

# **Application Report**

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



**Application No:** 79317  
**Application Type:** Full Application  
**Application Expiry:** 17 January 2025  
**Extension of Time Expiry:** 17 January 2025  
**Publicity Expiry:** 10 December 2024  
**Parish/Ward:** FREMINGTON/BICKINGTON  
**Location:** Tews Lane Sports and Community Centre  
Tews Lane  
Roundswell  
Barnstaple  
EX31 3WP  
**Proposal:** Extension to changing facilities to provide additional storage area  
**Agent:** Woodward Smith Chartered Architects  
**Applicant:** Fremington Parish Council  
**Planning Case Officer:** Miss C Roissetter  
**Departure:** N  
**EIA Development:**  
**EIA Conclusion:** Development is outside the scope of the Regulations.  
**Decision Level/Reason for Report to Committee (If Applicable):** Committee – North Devon Council Land

## **Site Description**

Tews Lane Sports and Community Centre is located within Bickington to the west of Tews Lane. The site includes the existing changing facilities building, sports fields, a carpark and foot track running along the outskirts of the field.

To the north of the site is neighboured by residential properties to the north, east (separated by the local highway) and south, with a woodland area to the west.

The application site lies in flood zone 1 however, parts of the wider site fall within flood zones 2 & 3. The site also falls within the critical drainage area.

