the proposal being on the very edge of the AONB, we can see no reason why it could not be located in countryside that is not designated AONB or Heritage Coast.</p> <p>Whilst the applicants have suggested that the site has been submitted as a HELAA site, it is our understanding that this does not carry any weight in the planning balance until the site has been included in an adopted local plan and we understand that at this stage it has only been offered as a potential site.</p> <p>Other Considerations Besides developing within the open countryside of the AONB, there are other nonlandscape considerations that we wish to raise. The first, is that we maintain that the site is not located in a sustainable location, as it is neither linked to an existing settlement or area with sufficient infrastructure to support it. As a result, despite the Transport Statements enclosed, access to the settlements of Woolacombe and Morteohoe are not very good and could be problematic for new residents wishing to access services.</p> <ul style="list-style-type: none"> <li>- There is currently no suitable off-road link to these settlements</li> <li>- The current bus services cannot be relied upon to support a settlement of this size</li> <li>- There would be increased traffic concerns, particularly in the summer months, caused by the inevitable rise in levels of traffic linked to the proposed housing development</li> </ul> <p>We recommend that the views of the County Highways Department are an important consideration when considering this proposal. In addition, despite the noted response from South West Water, we question whether the existing main sewer has the capacity to take foul water from an additional 105 homes, particularly during the important summer months and would draw your attention to many comments submitted by local residents.</p>

Name	Comment
	<p data-bbox="443 194 624 226"><b>Conclusion</b></p> <p data-bbox="443 232 1374 409">The AONB Partnership firmly believes that this application has been submitted at an inappropriate location within the designated AONB and that despite the best endeavours of the applicants, its development will lead to harm to the landscape of the designated AONB.</p> <p data-bbox="443 454 1385 741">The proposal is one of the largest housing applications to have been submitted on an unallocated site, within the designated AONB. The argument that inappropriate development has already taken place at this location, is not a good enough reason to permit development, as the remaining green space is increasingly more important within the area. In our opinion, the remaining undeveloped skyline, would be eroded still further, even if the development does not sit on the actual ridgeline.</p> <p data-bbox="443 786 1358 925">The proposal will have the effect of creating a new village within the AONB, because of a greater coalescence of development at this location. If development is to take place, it should be on the edge of the existing villages.</p> <p data-bbox="443 969 1398 1361">If it were to succeed the application site would intensify development of the site to a substantial degree, particularly due to the significant built form associated with the number of residential units proposed. This would be exacerbated by the large areas of hardstanding required for the provision of access, parking and turning which, together with the domestic paraphernalia surrounding the development, would give the site a suburban appearance. The resulting development would erode the spaciousness of the existing agricultural field and its contribution to its surroundings. In our opinion, the development would also have an adverse effect on the area's landscape character.</p> <p data-bbox="443 1406 1382 1619">Furthermore, the proposed development would harmfully consolidate the current loose-knit pattern of development in this part of the AONB. For these reasons, the suburbanising effect of the development would in our opinion, have a substantial adverse effect on the landscape character of the AONB and surrounding area.</p> <p data-bbox="443 1664 1406 1910">In our opinion, undeveloped fields enclosed by hedgerows, such as the application site are valuable in maintaining the overall landscape character and scenic beauty of the AONB. The development would therefore add to the potential cumulative erosion of such features, and in turn have a significant adverse effect in diminishing the landscape character and scenic beauty of the AONB.</p> <p data-bbox="443 1955 1385 2058">The AONB Partnership maintains that the proposed development has no relationship with the sense of place or local distinctiveness of this area but rather imposes a very urban form of development</p>

Name	Comment
	<p>on a largely rural area. As the Landscape Character suggests, villages are generally located in the valleys and do not tend to occur on top of the high downland, so this is an alien form of development for this landscape.</p> <p>The submitted documentation aims to show how the adverse effects arising from the development could be mitigated, notably through planting and soft landscaping. However, and as detailed above, these measures would only partially mitigate the harm which the development would cause to the North Devon AONB, particularly by reason of the permanent change of character which in our opinion would occur within this valued landscape.</p> <p>For these reasons, we maintain that the proposed, is contrary to landscape character and the aims of the adopted landscape character assessment, particularly with regard to LCT 5C Downland. As a result, the application is contrary to many policies contained within the AONB Management Plan in particular:</p> <ul style="list-style-type: none"> <li>· A1 Ensure that the landscape character, natural beauty and special qualities of the AONB are conserved, enhanced and fully respected in all decisions affecting the Area</li> <li>· A2 Preserve the dark skies, peace and tranquillity of the AONB</li> <li>· A3 Ensure developments both onshore and offshore, take account of open views, wilderness and maritime connections</li> <li>· A4 Recommend that no development should be permitted inside or outside the AONB that would harm the natural beauty, character or special qualities of the AONB</li> <li>· A5 Ensure developments comply with the North Devon Landscape and Seascape Character Assessments</li> </ul> <p>With regard to AONB Policy I3 which aims to <i>“support affordable housing proposals to meet local housing needs, that take full account of the AONB designation”</i> We would argue that the sheer scale and intensity of the development proposed, in an unsustainable location and its subsequent effect on the landscape, means that the application does not fulfil this policy requirement. Overall, this application does not conserve nor enhance the natural beauty of the designated AONB which is the primary purpose of AONB designation.</p> <p>It is therefore considered contrary to National Policy, the AONB Management Plan and Local Plan Policies</p> <ul style="list-style-type: none"> <li>· ST14 (e) designed to protect the AONB;</li> <li>· ST09 (5) Coast &amp; Estuary Strategy which aims to protect the AONB and</li> </ul> <p>Heritage Coast.</p>

Name	Comment
	<p>Local Plan Policy DM08A Landscape and Seascape Character is also designed to protect the designated AONB and Paragraphs 2 &amp; 3 in particular, not only echo national policy contained within the NPPF, but also recognises the importance landscape character and the relevance of the AONB Management Plan.</p> <p>Finally, we maintain that the development fails the tests set within Local Planning Policy ST19, especially with regard to paragraph (g) which states:</p> <p>Proposals to deliver permanent affordable housing at Local Centres, Villages and Rural Settlements will be supported, subject to the following:  <b>(g) environmental and heritage assets are not subject to significant harm, are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, biodiversity and heritage designations and the undeveloped coast.</b></p> <p>As Natural England have pointed out in their consultation response, Paragraph 176 of the National Planning Policy Framework gives <b>the highest status of protection for the landscape and scenic beauty to AONBs and National Parks</b> and this should be at a major consideration when assessing this application.</p> <p>In our opinion, the application does not conserve nor enhance the natural beauty of the AONB and to permit development would, in our opinion, be contrary to Section 85 of the Countryside and Rights of Way Act 2000, which places a duty on local planning authorities to have due regard for the purposes of AONB designation</p> <p>Whilst we are sure that much will be made of the fact that this is not an iconic part of the AONB and that it has already been compromised by development, it is still a part of the designated AONB and defined Heritage Coast and still has much to contribute to the overall landscape character of the AONB. Designation, should ensure that it is valued and protected and of a concern to the AONB Partnership is that an approval of this application, will effectively provide a “green light” for further large-scale development, in other areas considered unimportant parts of the designated AONB.</p> <p>We therefore have no alternative but to strongly recommend refusal of this application and trust that North Devon Council will do the same. Should you require any further information from us, please do not hesitate to contact us again.</p>
North Devon Coast National Landscape	Thank you for consulting the North Devon Coast AONB Partnership, with regard to this significant planning application. Since the AONB Partnership was formed in 1998, we have never

Name	Comment
<p>Reply Received 13 June 2024</p>	<p>had an application for so many houses on an unallocated site within the designated North Devon AONB.</p> <p>To put this application in context, from studying the supporting documentation this is an application for 105 dwellings, located on 6 hectares of unallocated land within the North Devon AONB. Furthermore, the site is not only designated as an AONB, but it is defined as a Heritage Coast and forms a part of the coastal zone, the latter defined within the Local Plan.</p> <p>As a result, the AONB Partnership considers this major development in terms of National Planning Policy Framework Paragraph 177. Whilst we appreciate that consideration as major development is a decision the local authority has to make and that this decision needs to be based on the overall effect on the designated AONB, the application exceeds the guideline limit of 10 dwellings on a site of 0.5 hectares in size by a considerable margin, as prescribed in the Appendix of the National Planning Policy Framework (NPPF 2021).</p> <p>In addition, simply on scale and setting this application required the submission of an Environmental Impact Assessment, which would suggest that it is considered major development.</p> <p>As a result, besides the many Local Plan Policies designed to protect the designated AONB and Coastal Zone, the NPPF has two key paragraphs which should be considered of paramount importance.</p> <p>1. NPPF Paragraph 176 states :</p> <p>Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p> <p>Of even greater importance is the following Paragraph 177</p> <p>2. NPPF 177</p> <p>When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that</p>

Name	Comment
	<p>the development is in the public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> <li>a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;</li> <li>b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and</li> <li>c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated</li> </ul> <p>The AONB Partnership would draw your attention to these two Paragraphs and would suggest the application, in order to succeed, must meet the three essential tests listed above and it is our contention that it does not.</p> <p>The detrimental effect on the AONB Landscape</p> <p>Having studied the relevant documentation, in particular the submitted Landscape and Visual Impact Assessment (LVIA) we conclude that the proposed development does represent harm to the AONB landscape. Whilst the LVIA is a comprehensive document that appears to be in line with good practice, the AONB Partnership fundamentally disagrees with many of the conclusions drawn in the LVIA.</p> <p>Regarding the selected viewpoints chosen, we feel that they are representative of ones that illustrate the site within the landscape. However, we note that the only area that was not covered would be north-east of the site in the area around Shaftsborough Farm and Windcutter Hill. These are popular AONB circular walks used by people based in the Lee area. Whilst it can be argued that these are too far away, the fact that Viewpoint (VP) 11 and VP 10 (both located 2.5 km from the site) have been included, would suggest they should have been considered, particularly as they appear within the Zone of Theoretical Visibility. In addition, whilst we would accept that the area of National Trust land on the coast path to the east of Lee Village is popular, at 3+ km away the effects might not be that significant. However, it is possible they could be with regard to night-time affects and we would have expected the LVIA to produce a rationale as to why these viewpoints were not included in the assessment.</p> <p>The LVIA predicts that VP11 Potters Hill will suffer moderate adverse effects from the development and this is surprising as many of the other Viewpoints illustrated show much worse effects in our opinion. At 2.5 km distant it is one of the Viewpoints furthest away from the development. Presumably, this conclusion has been reached as the development appears to break the skyline.</p>

Name	Comment
	<p>The night-time images, submitted in the LVIA are useful and VP03 is one that clearly illustrates that the area is currently dark. In addition, so does VP05, although we appreciate that this is a gateway view from the road.</p> <p>However, we disagree with the conclusions drawn from the LVIA in terms of the predicted effect on the landscape of the AONB and based on the information submitted in the LVIA, we have the following observations to make.</p> <p>We would accept that this area of land, is not a part of the dramatic coastal scenery that led to designation as an AONB, nonetheless it is designated AONB and currently undeveloped.</p> <p>Whilst the surrounding area is fairly-well developed and not very well planned, this should not be used as a reason to further develop, what was designated as AONB (1960) and defined as Heritage Coast (1992) and forms part of the undeveloped coast in the local plan, in order to protect it.</p> <p>The key issues from an AONB perspective are that:</p> <ol style="list-style-type: none"> <li>a) The development is outside the development boundary</li> <li>b) It is on unallocated land</li> <li>c) it is not located adjacent to the existing settlements of Morteheo and Woolacombe</li> <li>d) the proposal represents a quite dense urban form of development with little opportunity to enhance the site, within the dwellings planned</li> <li>e) The area is designated AONB, defined Heritage Coast and forms part of the Undeveloped Coast (coastal zone)</li> </ol> <p>The current housing surrounding the site is around 60 dwellings (located between the Morteheo and Woolacombe Roads) the proposal would almost triple the number of dwellings within the area and would have the effect of creating a new village within the designated AONB. As a result, it is our contention:</p> <ul style="list-style-type: none"> <li>• Visual Impact: As the proposed site is located in a prominent location within the downland, development and the associated lighting will be widely seen within the landscape</li> <li>• Cumulative Impact: That there is cumulative impact on the AONB, when considering all the development that has taken place near the application site</li> <li>• Loss of Undeveloped Land: The proposal alters the balance between developed and undeveloped coast, such is the level of previous development, the area of undeveloped land is reducing to the extent that it is important not to lose what green land that remains. It is vitally important to maintain what undeveloped land remains</li> </ul>



Name	Comment
	<ul style="list-style-type: none"> <li>• Quality of Neighbouring Development: The AONB Partnership challenges the assumption that the quality and level of surrounding development has compromised the area to such an extent that the landscape is already ruined and so by default it can be built on.</li> <li>• Impact on landscape character: There would be severe narrowing of the green wedge between Headland/Hartland View and Fortescue. The area of remaining green space, would be reduced by 60% this would have the effect of the areas of development moving towards coalesce. Whilst we note that a fair proportion of the field is proposed to be used to create publicly accessible open space, which would take the form of a 'village common', the development would nonetheless result in a substantial and permanent change to landscape character, as the contribution presently made by the agricultural field would be lost.</li> <li>• Skyline/Ridge development: In our opinion, the proposal represents skyline development. Whilst we recognise that the developers have done their best to avoid developing on the skyline, the fact remains that visually, this is a prominent location on the downland and the skyline is affected, as in our opinion it is so close to the summit that it does constitute an addition to ridgeline development. This is the case, especially when viewed from Potters Hill VP 11 (acknowledged in the LVIA) and VP1 &amp; VP 2 on Woolacombe Down, but in particular from VP 3 on the public footpath from Ivycott. In addition, the LVIA appears to demonstrate that from VP 09 (on the cycleway) the development would breach the skyline, even when placing bungalows in the northern part of the site. In our opinion, planting trees at the top of the site would only filter views of this part of the development and not screen it.</li> </ul> <p>As noted above, the best viewpoint for showing development is VP 03 on the PROW from Ivycott to Woolacombe. Outside of the AONB, VP13 Hartnoll Lane also gives a really good view of the field to be developed.</p> <p>Note these observations are based on wider landscape views and do not illustrate the significant level of change, experienced within the field itself and by people passing the site.</p> <p>In our opinion, the development will affect tranquillity and dark night skies decreasing the level of darkness between the two current areas of development (i.e Fortescue and Headland/Hartland View) VP03 &amp; VP 05 show that it is currently dark and inevitably a new development will increase light emissions and reduce tranquillity. The location of this site is a prominent one on the high downland which means that even well-designed lighting scheme would have a wide impact on the landscape and detract from the tranquillity, natural nightscapes and dark skies of the AONB.</p>

Name	Comment
	<p>In addition, whilst we appreciate that there may be attempts to reduce light emissions through use of low lux external lighting, etc, the fact remains that the site will change from a field with no lighting to a lit and developed area. It should be noted that one of the key AONB Qualities are the Dark Night skies of the AONB and these will inevitably be affected.</p> <p>As previously mentioned, we do not agree with the argument that the area is already well developed and so the impact on the landscape is not as great. We would argue that as the green undeveloped land disappears, those areas that remain are even more important and in the case of this development, the field currently helps to keep the developed areas apart.</p> <p>The more permanent developments at Tranquillity Park and the potential development of the Bay View Farmers Field (outside the AONB) as a 167 permanent caravan site, provide even greater reason for protecting what undeveloped land remains, as opposed to a reason to develop them further. Whilst the two developments cited above may be beyond the control of the Local Planning Authority, this development is not and, in our opinion, it should not be granted planning permission.</p> <p>In terms of the potential effect on the designed AONB, we maintain that the development will affect some of the Special Qualities, as defined in the current AONB Management Plan. These being:</p> <ul style="list-style-type: none"> <li>• Special Quality 4. Panoramic views across a rolling landscape of pastoral farmland, wooded combes and valleys from elevated inland areas.</li> <li>• Special Quality 16- Dark Night Skies</li> </ul> <p>With regard to the published landscape character assessments, which are well covered within the LVIA, we would draw your attention to the adopted Joint Landscape Character Assessment for North Devon and Torridge and to Landscape Character Type 5C Downland and the sections of relevance to this proposal</p> <p>The Assessment notes that the key characteristics of this landscape character type are:</p> <p>Rolling downland landscape with broad rounded ridges and hilltops, dropping in altitude in the south to meet the Taw/Torridge estuary and Barnstaple. Hill summits afford expansive views across the landscape and beyond, including to the coast and estuary.</p> <p>Special Qualities of this landscape are assessed as:</p>

Name	Comment
	<ul style="list-style-type: none"> <li>• Dramatic and far-reaching views.</li> <li>• Smooth rolling skylines, often only broken by protruding square church towers.</li> <li>• Large square field</li> <li>• Small communities</li> </ul> <p>A key force for change is recognised as:</p> <p>Development pressure in nearby settlements and resorts due to the ever-increasing popularity of the area as a place to live – population increase leading to more demand for affordable housing, services and infrastructure.</p> <p>The overall strategy for this landscape character type is to:</p> <ul style="list-style-type: none"> <li>• Protect the landscape’s far-reaching views (including to the coast and Exmoor National Park) and flowing open skylines, avoiding the location of new development on downland hill summits.</li> <li>• Protect the landscape’s high levels of tranquillity and dark night skies through the control and management of development, including highways</li> <li>• Protect the sparse settlement pattern of farmsteads and nucleated villages/hamlets nestled in valleys and landform dips</li> </ul> <p>In our opinion, it is clearly articulated in the Landscape Character Assessment, that this area is vulnerable to development and requiring protection. Whilst we would accept that at the development location some of these landscape characteristics are to some extent compromised, it is important that we protect what character remains. As a result, to permit development at this location would be contrary to the aims and objectives of the adopted landscape character assessment and as a consequence, the AONB Management Plan.</p> <p>The need for the development</p> <p>Whilst there is no doubt that an offer of 50% affordable housing in this scheme has its attractions, this should not outweigh the harm to the designated AONB.</p> <p>In addition, we do not believe that the case for development, because of need, has been met. It must be born in mind, that this proposal, according to the Local Plan, is on an unallocated site, located away from the current settlements of Morteheo and Woolacombe within the designated AONB. We understand that recently, the North Devon and Torridge District Councils have jointly announced that they have achieved a 5 Year Housing Land supply, which means that Council are under no obligation to approve this application as it would appear that current housing needs within the Districts are being met. In addition, we should</p>

Name	Comment
	<p>further point out that by virtue of Footnote 7 of Paragraph 11 (d) there is no presumption in favour of sustainable development, even in the case of a shortage of housing land, where harm is predicted to the designated AONB.</p> <p>With regard to affordable housing, we are aware that local communities in both Woolacombe and Georgeham are proceeding with affordable housing schemes which are being led by local community land trusts. In both instances, sites have been identified, which whilst part of the open countryside of the AONB, are nonetheless contiguous with the existing settlements of Woolacombe and Georgeham, which the application before you is not.</p> <p>We would further point out that judging by the many responses on the Council's website to this application, the proposal does not appear to have the support of either the local community nor the Parish Council.</p> <p>It would appear that by being located nearly two miles, outside of the existing settlement boundaries of Morteheo and Woolacombe it is difficult to see how the local economy of these settlements would fully benefit from this development.</p> <p>The Cost and Scope of Meeting the need in another way</p> <p>With regard to this important test, we would argue that the applicant has failed to demonstrate that they have investigated alternative sites, particularly those that are not located within or likely to affect the designated AONB. As the site proposal is located away from existing village centres, we can see no reason why the proposal must be developed within the AONB and we are disappointed that the applicants have failed to demonstrate any alternative sites and why they should be ruled out in favour of this one, to our satisfaction.</p> <p>The proposed development lies nearly two miles from the centres of Woolacombe and Morteheo and at this distance, with the proposal being on the very edge of the AONB, we can see no reason why it could not be located in countryside that is not designated AONB or Heritage Coast.</p> <p>Whilst the applicants have suggested that the site has been submitted as a HELAA site, it is our understanding that this does not carry any weight in the planning balance until the site has been included in an adopted local plan and we understand that at this stage it has only been offered as a potential site.</p> <p>Other Considerations</p>

