

Application Report

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



Application No:	78876
Application Type:	Full Application
Application Expiry:	11 October 2024
Extension of Time Expiry:	11 October 2024
Publicity Expiry:	26 September 2024
Parish/Ward:	BURRINGTON/CHULMLEIGH
Location:	Barton Farm Barton Court Road From Pavington Cross To Burrington Burrington Umberleigh Devon EX37 9JQ
Proposal:	Proposed conversion of existing barn into two bedroom house (amended plans)
Agent:	Mr Kevin Davies
Applicant:	Mr and Mrs P Smale
Planning Case Officer:	Mr R. Bagley
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee

Site Description

Barton Farm is located on Barton Road within Burrington. The barn forms part of a group of buildings at Barton Farm.

The character of the area is a mix of residential and agricultural, and has a rural character. Existing properties along Barton Road are generally 2-storey with render and slate tile roofing. Within Barton Farm the buildings are traditional farm buildings situated in a courtyard and constructed of attractive stonework and slate roof. To the north is a site allocated for approximately 20 houses through BUR02 (Land Rear of Barnstaple Inn, Mayfair and Cavock Cottage).

Barton Farm is not listed but is located within the Burrington Conservation Area.

The closest residential property to the site is the holiday let to the south, and then Barton Farm, situated obtusely to the south east of the site. Barton Farm has windows which look towards the site but at a distance of approx. 18m. The next nearest neighbour is the Croft

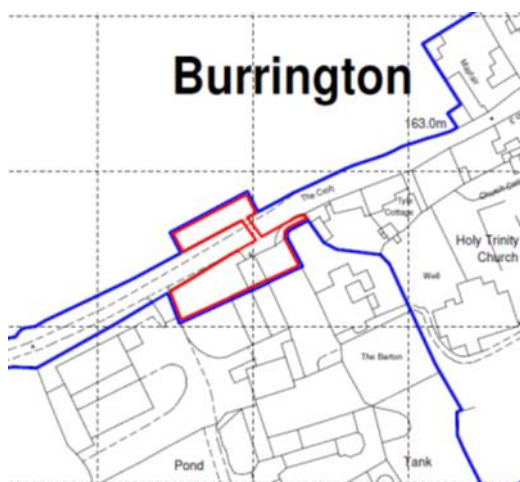
located approx. 22 metres to the east. The Croft is not in direct proximity to the development site, or proposed domestic curtilage or parking.

Access to the barn is via the main access serving Barton Farm and the holiday units, situated to the north. The access has a grassed visibility splay and allows visibility into the road to the east and west. The road is a single track road. It was observed on site that the road is lightly trafficked and allows slow movement due to the condition and width of the road.

There is an existing foul drainage system serving Barton Farm, which is situated across the road to the north. This is shown on the red outline plan and forms part of the drainage strategy for this site.

The site is within Flood Zone 1.

Site Location



Aerial Photo



The barn has a pitched slate roof, which has 2 roof lights in the front and 2 in the rear, and a partly open frontage and solid stone walls to the north and west.

To the south the barn adjoins another building which has been converted and is in use for holiday accommodation. At the rear there is an opening shown in black timber on the photo below. Also to the rear is a grassed area of domestic curtilage which is well screened by boundary hedgerows and trees.

On site, it was apparent that the barn was not in any rural economic use, and was used for garaging and general domestic storage.

Site Photos



Front (East)



Rear (West)



Internal Photos



Barn conversion holiday let to the South



Barn conversion holiday let rear (West)



Wider site and entrance



Site in context with holiday let



Access East and location of The Croft



Access West



Existing foul drainage site of the North

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
38682	CONVERSION OF BARN TO FORM 1 DWELLING at BARN AT THE BARTON, , BURRINGTON, UMBERLEIGH, EX379JQ	FULL PLANNING APPROVAL	3 December 2004
66532	ERECTION OF DWELLING & DOUBLE GARAGE TOGETHER WITH DRIVEWAY at LAND OFF BARTON ROAD, BURRINGTON, , DEVON,	Refused	10 July 2019