Figure 1. location plan

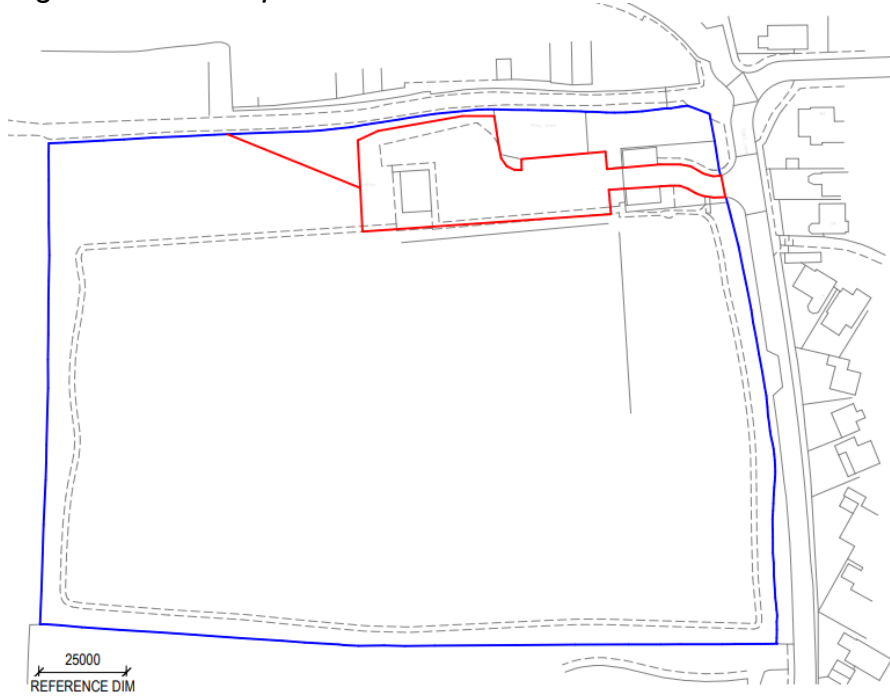


Image 1. Aerial image of site

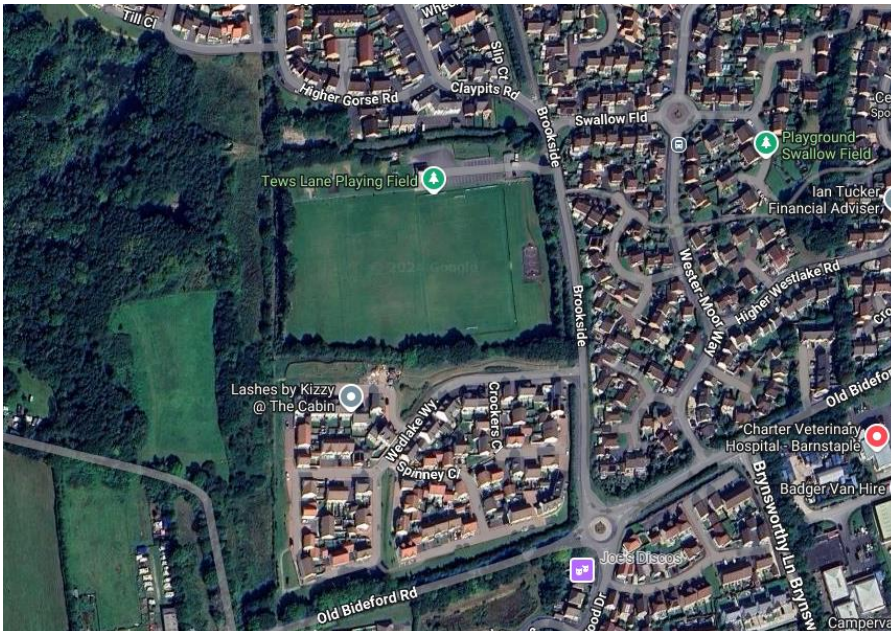


Image 2. East elevation from carpark



*Image 3. South elevation*



*Image 4. North-west elevation*



*Image 5. South-west elevation and development site*



*Image 6. View facing north-west*



*Image 7. View facing south*



**Recommendation**

**Approved**

Legal Agreement Required: No

**Planning History**

Reference Number	Proposal	Decision	Decision Date
72045	Discharge of condition 16 (details of flood risk area protection) attached to planning permission 53881 (Outline application for residential development comprising 350 dwellings, a primary school & associated		

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
	public open space & infrastructure) at Land West of Tews Lane Bickington Barnstaple EX31 3WJ		
<b>34086</b>	ERECTION OF SPORTS PAVILION TOGETHER WITH SPORTS PITCHES, ACCESS & CAR PARKING & ASSOCIATED LANDSCAPING (AMENDED PLANS) at , LAND PT OS 1575, TEWS LANE, , BICKINGTON, BARNSTAPLE, EX313XL	FULL PLANNING APPROVAL	25 March 2003
<b>50944</b>	EXTENSION TO SPORTS CENTRE at SPORTS CENTRE, TEWS LANE SPORTS FIELD, TEWS LANE, BICKINGTON, BARNSTAPLE, DEVON, EX31 3YA	FULL PLANNING APPROVAL	7 January 2011
<b>53881</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING 350 DWELLINGS, A PRIMARY SCHOOL & ASSOCIATED PUBLIC OPEN SPACE & INFRASTRUCTURE at Land at Tews Lane Barnstaple Devon	OUTLINE +S106 APPROVAL	24 October 2014
<b>60291</b>	RESERVED MATTERS APPLICATION FOR ERECTION OF 264 DWELLINGS (OUTLINE PLANNING PERMISSION 53881) (AMENDED PLANS IDENTIFYING REVISED LAYOUT & DESIGN TOGETHER WITH ADDITIONAL DRAINAGE, LANDSCAPE & ENGINEERING INFORMATION) at Land at Tews Lane Bickington Devon	FULL PLANNING APPROVAL	30 June 2016
<b>61602</b>	DISCHARGE OF CONDITIONS 23 (CONSTRUCTION MANAGEMENT PLAN) , 26 (NOISE ASSESSMENT), 36 (TREE PROTECTION PLAN), 37 (SCHEME FOR THE PROTECTION OF TREES) AND 42 (CONSTRUCTION METHOD STATEMENT) ATTACHED TO PLANNING PERMISSION 53881 (AMENDED DESCRIPTION) at Land West of Tews Lane Bickington	DISCHARGE OF CONDITION APPROVAL	23 November 2016

Reference Number	Proposal	Decision	Decision Date
	Barnstaple Devon		
<b>61658</b>	Application for non-material amendment to planning permission 60291 in respect of change of manufacturer for the block paving & gravel pathway together with addition of back garden patio at TEWS LANE, BICKINGTON, BARNSTAPLE, DEVON, EX31 2JU	APPROVE NON- MATERIAL AMENDME NT	25 November 2016
<b>61894</b>	APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 60291 IN RESPECT OF CHANGE OF REAR DOOR TYPE FOR HOUSE TYPES 402, 403 & TL4 at LAND AT, TEWS LANE, , BICKINGTON, , DEVON,	APPROVE NON- MATERIAL AMENDME NT	25 November 2016
<b>61137</b>	APPROVAL OF DETAILS IN RESPECT OF DISCHARGE OF CONDITIONS 13 (ARCHAEOLOGY), 21 (CONTAMINATED LAND) , 23 (CMP), 37 (AMS) ATTACHED TO PLANNING PERMISSION 53881 at LAND OFF TEWS LANE, FREMINGTON, DEVON	DISCHARG E OF CONDITIO N APPROVE	13 January 2017
<b>63354</b>	APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 60291 IN RESPECT OF AMENDMENT TO APPROVED MATERIALS LAYOUT & ADDITION OF A SINGLE DOOR ON THE GROUND FLOOR OF APARTMENT BLOCK B TOGETHER WITH A GATE, FENCE & PATH ADDED TO GARDEN AREA at Land Off Tews Lane Tews Lane Bickington Devon	APPROVE NON- MATERIAL AMENDME NT	17 August 2017
<b>63020</b>	APPLICATION FOR APPROVAL OF DETAILS IN RESPECT OF DISCHARGE OF CONDITIONS 8 (LOCATION OF AFFORDABLE HOUSING), 13 (ARCHAEOLOGY), 14 (PHASING PROGRAMME), 18 (DRAINAGE PLAN), 19 (SEWER REQUISITION) & 21 (GEOTECHNICAL REPORT) ATTACHED TO OUTLINE PLANNING CONSENT 53881 (OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING 350 DWELLINGS, A	DISCHARG E OF CONDITIO N APPROVE	7 December 2017