Name	Comment
	<p>Besides developing within the open countryside of the AONB, there are other non- landscape considerations that we wish to raise. The first, is that we maintain that the site is not located in a sustainable location, as it is neither linked to an existing settlement or area with sufficient infrastructure to support it. As a result, despite the Transport Statements enclosed, access to the settlements of Woolacombe and Morteohoe are not very good and could be problematic for new residents wishing to access services.</p> <ul style="list-style-type: none"> <li>• There is currently no suitable off-road link to these settlements</li> <li>• The current bus services cannot be relied upon to support a settlement of this size</li> <li>• There would be increased traffic concerns, particularly in the summer months, caused by the inevitable rise in levels of traffic linked to the proposed housing development</li> </ul> <p>We recommend that the views of the County Highways Department are an important consideration when considering this proposal.</p> <p>In addition, despite the noted response from South West Water, we question whether the existing main sewer has the capacity to take foul water from an additional 105 homes, particularly during the important summer months and would draw your attention to many comments submitted by local residents.</p> <p>Conclusion</p> <p>The AONB Partnership firmly believes that this application has been submitted at an inappropriate location within the designated AONB and that despite the best endeavours of the applicants, its development will lead to harm to the landscape of the designated AONB.</p> <p>The proposal is one of the largest housing applications to have been submitted on an unallocated site, within the designated AONB. The argument that inappropriate development has already taken place at this location, is not a good enough reason to permit development, as the remaining green space is increasingly more important within the area. In our opinion, the remaining undeveloped skyline, would be eroded still further, even if the development does not sit on the actual ridgeline.</p> <p>The proposal will have the effect of creating a new village within the AONB, because of a greater coalescence of development at this location. If development is to take place, it should be on the edge of the existing villages.</p> <p>If it were to succeed the application site would intensify development of the site to a substantial degree, particularly due to the significant built form associated with the number of residential</p>

Name	Comment
	<p>units proposed. This would be exacerbated by the large areas of hardstanding required for the provision of access, parking and turning which, together with the domestic paraphernalia surrounding the development, would give the site a suburban appearance. The resulting development would erode the spaciousness of the existing agricultural field and its contribution to its surroundings. In our opinion, the development would also have an adverse effect on the area's landscape character.</p> <p>Furthermore, the proposed development would harmfully consolidate the current loose-knit pattern of development in this part of the AONB. For these reasons, the suburbanising effect of the development would in our opinion, have a substantial adverse effect on the landscape character of the AONB and surrounding area.</p> <p>In our opinion, undeveloped fields enclosed by hedgerows, such as the application site are valuable in maintaining the overall landscape character and scenic beauty of the AONB. The development would therefore add to the potential cumulative erosion of such features, and in turn have a significant adverse effect in diminishing the landscape character and scenic beauty of the AONB.</p> <p>The AONB Partnership maintains that the proposed development has no relationship with the sense of place or local distinctiveness of this area but rather imposes a very urban form of development on a largely rural area. As the Landscape Character suggests, villages are generally located in the valleys and do not tend to occur on top of the high downland, so this is an alien form of development for this landscape.</p> <p>The submitted documentation aims to show how the adverse effects arising from the development could be mitigated, notably through planting and soft landscaping. However, and as detailed above, these measures would only partially mitigate the harm which the development would cause to the North Devon AONB, particularly by reason of the permanent change of character which in our opinion would occur within this valued landscape.</p> <p>For these reasons, we maintain that the proposed, is contrary to landscape character and the aims of the adopted landscape character assessment, particularly with regard to LCT 5C Downland. As a result, the application is contrary to many policies contained within the AONB Management Plan in particular:</p> <ul style="list-style-type: none"> <li>• A1 Ensure that the landscape character, natural beauty and special qualities of the AONB are conserved, enhanced and fully respected in all decisions affecting the Area</li> <li>• A2 Preserve the dark skies, peace and tranquillity of the AONB</li> </ul>

Name	Comment
	<ul style="list-style-type: none"> <li>• A3 Ensure developments both onshore and offshore, take account of open views, wilderness and maritime connections</li> <li>• A4 Recommend that no development should be permitted inside or outside the AONB that would harm the natural beauty, character or special qualities of the AONB</li> <li>• A5 Ensure developments comply with the North Devon Landscape and Seascape Character Assessments</li> </ul> <p>With regard to AONB Policy I3 which aims to "support affordable housing proposals to meet local housing needs, that take full account of the AONB designation" We would argue that the sheer scale and intensity of the development proposed, in an unsustainable location and its subsequent effect on the landscape, means that the application does not fulfil this policy requirement.</p> <p>Overall, this application does not conserve nor enhance the natural beauty of the designated AONB which is the primary purpose of AONB designation.</p> <p>It is therefore considered contrary to National Policy, the AONB Management Plan and Local Plan Policies</p> <ul style="list-style-type: none"> <li>• ST14 (e) designed to protect the AONB;</li> <li>• ST09 (5) Coast &amp; Estuary Strategy which aims to protect the AONB and Heritage Coast.</li> </ul> <p>Local Plan Policy DM08A Landscape and Seascape Character is also designed to protect the designated AONB and Paragraphs 2 &amp; 3 in particular, not only echo national policy contained within the NPPF, but also recognises the importance landscape character and the relevance of the AONB Management Plan.</p> <p>Finally, we maintain that the development fails the tests set within Local Planning Policy ST19, especially with regard to paragraph (g) which states:</p> <p>Proposals to deliver permanent affordable housing at Local Centres, Villages and Rural Settlements will be supported, subject to the following:</p> <p>(g) environmental and heritage assets are not subject to significant harm, are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, biodiversity and heritage designations and the undeveloped coast.</p> <p>As Natural England have pointed out in their consultation response, Paragraph 176 of the National Planning Policy Framework gives the highest status of protection for the landscape</p>

Name	Comment
	<p>and scenic beauty to AONBs and National Parks and this should be at a major consideration when assessing this application.</p> <p>In our opinion, the application does not conserve nor enhance the natural beauty of the AONB and to permit development would, in our opinion, be contrary to Section 85 of the Countryside and Rights of Way Act 2000, which places a duty on local planning authorities to have due regard for the purposes of AONB designation</p> <p>Whilst we are sure that much will be made of the fact that this is not an iconic part of the AONB and that it has already been compromised by development, it is still a part of the designated AONB and defined Heritage Coast and still has much to contribute to the overall landscape character of the AONB. Designation, should ensure that it is valued and protected and of a concern to the AONB Partnership is that an approval of this application, will effectively provide a "green light" for further large-scale development, in other areas considered unimportant parts of the designated AONB.</p> <p>We therefore have no alternative but to strongly recommend refusal of this application and trust that North Devon Council will do the same. Should you require any further information from us, please do not hesitate to contact us again.</p> <p>Thank you for re-consulting the North Devon Coast National Landscape Partnership on this proposal within the Areas of Outstanding Natural Beauty.</p> <p>The Partnership has previously commented on this proposal and made a recommendation in our response dated 19 May 2023.</p> <p>The response provided previously applies equally to this amended proposal and we have no further comments to add.</p>
<p>Parks, Leisure &amp; Culture</p> <p>Reply Received 4 July 2024</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. We have provided a calculation (attached) based on 6x2bed, 38x3bed and 11x4bed dwellings.</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>As a rural application, we seek delivery of equipped play, allotments/orchards and built recreational facilities. If no provision is provided on site, an off-site contribution of £272,946 will be</p>



Name	Comment
	<p>sought in lieu which will be used to deliver appropriate facilities at a relatable location. If the application is approved, details of specific open space schemes will be provided in line with CIL regulations.</p> <p>For a development of this size in an isolated location, we would expect to see on-site delivery of equipped play (as a minimum). Reviewing the application information, I am glad the application is suggesting on-site delivery of 500sq.m. of Equipped Play (LEAP).</p> <p>We can make a deduction of £80,000 for this provision if delivered to the correct specification which needs to include 6 pieces of varied play equipment or 1 centre piece and 4 other varied items (equipment to be agreed by NDC). All equipment will need to have safety surfacing (wet pour or rubber mulch), the perimeter of the 500sq.m. area will need 1.2m bow top perimeter fencing and include 2x self-closing anti-finger-trap gates plus access for maintenance vehicles. The area will also need to include some seating ie bench x 2 and a bin.</p> <p>The kind of provision expected would be: 1 large centre piece item to include varied climbing bars and nets and slide. 1 double bay swing (one cradle seat and one flat seat) or large basket swing, 1 roundabout (disability accessible), 1 see-saw, trim trail equipment to include balancing and stepping, and one other item.</p> <p>The application appears not to be providing on-site deliver of allotments/orchard or formal sport/recreational built facilities eg sports pitches, community building, skate park or MUGA. Therefore a contribution of £187,946 would be sought in lieu of this on-site delivery. If either provision is to be delivered on-site, a specification would need to be approved before additional deductions can be provided.</p>



Name	Comment
	<p><b>Foul Sewerage Services</b>  South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. 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/developers">www.southwestwater.co.uk/developers</a></p> <p><b>Surface Water Services</b>  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> <ol style="list-style-type: none"> <li>1. Discharge into the ground (infiltration); or where not reasonably practicable,</li> <li>2. Discharge to a surface waterbody; or where not reasonably practicable,</li> <li>3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</li> <li>4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</li> </ol> <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 the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.</p> <p>I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: <a href="mailto:DeveloperServicesPlanning@southwestwater.co.uk">DeveloperServicesPlanning@southwestwater.co.uk</a>.</p>
<p>Sustainability Officer</p> <p>Reply Received 21 June 2023</p>	<p>The supporting information is thorough and the EA is supported by a BNG calc and appropriately detailed Parameter Plans for an OL application. Clearly the proposal does not impact on habitats or protected species to any significant extent due to the existing nature of the field parcel. I would therefore not be requesting any further detail in support of the current proposal and think there is a demonstration that the layout has been designed with habitat enhancement and green infrastructure in mind.</p>

## Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
20	76	225	1	19

These numbers were corrected at the date of preparation of the report. Any changes will be updated at the committee meeting.

The matters below have been raised in the representation received which are discussed in full in the main consideration below:

### Landscape and Visual Impact

- 105 new dwellings is far too extensive for the area as well as the design of the place with the dwellings being packed in close to each other which doesn't reflect the layout or design of other developments in the area.
- A housing development that starts at Woolacombe Station Road and reaches Morteohoe Station Road takes away the complete rural feel of the area which is in the AONB.
- The building of this land will link Headland View Road, Golden Coast Holiday Village, Tarka Lane and the Fortescue Arms/ surrounding area. By conjoining these developments it would result in this urban area having a bigger built up surface area than Morteohoe as well as it being more dense population wise.
- Impact on the character of Morteohoe significantly.
- Would be a blot on the landscape which is built on a headland meaning it is very visible and is not hidden.

### Ecology

- The development site is an Adopted Area of Outstanding Natural Beauty.
- The light pollution coming from the new development will impact on the darkness of the sky in the area.
- The noise disturbance of the area will push wildlife away from the area.
- The increase in traffic along the road will result in more animals dying trying to cross the road.
- Disturbing bats in the local area.
- Building on green sites rather than brownfield sites.

### Lack of Infrastructure and Jobs

- With an extra 103 properties it equates to around 412 more people in the local area where they will each require hospitals, dentists as well as half requiring schools and nurseries
- In the area that has been proposed if affordable housing was to be planned out there, in close proximity there are no sustainable jobs that last throughout the year with many being seasonal jobs lasting from May till August.
- Due to the poor service in the area a new mast for mobile phones would need to be erected to cover this area.
- The local school is not big enough and doesn't have enough parking anyway-needs to be extended in order to suit the need.
- The local pumping station is already being overwhelmed and cannot take any more.
- The water availability is already at an all-time low. Having more people would only limit it further.

- Waiting times for the GP is 2-3 weeks.
- Local schools currently have falling rolls, businesses have staff shortages and we risk losing key local businesses due to the unavailability of affordable housing,
- Our essential services; hospitals, surgeries, dental practices, pharmacies and schools are experiencing critical staff shortages due to the lack of housing in the area.
- It is clear we need places for families on "local level" wages to be able to afford to live. This appears to be a development that would start to meet at least some of these needs.
- There aren't any local services - there is a local pub and shop and it is on a bus route.

### Highways

- Holiday traffic at peak times is at a standstill in that area as caravans, tourists in big SUV's and works men in vans all try to manoeuvre the country lanes ( Morteohoe station road especially).
- Where the access to the site is opposite to a holiday park where in the summer there will be a lot of cars going in and out of that area
- More accidents will happen along Woolacombe Station Road as many locals will reach speeds of 40-50mph at times going on this road and with a junction being added onto this fast flowing road it is very likely that more accidents will occur as a result.
- There is one main road in and one main road out. The smallest of construction projects cause logistical issues in this area, the road system simply cannot cope. Local lane networks are used by construction traffic when such projects are undertaken, damaging verges, and once again destroying the natural wildlife habitats within them.
- There has been an increase of 8.25% in the number of motor homes on the roads between 2018/9 and 2021. Two wide vehicles that meet in these narrow lanes can quite often causes large tail backs.

### Affordable Housing

- Isn't enough affordable housing. Will likely attract more second home buyers wanting a nice holiday house near Morteohoe.
- 52 affordable homes have been proposed however this number can easily change. The other homes will most likely be second homes and bring barely anything to the year round North Devon Economy
- The desperate requirement for affordable rented housing in the area is unarguable. This scheme will bring around 30 social and affordable rentals easily accessible to Woolacombe, Morteohoe and Ilfracombe, areas where we are aware of huge shortages of suitable accommodation.

### Policy

- AONB
- The land that has been proposed for development has a covenant on it to prevent house building.
- In the North Devon Local Plan this land hasn't been allocated for development in the 5 year housing supply
- When considering applications for development within an AONB, permission should be refused for major development other than in exceptional circumstances. The

joint Local Plan takes a similar view. On this point alone the application should be refused.

- The Local Plan Strategy focuses development in the main towns and seeks to protect the rural areas. This plan threatens this rural area, natural habitats and the wildlife that live in them.
- Policy ST07 of the Local Plan sets out that development will be supported within the boundary of Woolacombe in accordance with the local spatial strategies, to enhance the sustainability of the locally important service centres and to enable wider than local needs to be met. However, the site falls outside of the village boundary as defined in the Local Plan, and therefore the principle of residential development should not be supported.
- Contrary to North Devon and Torridge Local Plan Policy ST09

### Amenity

- Properties facing into people's back gardens- loss of privacy
- Disturbance during development

### Flooding and Drainage

- There is a stream which leads to the bottom half of the field which is almost permanently wet despite attempts to drain it. In winter there is always water flowing of the field and down towards Woolacombe. The local storm drains can't cope.
- Climate change has brought increased intensity of rainfall.

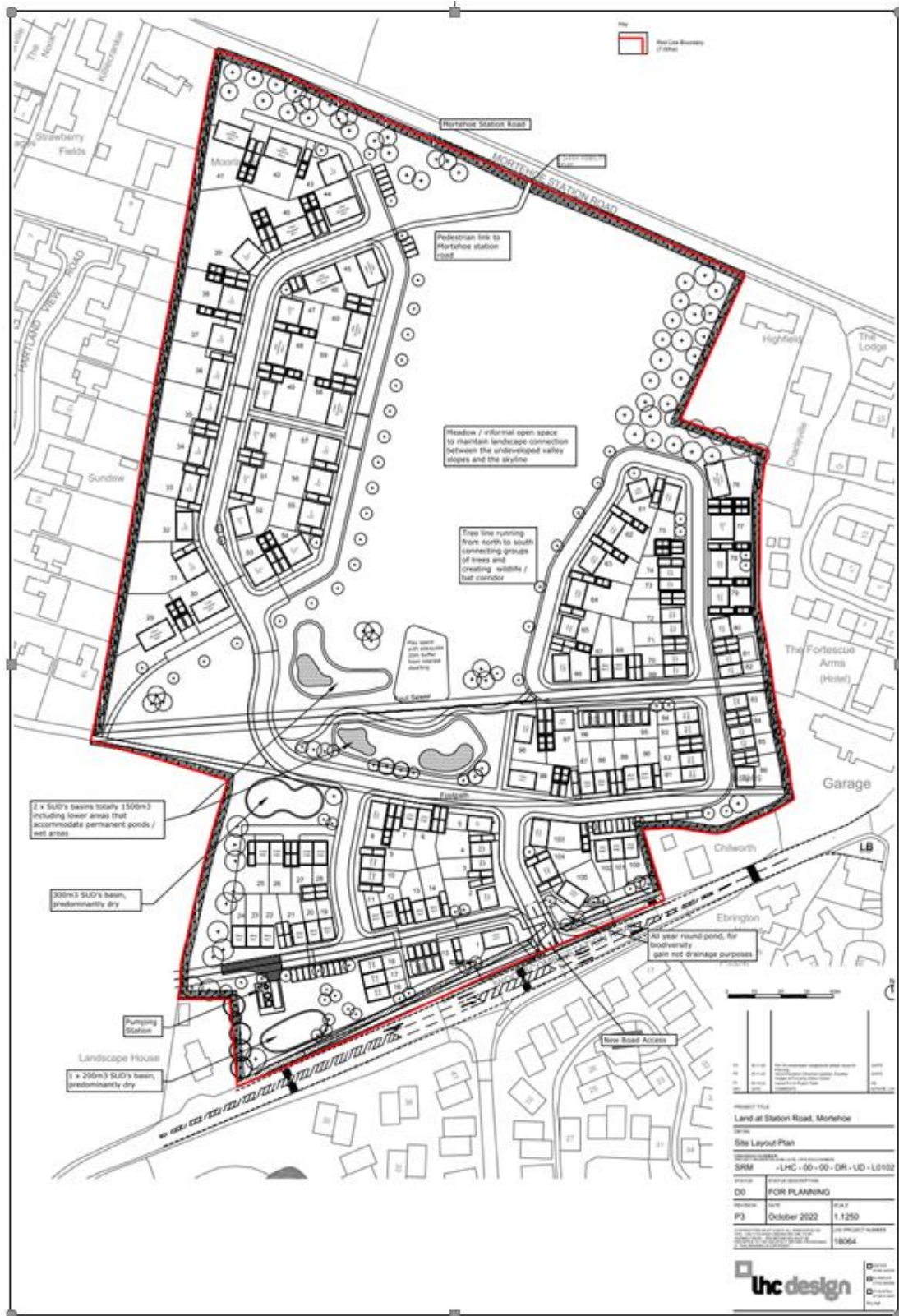
### Other Matters

- Currently gas, electric and water are not available on the site.
- The proposed site is not sustainable as there are no footpaths or anything into Woolacombe resulting in this development being very car reliant on getting anywhere.
- There is already development occurring next to the primary school in Woolacombe which is a far more sustainable development than the one being proposed and so 76809 should not be approved.
- There is a proposed CLT affordable housing scheme that has been planned for the village, adjacent to the school and with good, safe footpath links to all amenities within the settlement boundary that will meet housing needs.
- The traffic survey was undertaken during covid and hasn't been updated since so the figures that have been recorded are extremely inaccurate and should be ignored.
- The noise and dust from the construction which will last years will have a negative impact on holiday makers and their relaxing holiday- won't return.

### **Considerations**

#### **Proposal Description**

This application seeks outline planning consent with matters of access and layout to be approved for the erection of 105 dwellings. Matters of landscaping, scale and appearance are reserved.



**Plan showing the proposed site layout**

The site area part of the development extends approximately 7ha with the layout seeking to secure a central area of Public Open Space (POS) with residential development in denser formats to the east, west and south of the site. An access road would be formed in the southern boundary of the site where there is an existing gateway from the B3343 and a pedestrian access to Mortehoe Station Road would be formed. The existing Public Right of Way (PROW) running east to west across the site would be maintained.



The scheme proposes to provide 52 of the proposed 105 units as affordable housing. The tenure indicated in the Affordable Housing statement would be 40 social rented units and 12 intermediate tenure.