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adjacent to Conservation Area: 10 Burrington Adopted 13/12/2011;	Within constraint
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 15 metres in height.	Within constraint
Conservation Area: 10 Burrington Adopted 13/12/2011;	Within constraint
Landscape Character is: 3A Upper farmed and wooded valley slopes	Within constraint
Unclassified Road	
USRN: 27502290 Road Class:R Ownership: Highway Authority	Within constraint
Within Adopted Housing Allocation: BUR02 Land rear of Barnstaple Inn	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Conservation Area: BURRINGTON	
DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM27 - Re-use of Rural Buildings ST01 - Principles of Sustainable Development ST04 - Improving the Quality of Development ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Building Control Manager Reply Received 13 th September 2024	The openings are reasonably required for ventilation 1/20 of the floor area per room generally. The structure looks sound The proposal accords with National Space Standards The proposal would meet Building Control Regulations at this stage.
Burrington Parish Council Reply Received 5 September 2024	This application was discussed at the parish council meeting on the 27th August, Councillors recommend approval.
Councillor K Davies Reply Received	No comments received
DCC - Development Management Highways Reply Received	No comments received
Environmental Health Manager Reply Received 20 August 2024	I have reviewed this application in relation to Environmental Protection matters and comment as follows: 1 Land Contamination I do not expect land contamination issues to arise in relation to the proposals. However, I recommend the following condition be included on any permission to cover the possibility that unexpected contamination is discovered during development work: - Contaminated Land (Unexpected Contamination) Condition Should any suspected contamination of ground or groundwater be encountered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies. Reason: To ensure that any contamination exposed during development works is assessed and remediated in accordance with National Planning Policy Framework guidance. 2 Advisory Note: Foul Drainage The proposed connection of foul drainage to an existing private treatment system will need to comply with building regulations and the Environment Agency's General Binding Rules for small sewage

Name	Comment
	disposal systems (or Permit requirements where applicable) including in relation to system design capacity.
Heritage & Conservation Officer Reply Received 22 August 2024	I do not consider that this proposal will cause harm to the significance of the heritage asset.
Sustainability Officer Reply Received 5 August 2024	<p>The submitted Ecological Assessment (EA) and subsequent emergence surveys concludes that the existing structure is of negligible value for protected species and no further survey effort is considered necessary. The EA recommended building integrated bat/bird boxes are appropriately illustrated on submitted Elevations.</p> <p>An appropriately detailed planting specification should be submitted in support of the existing Site Plan.</p>
Planning policy Reply received 23 rd September 2024	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. As you are aware, the Council have an adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions. It should also be noted that the Council can clearly demonstrate a 5 year supply of deliverable housing sites therefore, paragraph 11(d) of the NPPF does not apply in this particular instance.</p> <p>I note the location of the proposal on the western edge of Burrington, a recognised 'Village' where Policies ST07(2) and BUR of the Local Plan will apply. Whilst Burrington does not have a defined development boundary, from a policy perspective it is not considered the proposal should be assessed against Policy DM23 as the proposal is for the conversion of a rural building to form a two bedroomed dwelling therefore, Policy DM27 will apply which supports the principle of such development subject to the stated criteria and where the building is considered to be disused or redundant. From my perspective, whether the building is disused or redundant is a matter for yourself to establish.</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
1	0.0	0.0	0.0	0.0

Summary of comments

No objection to the plans submitted, however there are existing velux windows which would affect my privacy if they remain in place. I would like to be reassured that the plans submitted will be followed accurately.

Considerations

Proposal Description

This application seeks detailed planning permission for the conversion of the barn to a dwelling with associated amenity space to the west, and parking to the east.

The proposal utilises an existing vehicular access to the north.

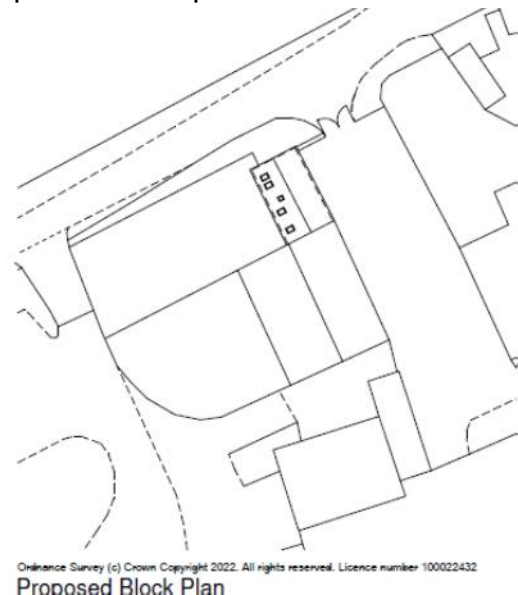
Additional landscape planting is proposed to the west bounding the garden curtilage. A new post and rail fence is proposed along the southern boundary to demark the amenity space for the site.

