

Application Report

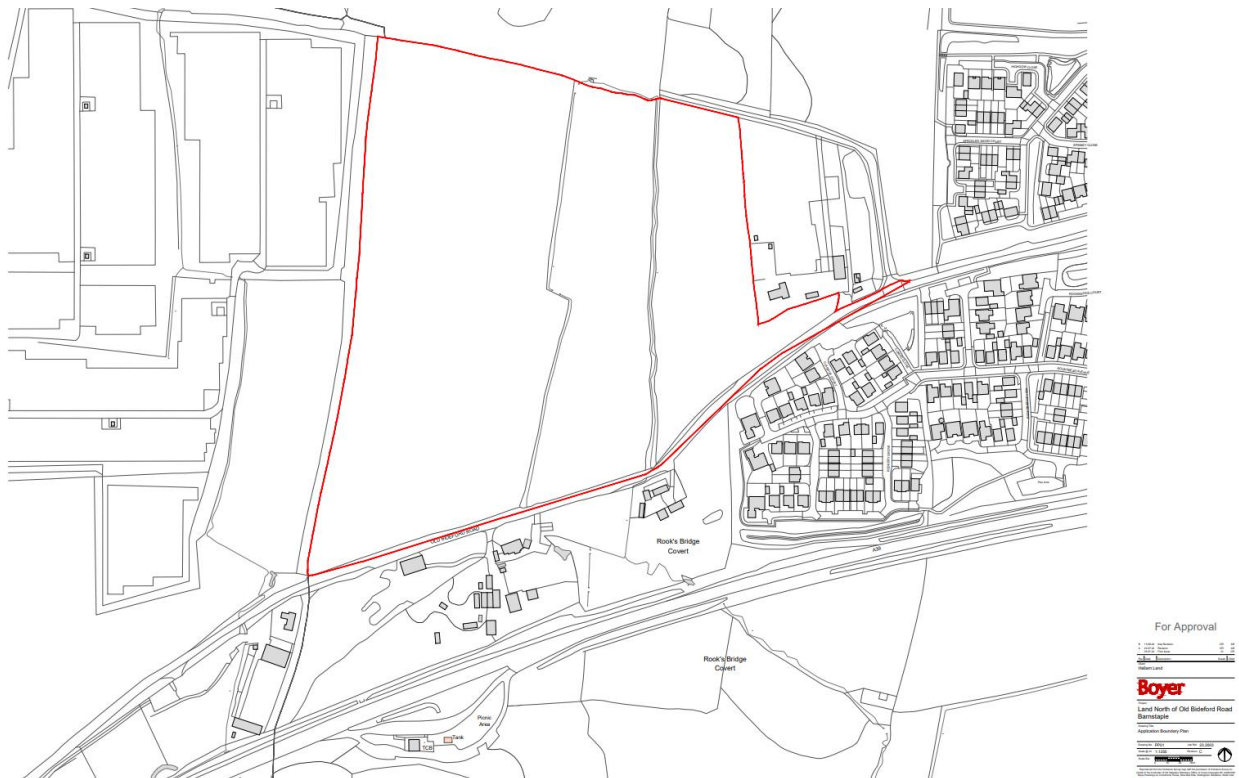
Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	79375
Application Type:	Outline Application
Application Expiry:	6 March 2025
Extension of Time Expiry:	6 March 2025
Publicity Expiry:	20 February 2025
Parish/Ward:	FREMINGTON/FREMINGTON BICKINGTON
Location:	Land North of Old Bideford Road Barnstaple
Proposal:	Outline planning permission for residential development for up to 220 dwellings, a local shop (Use Class E(a)), with landscaping, access, public open space and associated infrastructure work (All matters reserved except access)
Agent:	Boyer
Applicant:	Hallam Land
Planning Case Officer:	Mrs J. Meakins
Departure:	N
EIA Development:	No
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – The application is a major departure from the Development Plan and has been called in by Councillor Walker

Site Description

The site is located in the parish of Fremington on the northern side of Old Bideford adjacent to the development boundary for Barnstaple to the south and a short distance from the edge to the east.