The scheme would also look to provide green infrastructure, sustainable drainage systems (SUDS), and biodiversity net gain (BNG) across the remaining land. These can be seen on the landscape strategy below:



**Plan showing Landscape Strategy and BNG areas**

The application was subject to a screening assessment in relation to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) whereby the Local Planning Authority considered the scheme to be Environmental Impact Assessment (EIA) development requiring the submission of an Environmental Statement (ES) as part of the planning application. This contains the following chapters:

- 1.0 Introduction
- 2.0 The Site and Designations
- 3.0 Proposed Development
- 4.0 Alternative Options
- 5.0 Landscape and Visual Effects
- 6.0 Ecology
- 7.0 Transport and Accessibility
- 8.0 Flood Risk, Hydrology, and Drainage



- 9.0 Noise and Vibrations
- 10.0 Air quality
- 11.0 Contamination and Ground Investigation
- 12.0 Archaeological and Cultural Heritage
- 13.0 Socio-economic
- 14.0 Other Technical Documents
- 15.0 Conclusions

## Planning Considerations Summary

The below are the main consideration in the determination of the application and will be discussed in detail in the relevant numbered sections below:

1. Principle of Residential Development
2. Impact of Character an Appearance of the Area
3. Amenity
4. Heritage Assets
5. Ecology
6. Highways
7. Flood Risk and Drainage
8. Socio Economic Benefits
9. Heads of Terms
10. Other matters
11. Planning Balance

## Planning Considerations

### 1. Principle of Residential Development

- 1.1. In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above. The NPPF is also a material consideration.
- 1.2. The application site is neither within the development boundary nor is it allocated in the North Devon and Torridge Local Plan (NDTLP) for development. The site is agricultural land which is outside of any settlement boundary and whereby Policy ST07 (Development in the Countryside) (4) is the principle policy for determining application. The requirements of ST07 (4) are copied below:

*(4) In the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.*
- 1.3. Whilst acknowledging supplying housing would meet local economic and social needs, it does not constitute building re-use, and given the NDTLP strategically allocates suitable land for housing, the development is not necessarily restricted to a countryside location in this instance.

1.4. The NPPF provides further clarity on development in isolated rural areas at paragraph 84, explicitly limiting development to circumstances where:

*(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*(b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*(c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

*(d) the development would involve the subdivision of an existing residential building; or*

*(e) the design is of exceptional quality, in that it:*

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

1.5. Whilst it could be argued that the site is not isolated and could be considered under policy DM24, whereby Fortescue has the qualifying criteria for a 'rural Settlement', defined in the policy. This policy seeks to provide for locally identified need for affordable or local needs dwellings and should be of a commensurate scale to the settlement. The development proposed is speculative in nature and of a scale not within keeping with the existing settlement.

1.6. It is clear that the intention of the NPPF's core principles and ST01 and ST06 of the NDTLP is to centre new development, particularly large residential development towards existing centres, guided by the Plan-led system in the interest of sustainable development considered in paragraphs 7 -12 of the NPPF.

1.7. The NDTLP further enshrines these principle objectives for development with Policy ST01 setting the overarching sustainability principles in alignment with the NPPF.

1.8. Morteheo and Woolacombe have adopted a Spatial Strategy for the area within the NDTLP as below:

***'Policy MOR: Woolacombe and Morteheo Spatial Strategy  
Over the period to 2031, the Local Plan will enable growth of high quality development supported by necessary infrastructure to meet the needs of Woolacombe and Morteheo.'***

***The spatial vision for Woolacombe and Morteheo will be delivered through:***

***(a) provision of a minimum of 39 dwellings to meet the range of needs in the community. The supply of housing will be delivered through extant planning permissions and new sites, although no additional site allocations are proposed;***

***(b) protecting the important landscape setting of both Woolacombe and Morteohoe including the special landscape character and qualities of the Area of Outstanding Natural Beauty;***

***(c) protecting the natural and built environment within and adjoining the designated conservation areas;***

***(d) safeguarding key tourist accommodation including the significant hotels;***

***(e) increasing the range of employment opportunities locally***

***(f) providing appropriate housing to meet community needs; and***

***(g) safeguarding local services and recreation opportunities for residents and visitors.'***

1.9. The above policy, whilst setting a minimum housing target, therefore not prohibitive of development in the Parish, and consistent with the NPPF housing objectives, also sets out key landscape and infrastructure objectives which relate directly to objectives of the NPPF and NDTLP.

1.10. Paragraph 12.316 in the supporting text of the NDTLP expands on the housing aspirations for the area stating:

*'Where land is genuinely available for development that meets local needs, has local support, is appropriate in terms of scale and location and is in accordance with other relevant policies of the Local Plan, it will be considered for residential development on an exceptional basis even though located outside the development boundaries within the Undeveloped parts of the Coastal and Estuarine Zone. Acceptable development will also need to meet the respective requirements for a local centre (Woolacombe) or a village (Morteohoe) in Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area. Other opportunities to secure additional housing to meet local needs will continue to be explored.'*

1.11. As this report will identify, the development proposed is speculative; given no housebuilder to deliver the scheme has been identified or evidence for its need in this location provided, and it does not seek to address locally identified need, or does it have local support hosting objections from the Parish Council and 225 members of the public, as well as consultees. As will also be demonstrated below, it is not in accordance with the other relevant policies of the NDTLP.

- 1.12. Subsequent Spatial Strategy Policies in the NDTLP then seek to guide development appropriately to achieve sustainable development in the best locations providing for the environmental, social and economic needs of the area. In relation to this application, in addition to Policies MOR, ST01 and ST07, Policies ST02, ST04, ST08, ST10, ST14, ST15, ST17, ST18, ST21 and ST23 and associated DM policies are key in assessing the impacts of the development.
- 1.13. It is however concluded at this stage that the development is in clear conflict with Policy ST07 (4) and **significant weight** is afforded to this.

Five year housing land supply (5YHLS)

- 1.14. At the time the application was submitted, North Devon and Torridge Council's were unable to demonstrate a 5 year housing land supply, however in April 2023 it published a 5 Year housing Land Supply Statement which confirmed the a joint 5 year housing land supply has been established. This was tested at a Public Inquiry reference: (APP/X1118/W/23/3318751: Land north of St Andrews Road, EX31 3BP) in July 2023.
- 1.15. This was following refusal of a non-plan led scheme of 161 dwellings adjoining the development boundary in September 2023, which by the time the appeal was started a 5 year housing land supply has been established. Following evidence being given by both parties in relation to this at the Inquiry the Inspector concluded in his decision dated 11th September 2023 that the districts have a demonstrable supply stating the following at paragraph 25: .

*'Based on my assessment I am therefore satisfied that the Council is able to demonstrate a deliverable supply of about 6261 dwellings in the 5 year period. This is in excess of the requirement as calculated by either methodology (Liverpool + 20% [6150] or Sedgfield + 5% [6070]). Hence I am satisfied that the Council is able to demonstrate a supply of just over 5 years. In such circumstances it is not appropriate for me to engage the 'tilted' balance which would flow from NPPF paragraph 11 when I come to the planning balance.'*

- 1.16. Further to this a further statement was issued in November 2023 confirming a 5 year housing land supply is maintained.
- 1.17. As such, in this instance the councils' housing policies are considered to be up-to-date. Therefore full weight is afforded to Policy ST07 (Development in the countryside) to which there is a clear conflict in this instance.
- 1.18. Furthermore, whilst a 5 year housing supply is established it should be noted that the site is located within a designated National Landscape (Area of Outstanding Natural Beauty) which is afforded high level protections by the Planning Acts and the Countryside and Rights of Way Act 2000.
- 1.19. The site is within both an Area of Outstanding Natural Beauty and Heritage Coast which are specifically listed in footnote (7) of the NPPF and in paragraph 11 (d) (i). Therefore even in the event the LPA lost its 5 year housing land supply, paragraph 11 (d) and the presumption in favour of sustainable development would

not apply to this site, given clear reasons for refusing the development following the application of the policies in the Framework are demonstrated below.

*Departure from the Local Plan and the 'Presumption in Favour of Sustainable Development'*

- 1.20. In terms of the NPPF, the applicant maintains, that irrespective of a Council's 5YHLS position, this should not alone be sufficient reason to refuse planning permission and that the site should be considered on its own merits and other material considerations should be considered in the overall planning balance. However, the above policy position is the lawful starting point for decision making which underpins the plan-led process, and which cannot be departed from until sufficient material justification for doing so is identified and appropriate planning judgement applied.
- 1.21. In terms of relevant material considerations, the NPPF at paragraph 11 remains clear that development proposals which accord with up-to-date policy, should be approved without delay. This scheme does not accord with the Local Plan, as the above demonstrates, and the arguments of the applicant rely upon the over-arching principles of sustainable development contained in paragraph 8 of the NPPF as a mechanism to depart from the plan-led process in this instance.

- 1.22. Paragraph 8 and 9 of the NPPF state:

*'8. Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*

***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

***an environmental objective*** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

*9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local*

*circumstances into account, to reflect the character, needs and opportunities of each area.'*

- 1.23. The relationship between the planning considerations below and each strand of sustainable development will be explored throughout the report below and evaluated in the subsequent planning balance section. This is not a case where the so called 'tilted balance' applies therefore a test in relation to significant and demonstrable harm does not apply. However the development needs to be considered against the development plan and framework as a whole and the benefits/disbenefits of the scheme appropriately weighted in the planning balance to identify if these are of material weight to depart from the plan-led process.

*Major development in the National Landscape (AONB), Heritage Coast and Undeveloped Coast*

- 1.24. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty ('National Landscape') in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers. It is invoked via an update to Section 85 of the Countryside and Rights of Way Act 2000 which now states the following:

*'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'*

- 1.25. This is a relevant material consideration in the determination of the application and this statutory duty cannot merely be departed from; there must be demonstrable evidence that the development proposals further the aims of the statutory designation. This should be in the form of positive evidence that the relevant authority has, in all the circumstances, sought to further the purpose: not merely through mitigation of harm but by taking all reasonable steps to further the purpose.

- 1.26. In relation to major development within National Landscape (Areas of Outstanding Natural Beauty) and Heritage Coast, it is clear that development is limited in these areas and demonstrable overriding benefits must be presented as part of a planning application to demonstrate the need for the development, why it cannot be sited elsewhere and the impact and how this is moderated. Paragraph 183 of the NPPF is copied below :

***'183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:***

**(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**

**(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and**

**(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.**

**184. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.'**

- 1.27. The application makes its justification for exceptional release of land in the National Landscape (AONB) on the basis of the development offers 52 units of affordable housing in an area with an acute need for affordable housing and as such argues this should provide sufficient material weight to depart from the above NPPF principles and NDTLP Policy.
- 1.28. As aforementioned, the offer of 52 affordable unit does not represent provision above policy compliant affordable housing as Policy ST07 (4) is wholly prohibitive of development of the type and scale proposed. If any scheme on this site were to be considered against Policy DM24, this would need to seek to a meet locally identified need only to provide affordable or local needs dwellings (see 13.133) and be small scale.
- 1.29. The locally identified need in this area is for 21 affordable housing units as clarified by the Housing Needs Survey (HNS) supplied with the application. This need will be met by the development adjacent to Woolacombe Village Hall, which at the time of writing this report was a Section 106 preparation stage and with Officer support.
- 1.30. Policy DM24 does not facilitate speculative market housing development, and whilst accepting a need for market housing in Woolacombe may also exist, and is not discounted by MOR or ST07(2) where adjacent the 'settlement' of Woolacombe/Mortehoe, this site is outside of these spatial parameters and as such to develop in this area is contrary to the above policies. As such, it is not considered that a 'need' in the context of paragraph 183 of the NPPF exists for the development to be sited in this particular location, with its landscape designations.
- 1.31. Part (a) of paragraph 183 also requires the economic impacts of approving or refusing an application to be considered. It is acknowledged economic benefit would arise from the scheme, in the form of construction employment, new homes bonus and future spend from occupiers. However, conversely, continually eroding the value of the National Landscape (AONB) and Heritage Coast could result in

impacts from loss of visitor spend in the locality from the visual impacts of development the site deterring visitors to the area.

- 1.32. In relation to criteria (b) and (c), it is acknowledged that alternative site selection was undertaken however these sites were also within the protected landscape and as such would not have demonstrated (b) above appropriately. In relation to (c), this will be covered in the impact sections below.
- 1.33. It is not considered that need for the development within the AONB can be demonstrated and furthermore, the stricter test of paragraph 184 is clearly contradicted in this instance where this is a safeguarding policy and prohibits major scale development in these areas.
- 1.34. Section 85 Countryside and Rights of Way Act 2000 imposes a legal duty on public authorities to seek to further the purposes of conserving and enhancing the natural beauty of the AONB. This is an onerous duty and involves more than just having regard to that purpose as an objective. The decision maker, in this case the Planning Committee, must assess and consider how a proposed decision seeks to further that stated purpose. This legal duty is considered further later in this report.

#### Housing Needs and Mix

- 1.35. In terms of housing needs it is worth noting at this stage the provisions of Policy ST21 (Managing the Delivery of Housing) which is an enabling policy to ensure that were a district wider under supply of housing to occur as identified through annual monitoring, measures are in place to recover supply and where appropriately sited, allows for the exceptional release of land outside of development boundaries.
- 1.36. This policy is only invoked where under provision is demonstrable in compliance with the provision of this policy. The Council published an updated 5 year housing land supply Statement in November 2023 with the base date of 1st April 2023, this confirms that North Devon and Torridge District Council's can demonstrate a 5.18 years supply of housing land.
- 1.37. Section 6 of this report confirms the current dwelling requirements and the projected 2 year completions period shows this is 103% which is 3% above the trigger identified in (2) of the policy.
- 1.38. As such, whilst the shortfall on an annual basis requires the Council in Clause (1) of Policy ST21 to:

'(a) implement a review to identify and understand key issues that might be affecting housing delivery; and

(b) engage proactively with development interests and work in partnership to remove barriers and facilitate the increased delivery of new homes.'

The two year figure of 103% means that the requirements of (2) (a)-(d) of ST21 do not currently apply and therefore there is no requirement for the LPA to consider proposals for additional residential development outside of defined settlement limits for the purposes of boosting supply.



1.39. In terms of mix of housing, whilst the planning statement advises that the housing mix is shown on the layout plans, this provides no indication of the mix between market and affordable housing. The total mix across the site is:

	<b>1 – bed</b>	<b>2 – bed</b>	<b>3 – bed</b>	<b>4 – bed</b>
All housing	0	52	41	12
%	0	49.5	39	11.5

**Housing mix proposed by development**

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

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

**Table of housing mix detailed in HEDNA**

1.41. As layout is set as part of this application, it is necessary to understand the position of affordable units to ensure both integration and inclusive place-making as well as appropriate housing mix in the context of Policy ST17 of the NDTLP. The overall % of sizes of dwellings is also not consistent with HEDNA requirements with no justification for departure demonstrated. This has not been demonstrated appropriately as part of the application presented as such represents a conflict with adopted Policy ST17 which is afforded **moderate weight**.

1.42. In terms of the general provision of affordable housing for which the applicant proposed 52 units of the 105 proposed, given the evidence in terms of identified need for affordable housing at the Parish level, which will be met by other development, **moderate weight** only is afforded to the offer of affordable housing in this site in this location.

1.43. Whilst accepting there may be a wider need for affordable and market housing in neighbouring Parishes of West Down, Ilfracombe and Georgeham, which was not explored by the applicant, these needs should be met by the host Parish in the first instance and directed towards respective centres in the settlement hierarchy contained in ST06 and ST07 of the NDTLP.

1.44. In terms of delivery rates, no indication of delivery rates is provided with the submission therefore limited weight is afforded to this matter. It should also be noted that Wessex are a land promoter and the LPA has been advised of no option agreement with a subsequent housebuilder for the site therefore a land transaction would be likely to delay start and delivery timetabling further. As such no substantive evidence has been presented which would suggest this site would offer additional delivery benefits of material weight which would weigh in favour of departing from adopted development plan policies.

### Principal residency clause on open market dwellings

- 1.45. The developer has offered to deliver the open market units with an occupancy restriction to be principal residences only, to prevent them being lost to holiday accommodation or second homes.
- 1.46. There are no provisions in local or national policy to require principal residency clauses on open market dwelling in this area. Braunton and Georgeham's Neighbourhood Plans have secured this but Morteheo does not have a neighbourhood plan hosting this type of policy and therefore it cannot be secured as no provisions for it are contained in the NPPF or NDTLP as the basis of making the decision.
- 1.47. Paragraph 56 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests. These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply:
- necessary;
  - relevant to planning;
  - relevant to the development to be permitted;
  - enforceable;
  - precise; and
  - reasonable in all other respects.
- 1.48. Furthermore, CIL Regulation 122 outlines the tests for imposing planning obligations stating they must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 1.49. As such, if it principal residency were to be secured via a S106 agreement and/or conditions, an application could be made in the future to remove these and there would be no policy basis on which to refuse this and they therefore would not meet the above tests. As such, whilst offered, this is not a tenure type which can be secured by the planning permission and therefore very minimal weight should be attributed to it.

### Summary

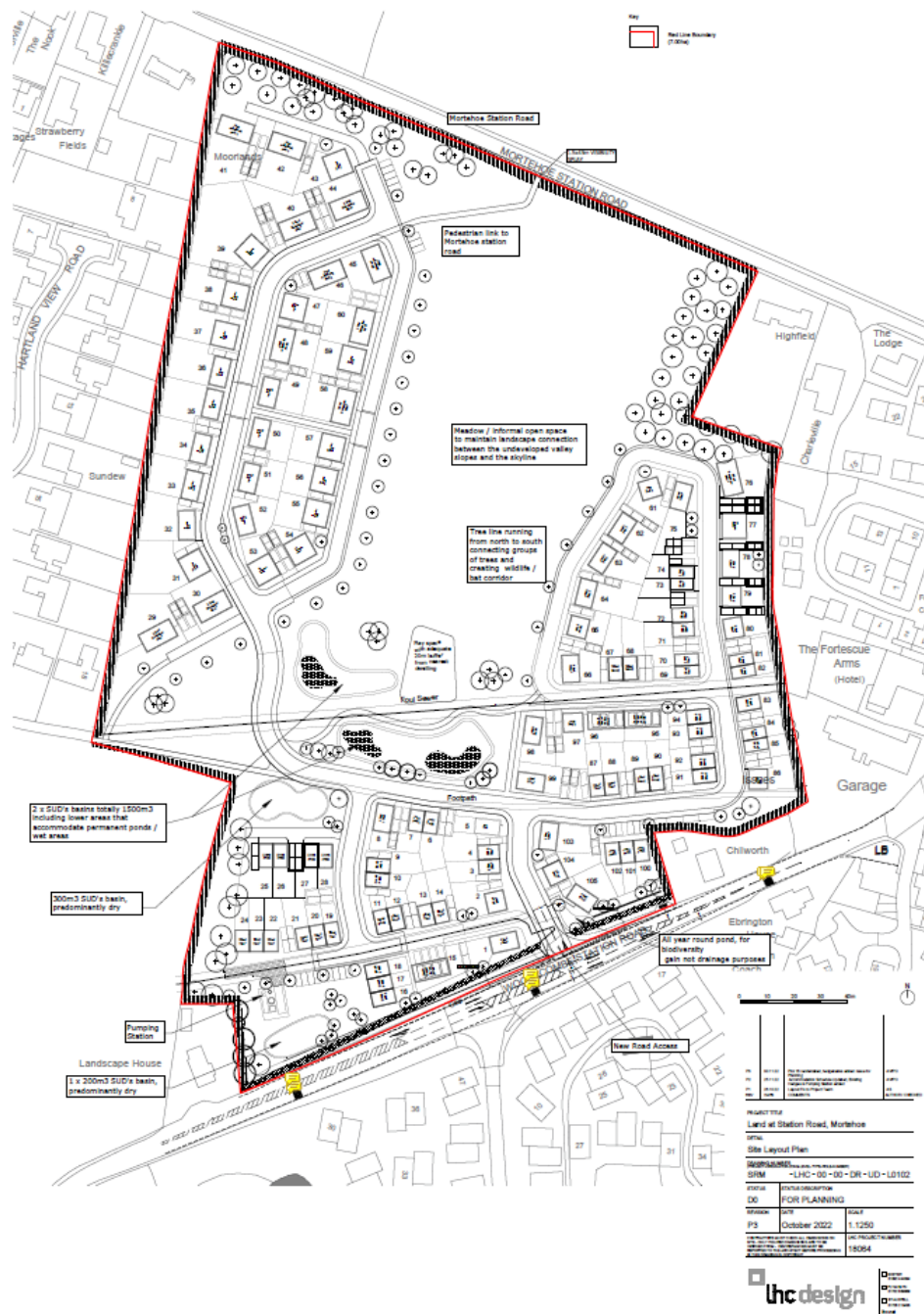
- 1.50. Clear conflict with the development plan, when considered as a whole, is considered to result from the development proposed whereby the development constitutes development in the open countryside outside of an identified development boundary and within a National Landscape (AONB), and Heritage Coast contrary to Policies ST01, ST07 and MOR of the NDTLP and paragraph 183 and 184 of the NPPF. This conflict is afforded **substantial weight** given the 5YHLS position and conflict with sustainability principles which are explored further below.