Two parking spaces and turning are provided to the west at the front of the barn.

Proposed site layout



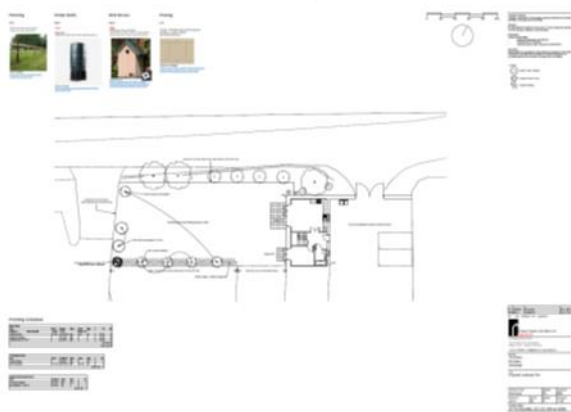
Proposed block plan



Proposed elevations



Proposed landscaping plan



Planning Considerations Summary

- Principle of Development
- Character and Appearance
- Heritage and Conservation
- Residential Amenity
- Ecology
- Drainage
- Highways

Planning Considerations

1. Principle of development

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.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

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

The site is located on the western edge of Burrington, a recognised 'Village' where Policies ST07(2) and BUR of the Local Plan will apply. Whilst Burrington does not have a defined development boundary, from a policy perspective it is not considered the proposal should be assessed against Policy DM23 as the proposal is for the conversion of a rural building to form a two bedroomed dwelling therefore, Policy DM27 will apply which supports the principle of such development subject to the stated criteria and where the building is considered to be disused or redundant.

Policy DM27 of the NDTLP provides in principle support for the re-use of disused and redundant rural buildings.

“Policy DM27: Re-use of Disused and Redundant Rural Buildings:

The conversion of redundant and disused rural buildings will be supported where:

a) such conversion would not harm any intrinsic qualities and historic interest of the building;

b) the proposal will have a positive impact on the immediate setting of the building and the wider rural character is protected;

c) development can be achieved without significant external alteration, extension or substantive rebuilding;

d) suitable highway access can be provided and the surrounding highway network can support the proposed use(s); and

e) any nature conservation interest within the building or wider site is retained”.

The response to DM27 (a-e) is summarised below, and detailed further in the report:

- (a) The existing structure is not listed, but is within the setting of the Burrington Conservation Area. The Conservation Officer has been consulted and has raised no objections. The impact on the heritage asset will be discussed further but, the proposal is acceptable in terms of the historic aspect.
- (b) The works are not overly visible, and are only viewed from directly opposite the site from the rural road to the north. The proposal is therefore likely to protect the wider rural character of the area. The design merits and landscape character will be discussed further below.
- (c) Part c) discusses if the proposal involves significant works to the building, or works which appear undue or excessive and which may change the character of the building. As there are works proposed to the building it is useful to explore why the LPA considers these to be acceptable in accordance with part (c):

Structural capability of the building for conversion:

To evidence that the building is structurally capable of conversion without significant or detrimental alteration, rebuild or extension, a structural report supports the planning application. The report concludes that the building can be converted with minimal alterations to the fabric of the building, and with works which are reasonable to enable the habitation for a small family home.

The findings of the report conclude that the building is of solid construction and suitable for conversion. The LPA has no evidence to suggest otherwise, and the findings of the report are corroborated on site. The proposal does not require substantive rebuild of the fabric of the original building.

The policy also requires that the development (i.e. conversion) can be achieved without extension. No extensions to the envelope of the building are proposed.

Building Control:

The LPA has consulted with the Council's Building Control Manager.