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
	PRIMARY SCHOOL & ASSOCIATED PUBLIC OPEN SPACE & INFRASTRUCTURE) at Land West of Tews Lane Barnstaple Devon		
<b>62977</b>	APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 61541 IN RESPECT OF CHANGES TO ADOPTED HIGHWAY SURFACE SPECIFICATION FROM BLOCK PAVERS TO TARMAC at LAND WEST OF, TEWS LANE, , BICKINGTON, BARNSTAPLE, DEVON, EX31 2JU	WITHDRAWN	5 January 2018
<b>70782</b>	Approval of details in respect of discharge of condition 44(Landscape management plan) attached to planning permission 53881 (Outline application for residential development comprising 350 dwellings, a primary school & associated public open space & infrastructure) at Land West of Tews Lane Bickington Barnstaple EX31 3WJ	Approved	6 December 2019
<b>70784</b>	Approval of details in respect of discharge of condition 21 (ground contamination) attached to planning permission 53881 (Outline application for residential development comprising 350 dwellings, a primary school & associated public open space & infrastructure) at Land West of Tews Lane Bickington Barnstaple EX31 3WJ	Approved	6 December 2019
<b>70903</b>	Approval of Details in respect of discharge of conditions 23 (Construction Management Plan) attached to Planning Permission 53881 Outline application for residential development comprising 350 dwellings, a primary school & associated public open space & infrastructure at Land Off Tews Lane Tews Lane Bickington Devon	Approved	17 February 2020



Reference Number	Proposal	Decision	Decision Date
<b>ENQC/000 1/2020</b>	Temporary extension of site working hours during pandemic until 9pm at Land West of Tews Lane Bickington Devon	Enquiry Closed	9 June 2020
<b>ENQC/000 2/2020</b>	Temporary extension of site working hours during pandemic (condition 24 planning permission 53881) until 9pm at Land West of Tews Lane Barnstaple Devon	Enquiry Closed	22 June 2020
<b>64921</b>	Extension to building and conversion from sports changing room facilities to sports and community centre (Amended plans and documents received) at TEWS LANE SPORTS & COMMUNITY CENTRE, TEWS LANE, , BICKINGTON, BARNSTAPLE, DEVON, EX31 3YA	Approved	8 March 2022
<b>75407</b>	Installation of multi use games area (MUGA) and associated works to include new agri-flex footpaths at Queen Elizabeth II Playing Field Tews Lane Bickington Devon	Approved	20 October 2022
<b>77385</b>	Installation of a single 8m column with two LED lights at Queen Elizabeth II Playing Field Tews Lane Bickington Barnstaple Devon	Withdrawn	3 August 2023

### **Constraints/Planning Policy**

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Critical Drainage Area	Within constraint
Historic Landfill Buffer	Within constraint

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Landscape Character is: 3A Upper farmed and wooded valley slopes	Within constraint
Unclassified Road	
USRN: 27500812 Road Class:R Ownership: Highway Authority/Private	2.62
USRN: 27503594 Road Class:R Ownership: Highway Authority	13.44
Within 50m of Adopted New or Upgraded Road: BAR03 Tews Lane, Roundswell	2.20000000000000032
Within adopted Development Boundary: Barnstaple South Development Boundary DM04	Within constraint
Within Adopted Sports Hub: Tews Lane, Roundswell	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 500M Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	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 DM04 - Design Principles DM05 - Highways DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST14 - Enhancing Environmental Assets	