## **2. Impact on Character and appearance of the area**

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

Design and fixed layout

2.2. The application seeks to secure the layout as part of the submission as a means of demonstrating some security around the landscape impacts likely to be experienced. The development provides for 2 storey dwellings on the south and western parts of the site and Plots 29-60 in the north-west part of the site are all indicated as bungalows. This can be seen below:



Site Plan as submitted

- 2.3. In terms of the overall site rationale with bungalows adjacent to the Hartland View Road in the immediate context of the site this would assimilate into the neighbouring residential context.
- 2.4. Similarly on the lower level part of the site, within its immediate context to development south and east, the provision of appropriately designed two storey dwellings would not be out of context, however the density being proposed is not reflective of anything apparent in the immediate context and is poorly executed in relation to separation distances to existing development.
- 2.5. It should be caveated that these comments are made in respect of the immediate context of the site and do not reflect an acceptance for the loss of green fields within the protected landscape.
- 2.6. In terms of the rationale in leaving a large slice of open space at the centre and high points of the site, whilst understood to be leaving a green wedge through the development, the overall change in nature of the site would have wider landscape implications and this is merely a nod to the former context of the site to attempt to satisfy protected landscape policy, of which it does not achieve that.
- 2.7. As such, taken in consideration with the wider landscape impacts the proposed layout has on the local context, the scale and layout implied by the development would not reflect the local character and distinctiveness at this location, therefore it does not represent good place-making therefore contrary to Policies ST04 and DM04 of the NDTLP and paragraph 135 of the NPPF.

#### Landscape and Visual impacts

#### Policy Context and documents forming material considerations

- 2.8. The emphasis of Policies ST14 and DM08A is to **conserve and enhance** the natural environment and landscape character of North Devon by ensuring that development conserves the special character and qualities of the National Landscape (AONB), maintains the character and distinctive landscape qualities within the Heritage Coast and has regard to the statutory purposes including ensuring that the landscape character and natural beauty of the AONB is conserved and enhanced. Both policies are extracted in full below given their importance as the legal starting point for determining matters relating to landscape harm. Key terms in relation to the assessment of this application are underlined:

#### Policy ST14: Enhancing Environmental Assets

*The quality of northern Devon's natural environment will be protected and enhanced by ensuring that development contributes to:*

- (a) providing a net gain in northern Devon's biodiversity where possible, through positive management of an enhanced and expanded network of designated sites and green infrastructure, including retention and enhancement of critical environmental capital;*

- (b) *protecting the hierarchy of designated sites in accordance with their status;*
- (c) *conserving European protected species and the habitats on which they depend;*
- (d) *conserving northern Devon's geodiversity and its best and most versatile agricultural land;*
- (e) *conserving the setting and special character and qualities of the North Devon Coast Areas of Outstanding Natural Beauty whilst fostering the social and economic well-being of the area;*
- (f) *ensuring development conserves and enhances northern Devon's local distinctiveness including its tranquillity, and the setting and special qualities of Exmoor National Park including its dark night skies;*
- (g) *protecting and enhancing local landscape and seascape character, taking into account the key characteristics, the historical dimension of the landscape and their sensitivity to change;*
- (h) *recognising the importance of the undeveloped coastal, estuarine and marine environments through supporting designations, plans and policies that aim to protect and enhance northern Devon's coastline;*
- (i) *conserving and enhancing the robustness of northern Devon's ecosystems and the range of ecosystem services they provide;*
- (j) *increasing opportunities for access, education and appreciation of all aspects of northern Devon's environment, for all sections of the community;*
- (k) *meeting the Nature Improvement Area's strategic objectives; and*
- (l) *improving failing water bodies and preventing deterioration of water quality.*

*Policy DM08A: Landscape and Seascape Character*

- (1) *Development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible. Development must take into account and respect the sensitivity and capacity of the landscape/seascape asset, considering cumulative impact and the objective to maintain dark skies and tranquillity in areas that are relatively undisturbed, using guidance from the Joint Landscape and Seascape Character Assessments for North Devon and Torridge.*

*Development within or affecting the setting of the North Devon Coast AONB or affecting the setting of Exmoor National Park*

*(2) Great weight will be given to conserving the landscape and scenic beauty of designated landscapes and their settings. Proposals affecting the North Devon Coast Area of Outstanding Natural Beauty (AONB) or Exmoor National Park or their settings should have regard to their statutory purposes including to ensure that their landscape character and natural beauty are conserved and enhanced. Development should be appropriately located to address the sensitivity and capacity of these designated areas and will not be permitted where it would conflict with the achievement of their statutory purposes.*

*(3) Proposals within or affecting the setting of the AONB should be informed by, and assist in the delivery of, the North Devon Coast Area of Outstanding Natural Beauty Management Plan. Major development within the AONB will be refused subject to the tests of exceptional circumstances and where it can be demonstrated that the development is in the public interest as set out in national policy.*

*Heritage Coast*

*(4) Development within the Heritage Coast should maintain the character and distinctive landscape qualities of the area.*

2.9. All of the above is bolstered in the recently updated Section 85 of the Countryside and Rights of Way Act 2000 (see underline for update on extent of the duty) whereby the statutory duties on public bodies in regards to the National Landscape has been strengthened. It states:

*‘In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.’*

2.10. NDTLP Policy ST09 states that the Coast and Estuary Zone (CEZ) is identified on the Policies Map where, amongst other things, the sustainability of coastal communities will be maintained and enhanced with regard to their distinctive cultural heritage and landscape setting. Furthermore ST09 (7) states that:

*‘Development within the Undeveloped Coast and estuary will be supported where it does not detract from the unspoilt character, appearance and tranquillity of the area, nor the undeveloped character of the Heritage Coasts, and it is required because it cannot reasonably be located outside the Undeveloped Coast and estuary.’*

2.11. The definition of developed coast is given in the glossary of the NDTLP as:

*‘Areas within the Coastal and Estuarine Zone with a predominantly developed character, which are the areas within development*

*Developed Coast boundaries as identified on the Policies Map; the principal built form and sites allocated for development in defined Settlements without development boundaries; Rural Settlements; Defence Estate sites; and large previously developed sites or those parts of sites with a substantial level of permanent structures such as sewage treatment works and the developed part of static caravan sites.'*

- 2.12. Whilst the development is adjacent to what is accepted as a Rural Settlement (Fortescue), given it is a large open and undeveloped field, it is not considered to fall within this definition of 'developed' coast therefore ST09 (7) should be applied to the development.
- 2.13. Moving onto the National Planning Policy Context Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. This is further bolstered by paragraph 183 which seeks to oppose major development in the AONB unless there are overriding reasons of public interest for approving. As such this clearly implies that significant weight should be afforded to not just any impacts on the AONB, but also to the purposes of conserving and enhancing the AONB.
- 2.14. Paragraph 184 of the NPPF states:
- 'Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.'*
- 2.15. In terms of other documents that are material considerations when assessing the landscape and visual impacts of the proposal these will be highlighted below.
- 2.16. At a National Level, Natural England have identified the area as part of the 'Exmoor Character Area' whereby the below key characteristic would apply to the site and its surrounding context:
- *A diverse upland landscape, rising abruptly out of the surrounding lowlands. Central high, treeless moorlands used for rough grazing, incised by steep wooded valleys and combs with occasional grass and arable fields.*
  - *Across the western plateau, fields of semi-improved rush pasture and arable of 19th-century origin are defined by closely trimmed hedges with occasional standard trees.*
  - *Villages and farmsteads nestle in sheltered valley bottoms often at river crossings. Buildings are mainly of local slate and shale rubble, sometimes whitewashed. A variety of local stone is used in the villages, along with cob and brick, with slate roofs. Scattered, often whitewashed farmsteads punctuate the western plateau.*

- *Woodlands, mostly ancient and oak-dominated, cloak the steep coastal combes and inland valleys. Ancient parks and more recent conifer plantations are features of the lower slopes.*
- *High archaeological interest from all eras of human activity. A particularly rich source of bronze-age monuments such as stone rows, stone settings and barrows. Notable industrial archaeology including quarrying, mining and iron working, lime burning and longshore fishing (fishweirs) from all eras.*

2.17. The Devon Character Assessments identify the site as Devon Character Area; North Devon Coastal Downs. Its character is defined by the detailed list of distinctive characteristics in the Assessment document, notably related to the context of this site being:

- *Topography forming a repeating pattern of smooth-profiled downland ridges with steep side slopes, running east-west.*
- *An open, expansive landscape with few trees and smooth horizons; trees largely limited to occasional wind-sculpted pines, and patches of scrub; tree Clump at Oxford Cross (originally planted by Henry Williamson) is a distinctive feature.*
- *Agriculture predominantly pastoral (sheep grazing), with arable on sheltered sites and further inland.*
- *Victorian linear expansion of settlements such as Woolacombe and Croyde for tourism, as well as modern caravan parks on hillsides.*

2.18. The site is located in an area described in the Joint Landscape Character Assessment for North Devon and Torridge as Downland. Its key characteristics, where relevant to the site and its context are summarised below:

- *Rolling downland landscape with broad rounded ridges and hilltops, dropping in altitude in the south to meet the Taw/Torridge Estuary.*
- *Northern and coastal sections of the landscape underlain by resistant Morte slate, whilst softer bands of sandstone, shales and mudstone characterise the more undulating southern parts.*
- *Landscape drained by springs feeding into steep valleys and combes (separate LCTs). Views to these wooded valleys provide contrasting colour and texture to this strongly agricultural landscape.*
- *A simple agricultural landscape dominated by the sky - glimpses of the coast convey a maritime influence to areas of downland closer to the sea.*
- *Sparse woodland cover, limited to occasional blocks of coniferous plantations, small farm woods and wind-sculpted pine shelterbelts. Sporadic clumps and avenues of beech sit on prominent ridgelines.*



- *Mixture of medium-scale curving medieval fields and larger post-medieval and modern fields with straight boundaries. Some areas of open downland remain.*
- *Range of boundary styles including grassy Devon banks with patches of wind-pruned gorse and scrub (particularly where exposed), flower-rich banks with mixed-species hedges, and Morte slate-faced grassy banks.*
- *Square-cut beech hedgebanks, particularly in the east where influenced by the proximity to Exmoor. Post-and-wire fences enclose some of the more intensively farmed fields.*
- *Semi-natural habitats limited to fragmented sites of species-rich acidic and neutral grassland, rush pasture, small patches of semi-natural woodland, scrub and bracken.*
- *Historic features include prehistoric burial sites, ancient hilltop enclosures, historic quarries and deserted medieval villages; many are Scheduled Monuments.*
- *Strong local vernacular including cream and whitewashed cob/render, exposed local stone with slate roofs and some local use of thatch. Square stone church towers are characteristic landmarks, with listed buildings and several Conservation Areas in historic villages.*
- *Settlement linked by straight roads enclosed by hedgebanks, with occasional gaps providing long views across the landscape.*
- *Caravan and holiday parks, as well as other tourism-related land uses detract from traditional landscape character and tranquillity, particularly in locations close to the coast.*
- *Hill summits afford expansive views across the landscape and beyond, including to the coast and estuary.*
- *Fullabrook Down Wind Farm forms a dominant feature on the skyline and is visible from many parts of the wider LCT.*

2.19. The North Devon Area of Outstanding Natural Beauty Management Plan (2019-2024) is also a relevant material consideration. This document is a comprehensive strategy for the National Landscape partnership to manage the AONB, in line with the statutory objectives for its designation, whilst setting policies as to how the Partnership will respond and expect other decision makers to consider decisions relating to direct and indirect impacts on the National Landscape (AONB).

### Assessment of Landscape Impacts

2.20. First to set the overall context of the site, a selection of stills of the development and its context are included below to aid with identifying the character of the site in context of the above, and to be read in context with the visualisation provided in the ES.



**Context to the East of the Site (Service Station, Old Station Development (holiday), Fortescue Bungalows (holiday), Fortescue Public House)**



**Context to the West of the site (Mortehoe Station Road, Hartland View Road and open fields)**





**Context to the South of the site (Proposed access location, Golden Coast Holiday Park)**



**Context to the South-west of the site (Hartland View Road and Open Countryside)**



**Context to the North from the site (Mortehoe Station Road, ridgeline, open farmland, coastal combe leading to Lee)**

- 2.21. It should be clear from the above, and members visit to the site, that whilst there is historic development in the area, with a predominance of holiday and some commercial uses at Fortescue, and the residential development of Headland View Avenue and Hartland View Road, the area is not wholly developed in context, with open views from the ridgeline at the northern part of the site into the open and picturesque landscape. The site offers a visual break between development at Fortescue Cross and the more linear development along Mortehoe Station Road to the west, and that extending along Hartland View Road.
- 2.22. A question was posed to the Case Officer by a Councillor following the site visit, regarding whether any precedent is set by more modern residential development at Hartland View Road, and Headland View Avenue. The last planning permission, for 17 units now forming Hartland View Road, was subject of an outline planning permission dating from 1991, with final reserved matters approved in 2001.
- 2.23. In terms of when the principles of these developments were established, this is a totally different planning policy environment from today's planning system and therefore, whilst these development's visual presence in the context of the site is a consideration for the decision maker to weigh in the balance, the way in which a decision was reached in relation to these dwellings would not be relevant to the policy consideration for this development.
- 2.24. The application is accompanied by a Landscape and Visual Impact Assessment prepared by a Landscape Architect in order to demonstrate the impact of the development on the designated landscape.
- 2.25. This has been prepared by a qualified Landscape Architect and has sought to follow the industry good practise pertained to in the most recent Guidelines for Landscape and Visual Impact Assessment published by the Landscape Institute.

2.26. The next section of this report will provide an assessment in relation to the LVIA and independent review of the initial LVIA carried out by Peter Radmall Associates, commissioned by NDC. It will be broken down into respective sections; landscape impacts and visual impacts.

Review of site specific Landscape Impact

2.27. The character of the landscape within which the site sits is described by the aforementioned character appraisal assessment and these are referenced in the applicants LVIA in relation to reaching a position of the site character and its impact on the designated landscape.

2.28. In terms of the significance of the landscape effects, these are summarised by the applicant in the table within the Environmental Statement:

Table 7.2: Summary of landscape effects

Receptor	Sensitivity	Completion	Operation
North Devon Coastal Downs DCA and LCT 5C Downland	Medium	Slight adverse	Slight adverse
North Devon Downs DCA and LCT5C Downland	Medium	Slight neutral	Slight neutral
North Devon High Coast	Medium	Slight adverse	Minimal adverse
LCT2C – Steep Open Slopes	High	Slight adverse	Slight adverse
LCT4C: Coastal Slopes and Combes with Settlement	Medium	Slight adverse	Slight adverse

Receptor	Sensitivity	Completion	Operation
LCT3H: Secluded Valleys	Medium to Low	Minimal neutral	Minimal neutral
SCA 12 Woolacombe Bay	Medium	Minimal neutral	Minimal neutral
Site and Surroundings	Medium	Slight adverse	Slight adverse

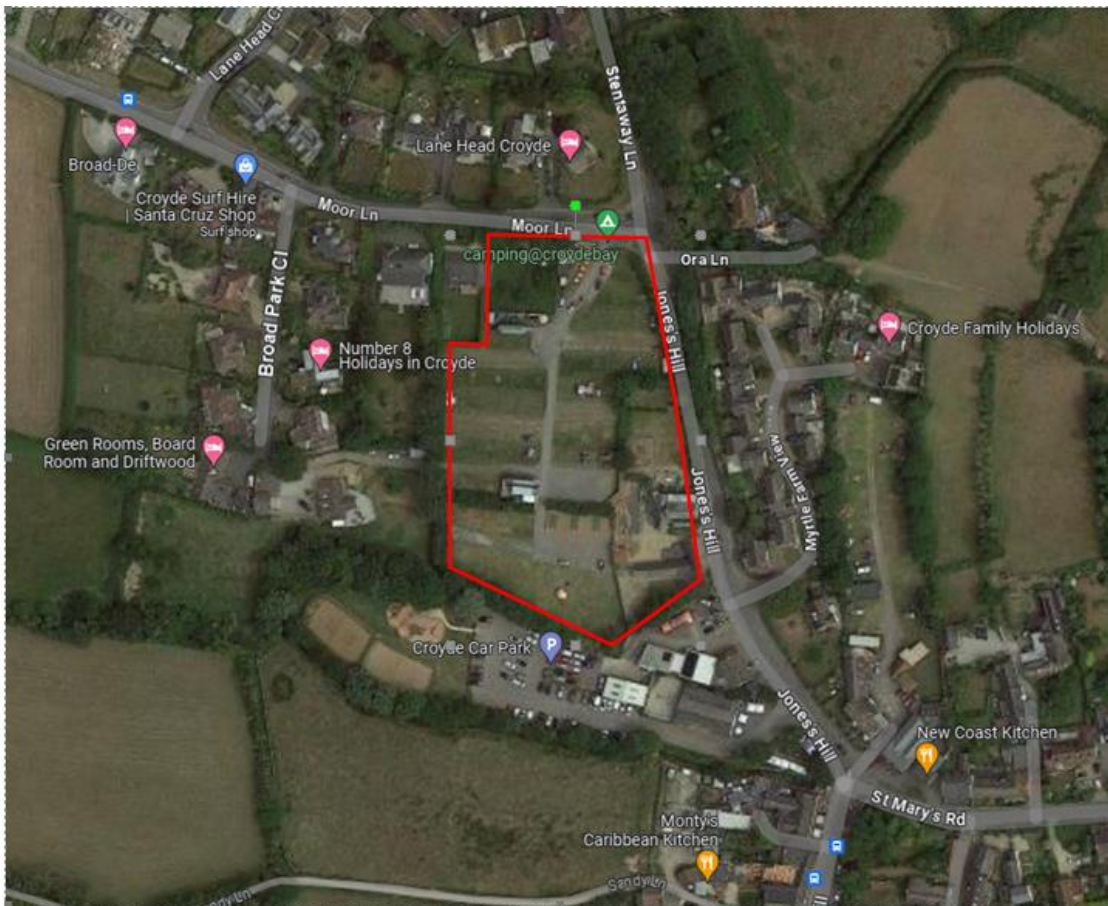
2.29. When the findings of the LVIA and conclusions of significant of impacts on character were assessed independently there was some scrutiny over the accuracy of the assessment techniques and also the narrative of what scale of effects is being used (see 3.6 of Peter Radmall review), and similarly the spatial scale on which these effects are reported (3.7 of Peter Radmall review).