Building Control have confirmed that the openings in the southern roof plane and wall are necessary for the purpose of ventilation. It is confirmed that the building appears structurally

sound in accordance with the structural report, and that internal spacing of room's accords with the National Space Standards to provide suitable internal accommodation for the size of the dwelling. Building Control confirm that at this stage the works would accord with Building Control Regulations, and the build would be subject to the usual Building Control checks through the build process.

This concludes that the works are reasonably required to facilitate the build and will meet Building Control regulations, and that the external alterations are not 'significant' and the proposal accords with the requirements of DM27 (c).

(d) The site is served by an existing access taken off of the adjacent highway. This is proposal is considered under Devon County Council 'standing advice' procedure and will be examined in the highways section.

(e) Any issues relating to ecology are covered in more detail below. However, the Council's ecologist has been consulted and has confirmed that following the provision of a landscape plan and further details of lighting, that subject to conditions that the proposals are on balance acceptable.

Taking account of the above, it is considered that the principle of development is supported by adopted planning policy.

2 Character and appearance

Policies ST04 and DM04 requires that development '*(a) is appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood and (d) contribute positively to local distinctiveness, historic environment and sense of place*'. Policy DM04 and DM27 supports good design and the integration of development into the natural environment and the surroundings of the building.

The group of buildings at Barton Farm show a mix of residential and agricultural buildings. There has been a conversion of the 2-storey barn to the south which shows attractive design elements of natural stone and red brick plinth walls and pitched slate roofing. The main dwelling to the east is rendered, as are the barns to the south east.

The conversion would not add massing or height to the existing building, and seeks to re-use the existing stone walls and pitched slate roof.

The conversion would use a traditional pallet of materials to match the existing building and the neighbouring conversion. The materials would comprise of a slate roof as existing, natural stone to match the adjacent and existing building and red brick detailing to plinths around windows and doors, to match the converted building to the south. A condition is included to ensure the use of these traditional materials.

The two existing roof lights to the front elevation are to be removed. To the rear elevation there is currently 2 roof lights and this will increase to 5 roof lights. The new roof lights are conditioned to be 'flush fitting' conservation roof lights. In general the proposal does not introduce undue or excessive new openings for the conversion. Additional openings are minimal, to allow habitation and daylight to the rooms.

The proposed conversion is considered to enhance the appearance of the site, bringing the building into an attractive use, and enabling the use of traditional materials to respect the rural street scene of this part of Burrington. The proposal respects the character of immediate surroundings at Barton Farm, proposing form and materials which enhance the character and appearance of buildings within the site, accordant with design and conversion policies ST04, DM04 and DM27 of the NDTLP.

3. Heritage and Conservation

Policies ST15 and DM07 of the NDTLP seek to protect and enhance northern Devon's historic environment. Policy DM07 clarifies that proposals are expected to be accompanied by sufficient information to enable impacts on heritage assets to be assessed.

The Building is not listed but is within the Burrington Conservation Area as shown below:

Heritage asset map



A Heritage Assessment has been submitted as part of the Design and Access statement accompanying the submission. This is in accordance with the requirements of DM07(1) and NPPF paragraph 194 to fully describe and to enable the LPA to understand the significance of the building in relation to the heritage assets. The HA concludes that the building is some distance away from the setting of the listed buildings and that the limited external alterations would create no adverse impact on heritage assets or the wider setting of the Conservation Area. Whilst the front of the dwelling will be seen from the Conservation Area, the use of the traditional materials and design forms and retention of the form and fabric of the building would enhance its appearance within the setting of the Conservation Area.

The Heritage and Conservation Officer has been consulted and provided the following comments:

'I do not consider that this proposal will cause harm to the significance of the heritage asset'.

Taking account of the comments from the Heritage and Conservation Officer, it is concluded that the proposals will conserve the setting of the designated Conservation Area and are therefore in accordance with policies ST15 and DM07 of the NDTLP.

4. Residential Amenity

Policy DM01 of the NDTLP confirms that development will be supported where it would not harm the amenities of neighbouring occupiers or uses, or result in harm to the future occupiers of the development from existing or allocated uses.

One letter of representation has been received from the owners of The Croft located approx. 22m to the east. The existing roof lights to the front elevation are to be removed.

Due to the position of the dwelling away from neighbouring uses, there would be no undue impact to neighbouring amenity in terms of privacy, daylight impact or loss of enjoyment of property accordant with DM01(a) and DM04 (f).