Site Location Plan



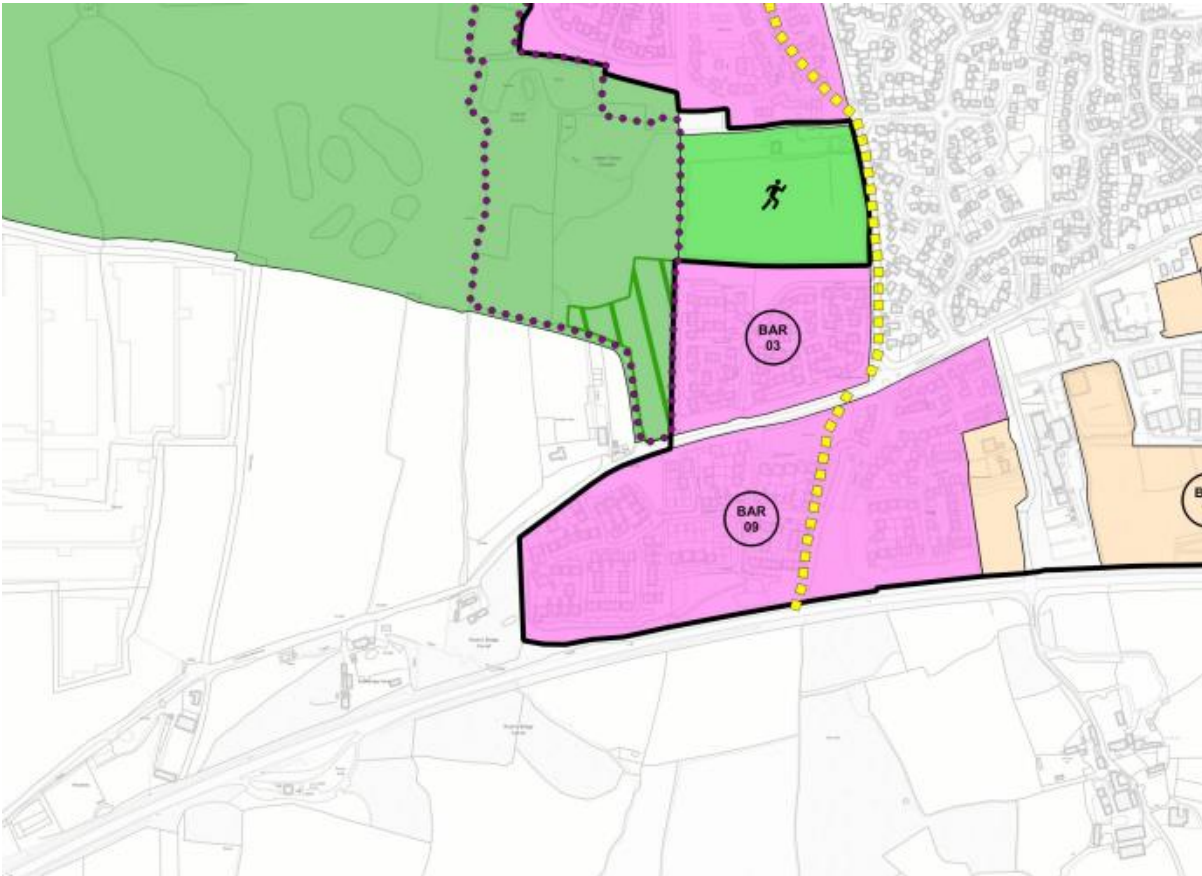
Aerial Image of Site

The site is comprised of 11.32ha (approximately) of agricultural pasture land at present spread over three fields with established hedgerows between. The land slopes gently to the north and between the easternmost fields and two to the west is a water course.



Drone Extract of site looking West

The access to the site is onto Old Bideford Road, a classified road, capable of accommodating two vehicle widths in some parts. To the south of the site is part of the Glenwood Park development, approved as part of Policy BAR03 allocation in the North Devon and Torridge Local Plan (NDTLP) (see plan below) and further south-west is a collection of residential and commercial uses on the adjacent side of Old Bideford Road.



Extract from Local Plan

To the east of the site, there is an area of intervening land with a mixed use for agriculture and caravan storage with further residential development approved as part of the Policy BAR03 allocation further east. There is also a geological Site of Scientific Interest in this area and a County Wildlife Site which are denoted in the plan above with the green hatched area and purple dotted outline. To the west of the site is a solar farm.