- 2.30. Again, whilst reaching conclusions around the overall landscape sensitivity of the site and its surrounding, as a pasture field, it could be considered as having medium-high sensitivity and similarly a level needs to be attributed to the surrounding development and countryside which forms part of its overall character (3.20-3.21 Peter Radmall report).
- 2.31. At section 4.15-4.16 of Peter Radmall's review, he concludes that impacts on the effect on the site character should have been regarded as major (as opposed to moderate), reducing then to moderate from undeveloped parts of the AONB, where the site is clearly visible. The development would clearly increase the influences of built development in panoramic views across the rolling pastoral landscape (clearly visible in the photos above).
- 2.32. Furthermore, whilst acknowledging at 4.16 that the impacts of the development are localised, affecting only a small proportion of the AONB that has already been compromised by a degree of built development, he goes on to state that whilst in wider spatial terms the effects of the development would be minor, the impacts from the loss of the open field site to the development would be clearly material and harmful within a local frame of reference. This is a key point of reference when looking back at the Policy tests in relation to development within the AONB.
- 2.33. The addendum report and appendices prepared by the Landscape Architect dated February 2024 sought to address these comments and provides a detailed breakdown table of how the landscape characteristics are individual altered by the development. The conclusions of this however do not alter the applicant's conclusions that whilst moderate adverse impacts would result from this development, these impacts are concluded as not being significant, which the applicant clearly affords to the surrounding development.
- 2.34. This is a point which is not agreed and it is considered landscape impacts are downplayed at a localised level, with the development resulting in adverse harm to the local landscape character, and adding further built form to the area which would degrade some of the special characteristics of the National Landscape (AONB), which the current open field is safeguarding.
- 2.35. The North Devon Coast National Landscape Partnership (formerly AONB Partnership) have also objected in this basis noting that they also dispute the magnitude of impacts concluded and would consider harm arises from the development of the site, even with the layout proposed with a park area in the centre, and that due to site topography the development would also represent ridgeline development on the upper slopes and has a wider ranging visibility. These would therefore in essence conflict with A1-A5, and I2 of the AONB Management Plan. There are also concerns in respect of landscape impacts from the loss of dark skies resulting from a large scale residential development on this site. Whilst acknowledged there would already be some lightspill from the existing development, this would be added to by further residential roads and housing contributing to this.
- 2.36. In terms of other relevant material considerations at a local level which emphasise a similar importance of protecting open farmland in area of the AONB, even with surrounding development, the Local Planning Authority has successfully

fought two appeals in other locations in the AONB whereby permanent development of fields was sought. The first being at Myrtle Meadow Campsite at the entrance to Moor Lane in Croyde reference (LPA Ref 64206/64217 Appeal references APP/X1118/W/18/3209809 and APP/X1118/W/18/3209810) and the second being at Croyde Road on land adjacent to Langsfield (LPA ref: 74488, Appeal reference APP/X1118/W/23/3318926). These are included as appendices to this report.

2.37. Firstly taking the Moor Lane appeals, these were respectively of a development of 8 dwellings and 2 dwellings (alternative schemes) for the temporary campsite location, which for a proportion of the year was seen as open field. The photo below shows this context:



**Aerial view of site subject of above appeals (Moor Lane, Croyde)**

2.38. This is referenced in paragraph 19 of the appeal. It goes on to reference the permanent change having a harming urbanising effect, and concluded that the development did not conserve nor enhance the AONB setting. This was the view whether considering the scheme for 2 or 8 units.

2.39. In terms of the Croyde Road appeal, this was a scheme for 5 dwellings, again an aerial image is included below for reference:



**Aerial image of appeal site at Croyde Road**

- 2.40. At paragraph 7 of the appeal decision the Inspector acknowledges the developed context to the site however refers to its undeveloped nature ensuring the immediate area retains a relatively spacious and verdant character. He also refers to its edge of settlement location and how this ensures an important sense of transition from the village to the Countryside beyond.
- 2.41. In paragraph 11 the Inspector advises that the scheme would result in significant harm to the landscape and scenic beauty of the area, going onto state this is at long and close range views and therefore concludes in paragraph 15 that the development conflicts with identified policies that protect landscape and Nationally Designated Landscape.
- 2.42. In the context of the above, it is clear that the scheme results in landscape harm which it is considered to be significant in both a local context of the site by loss of the open pastoral character of the field which offers a visual break to existing development in the area, and a soft transition into the neighbouring landscape character type to the north and high value coastal downland. The development would give an overall urbanising effect, even with the landscaping proposed which can be very minimal given the site conditions. As such a significant conflict is considered to result with paragraphs 180, 182, 183 and 184 of the NPPF, and Policies ST14 and DM08A of the NDTLP. Significant weight is afforded to this conflict with the statutory development plan policies.

### Visual Impacts

- 2.43. In terms of visual impacts, this looks at the impacts experienced by users of the landscape and the viewpoints selection within this exercise are understood to have been agreed with the LPA for the purposes of the assessment carried out.



2.44. The table below from ES explains the significance of effects the development is considered to have on the visual receptors which have been identified:

Receptor	Sensitivity	Completion	Operation
People living, walking and travelling in the area immediately around the site (VPs 6,7,8. Site views 1 – 3)	Medium	Slight adverse	Moderate neutral
Receptor	Sensitivity	Completion	Operation
People walking on Woolacombe Down with direct and open views of the site (VPs 1,2,3)	High - Medium	Moderate adverse	Moderate adverse
People walking or travelling on local paths and lanes south of the site with glimpsed, intermittent views of the site (VPs 4,5, 10,13)	Medium	Slight adverse	Slight neutral
People visiting the viewpoint at Potters Hill (VP11)	High	Moderate adverse	Moderate adverse
People walking, cycling or travelling on lanes and the National Cycle Network north of the site (VPs 6, 9, 12)	Medium	slight adverse	slight adverse

2.45. This again reaches conclusions of the worse impact as moderate adverse in terms of significance and there is no dispute over the sensitivity categorisation of the reception points in this instance. There is also no dispute over the range of viewpoints provided.

2.46. In paragraph 4.19 of Peter Radmall's review of the LVIA, there is some question how a viewpoint at a closer range, such as the high sensitivity receptor being the public right of way (PROW) that crosses the site, has a less severe effect experienced than a viewpoint from higher ground at further distance. The review advises that this should have been classed as a major adverse impact.

2.47. In terms of mitigation of the visual impacts, landscaping and layout are used as the mechanism for this with the applicant's conclusions stating that over time the operational impacts of the development will lessen. There is some question that as the LVIA states slight adverse effect will remain post landscaping, that the landscaping is merely only beneficial to those resident at the site and offers no wider landscape mitigation (Section 4.22). This would lead one to conclude that

the 'mitigation' proposed is merely a paper exercise and would neither reduce harm levels nor enhance visual amenity from the baseline field, in any intrinsic way.

2.48. In the rebuttal supplied dated February 2024, this places a reliance on the view that the experience from Potters Hill and Woolacombe Down are destination points and the PROW through the site therefore is impacted less as it doesn't have this value. However, the experience from this PROW which enters the site at the service station and at present descends to Woolacombe on mainly undeveloped farmland, would fundamentally alter and would become wholly urbanised, being located on roadways within the site for the main part.

2.49. There is also a reliance that the existing development surrounding the site means the presence of further development would lessen the impacts from the proposed, 'being noticeable but not out of keeping'. This is an oxymoron suggesting that further built form maintains the existing visual impact, when it cannot possibly, it will only add further to that visual impact. Further viewpoints only seek to demonstrate this point further and will be presented as part of the Committee presentation but should also be reviewed by Members in advance of the committee so they are aware of the changes in context.

2.50. It is clear again that there remains points of contention whereby visual impacts appear to have been downplayed. This, along with landscape impacts, is evidence in the conclusion by Peter Radmall on page 16 of his review and copied below as advice to the Council to consider in its decision making:

- *The intrinsically greenfield character of the site and its representativeness of the downland countryside that forms its wider context in most views;*
- *The influence of existing development on the immediate setting of the site, which is also characteristic of the locality and apparent in most views, and the extent to which this may be considered to reduce its sensitivity;*
- *The way in which the site is perceived in the relevant views, as a legible part of the field pattern (from within the site and in medium-distance views from the south), with its northern boundary seen as forming part of the skyline;*
- *The site's contribution to visual amenity, ranging in particular from the PROW that crosses it to its role as a component of panoramic views from the south;*
- *The apparently limited ability of the proposed landscaping to mitigate the adverse impacts on both landscape character and views, as reported in the LVIA; and*
- *The role of the site within a nationally valued landscape, in which it makes a localised, but material, contribution to several of the special qualities of the AONB.*

## Summary

- 2.51. Drawing together the overall conclusions on the landscape and visual impacts of the proposed development on the National Landscape (AONB), there are clearly professional differences between the Landscape Architect preparing the LVIA and the Independent review whereby the magnitude of impacts communicated in the ES are not strictly agreed. There are also clear objections from the North Devon Coast National Landscape Partnership in relation to landscape harm, as well as the public and Parish Council.
- 2.52. It is clear that the field alone is not a cherished resource however its position in the landscape, preventing contiguous development by providing a clear visual break between the built form at Fortescue and Hartland View Road and Golden Coast plays a vital role when protecting local level landscape degradation and wider visual influence of urbanisation from sensitive viewpoints at Potters Hill and Woolacombe Down.
- 2.53. The appeal decisions cited above are material in this context and the Inspectors dismissed them, for much smaller scale development, where a similar loss of green space amongst other existing built form resulted in urbanisation of land with a visual contribution to the AONB setting.
- 2.54. As such, reverting to the above policy tests in ST14 and DM08A, development in National Landscape (AONB) must conserve and enhance their landscape character and natural beauty, neither of which is demonstrably achieved at this site where adverse landscape harm is considered to result. Furthermore in respect of the Heritage Coast, the relevant paragraph of the NPPF states that 'Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character'. It is clear the proposed development is not compatible with the special character identified above.
- 2.55. Furthermore, the site is considered to be undeveloped coast whereby ST09 (7) requires development to not detract from the unspoilt character, appearance and tranquillity of the area. As discussed above, the development is considered to detract from the character of the Undeveloped Coast and Heritage Coast, and no compelling evidence as to why the development could not be sited outside of this designation has been demonstrated as part of the application.
- 2.56. Referring back finally to the test of the NPPF at paragraph 183 and echoed within Policy DM08 (3) regarding major development in the National Landscape (AONB) and the test of need. As identified in the principle section above, there is no identified need for the development proposed which is considered to be speculative, and whilst accepting there is a need for affordable housing at a district level, there is no evidence suggesting it is required in this rural location in an AONB or that it has to be sited in this location and it therefore is not in the public interest to develop the site at the cost of the intrinsic character and beauty of the AONB.
- 2.57. As such the development further contravenes Policies ST14 and DM08A of the NDTLP and fails the tests in paragraph 180, 182, 183 and 184 of the NPPF. Approving the development would also not further the purposes of conserving and

enhancing the Natural Beauty of the National Landscape and as such a decision to approved the development would not meet the statutory duties of public bodies in relation to Section 85 of the Countryside and Rights of Way Act 2000.

### 3. Amenity

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

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

#### Neighbouring Residential Amenity

3.3. The site is neighbored to the east by a collection of low level chalets, originally approved as holiday accommodation, a garage, and a vacant public house as well as some residential properties, to the south is Golden Coast Holiday Park, to the west are residential dwellings within Hartland View Road and to the north is open farmland on the adjacent side of the road to Morteheo.



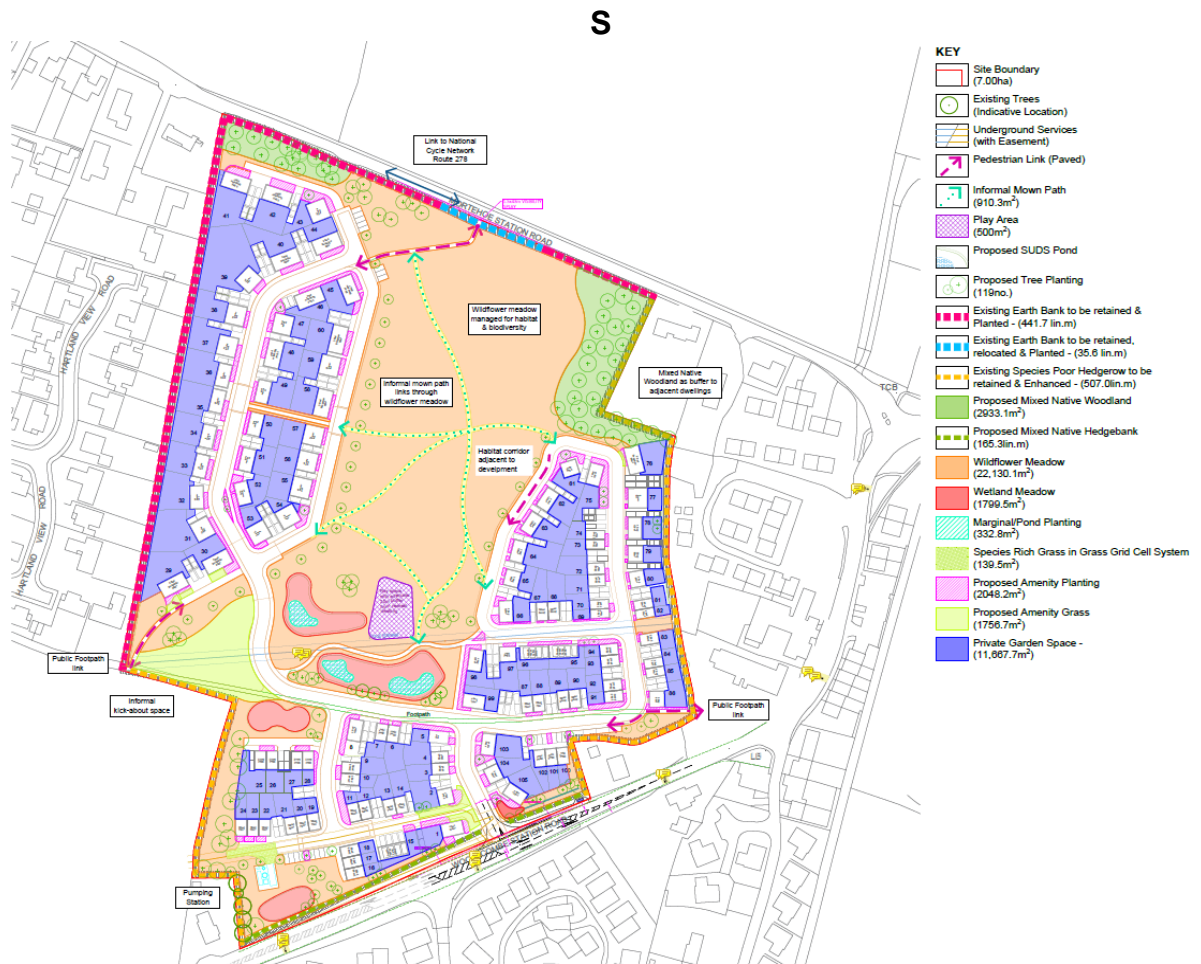
**Tourism development to the south of B3343 (dwellings adjoining site boundary Chilworth and Landscape House)**



**Extract of dwellings West of the site (Hartland View Road)**

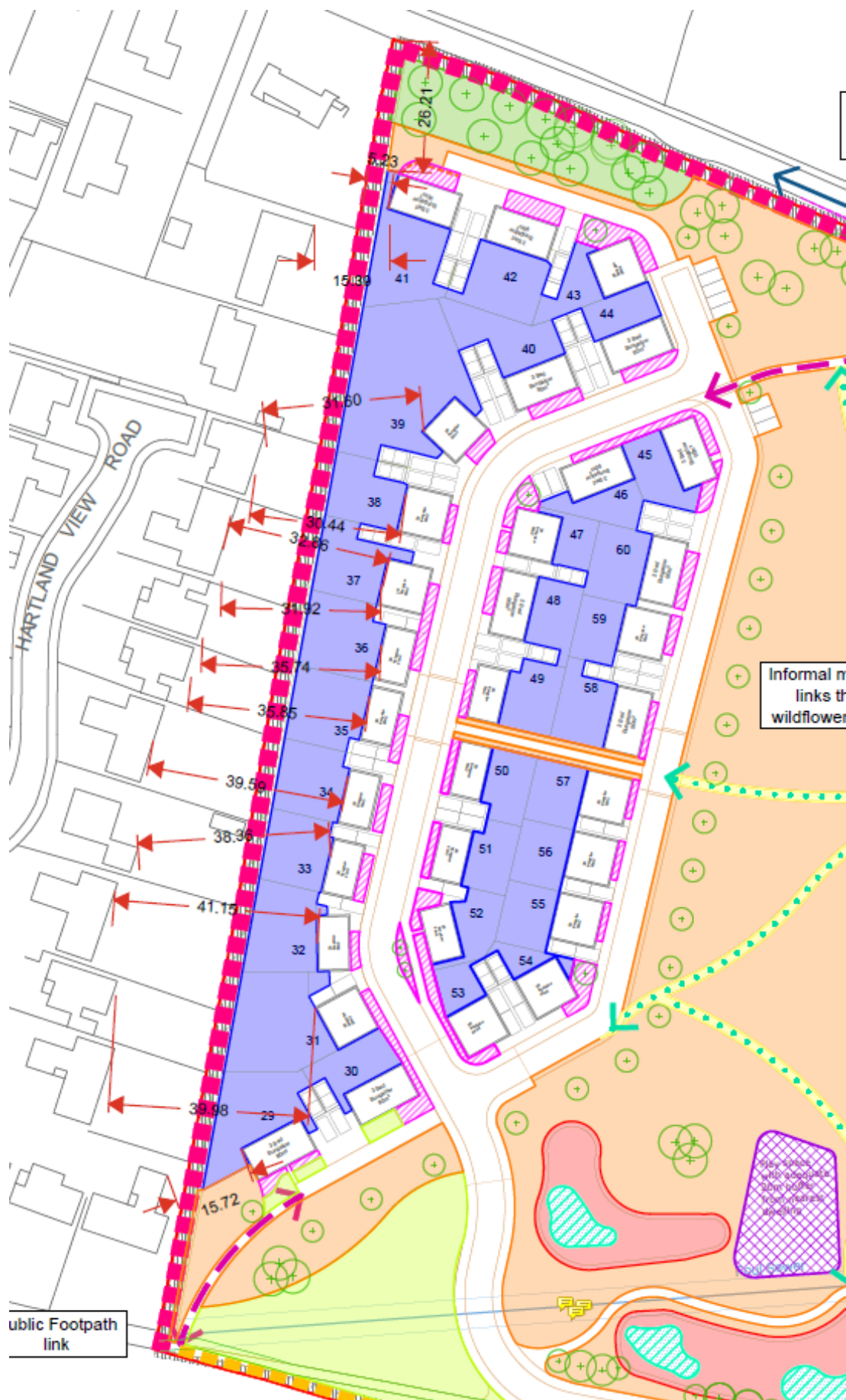


3.4. As the layout of the development is fixed the position of dwellings needs to be assessed as to their likely impact on neighbouring amenity. The dwelling layout has been designed with single storey dwellings in the northern part of the site reflecting the scale of development on the adjacent site. The lower parts of the site to the south are denser development and two storey dwellings. See plan for reference below:



3.5. Firstly taking the relationship with properties in Hartland View Road. In terms of the layout, the separation in excess of 30 metres and dwelling heights are such that the scheme is designed safeguarding against overlooking or overbearing of the majority of residents within Hartland View Road, whereby a distances of 21 metres window to window are generally accepted as good practice, with slightly lower distances sometimes accepted according to context.

3.6. There is an existing field boundary in place which remains and a solid boundary feature offering screening plus the single storey design prevents adverse levels of overlooking and intervisibility between plots. This is demonstrated by the plan extract below:



**Extract of Landscaping Plan showing distances between dwellings proposed**

3.7. There are some exceptions in relation to the separation distances above indicated by the plans. Firstly, taking the relationship between Plot 41 in the top north-west corner plot of the site and dwelling on the Morteohoe Road known as Four Winds, it should be noted here separation distances dwelling to dwelling is significantly less, with the layout plan above not reflecting the correct form of the dwelling which can be seen below and which directly abuts the boundary line:



**Aerial view of relationship with property in NW corner of site**



**Drone view of relationship with property in NW corner of site**

3.8. There are window openings in the eastern elevation of the neighbouring property and due to the low hedge boundary at present this gives open views eastwards across the application site. The location of the dwelling in Plot 41 gives a frontage facing north and rear amenity space would extend to the south. It would be sited 26 metres back from Morteohoe Road whereas the neighbouring properties is set further forward. It is, therefore, whilst the two properties are closely related, with Lynton House, Commercial Road, Barnstaple EX31 1DG | [www.northdevon.gov.uk](http://www.northdevon.gov.uk)



the addition of a blank single storey gable end facing west, and bolstering of the boundary with planting, this would negate any indirect intervisibility between existing windows on the east elevation and the dwelling on plot 41. This is also considered relevant to the relationship of 15.3 metres with the property west of the garden proposed for plot 41.

3.9. In the event approval were granted conditions would need to be imposed which secure the single storey dwelling heights in this part of the site, and in respect of this plot, prevent windows in the gable end facing west.

3.10. Again there is a closer relationship between the property in the south-east corner of Hartland View Road however this is again indirect and design consideration with placement of windows through appearance as part of any Reserved Matters would appropriately mitigate this issue.