**Consultees**

<b>Name</b>	<b>Comment</b>
Councillor H Walker	<i>No comments received</i>
Councillor J Cann	<i>No comments received</i>
Councillor W Topps	<i>No comments received</i>
Environment Agency	<i>No comments received</i>
Fremington Parish Council  Reply Received 29 November 2024	It was resolved, with no votes to the contrary, to make no comment
Place, Property and Regeneration	<i>No comments received</i>
South West Water  Reply Received 21 November 2024	<p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p><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. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)</li> <li>2. Discharge into the ground (infiltration); or where not reasonably practicable,</li> <li>3. Discharge to a surface waterbody; or where not reasonably practicable,</li> <li>4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</li> <li>5. 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</p>

Name	Comment
	<p>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: DeveloperServicesPlanning@southwestwater.co.uk.</p>
<p>Sustainability Officer</p> <p>Reply Received 15 November 2024</p>	<p>The submitted Ecological Appraisal (EA) and subsequent emergence surveys conclude that the existing structure is a Common pipistrelle day roost and therefore a Natural England licence will be required. The EA recommended building integrated bat slates and bird boxes are appropriately illustrated on submitted Elevations.</p> <p>The submitted BNG Statement concludes that the existing habitats are of low ecological value currently, and that it is possible to achieve a 20.10% BNG for area habitats within the redline boundary. The proposed development will result in a loss of 100m<sup>2</sup> of modified grassland in poor condition. In order to deliver onsite BNG approximately 112m<sup>2</sup> to the north of the building will be enhanced from modified grassland in poor condition to other neutral grassland. In addition 31m<sup>2</sup> of planters will be provided to the south of the building.</p> <p>A habitat management and monitoring plan (HMMP) in accordance with the EA, BNG Assessment and Habitat Plans must be secured by condition to ensure an appropriate monitoring and reporting framework is in place for at least 30 years and should be submitted alongside the BNG Plan. The HMMP will be required to clearly set out the implementation and future management of onsite habitats in order to ensure that the strategy is effective in the long term and should include appropriate remediation measures where required.</p> <p>The Biodiversity Gain Plan will be required in order to discharge the national BNG condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The BNG condition will not be included on the decision note.</p> <p>The Biodiversity Gain Plan discharging the BNG Condition must be submitted to the LPA in writing, no earlier than the day after planning permission has been granted. The use of the national Biodiversity Gain Plan template is strongly encouraged to bring together the required information into one document for approval. There is no separate application form for the submission of the Biodiversity Gain Plan. As with the discharge of other conditions which require approval of LPA planning authorities will have 8 weeks to approve the Biodiversity Gain Plan (unless another timescale is agreed).</p>

Name	Comment
	<p>The following content of a Biodiversity Gain Plan is required for development which is not to proceed in phases. Where planning permission is granted that has the effect of permitting development in phases, there are different requirements for the Biodiversity Gain Plan. Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following matters:</p> <ul style="list-style-type: none"> <li>- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;</li> <li>- the pre-development biodiversity value of the onsite habitat;</li> <li>- the post-development biodiversity value of the onsite habitat;</li> <li>- any registered off-site biodiversity gain allocated to the development and the biodiversity; and</li> <li>- any biodiversity credits purchased for the development.</li> </ul> <p>In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:</p> <ul style="list-style-type: none"> <li>- name and address of the person completing the Plan, and (if different) the person submitting the Plan;</li> <li>- a description of the development and planning permission reference number (to which the plan relates);</li> <li>- the relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;</li> <li>- the completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;</li> <li>- a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);</li> <li>- (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;</li> <li>- pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;</li> <li>- a description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the</li> </ul>

Name	Comment
	biodiversity of the irreplaceable habitat; and if habitat degradation has taken place: a statement to this effect, - the date immediately before the degradation activity, - the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and - any available supporting evidence for the value.