The proposed conversion is in accordance with the National Space Standards Technical Guidance relating to a 2 bedroomed, 2-storey dwelling.

Environmental Health:

Environmental Health have reviewed the application in relation to Environmental Protection matters and conclude that there are no objections in respect of environmental protection matters.

Environmental Health require the inclusion of a Contaminated Land (Unexpected contamination) condition to ensure that if contamination becomes identified it is dealt with appropriately, and informative in respect of provision of acceptable foul drainage in accordance with Environment Agency rulings. These are reiterated on the recommendation for approval.

It is concluded the proposal accords with policies DM01 and DM02 of the NDTLP.

5. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations 2019).

The application is accompanied by an Ecology Report by South West Ecology dated 24th May 2024. The report includes a Preliminary Roost Assessment (PRA) for bats, a bat emergence survey and identification of ecological constraints affecting the proposal as well as mitigation.

The report concludes no evidence of roosting bats within or around the building forming the conversion. A roost was identified on the building next door but this will not be affected by the development. No further survey work was required.

No evidence of nesting birds was found within or around the building. No further survey work is required.

The report sets out precautionary measures during conversion at 5.2 of the report. The report recommends mitigation comprising 1x bat box. The proposal includes a bat box and a bird box shown on plan 2773-RDJWL-ZZ-ZZ-DR-A-0020.

The development falls below the de minimis threshold, meaning development which does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006).

The Sustainability Officer advised that appropriate detail of planting and a planting specification should accompany the submission. This has been provided on plan numbers 2773- RDJWL ZZ ZZ DR A 0050 REV P1 (Landscaping plan). The Sustainability Officer confirms these landscaping measures are acceptable and the landscaping will provide enhancements overall.

It is concluded that the proposal accords with policies DM08 and ST14 of the NDTLP, as well as the other legislation referred to above.

6. Drainage

Policy ST03 seeks to guide development towards areas of lowest risk via a sequential approach. Policy DM02 requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development.

Foul drainage is to be discharged via an existing package treatment plan. This is acceptable in principle. An advisory note is recommended to advise that the foul drainage will need to comply with Building Regulations and the Environment Agency's General Binding Rules.

Surface water will be discharged via a soakaway. This is acceptable in principle and is annotated on the site plan.

The measures proposed are deemed acceptable to provide surface water drainage and foul drainage within the site to accord with ST03, DM01 and DM04 of the NDTP.

7. Highways

Policy DM05 seeks to ensure that development maintains safe and well-designed access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians. In addition, it seeks to protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

Policy DM06 aims to ensure that appropriate scale and range of parking provision is delivered and that sustainable modes of transport are encouraged. Part (d) of Policy DM27 requires that suitable highway access can be provided and the surrounding highway network can support the proposed use.

Devon County Council Highways Authority have been consulted but have raised no objections in respect of impact on the rural highway network. The proposal is considered under Highway Standing Advice.

Visibility at the existing access is acceptable. Whilst the public highway to the north of the site is a narrow Devon lane, there are passing places.

The plans indicate that there would be two parking spaces.



View West



View East



Given the marginal increase in traffic to be generated from the use the opportunity to re-use a building, within the conservation area outweighs the small impact on the local highway network, and the proposal would not result insignificant harm or cumulative increase in traffic movements. The proposal accords with policies DM05, DM06 and DM27

Other Matters

The Burrington parish council have recommended approval of the proposal.

Conclusion

The application is considered to accord with the adopted development plan and is recommended to Members for Approval subject to the imposition of planning conditions.

Human Rights Act 1998

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

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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public

Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

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

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

2773 Rdjwl Xx Xx Dr A 0015C3 Location Plan received on the 05/08/24

2773 Rdjwl Xx Xx Dr A 0016C2 Block Plan Existing and Proposed received on the 11/06/24

2773 Rdjwl Zz Zz Dr A 0020C3 Elevation, Floor and Section Proposed received on the 19/9/24

2773-RDJWL-ZZ-ZZ-DR-A-0021C3 Site Plan Proposed received on the 24/9/24

2773 Rdjwl ZZ ZZ DR A 0050P1 Landscaping plan received on the 20/09/24

('the approved plans').