3.11. In terms of the dwelling know as Landscape House which is located to the South-west of the site (see below):



**Aerial View of Landscape House**





**Drone View of Landscape House**



**Layout Plan extract**

- 3.12. Whilst separated suitably from neighbouring dwellings, there is a pumping station proposed to the east of the existing dwelling which has raised concerns from the Council's EHO. Whilst a noise assessment was requested, it was also considered that mitigation would be achievable and given matters of appearance and scale are not yet fixed, which may impact this, the use of a condition would be acceptable also. As such, in the event the application were approved a Noise Impact Assessment and mitigation scheme would need to be provided as part of a pre-development condition.
- 3.13. Moving to the dwelling to the south which is adjacent to the site boundary, known as Chilworth, this can be seen in the photos and plan extract below:



**Drone Extract of Chilworth**

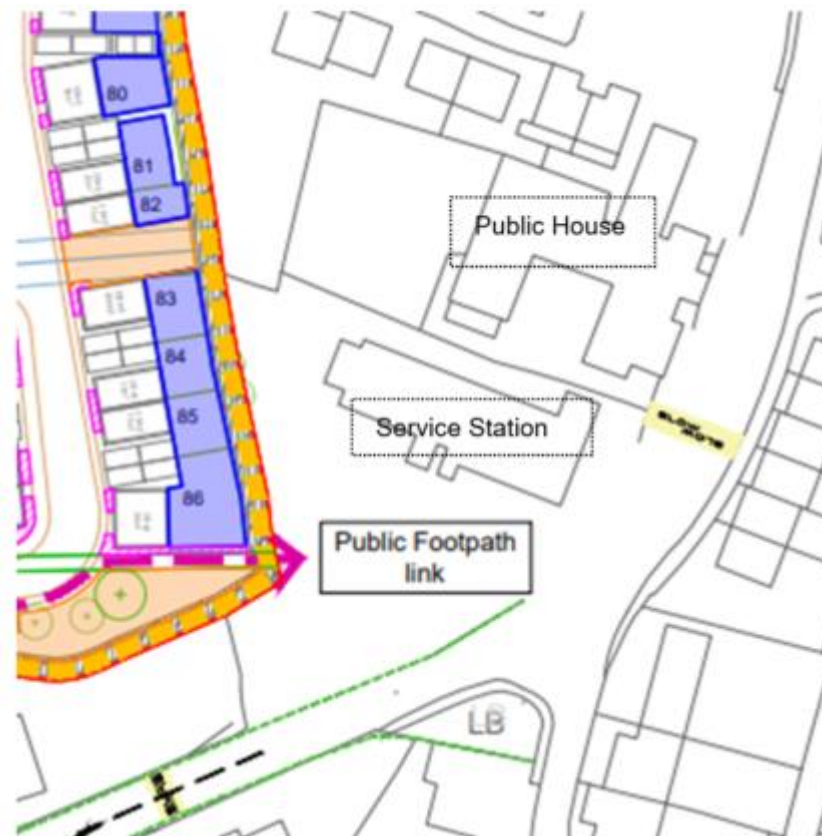


**Site Plan extract showing relationship with Chilworth**

- 3.14. There is an indirect relationship between this dwelling and the proposed dwellings to the west. The final appearance and placement of windows at first floor level, as part of any reserved matters for appearance and scale would suitably mitigated and impacts on overlooking or overbearing to Chilworth.

3.15. In terms of the relationship with development further south, the road and separation distances between the site and development further south is such that there are not considered to be any adverse amenity impacts.

3.16. On the eastern boundary with the site are a mix of uses, with a service station furthest south, and a public house above this (see plan below):



**Extract showing Service Station and Public House**

3.17. The site is at a lower level from the garage and above this is the vacant Fortescue public house where the garden part of the pub comes within close proximity to the site boundary and nearest dwelling (15 metres). Again a thorough assessment of noise impact potential from this existing use is produced in the ES. This has been reviewed by the EHO and some concerns have been raised in respect of fixing the layout without further noise assessment work taking place in respect specifically of noise from the service station. This has not been addressed.

3.18. Finally moving further northwards along the eastern boundary of the site are a number of residential or quasi-residential uses (consented holiday chalet). Irrespective of whether they are holiday or permanent residences amenity should be assessed in the same way.

3.19. Unfortunately the base layer mapping used by the applicant for their site plan is not accurate and the placement and size of adjacent development is not accurate in this area either.





**Drone extract of unit in Fortescue Bungalows Complex**



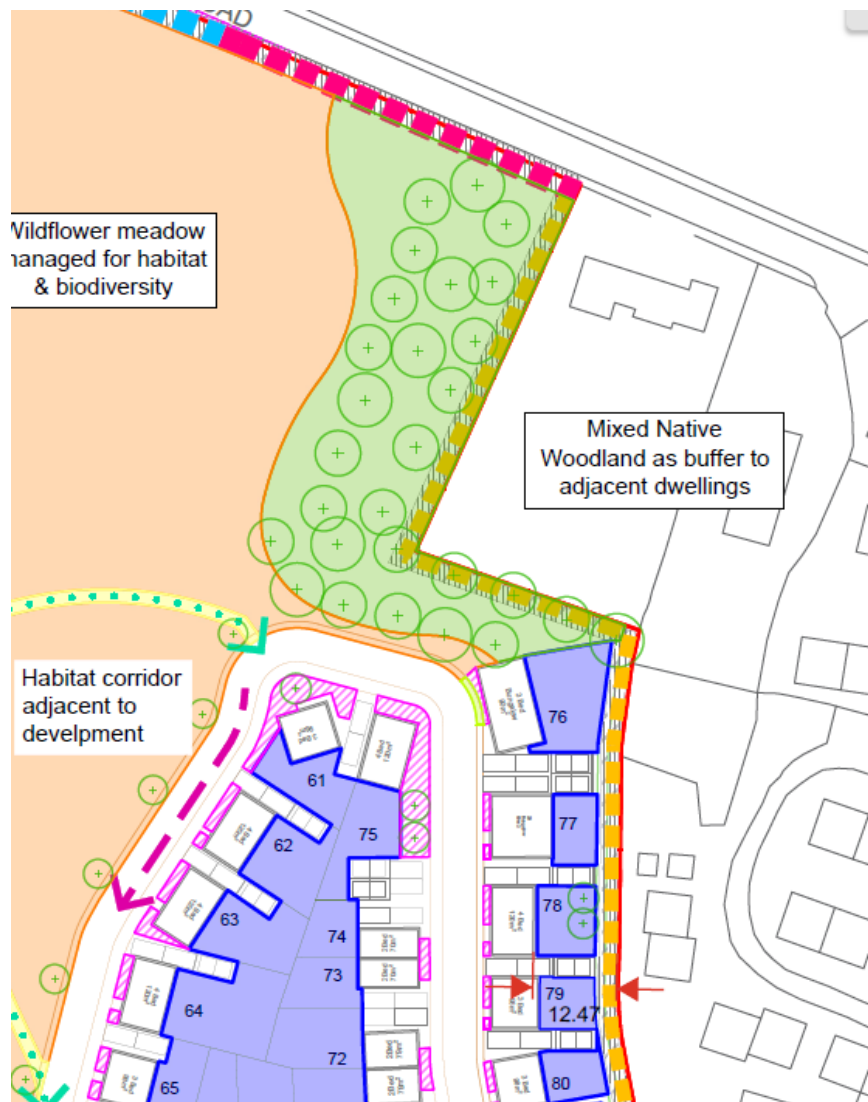
**Field level view of No. 5 and 6 Fortescue Bungalows**



**Site Plan extract showing relationship with Fortescue Bungalows**

- 3.20. This discrepancy with plans means that the separation distance between a two storey dwelling and the existing units of accommodation No. 5 and 6 Fortescue Bungalows is only 12 metres which is the depth of the garden and low hedge bank with a direct window to window overlooking arrangement likely to occur as well as an overbearing impact on the accommodation. As such this would result in poor living conditions for anyone occupying the holiday units such that it would be contrary to policies DM01 and DM02 of the NDTLP.
- 3.21. As the development travels further north along the eastern boundary, there is less conflict with neighbouring amenity and therefore appropriate amenity is retained for these dwellings in the north-eastern corner adjacent to the site as indicated below:





**Site Plan Extract of North-Eastern part of site**

3.22. In summary, neighbouring residential amenity is effectively safeguarded by the site layout where relationship's with existing residential properties is concerned however, with the exception of the relationship between Plot 78 and 79 in relation to No. 5 and 6 Fortescue Bungalows which conflict with Policies DM01, DM02 and DM04 is identified to which **moderate weight** is afforded.

3.23. Furthermore, there is potential conflicts from pumping station noise to existing occupiers and impacts from the garage and road noise which have not been fully explored on future occupiers. Whilst the EHO considered the pumping station which could potentially be dealt with by a planning condition, the other impacts may affect the overall site layout and as such it cannot be concluded that unacceptable amenity impacts to future occupiers would not result therefore contrary to Policies DM01, DM02 and MD04 of the NDTLP, again **moderate weight** is afforded to this conflict.

### Noise

3.24. In terms of noise emission both generated from the development and in relation to neighbouring uses, these are assessed in Chapter 11 of the ES. In terms of the development itself, the resulting noise generated by the development

and including through the construction phase is summarised as having a negligible noise impacts.

- 3.25. In relation to existing neighbouring noise generation uses to the site aforementioned above being the garage and pub, risk to on-going operations at the site is concluded to be low risk in the ES.
- 3.26. The findings of these assessments have been scrutinised by the Council's Environmental Health Consultant and a condition is required in the event of an approval securing Noise Impact Assessment in relation to the aforementioned relationship between Landscape House and the proposed pumping station, which is considered can be appropriately mitigated subject to conditions.
- 3.27. As detailed above further noise concerns were raised in respect of potential noise sources from the road, garage and pumping station with the EHO considering that not enough information was presented to approve a fixed layout without the further submission of a noise assessment.

### Air Quality

- 3.28. As part of chapter 12 of the ES, air quality impacts are discussed in relation to the development proposed at both construction and operational stages. In relation to construction phases this concluded that air quality effects would be low risk for PM Health Effects with mitigation, however carried high risk of potential nuisance from dust soiling impacts. This would be managed by mitigation measures part of a Independent Air Quality Management Plan. (IAQM).
- 3.29. In terms of operational development, the impacts of trips generated by the development is concluded as 'not significant' on sensitive receptors. Additional measures to reduce AQ impacts are however also advocated by the Highway consultant for the Travel Plan are as below:
- Minimise single occupancy car travel to and from the development
  - Identify which measures are needed to maximise the use of non-car travel
  - Lead to a change in the travel behaviour of individuals to a sustainable mode of travel and then maintain that change
  - Identify ways of reducing the need to travel to and from the development
- 3.30. The unsustainable location of the site for a development of the size proposed will be discussed in greater depth in the highways section of this report however it is considered there is an overreliance on alternative modes to reduce air quality impact at operational stage which are not appropriately quantified.
- 3.31. There are not considered to be any significant impacts arising from cumulative impacts of the development with other site.

### Land Contamination

- 3.32. In terms of land contamination, Policy DM02 of the NDTLP requires the consideration of land contamination to protect public health. A Phase 1 contamination and ground investigation report is included in the technical

documents part of the ES and summarised in Chapter 13 of the Non-Technical Summary.

- 3.33. At construction stage no significant adverse impacts are identified and a construction Environment Management Plan (CEMP) would details the best practice measures for protection during construction and a reactive land contamination condition, as advocated by the EHO, would be require in the event of an approval to deal with any unexpected contamination.
- 3.34. In terms of operational impacts, the presence of arsenic is identified on site as well as radon gas which whilst comment to soils in South West England requires suitable mitigation to prevent impacts to human health. The EHO has suggested a condition to deal with mitigation measures which as part of an outline application, fixing only layout and access, is considered to be an appropriate measure of safeguarding.
- 3.35. No residual or cumulative effects of land contamination from the development area identified.
- 3.36. As such, subject to the imposition of the above condition, which would safeguard human health, this is in accordance with Policies DM01 and DM02 of the NDTLP.

#### **4. Heritage Assets**

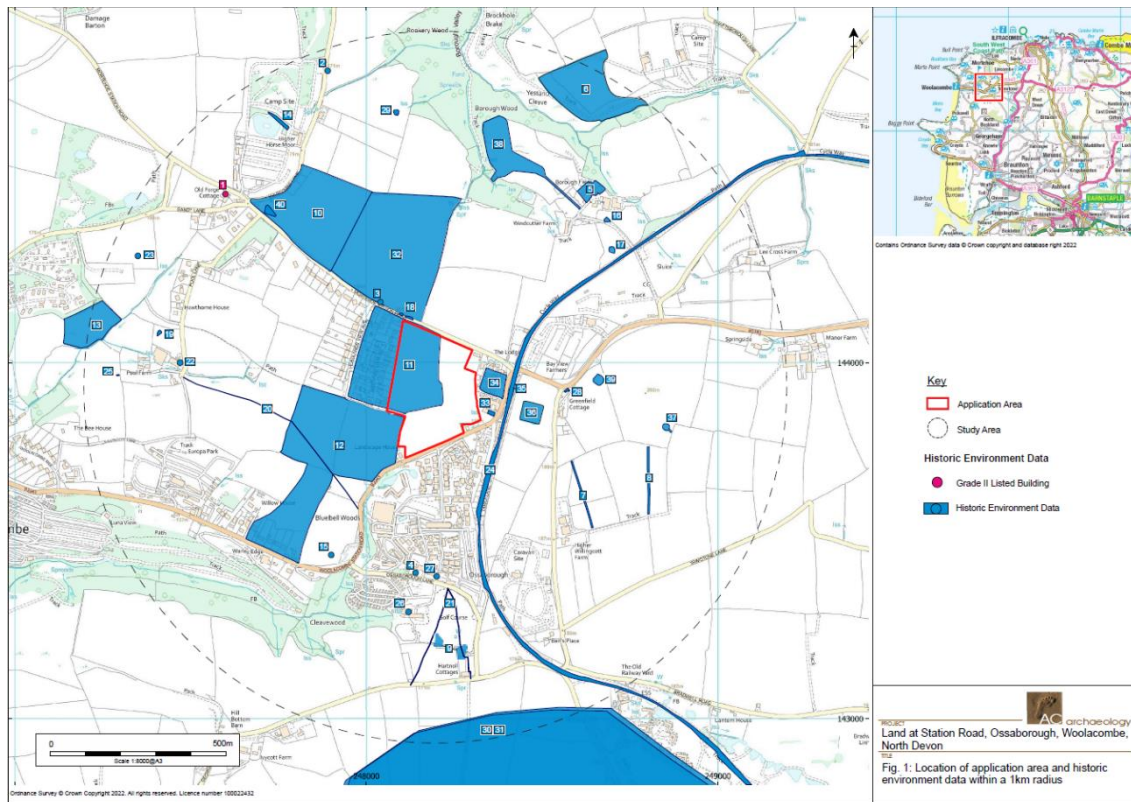
- 4.1. When considering granting planning permission which affects a listed building or it's setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.
- 4.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority in respect of conservation areas in exercise of planning functions. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.3. A designated heritage asset can be a listed building (including curtilage listed building), Conservation Area, Registered Park or Garden or Scheduled Ancient Monument. Local planning authorities have specific duties to make informed planning decisions on how development impacts on Heritage Assets and their settings.
- 4.4. The Act enshrines a strong presumption against harm to the significance of a heritage asset. If harm is likely to be caused by a proposal, paragraphs 200-208 of the NPPF will need to be applied. Policies ST15 and DM07 of the NDTLP apply to the development where they require development to 'preserve and enhance' heritage assets and great weight should be afforded to such protections.

#### **Heritage Assets**

- 4.5. The nearest built heritage assets to the site are listed buildings Old Forge and Cherry Tree Cottage which are located 600 metres north-west of the site and



therefore do not sit within an immediate context with the site, whereby other development extends along Morteheo Station Road in the intervening area. The plan below shows the locations:



**Plan Showing Location of Listed Buildings and other historic environment data**

4.6. The ES accompanying the application provides an assessment on the likely impacts on the setting of the designated heritages assets and provides the technical report behind this. This report concludes that the settings which contribute to the heritage assets identified will remain unaffected by the development.

4.7. The application was subject to consultation with Historic England and the Council's Heritage and Conservation Officer, with Historic England advising that the Council's specialist conservation advisors comments should be sought. These are copied below:

*'There are no designated heritage assets in the near vicinity; the closest listed buildings are Cherrytree Cottage and the Old Forge at the Sandy Lane junction. I do not consider that the significance of these will be harmed through effect on setting. I note, however, that there may be archaeological issues and whilst these do not relate to designated heritage assets, these factors nonetheless need to be taken into account.'*

4.8. Based on the above finding and the conclusions reached within the ES and supporting assessment work, it is concluded that harm to the setting of these heritage assets would not result from the development.

### Buried Archaeology

4.9. The application site has been the subject of archaeological assessment in the form of a geophysical survey to identify the potential for and importance of any buried archaeological features. This assessment and interrogation of the Historic Environment records by DCC's Archaeologist has result in the following objection being raised:

*'The geophysical survey of the site has identified anomalies that are indicative of the presence of archaeological deposits and features. In particular the survey has identified the possible presence of a multi-vallate ditched enclosure within the development site. Similar anomalies elsewhere in the county have been shown to be prehistoric or Romano-British settlement sites. However, without undertaking intrusive archaeological investigations it is not possible to understand the significance of the heritage assets within the development site, the impact of the development upon them or the efficacy of the survey itself.*

*As such, I would advise that the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.*

*Given the high potential for survival and unknown significance of below ground archaeological deposits associated with the putative prehistoric or Romano-British ditched enclosure and the absence of sufficient archaeological information, the Historic Environment Team objects to this application.*

*If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application by your Authority. This would be in accordance with Policy DM07 in the North Devon and Torridge Local Plan (2018) and paragraphs 194 and 195 of the National Planning Policy Framework (2021).*

*The additional information required to be provided by the applicant would be the results of a programme of intrusive field evaluation that should investigate the anomalies identified by the geophysical survey as well as any apparently blank areas. The field evaluation should sample 3% of the development site as a minimum.*

*The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.*

*I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further*

*information on the historic environment and planning, and our charging schedule please refer the applicant to:*  
<https://new.devon.gov.uk/historicenvironment/development-management/>.’

- 4.10. Following the above objection, this was raised with the applicant in August 2023 and a formal request for submission of the information was made however was not forthcoming. As such insufficient information has been presented to demonstrate that the development would not result in the direct loss or damage to a non-designated heritage asset and as such contravenes paragraphs, 200, 201 and 209 of the NPPF and policies DM07 and ST15 of the NDTLP. **Moderate weight** is afforded to this conflict with policy.

## 5. Ecology

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

- 5.2. In respect of ecology, Policy ST14 (Enhancing Environmental Assets) of the NDTLP, requires quality of northern Devon’s natural environment will be protected and enhanced by ensuring that development contributes to:

*‘(a) providing a net gain in northern Devon’s biodiversity where possible, through positive management of an enhanced and expanded network of designated sites and green infrastructure, including retention and enhancement of critical environmental capital;*  
*(b) protecting the hierarchy of designated sites in accordance with their status;*  
*(c) conserving European protected species and the habitats on which they depend; (d) conserving northern Devon’s geodiversity and its best and most versatile agricultural land...*  
*(i) conserving and enhancing the robustness of northern Devon’s ecosystems and the range of ecosystem services they provide;’*

- 5.3. This is further enshrined in development management Policy DM08 (biodiversity and geodiversity) whereby this policy provides detailed criteria on the above consideration in relation to the assessment of planning applications. Paragraph 180 and 181 of the NPPF also seek the same set of objectives in respect of the above and reiterates the statutory duties.

### Protected Species

- 5.4. The Ecological assessment work (EclA) accompanying the application acknowledges the potential impacts on a number of species following an appropriate level of survey effort and provides appropriate details in the commentary of mitigation and enhancement required to negate any impacts arising from the development and provides an overall enhancement on site.