**Neighbours / Interested Parties**

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

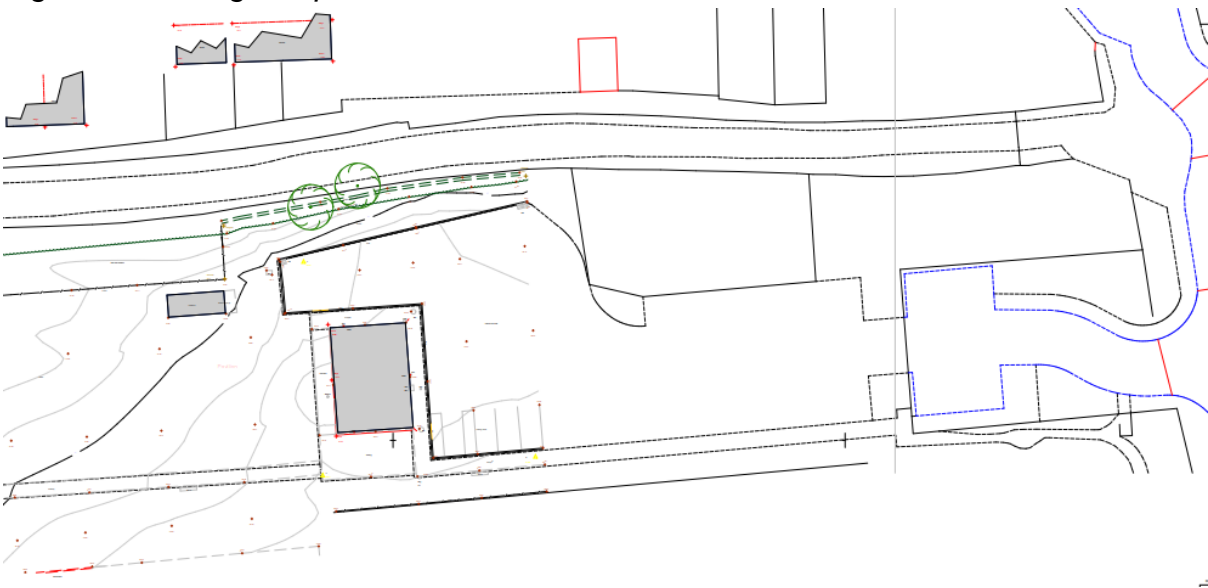
No representations received

**Considerations**

**Proposal Description**

1. This application seeks detailed planning permission for the erection of an extension to changing facilities to provide additional storage area.
2. The extension would mirror form to the existing building in massing, height, scale and appearance. The extension would measure approximately 11.5 metres by 8.0 metres with an eaves height of 2.7 metres and a ridge height of 7.0 metres. The exterior finishes of the extension would match the existing building with brickwork elevations, slate roof, upvc windows and upvc doors.