Reason:

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

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

Walls - Natural Stone and red brick plinth to match the existing buildings

Roof - Natural Slate

Windows - Timber to match the existing barn conversion

Roof Lights - Conservation type flush fitting roof lights

New hardstanding - to be constructed of permeable surface materials

Reason:

In the interests of the appearance of the development and locality in accordance with design Policies ST04 and DM04 and Heritage policies ST15 and DM07 of the North Devon and Torridge Local Plan.

4. The development shall be carried out in accordance with the recommendations as detailed in the Ecology Report prepared by South West Ecology reference number SWE 1083 dated 24th May 2024

Reason:

Lynton House, Commercial Road, Barnstaple EX31 1DG | www.northdevon.gov.uk

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet the statutory duties of 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. Prior to the building hereby approved being brought into first use, a bird box and a bat nesting box shall be installed in accordance with plan number 2773-RDJWL-ZZ-ZZ-DR-A-0020 in a position where it will not be in full/direct sunlight all afternoon, to avoid overheating. Any box installed shall be maintained and retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason:

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

7. Prior to first occupation of the dwelling hereby permitted, the parking spaces as detailed on drawing no. 2773/RDJWL/ZZ/ZZ/DR/A/0021 REV C2 received on 24th September 2024 shall be constructed in full and be available for its intended use and retained in perpetuity thereafter.

Reason

To ensure that the site is provided with facilities to accommodate traffic attracted to the site in the interest of highway safety in accordance with Policies DM05 and DM06 of the North Devon and Torridge Local Plan

8. Any external lighting design installed shall follow best practice guidance detailed in Guidance Note 08/18 Bats and Artificial Lighting in the UK (BCT, ILP, 2018).

For avoidance of doubt any external lighting shall adhere to the following:

- All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used.
- LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
- A warm white spectrum (ideally <2700 Kelvin) should be adopted to reduce blue light component.

- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats.
- Only luminaires with an upward light ratio of 0% and with good optical control should be used
- Luminaires should always be mounted on the horizontal, i.e. no upward tilt.
- Should be set on motion-sensors and short (1min) timers.
- As a last resort, accessories such as baffles, hoods or louvres should be used to reduce light spill and direct it only to where it is needed.

Reason:

To ensure that no light barriers are introduced to foraging and commuting bats, in order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) express planning permission shall be obtained for any development within class(es) AA and A-E of Part 1 of the Order.

Reason:

To allow the Local Planning Authority to consider the impact of future development on the appearance and character of the development in the area/neighbouring amenity/highway safety in accordance with the requirements of Policies DM04/DM01/DM05 of the North Devon and Torridge Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) any proposal for the construction or alteration of any windows, doors or other openings shall be the subject of a separate application to the Local Planning Authority.

Reason:

To preserve the character and appearance of the building and the contribution it makes to the visual amenities of the area in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

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

Reason:

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

Informatives

1. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats,

&c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.

2. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.

3. BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be North Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions

4. The applicant is advised that the foul drainage system installed may also be required to comply with Environment Agency requirements and Building Regulation requirements therefore they are advised to contact the relevant organisations to ensure compliance.
5. From the Flood Defence aspect the Environment Agency advise that surface water run-off from the proposal should be managed by the use of Sustainable Urban Drainage Systems [SUDS]. These systems mitigate the potential effects of urban development including increased quantity of run off, increased rate of run off and deterioration of water quality through pollution. Such systems would include infiltration trenches, swales, infiltration basins and porous paving. Ground conditions will need to be investigated to determine the most efficient methods or if alternative solutions will need to be investigated. In the first instance it is advised that the design of such a system is investigated in accordance with CIRIA C522 - Sustainable Urban Drainage Systems - design manual for England and Wales. An outline or preliminary design should then be submitted to the Environment Agency for comment.
6. For the purpose of interpreting the restrictions expressed in condition 9 of this consent, permitted development rights have been removed in respect of the following classes:

Part 1:

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

Class AA Enlargement of a dwellinghouse by construction of additional storeys

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

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

Class D The erection or construction of a porch outside any external door of a dwelling-house

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

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

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

7. 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 and has imposed planning conditions to enable the grant of planning permission. This has included conditions to secure appropriate traditional materials, to ensure provision of ecological gain, to ensure provision of parking, to remove elements of Permitted development and to restrict external lighting.