5.5. The creation of the site access to the south and pedestrian access to the north will result in some disturbance and removal of hedgerows with habitat potential and suitable mitigation through:

- Re-surveying of badger activity
- Construction Exclusion Zones (CEZs) for retained Hedgerows
- Permanent buffers for hedgerows
- Staged clearance of vegetation on the grass bank for reptiles
- Augmentation/gapping up of existing hedgerows
- Replacement hedgerow planting
- Artificial Lighting Strategy
- Covered trenching and capped pipes
- Control of disturbance levels
- Appropriate timing of woody species removal
- Inter-property fences allowing wildlife access
- Creation of meadow bordered by broadleaved trees (parkland)

5.6. The above can be effectively ensured by conditions and the Landscape and Ecological Management Plan and would safeguard protected species from impacts of the development. Enhancement measures are also proposed which are discussed further below under biodiversity net gain (BNG). The application has been reviewed by the Council Sustainability Officer and no objections are raised to the report and survey efforts, which also accord with Natural England standing advice.

5.7. As such the development would comply with the above statutory duties and those outlined in Policies ST14 and DM08 of the NDTLP and paragraph 186 of the NPPF.

#### Biodiversity Net Gain

5.8. The schemes submission pre-dates the mandatory BNG requirement of a 10% net gains however a good practise approach has been adopted and the EclA demonstrates that through a landscape-led design approach the site is capable of achieving a 22.89% increase in habitat units, and a 237.67% increase in hedgerow units.

5.9. The scheme provide a large informal wildflower meadow running north to south at the centre of the site and a mix of woodland and more wildflower planting around other parts of the site. Existing hedgerows around the site are of mixed quality and the scheme seeks to provide new planting on the boundary hedges to improve biodiversity value.

5.10. The following enhancement measures would be adopted in the development as a means to achieve the BNG:

- Management of existing habitats: hedgerows
- Creation of new habitats: SUDS basins with native wetland seed mix
- Planting of native broadleaved trees
- Inclusion built-in bird boxes/bricks (one for every two

- dwellings), plus provision of a barn owl nest box
- Inclusion built-in bat tubes/bricks (one for every two dwellings)
- Inclusion of a solitary bee brick (one in every dwelling)
- Reptile and amphibian refugia provision
- Provision of three hedgehog boxes/houses
- Landscaping to benefit wildlife

5.11. It was queried on the site visit as to the extent of hedgerow lost to the site access which can be confirmed as an extent of 173m of hedgerow forming the southern boundary of the site. The hedgerow removed would however be replaced with a new hedgebank with native planting. To the north the hedgerow is to be relocated, with additional planting closing the existing double gate access and creating the pedestrian access.

5.12. The scheme provides an appropriate BNG scheme and achieves the requirements of Policy ST14 as well as being in line with the latterly adopted mandatory gains. The uplift in biodiversity unit on the site is significant given the current low biodiversity level of the agricultural land. As such **significant weight** is afforded to the biodiversity gains.

#### Habitat Regulations Assessment

5.13. In relation to the Special Areas of Conservation (SAC) being the Braunton Burrows SAC and Culm Grassland SAC, the response by Natural England highlighted the need for an appropriate assessment to be carried out in relation to the Habitat Regulations in order to ascertain whether significant effects were likely to result from the proposals. The LPA have previously commissioned a strategic assessment which demonstrates that new residential development of up to 10,000 non-plan led dwellings could occur before significant effects would be deemed to result on the Culm SAC.

5.14. In terms of Braunton Burrows SAC, as North Devon Council's Habitat Regulations Assessment (HRA) at the Joint Plan level (JLP) the area is outside of the Zone of Influence where impacts would arise on the SAC. As such it can be screened out from further assessment.

5.15. As such the development is not considered to adversely affect the designated sites concerned and has been screened out of the need for a full Habitat Regulations Assessment.

#### Best and Most Versatile Agricultural Land

5.16. Policy ST14 (d) and Paragraph 180 (b) of the NPPF recognises the natural capital associated with the Best and Most Versatile Agricultural Land (BMV) which is land classed as 1-3a as defined by the glossary to the NPPF and classed by the Agricultural Land Classification Map South West Region produced by the Ministry for Agriculture Fisheries and Food (MAFF), subsequently superseded by the Department for Environment, Food, and Rural Affairs (DEFRA).

5.17. The application is accompanied by a Agricultural Land Classification report which concludes that 56% (3.8ha) of the site is level Grade 3a, with the remaining  
Lynton House, Commercial Road, Barnstaple EX31 1DG | [www.northdevon.gov.uk](http://www.northdevon.gov.uk)

land within category 3b. As such, the loss of 3a constitute a loss of Best and Most Versatile Agricultural land which is a finite resource.

5.18. The aforementioned policies seek to conserve BMV agricultural land from development and as such the development results in a loss of 3.8ha to BMV agricultural land and as such is contrary to Policy St14 (d) and paragraph 180 of the NPPF. **Limited weight** is afforded to this conflict.

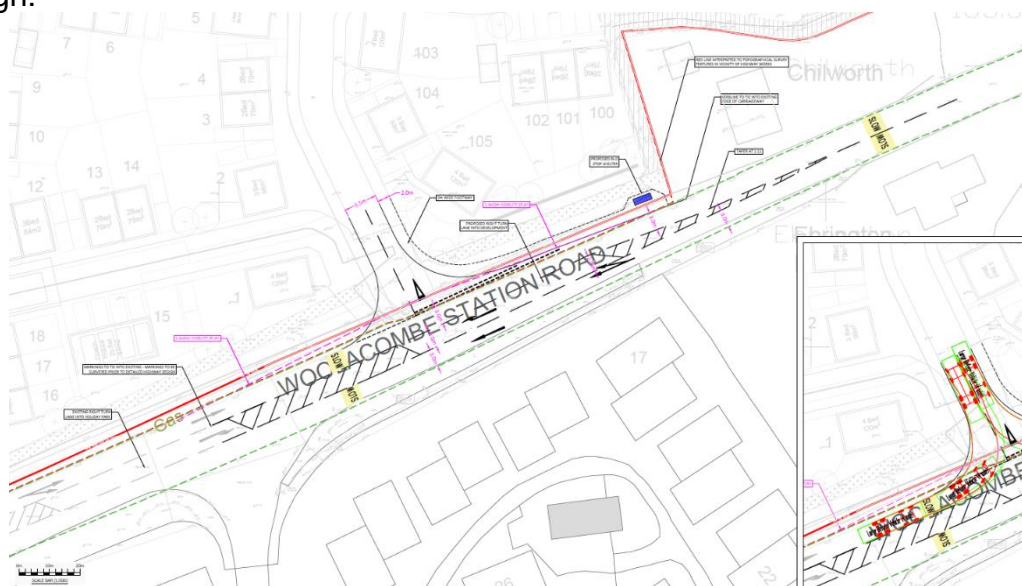
## 6. Highways

6.1. Policies ST10, DM05 and DM06 of the NDTLP requires development to provide safe and suitable access for all road users, providing sufficient access to alternative modes of travel to reduce the use of the private car, to safeguard strategic routes and provide appropriate transport infrastructure across the area to ensure the above is achieved. This is further enshrined in chapter 9 of the NPPF.

### Technical site access design

6.2. The application seeks approval of matters relating to access with a new access to the proposed development formed on the southern boundary of the site. This would involve the removal of a 173m stretch of hedgerow to create access visibility which would then be replaced as part of a comprehensive landscaping scheme.

6.3. The technical access drawings show the access arrangement providing a right turn land into the site from the adjacent side of the carriageway and into the adjacent site. There is also the provision of a bus shelter and a small stretch of footway from within the site to the bus stop. The plan below shows the technical design:



**Plan extract showing site access design**

6.4. Whilst this technical design layout has not attracted any objection from DCC highways there is a notable absence of safe crossing points for any occupiers of the site to gain access the to the Nisa shop contained within the Golden Coast site to the south of Woolacombe Station Road, nor is there ability to safely cross and re-cross to access the public house (if it were open) or to access the shop at the service station.



6.5. It is noted that the site can be access by the PROW to the east however this is via a steep stepped stile which would not be accessible to those with mobility impairment or using a pram or pushchair. These users therefore would have to cross and re-cross the highway to access the facilities which the applicants advocate makes the site sustainable. Traffic calming measures are suggested by the Transport Assessment however there is no provision for crossing points. There is also no dedicated bus stop being created therefore a bus stopped at the site entrance would further impair visibility for someone crossing the road.

6.6. The development has attracted the following objection from DCC Highways:

*'However, the major concern I have is regarding the lack of accessibility to and from the site for non-motorised users and, therefore, the following objection is raised:*

*1) There is inadequate footway/cycleway provision to accommodate the additional pedestrian/cyclist movements likely to be generated between the proposed development site and the services and facilities required by the new residential occupants. As a result, the increase in vulnerable users on the Class II County Road, the B3343, and other county roads, is likely to lead to additional danger and inconvenience for such users, contrary to Policy DM05 (1) of the joint North Devon and Torridge Local Plan 2011-2031 (2018) and Paragraphs 114 (a) (b), 115 and 116 (c) of the National Planning Policy Framework (December 2023).'*

6.7. In light of the above, the highway access and design, as well as immediate network arrangements are not considered to provide safe and suitable access for all road users and as such would be contrary to Policies DM05 (1) and ST10 of the joint North Devon and Torridge Local Plan 2011-2031 (2018) and Paragraphs 114 (a) (b), 115 and 116 (c) of the National Planning Policy Framework.

6.8. This further leads into an area of significant policy conflict in relation the development of this site in the location proposed.

#### Site Sustainability and Access to alternative modes

6.9. The Local Planning Authority have maintained the position throughout pre-application discussions and the applications progression that the location of the site is unsustainable, providing poor access to facilities required on a daily basis, which is likely to result in the reliance on the private car to access these facilities.

6.10. Firstly taking the facilities that do exist in the immediate locality of the site, these consist of a public house, which is currently shut and being actively marketing for sale, a small shop ancillary to a car servicing business and the Nisa shop on the Golden Coast site which is understood to be open all year round and open the public, these are accessible on foot, within acceptable walking distances however for the reasons above are not safely accessible and these do not provide for daily needs such as employment and education.

6.11. The application has produced the table below of facilities which can be accessed from the site and the distances and timings for accessing them by alternative modes. This appears to be a purely paper based exercise as there are

no dedicated walking or cycling routes which would provide access for all type of user and the topography of the area is such that you would need to be of good health and have sufficient time in the day to access these facilities.

Table 3.1: Proximity of the site to local facilities and services

Facility / Amenity	Walking distance from centre of site (metres)	Walking travel Time (minutes)	Cycling distance from centre of site (metres)	Cycling travel Time (minutes)
Golden Coast Holiday Park Bus Stops	188	2	188	1
Golden Coast Service Station	230	3	230	1
Telephone Box Bus Stops	320	4	320	1
Fortescue Arms Bus Stops	390	5	390	1
Fortescue Arms pub restaurant	390	5	390	1
J&J Wilson Nisa Local convenience store	400	5	400	1
ATM	450	6	450	1
The Old Mill Pub	600	8	600	2
Spar Service Station	-	-	1110	3
Woolacombe Bay Cinema	1570	20	1870	6
The Woolacombe Medical Centre	2370	30	2650	8
Bevan Doctors Surgery	2470	31	2750	9
Woolacombe School	2570	32	2850	9
Londis	2870	36	3150	10
The Beach House restaurant	2870	36	3150	10
The Tides Inn	2870	36	3150	10
Shepherds Hut Cafe	2870	36	3150	10
Woolacombe Beach	3070	38	3350	10

\*Based on walking speeds of 80 metres per minute and Cycling Speeds of 320 metres per minute

### Extract from Travel Assessment

6.12. This table is considered to be misleading as the reality is that no parent would walk their child 2.5km to Woolacombe School from this site on a regular basis, via the rural PROW (shown on OS Map below dotted green) nor would they cycle to the village due to the significant incline up out of the village and safety considerations. Similarly, unless all occupants of the site worked on the adjacent holiday park, significant movements from the site for access to employment, with Ilfracombe being the nearest area centre at 4.5 miles away, would result from the development.



OS Map showing PROW accessing Woolacombe (green dotted line)

6.13. There would be limited access to alternative modes to access services outside of the site, with walking not feasible to Ilfracombe and cycling would be



limited to those with good health and time. The reality is that access would be limited to bus travel and private car. As such it is necessary to look at the year-round bus provision.

6.14. The below is a table again extracted from the Travel Plan however again this is misleading in respect of the level of service provision and its frequency:

Table 3.2: Bus Service Summary

Service No.	Route:	First / Last:	Frequency of services (mins)		
			Weekday (Mon-Fri)	Sat.	Sun.
31	Ilfracombe – Mullacott Cross – Woolacombe – Mullacott Cross – Ilfracombe	07:45 / 17:35	60	60	-
303	Barnstaple – Pilton	07:50 / 17:50	5*	4*	-

### Extract table from Travel Plan showing bus service

6.15. When the bus timetables are properly examined, the service is not to the frequency described above given it does not stop at the site as a matter of course and no proposal to the bus provider has been put forward to provide a dedicated stop at the site nor has a safe bus stop proposed as part of the site access layout:

ILFRACOMBE - WOOLACOMBE - MORTEHOE Circular											Taw & Torridge 31		
Monday to Saturday (Except Public Holidays)													
	SSH	SD	0905	1005	1105	1205	1305	1405	FSD	MThSD	FSSH	1635	1735
ILFRACOMBE, St James Place Gardens	0745	0745	0905	1005	1105	1205	1305	1405	-	-	1535	1635	1735
ILFRACOMBE, Academy	-	-	-	-	-	-	-	-	1455	1530	-	-	-
ILFRACOMBE, High Street Garage	0750	0750	0910	1010	1110	1210	1310	1410	1505	1540	1540	1640	1740
MULLACOTT CROSS	0757	0757	0917	1017	1117	1217	1317	1417	1512	1547	1547	1647	1747
LEE CROSS	0801	0801	0921	1021	1121	1221	1321	1421	1516	1551	1551	1651	1751
GOLDEN COAST, Holiday Park	-	-	-	1023	-	1223	-	1423	1518	1553	1553	1653	1753
MORTEHOE, Post Office	0807	0807	0927	-	1127	-	1327	-	-	-	-	-	-
WOOLACOMBE, Sands Arrive	0814	0814	0932	1028	1132	1228	1332	1428	1523	1558	1558	1658	1758
WOOLACOMBE, Sands Depart	0814	0814	0935	1029	1135	1229	1335	1429	1524	1559	1559	1659	1759
MORTEHOE, Post Office	-	-	-	1036	-	1236	-	1436	1531	1606	1606	1706	1806
GOLDEN COAST, Holiday Park	0819	0819	0940	-	1140	-	1340	-	-	-	-	-	-
LEE CROSS	0821	0821	0942	1042	1142	1242	1342	1442	1537	1612	1612	1712	1812
MULLACOTT CROSS	0825	0825	0946	1046	1146	1246	1346	1446	-	1616	1616	1716	1816
ILFRACOMBE, Academy	-	-	0840	-	-	-	-	-	-	-	-	-	-
ILFRACOMBE, Wilder Road	0832	0847	0953	1053	1153	1253	1353	1453	-	1623	1623	1723	1823
ILFRACOMBE, St James Place Gardens	0837	0852	0958	1058	1158	1258	1358	1458	-	1628	1628	1728	1828

CODE: SSH - SATURDAYS THROUGHOUT, ALSO MONDAY TO FRIDAY DURING SCHOOL HOLIDAYS  
SD - SCHOOLDAYS ONLY MThSD - MONDAY TO THURSDAY SCHOOLDAYS  
FSD - FRIDAY SCHOOLDAYS  
FSSH - FRIDAY AND SATURDAY THROUGHOUT, ALSO MONDAY TO THURSDAY IN SCHOOL HOLIDAYS

*This service is financially supported by Devon County Council*

### No 31 Bus Timetable (Devonbus.org May 2024)

**WOOLACOMBE - BARNSTAPLE Via Braunton**

**Filers Travel 303**

**Monday to Saturday (Except Public Holidays)**

	CD	CH	Tu	NTu	Tu	NTu	CD	CH	X
MORTEHOE, Post Office	0750	0750	0937	0937	1137	1435	1445	1725	1825
<b>WOOLACOMBE, Sands</b>	<b>0800</b>	<b>0800</b>	<b>0945</b>	<b>0945</b>	<b>1145</b>	<b>1455</b>	<b>1455</b>	<b>1735</b>	<b>1835</b>
GOLDEN COAST, Camp	0805	0805	0950	0950	1150	1500	1500	1740	-
GUINEAFORD BRIDGE	-	-	1010	-	-	-	-	-	-
PRIXFORD, Ring of Bells	-	-	1012	-	-	-	-	-	-
UPCOTT CROSS	-	-	1017	-	-	-	-	-	-
BRADFORD, Lion House	-	-	1019	-	-	-	-	-	-
WEST DOWN, Square	-	-	-	1001	-	-	-	-	-
<b>BRAUNTON, opp George Hotel</b>	<b>0820</b>	<b>0820</b>	-	<b>1010</b>	<b>1205</b>	<b>1515</b>	<b>1515</b>	<b>1755</b>	-
BRAUNTON, Tesco	-	-	-	1015	1209	-	-	-	-
HEANTON PUNCHARDON, Phone Box	-	-	-	1022	-	-	-	-	-
ASHFORD	-	-	-	1027	-	-	-	-	-
ASHFORD, A361 Garden Centre	0826	0826	-	-	1215	1521	1521	1801	-
BICTON STREET	-	-	-	-	1230	-	-	-	-
<b>BARNSTAPLE, Bus Station</b>	<b>0840</b>	<b>0840</b>	<b>1030</b>	<b>1040</b>	<b>1235</b>	<b>1535</b>	<b>1535</b>	<b>1815</b>	-
BARNSTAPLE PETROC COLLEGE	0850	-	-	-	-	-	-	-	-
OLD TORRINGTON ROAD (PETROC)	-	-	-	Tu	NTu	-	CD	CH	X
<b>BARNSTAPLE, Bus Station Stand L</b>	-	<b>0900</b>	<b>1050</b>	<b>1350</b>	<b>1350</b>	<b>1540</b>	<b>1650</b>	<b>1650</b>	<b>1750</b>
BICTON STREET	-	-	-	-	-	1545	-	-	-
ASHFORD, A361 Garden Centre	-	0910	1105	-	-	-	1700	1700	1800
ASHFORD	-	-	-	-	1359	-	-	-	-
HEANTON PUNCHARDON, Phone Box	-	-	-	-	1405	-	-	-	-
BRAUNTON, Tesco	-	-	1112	-	1412	-	-	-	-
<b>BRAUNTON, George Hotel</b>	-	<b>0917</b>	<b>1117</b>	-	<b>1417</b>	-	<b>1705</b>	<b>1705</b>	<b>1805</b>
WEST DOWN, Square	-	-	-	-	1427	-	-	-	-
BRADFORD, Lion House	-	-	-	1400	-	-	-	-	-
UPCOTT CROSS	-	-	-	1403	-	-	-	-	-
PRIXFORD, Ring of Bells	-	-	-	1408	-	-	-	-	-
GUINEAFORD BRIDGE	-	-	-	1410	-	-	-	-	-
MORTEHOE, Post Office	0750	0937	1137	1435	1445	-	1725	1725	1825
<b>WOOLACOMBE, Sands</b>	<b>0800</b>	<b>0945</b>	<b>1145</b>	<b>1445</b>	<b>1455</b>	-	<b>1735</b>	<b>1735</b>	<b>1835</b>

CODE: CD - OPERATES ON BARNSTAPLE PETROC COLLEGE DAYS ONLY Tu - TUESDAY ONLY  
 CH - SATURDAY THROUGHOUT, ALSO MONDAY TO FRIDAY IN BARNSTAPLE PETROC COLLEGE HOLIDAYS  
 NTu - NOT TUESDAY X - DOES NOT OPERATE ON WINTER SATURDAYS - AFTER 26TH OCTOBER 2024

**This service is financially supported by Devon County Council**

**No 303 Bus Service to Barnstaple (Devonbus.org May 2024)**

6.16. As such, whilst access to bus travel is available at certain times, this is not the frequency pertained above in the TA and does not include a designated stop, at a safe stopping point on the B class road access the site. Given the nature of the bus frequency and lack of dedicated stopping, this is unlikely to become a preferred mode of travel and would not constitute well-designed access to alternative modes of transport.

6.17. In light of the above site constraints, the location of the site fails fundamental principles around sustainable development. Policies DM05 and ST10, along with paragraphs 110 and 114 make clear that development should make good provision for alternative modes of travel and go so far as to say these routes should not only be safe but they should also be attractive and well-designed.