*Figure 2. existing site plan*



*Figure 3. proposed site plan*

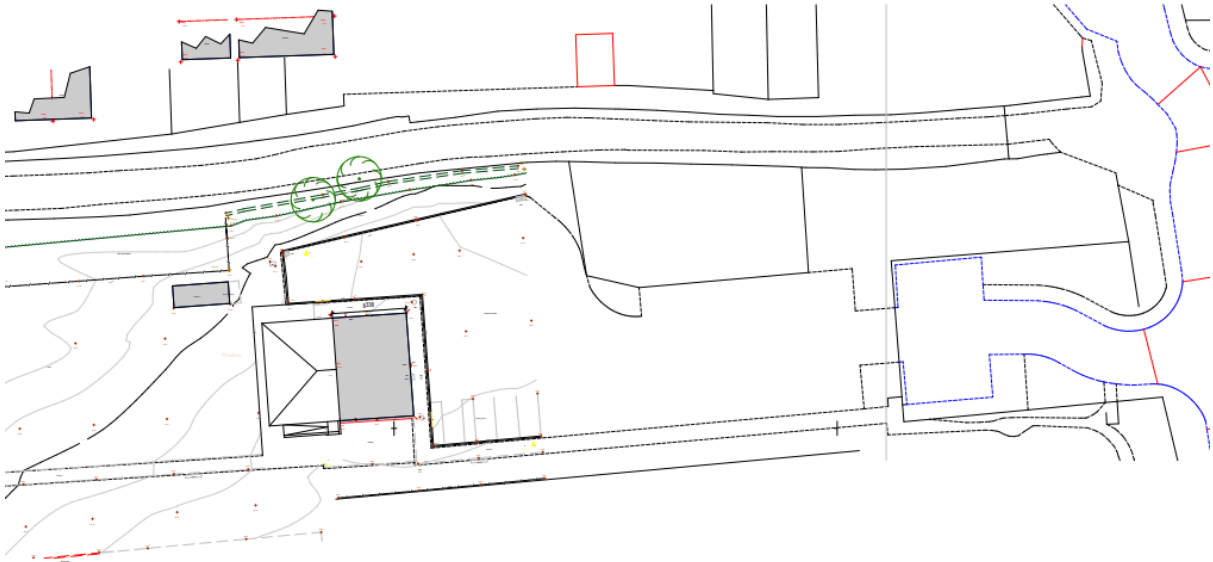


Figure 4. existing floor & elevation plan

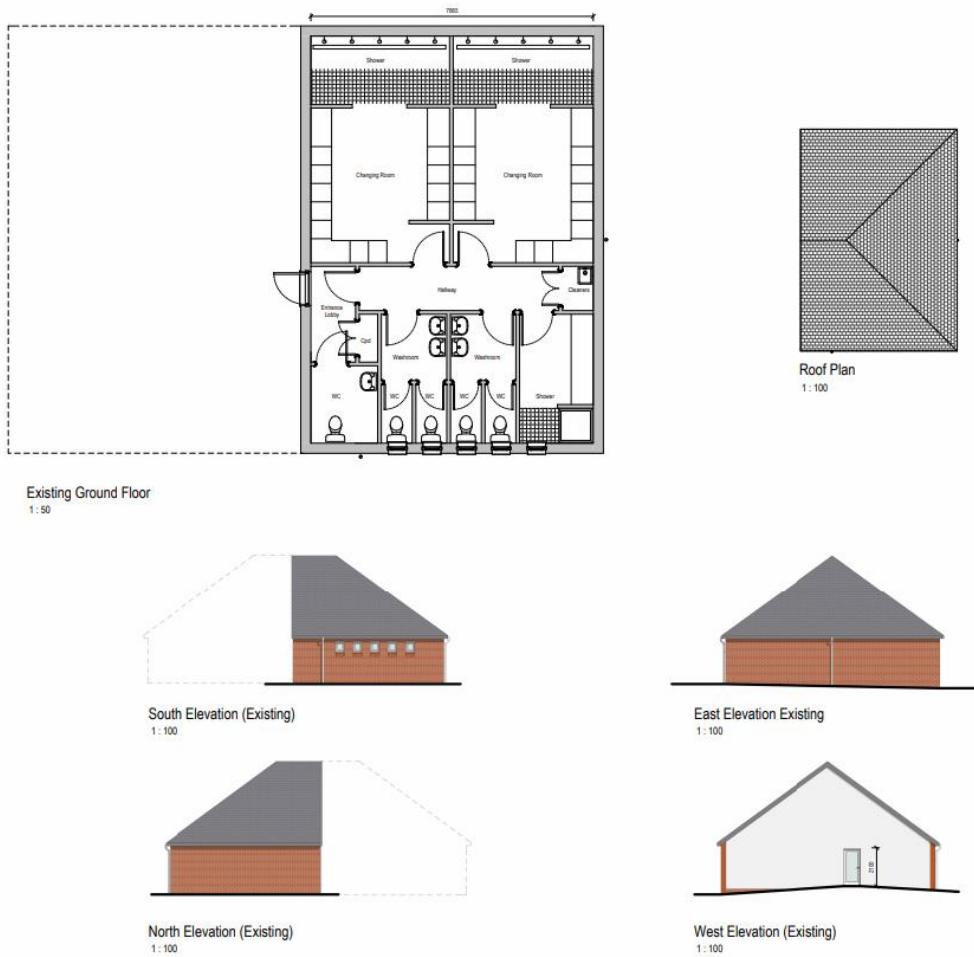
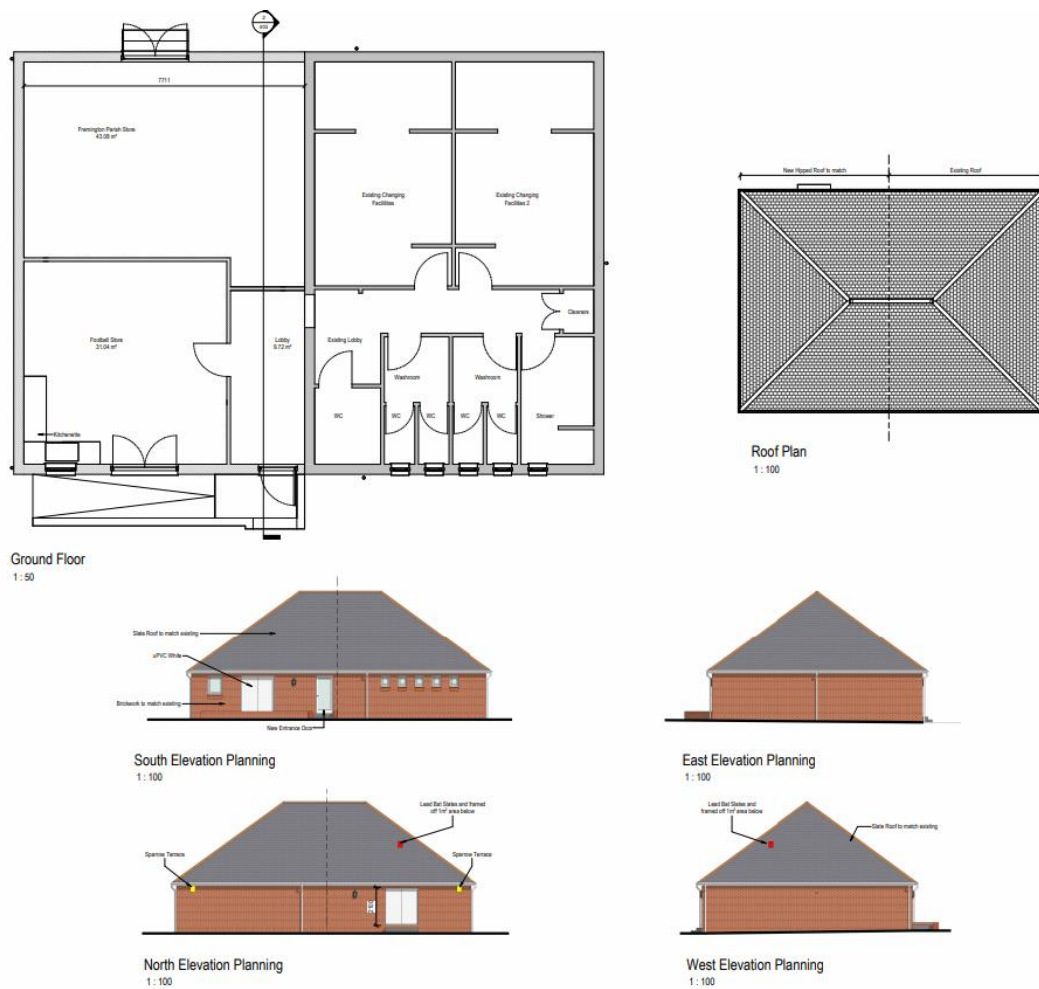


Figure 5. proposed floor & elevation site plan



**Planning Considerations Summary**

- Principle of Development
- Design
- Amenity
- Ecology
- Flood Risk and Drainage
- Highways and Parking

**Planning Considerations**

3. 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.

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

### **Principle of Development**

5. The principle of development should be considered under Policy ST22 of the NDTLP which is copied below:
6. *'Policy ST22: Community Services and Facilities*
  - (1) *Development of new, or extensions or improvements to existing community facilities that meet the needs of local communities will be supported within or adjoining defined settlements and Rural Settlements where:*
    - (a) *it does not harm the character of the area and the amenities of the surrounding uses;*
    - (b) *it is well related to public transport infrastructure, where possible, and is accessible by walking or cycling; and*
    - (c) *it can be accessed without generating unacceptable levels of traffic on the local road network and / or reducing highway safety.'*
7. This application seeks detailed planning permission for the erection of an extension to the existing changing facilities to provide additional storage area. The proposed development would improve the facilities available for the community and local sport teams.
8. The proposed development is considered acceptable in principle provided the proposal complies with relevant planning considerations and development management policies of the NDTLP.

### **Design**

9. Policy DM04 (Design Principles) of the NDTLP requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.
10. Policy DM08A (Landscape and Seascape Character) of the NDTLP seeks to ensure development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and should avoid adverse impacts.
11. The proposed extension would be situated on the west elevation of the existing changing facilities and would provide additional storage space for the parish and local sports teams.
12. The extension would mirror form to the existing building in massing, height, scale and appearance. The extension would measure approximately 11.5m by 8.0m with an

eaves height of 2.7m and a ridge height of 7.0m. the exterior finishes of the extension would match the existing building with brickwork elevations, slate roof, upvc windows and upvc doors.

13. The proposed extension would not be visually prominent from the local highways due to the separation distance and existing screening.

14. It is considered that the proposed development is in accordance with the above Local Plan Policies.

### **Amenity**

15. Policy DM01 (Amenity Considerations) of the NDTLP states development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses; and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses

16. No representations have been received

17. To the north of the application site is Higher Gorse Road & Claypits Road. The nearest residential dwellings sit approximately 30m from the development site and is partially screened by a well-established boundary hedgerow. Given the design of the proposed development and the separation distance it is considered that the proposal would not result in any overbearing, loss of privacy or any loss of light to the neighbouring amenity.