6.18. The National Model Design Code, National Design Guide and Manual for Streets makes clear that walking and cycling routes should be made more attractive than the car on all new development, particularly for distances under 2km. The development site would be in excess of the walkable neighbourhood of 800m or within a 10 minute walk from the school or employment in Woolacombe. The local topography of the area presents a further challenge for those accompanying small children or those with mobility or health issues in utilising alternative modes to access local services .

6.19. The likely effect of the travel distances not only to the school but other facilities are likely to result in reliance on the private car therefore higher car ownership across the site. It should therefore also be noted that the need to run a car, particularly for those in affordable housing need, would be a significant socio-economic disadvantage.

- 6.20. In light of the above, the walking distances to the onward facilities would be beyond a desirable distance such that occupiers of the development would be highly likely to opt to utilise the private car to travel to their destination, walking and cycle travel would be limited to those capable of doing so given the topography of the area and bus travel would also be limited by a lack of dedicated stopping times.
- 6.21. As such the development does not provide appropriately for alternative modes due to its location and therefore would create unsustainable travel form, resulting in production of greater CO<sub>2</sub> emissions and therefore being unsustainable in an environmental sense. As such this conflicts with Policies DM05 and ST10 of the NDTLP and paragraphs 110 and 114 of the NPPF. **Significant weight** is afforded to the conflict.

## 7. Flood Risk and Drainage

- 7.1. NDTLP Policy ST03 requires that development takes account of climate change to minimise flood risk. Policy DM04 requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rain water'.

### Flood Risk

- 7.2. In terms of flood risk, the site is located in its entirety in Flood Zone 1 therefore is not considered to be at risk of flooding from tidal or fluvial sources. There are therefore no objections raised by the Environment Agency in respect of this.

### Drainage

- 7.3. The proposed development would include connection to the existing foul sewer and the provision of a series of SUDs measures throughout the site, as shown on the plans. There is however a need to consider the potential for surface water flooding and the impacts of the development on downstream impacts. As the scheme seeks to fix its layout the location of attenuation features and other surface water management features are a matter for detailed consideration.
- 7.4. Whilst an FRA has been presented, a detailed objection was received from the Lead Local Flood Authority (LLFA) in May 2023 which remained unaddressed, despite a request for the further information in August 2023.
- 7.5. Chapter 10 of the ES contained the foul and surface water strategy for the site however the LLFA considered there are deficiencies in the data supplied and require further evidence in the form of evidence of greenfield run off rate calculations, groundwater monitoring, details of exceedance pathway and overland flow routes to deal with excess rainfall events and details regarding adoption and long term maintenance of the system.
- 7.6. As such, at this stage, the scheme does not satisfactorily conform to saved Policy ST03 linking to climate change of North Devon and Torridge Local Plan and therefore it cannot be concluded that the development would effectively deal with surface water generated by the development. **Limited weight** is afforded to this

conflict, which could have been easily overcome with the submission of further information when requested in August 2023.

7.7. In terms of a foul sewer connection, in consultation with South West Water no objections have been raised to this connection or a clean water connection. Their response covers issues around nearby asset protection and SUDS which will be covered at detailed design stage and as discussed above respectively.

## 8. Socio Economic Benefits

8.1. The proposal would bring economic benefits in the form of new homes bonus, council tax and housing provision reducing temporary accommodation cost pressure.

8.2. There would be economic benefits through construction and increases expenditure in the local area through spend in the supply chain and on local businesses as a result of more people in the area during the construction stage. This will contribute towards economic development of the local area. This is considered to be a temporary benefit.

8.3. Permanent future expenditure by occupiers would result from the development and benefit to local employers from housing availability for workers. **Limited weight** is afforded to these benefits.

## 9. Other matters

### Public Rights of Way Officer (PROW) diversion

9.1. A representation has been received from Devon County Council's Public Rights of Way Officer (PROW) advising that the developer will need to formally redirect the public right of way across the site, and that a PROW cannot be present on adopted footway. As such there is a direct conflict with the site layout proposed and the location of the PROW however the applicant has advised they can divert the PROW under the current application or an alternative a scheme outside of the current application could be submitted directly to the County. This overlap in the adopted footway and PROW can be addressed in either of the above ways and therefore do not prohibit development, however needs further technical clarification, were an approval forthcoming.

### Consultation Draft National Planning Policy Framework

9.2. On 30<sup>th</sup> July 2024, the new Government released a consultation draft of the NPPF with an 8 week consultation period ending 24<sup>th</sup> September 2024. At the time of preparing this report, any changes proposed to the NPPF in the consultation are material considerations of very limited weight. Whilst it gives an indication of the direction of travel, the changes relevance to this case would not impact on the above conclusions.

9.3. Whilst housing delivery objectives would alter, likely resulting in higher targets for all Local Authority areas, at present based on the most recent monitoring NDC delivery rates accord with the current NPPF and until the changes are imposed and up to date delivery rates derived through annual monitoring, this would carry very limited weight in determining the application.

9.4. Irrespective of the above, sustainability principles, design and landscape protection objectives remain unchanged in the NPPF and the significant policy conflicts with the development, the policies contained within which are considered to be up-to-date, the proposed revisions to the NPPF would not fundamentally alter the considerations of the application, which remains contrary to the development plan when considered as a whole.

## 10. Heads of Terms

10.1. The following infrastructure requirements have been identified by consultee for the development which, in the event of an approval would be secure via conditions and Section 106 Agreement:

Head of Terms	Detail	Amount
Affordable Housing	75% Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale).	Developer Offer of 50% of total dwellings -details of mix requested
Allotment	Off-site contribution	10,075.95
Amenity & Green Space:	On Site 27,300m2	0
Play Space	On site 500m2	53,290.58
Parks, Sport and Recreation	Off- site contribution	209,579.76
Primary Education	26.25 primary pupil and	Capacity exists for the pupil numbers generated by the development therefore no contribution is required.
Secondary School contribution towards the expansion of existing secondary provision	15.75 secondary pupils	£370,755
School Transport (Secondary)	Contribution towards secondary school transport costs due to the development being further than 2.25 miles from the local secondary school	£47,730
NHS Primary Care	Suitable capacity, no contribution required	£0
NHS Acute Care	Funding of gap generated by patients generated from development	£33,431.00

**Table of Planning Obligations**

10.2. As part of the applicants Transport Assessment further planning obligations are suggested to enable traffic calming and improvements which would need to be secured through Section 106 agreement and Grampian condition however as a highway objection has been raised these are not tabled above.

## 11. Planning Balance

- 11.1. In terms of the principle of development on the site, the above report identifies conflict with the principle policies for plan-led development within the district. It represents an unjustified departure from Policies ST01 and ST07 of the NDTLP. There is also identified conflict with Policy MOR. It is not considered that the development would qualify under DM24 as the scale of development does not reflect locally identified need and is not affordable or local needs led. **Significant weight** is afforded to this conflict with important policies of the development plan in considering the development. The above would also run contrary to paragraph 84 of the NPPF.
- 11.2. The provision of housing and affordable housing is a positive attribute of the scheme given the declaration of a housing crisis in the district and district wide identified housing needs. However, it is clear from the evidence submitted as part of the application, that Morteheo Parish's identified affordable housing need will be met, and is locally supported, on the site adjacent to the village hall. Given the absence of identified need, the affordable housing, and market housing in this location is purely speculative for which no empirical evidence of additional up to date need has been demonstrated. As such, **moderate weight** is afforded to the provision of affordable housing as a benefit
- 11.3. Furthermore, the housing mix identified is not reflective of the most up to date HEDNA, and no evidence of need for the mix proposed has been demonstrated through the application submission. As such this is contrary to Policy ST21 and **moderate weight** is afforded to this conflict.
- 11.4. The development by reasons of its scale and location would result in the loss of a key visual break in built form between sporadic developments at Fortescue. The development does not conserve or enhance the special characteristics of the North Devon Coast National Landscape (Area of Outstanding Natural Beauty) in which it is located, nor does it represent an appropriate scale of development within the Undeveloped Coast and Heritage Coast, that could be located somewhere outside of these designations. In the context of paragraph 184 of the National Planning Policy Framework, there is no demonstrable need for the development proposed in this location, representing a speculative housing development in a Nationally protected landscape in the countryside. It is therefore contrary to Policies ST14, and DM08A of the North Devon and Torridge Local Plan, paragraphs 180, 182, 183 and 184 of the National Planning Policy Framework and would not meet the objectives of the North Devon Area of Outstanding Natural Beauty Management Plan. **Significant weight** is afforded to this policy conflict.
- 11.5. The fixed site layout results in impacts on the amenity of residents of No. 5 and 6 Fortescue Bungalows from overlooking and overbearing, and potential noise impacts to Landscape House from the proposed pumping station. Furthermore insufficient evidence is supplied in terms of noise impact which may arise on future occupiers of the site from pre-existing uses at the garage and public house. This therefore runs contrary to Policies DM01 and DM02 of the NDTLP. **Moderate weight** is afforded to this policy conflict.

- 11.6. Whilst there is no impact on the setting of listed buildings, insufficient information has been supplied in order to demonstrate that the development would not result in the loss or damage of buried archaeology constituting an undesignated heritage asset. As such this would be contrary to Policy ST15 and DM07 of the NDTLP and paragraphs 200,201 and 208 of the NPPF. **Moderate weight** is afforded to this conflict.
- 11.7. The site layout and landscaping would significantly improve the biodiversity of the site given it is managed pasture at present. This would exceed policy in ST14 and DM08 of the NDTLP and is afforded **significant weight**.
- 11.8. The development results in the loss of the best and most versatile agricultural land contrary to Policies ST14 (d) of the NDTLP and paragraph 180 of the NPPF. **Limited weight** is afforded to the conflict given it is a relative small area.
- 11.9. The development would result in residential housing in an area whereby there would be an overreliance on travel by the private car given limited access to alternative modes and access to services and facilities which would be required on a daily basis. Furthermore, the absence of footway and cycleway at the site to access on-ward facilities would result in the risk of pedestrian and cyclist conflicting with existing traffic at the risk to the safety of all road users. As such this is contrary to Policies ST10 and DM05 of the NDTLP and paragraphs 110, 114 and 115 of the NPPF. **Significant weight** is afforded this conflict.
- 11.10. Insufficient surface water drainage details have been supplied with the application such that it cannot demonstrate surface water can be adequately accommodated on site therefore contrary to Policy ST03 on the NDTLP. Limited weight is afforded to this conflict.
- 11.11. Turning to the NPPF and the 3 dimensions of sustainability, and this the presumption in favour of sustainable development;
- 11.12. From the perspective of economic impacts, the development will generate employment opportunities over a number of years throughout a range of trades. Research by the Home Builders Federation has found in the construction sector 1 home per annum generates on average 2.4 direct and indirect jobs i.e. 386 job years of full-time employment. The economic benefits of the proposal would include the creation of jobs, the addition of spending power to the local economy and the new homes bonus. **Limited weight** is given to this benefit.
- 11.13. In a social sense the provision of housing and affordable housing is a benefit, with limited weight afforded to market housing provision and moderate weight afforded to affordable provision, given clear need isn't identified at a local level. The housing mix proposed does not reflect local needs and this is a social disadvantage. This is a conclusion based on the planning considerations on this particular site and is a conclusion by the council acting as local planning authority. It does not and should not be taken as an indication that the council is not supportive of affordable housing or that it is not alive to the housing needs of the area.



- 11.14. There would be social benefits to future occupiers of the site through Public Open Space provision and other planning obligations which are required to make the development acceptable in planning term and therefore which carry limited weight.
- 11.15. There would be social disadvantages as a result of amenity impacts arising to existing and proposed residents in the area and potential conflict with existing business uses.
- 11.16. Environmentally the site is not considered to be located in a sustainable location, whereby the travel distances by alternative modes, would be unattractive to its occupants and the site occupants would be primarily reliant on the private car. This would have social knock on in limiting areas for search of housing of those in need without access to transport and economic impacts to occupiers from needing to run a car. Significant weight has been apportioned to this conflict with policy and overarching sustainability aims.
- 11.17. The site results in harm to the designated National Landscape to which great weight and importance is attributed. The loss of irreplaceable landscape, which contributes to the intrinsic landscape and scenic beauty of the National Landscape (AONB) represents a significant environmental and social disadvantage arising from the scheme to which significant weight as been attributed.
- 11.18. Furthermore there are environmental sustainability conflicts with location of the site in surface water, and loss of BMV agricultural land and impact on buried archaeology, the latter would also have a social implication in the loss of cultural heritage.
- 11.19. In decision making, it is the planning judgement of the decision taker, when considering the development plans as a whole and any other material considerations, as to how the planning balance will fall. This is not a case where your officers consider a fine balance to apply. A number of clear and significant conflicts with statutory development plan policies and the NPPF have been highlighted above and are demonstrated in the table below:

	In favour	Against
Principle of development		Significant weight
Affordable housing	Moderate weight	
Housing Mix		Moderate weight
Landscape impacts		Significant weight
Amenity Impacts		Moderate weight
Heritage Impact		Moderate weight
Ecology (BNG)	Significant weight	
Loss of BMV Agri Land		Limited weight
Highways impact		Significant weight
Flood impacts		Limited weight
Construction, jobs, economy	Limited weight	
Public Open Space	Limited weight	
Market Housing	Limited weight	

**Table showing planning balance weighting**



11.20. It is clear above that the harm identified leads to conflict with the development plan when read as a whole, following from conflict with policies which have been identified in the reasoning on the individual issues above.

11.21. Whilst there are benefits arising from the scheme, their number and respective weighting is such these are not considered to outweigh the harm identified, this is in addition to the applicant's acknowledgement that there is conflict with part of LP Policy ST07 as the site lies outside the development boundary for Morteheo.

11.22. Notwithstanding the ability of the land area to provide a substantial number of dwellings, including affordable dwellings, the site cannot be regarded as realising the 3 strands of sustainability set out in the NPPF. There are no other material considerations in this case which would lead your officers to conclude that a decision should be made other than in accordance with the development plan in this instance. As such a recommendation of **refusal** is made.

### **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**

#### **Refused**

Legal Agreement Required: No

### **Reason(s) For Refusal**

1. The major residential development by reason of its location outside of any defined development boundary and within the open countryside would be contrary to Policy ST07 (4) of the North Devon and Torrington Local Plan and Paragraph 84 of the National Planning Policy Framework. Whilst adjacent to a rural settlement comprised of Fortescue hosting a closed public house and two small convenience stores as its 'qualifying criteria, the scale and nature of the development, not demonstrating that it meets a locally identified need and not supported by the community would represent unjustified and unsustainable development in the open countryside contrary to

Policies ST01, MOR and ST07 of the North Devon and Torridge Local Plan and paragraph 84 of the National Planning Policy Framework.

2. The development, by reasons of its scale and location would result in the loss of a key visual break in built form between sporadic developments at Fortescue. The development does not conserve or enhance the special characteristics North Devon Coast National Landscape (Area of Outstanding Natural Beauty) in which it is located, nor does it represent an appropriate scale of development within the Undeveloped Coast and Heritage Coast, that could be located somewhere outside of these designations. In the context of paragraph 183 of the National Planning Policy Framework, there is no demonstrable need for the development proposed in this location, representing a speculative housing development in a Nationally protected landscape in the countryside. It is therefore that it would not further the purpose of conserving and enhancing the natural beauty of the National Landscape in direct contravention with Section 85 of the Countryside and Rights of Way Act 2000, and it would be contrary to Policies ST09, ST14, and DM08A of the North Devon and Torridge Local Plan, paragraphs 180, 182, 183 and 184 of the National Planning Policy Framework and would not meet the objectives of the North Devon Area of Outstanding Natural Beauty Management Plan.
3. The location of the development, divorced from key facilities required on a daily basis such as education and employment opportunities, would result in unacceptable travel distances and local topography to access facilities and services required on a daily basis therefore promoting the use of the private cars. This would not represent attractive or well-designed connectivity from the site. Furthermore, there is inadequate footway/cycleway provision to accommodate the additional pedestrian/cyclist movements likely to be generated between the proposed development site and the services and facilities required by the new residential occupants. As a result, the increase in vulnerable users on the Class II County Road, the B3343, and other county roads, is likely to lead to additional danger and inconvenience for such users, contrary to Policy DM05 of the North Devon and Torridge Local Plan and Paragraphs 114, 115 and 116 of the National Planning Policy Framework.
4. The housing mix presented is not consistent with the Council's Housing and Economic Needs Assessment and no alternative evidence in terms of development viability or site character and context has been presented to justify the mix being proposed therefore contrary to the requirements of Policy ST17 of the North Devon and Torridge Local Plan and paragraph 60 of the National Planning Policy Framework.
5. Due to the close distance and absence of screening opportunities from the rear of No. 5 and 6 Fortescue Bungalows and the proposed two storey dwelling along the eastern boundary of the site, a direct window to window overlooking arrangement would occur, as well as overlooking of amenity areas and an overbearing impact from the close distance between site. This would result in poor living conditions for anyone occupying the holiday units such that it would be contrary to policies DM01, DM02 and DM04 of the North Devon and Torridge Local Plan and paragraph 135 of the National Planning Policy Framework.
6. Insufficient information has been submitted in respect of potential noise impact from the proposed pumping station to existing occupiers of Landscape House and impacts

from the garage and road noise have not been fully explored on future occupiers of the proposed development. As layout is fixed, in the absence of a detailed noise assessment in relation to these noise sources, the development is likely to result in unacceptable impacts to amenity to existing and future occupiers therefore contrary to Policies DM01, DM02 and DM04 of the North Devon and Torridge Local Plan and paragraph 135 of the National Planning Policy Framework.

7. Insufficient information has been supplied in respect of potential impacts on buried archaeology in an area of high archaeological interest, such that it cannot be concluded that irrevocable harm to a non-designated heritage asset would not result from the proposed development contrary to Policies DM07 and ST15 of the North Devon and Torridge Local Plan and paragraphs 202, 201, and 208 of the National Planning Policy Framework.
8. The development would result in loss of 3.8ha of Best and Most Versatile Agricultural Land therefore contrary to Policy ST14 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.
9. Insufficient information has been received in respect of the disposal of surface water generated by the development, and as such in the absence of this information, it cannot be demonstrated that the development will not result in surface water flooding therefore contrary to Policy ST03 of the North Devon and Torridge Local Plan and Policies 173 and 175 of the National Planning Policy Framework.
10. The proposed layout, due to its density and scale would not reflect the local character and distinctiveness at this location, therefore it does not represent good place-making contrary to Policies ST04 and DM04 of the North Devon and Torridge Local Plan and paragraph 135 of the National Planning Policy Framework.

## **Informatives**

1. The following plans were considered during the determination of this application:-  
SRM-LHC-00-00-DR-UD-0101P1 Location Plan and received on the 06/03/23,  
SRM-LHC-00-00-DR-UD-L0102P3 Site Layout Plan and received on the 06/03/23,  
SRM-LHC-00-XX-DR-UD-03.01P1 Section A Existing & Proposed and received on the 06/03/23,  
SRM-LHC-00-XX-DR-UD-03.02P1 Section B Existing & Proposed and received on the 06/03/23,  
SRM-LHC-00-00-DR-UD-01.05P2 Landscape Strategy & BNG Areas and received on the 06/03/23,

2. INFORMATIVE NOTE: -  
POLICIES AND PROPOSALS RELEVANT TO THE DECISION

### Development Plan

North Devon and Torridge Local Plan 2018: -

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 - Landscape and Seascape Character
- DM10 - Green Infrastructure Provision
- DM24 - Residential Development in Rural Settlements
- MOR - Woolacombe and Morteohoe Spatial Strategy
- ST01 - Principles of Sustainable Development
- ST02 - Mitigating Climate Change
- ST03 - Adapting to Climate Change and Strengthening Resilience
- ST04 - Improving the Quality of Development
- ST07 - Spatial Development Strategy for Northern Devon's Rural Area
- ST08 - Scale and Distribution of New Development in Northern Devon
- ST09 - Coast and Estuary Strategy
- ST10 - Transport Strategy
- ST14 - Enhancing Environmental Assets
- ST15 - Conserving Heritage Assets
- ST17 - A Balanced Local Housing Market
- ST21 - Managing the Delivery of Housing

### 3. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission.

This has included requesting further information which has not been forthcoming and conveying concerns regarding principle, location and landscape harm from pre-application stage through to determination of the application. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.