18. To the east of the application site is the local highway adjacent to Swallow Fields & Woodlark Lane. The local highway sits approximately 95m east of the development site and is separated by the application's associated carpark and an established tree line along the eastern boundary. Given the siting of the proposed development and the distance it is considered that the proposal would not result in any harm to the amenity of the local residents along the local highway.

19. To the south of the application site is the associated sports fields and to the west of the application site is a woodland area with no immediate residential neighbours.

20. It is not considered that the proposed development would result in a significant harm to existing amenity levels for local residents. Therefore, the proposed development is considered to comply with DM01.

### **Ecology**

21. 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).

22. Policy DM08 (Biodiversity and Geodiversity) of the NDTLP requires development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance.
23. Policy ST14 (Enhancing Environmental Assets) of the NDTLP aims to protect and enhance northern Devon's natural environment by ensuring that development contributes to providing a net gain in biodiversity where possible.
24. The application is accompanied by:
- Wildlife Trigger Table
  - Ecological Impact Assessment
  - BNG Statement
  - BNG Assessment
  - BNG Metric
25. The supporting Ecological Impact Assessment and subsequent emergence surveys conclude that the existing structure is a Common pipistrelle day roost and therefore a Natural England licence will be required.
26. According to the BNG metric and statement supplied the landscaping improvement detailed offers an increase in BNG uplift of 20.1% meeting the mandatory minimum of 10%. This would be achieved through approximately 112m<sup>2</sup> of neutral grassland to the north of the building and 31m<sup>2</sup> of planters to the south of the building, in accordance with the BNG Assessment.
27. Biodiversity net-gain through the installation of integrated bat slates and bird boxes have also been proposed and appropriately detailed on the proposed plans.
28. The LPA's Sustainability Officer has reviewed the application and has not raised any objections and has recommended the inclusion of ecological and BNG conditions.
29. The proposal is considered to be in accordance with DM08 and ST14 as well as national BNG requirements, subject to the inclusion of conditions

### **Flood Risk and Drainage**

30. The application site lies in flood zone 1 however, parts of the wider site fall within flood zones 2 & 3. The application site also falls within the critical drainage area.
31. The application has been supported by Flood Risk Assessment and Critical Drainage Statement.

32. South West Water have reviewed the application and have commented that the surface water drainage method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

33. As such, it is considered that the increase in developed footprint has been appropriately addressed in relation to drainage and flooding.

### **Highways and Parking**

34. Policy DM05 (Highways) of the NDTLP states all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users.

35. Policy DM06 (Parking Provision) of the NDTLP requires development proposals to provide an appropriate scale and range of parking provision to meet anticipated needs.

36. The Local Highway Authority have no comments to make on this application.

37. The proposed development is not considered to impact on the safety or function of the local road network or the local traffic volume levels. The proposal would not impact on the existing parking provisions for the site.

38. The proposal is considered to comply with DM05 and DM06.

### **Conclusion**

39. The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended 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**

Lynton House, Commercial Road, Barnstaple EX31 1DG | [www.northdevon.gov.uk](http://www.northdevon.gov.uk)

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:

F175 24 201A Location Plan received on the 15/10/24

F175 24 204aB Proposed Site Plan received on the 15/10/24

F175 24 302A Proposed Elevations & Floor Plans received on the 15/10/24

24 774 P2 Proposed Habitat Plan received on the 10/10/24

('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 external finishing materials to be used for the extension hereby approved shall match those of the existing building in colour, form and texture.

Reason:

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

4. Prior to the development hereby approved being brought into first use, the biodiversity net gains as indicated on the approved plans, shall be provided in full and 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.

5. The development shall be carried out in accordance with the recommendations as detailed in the Ecological Impact Assessment prepared by Lakeway Ecological Consultancy dated 16 September 2024.

Reason:

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).

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. A Biodiversity Gain Plan shall be prepared in accordance with the 'approved plans'.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

8. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

9. Notice in writing shall be given to the Council when the:
  - (a) Habitat Management and Monitoring Plan (the HMMP) has been implemented; and
  - (b) habitat creation and enhancement works as set out in the (HMMP) have been completed.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

10. Within 6 months of the extension hereby approved being first used:

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- (a) the habitat creation and enhancement works set out in the approved Habitat Management and Monitoring Plan (the HMMP) shall have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements,

has been submitted to, and approved in writing by the Local Planning Authority.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

11. The created and/or enhanced habitat specified in the approved (HMMP) shall be managed and maintained in accordance with the approved (HMMP) and monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved (HMMP).

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

### **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 the development of land in England is deemed to have been granted subject to the condition "(the 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 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990 and as such the following applies.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

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. Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without

compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

5. 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.