Recommendation

Approved

Legal Agreement Required: Yes

Planning History

Reference Number	Proposal	Decision	Decision Date
20521	PROPOSED SITING OF AGRICULTURAL WORKERS MOBILE HOME PLUS EXTENSION TO EXISTING AGRICULTURAL BUILDING at CONNORS FARM, BICKINGTON, EX31 2DE	FULL PLANNING APPROVAL	3 July 1995
22192	PROPOSED EXTENSION TO EXISTING RABBIT UNIT TOGETHER WITH REPLACEMENT OF EXISTING 3 NO. CHICKEN SKIDS WITH POLYTUNNEL POULTRY HOUSE at CONNORS FARM, , BICKINGTON, EX313HR	FULL PLANNING APPROVAL	2 October 1996
23863	PROPOSED CONTINUED SITING OF AGRICULTURAL MOBILE HOME (RENEWAL OF 20521) at CONNERS FARM, , BICKINGTON, EX313HR	FULL PLANNING APPROVAL	14 July 1997
26995	APPLICATION FOR DETERMINATION OF NEW OPERATING CONDITIONS UNDER THE PROVISIONS OF THE ENVIRONMENT ACT 1995 at CLAYPIT COVERTS, (LAND AT), FREMINGTON, EX312ND	DCC APPROVAL	9 June 1999
46687	CERTIFICATE OF LAWFUL DEVELOPMENT FOR AN EXISTING USE IN RESPECT OF UNRESRICTED OCCUPATION OF DWELLING ERECTED UNDER PLANNING PERMISSION 24186 at CONNERS FARM, OLD BIDEFORD ROAD, BICKINGTON, BARNSTAPLE, EX312DE	CERT OF LAWFULNESS REFUSED	11 November 2008
47794	ERECTION OF ONE AGRICULTURAL BUILDING TO HOUSE GOATS & TO STORE HAY / MACHINERY at CONNORS FARM, OLD BIDEFORD ROAD, ROUNDWELL, BARNSTAPLE, DEVON, EX313HR	FULL PLANNING APPROVAL	13 February 2009

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adopted Green Wedge:Muddlebridge Policy Ref:BAR22	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 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Any Development	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 10.7m	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Critical Drainage Area	Within constraint
Historic Landfill Buffer	Within constraint
Historic Landfill Site: Claypits Coverts	Within constraint
Landscape Character is: 3A Upper farmed and wooded valley slopes	Within constraint
USRN: 27506785 Road Class:C Ownership: Highway Authority	Within constraint
USRN: 27507592 Road Class:Q Ownership: Private	7.89
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 100	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

Constraint / Local Plan Policy	Distance (Metres)
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 ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST05 - Sustainable Construction and Buildings 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	

Consultees

Name	Comment
Active Travel England Reply Received 21/11/2024	Refer to standing advice
Arboricultural Officer	Arb Officer comment: Very thorough AIA and TPP the position of the dwellings has allowed the retained lapsed hedgerow trees to develop without causing issues. There are some lovely trees in the hedgrows providing valuable habitat and it is great to see how much of it is being retained.

Name	Comment
Reply Received 5 November 2024	
Councillor F Biederman Reply Received 13 November 2024	<p>I would like to express my concerns regarding the outline planning permission application for residential development Ref: 79375 at Land North of Old Bideford Road, Barnstaple.</p> <p>Firstly, I am concerned that this development falls outside the Adopted Local Plan. The Local Plan is crucial for ensuring that any development aligns with the strategic vision for the area, and maintaining adherence to this plan is essential for coherent urban planning.</p> <p>Infrastructure is a significant concern, particularly in terms of its capacity to support an additional 220 dwellings. Health services and dental practices in the area are already experiencing high demand, and I fear that this development could exacerbate the current strain. Accessibility to adequate healthcare facilities is a critical factor in planning sustainable communities.</p> <p>Another pressing issue is the impact on the current highway network. Increased traffic could lead to congestion and safety concerns, which should be thoroughly assessed. Sustainable transport measures should be a priority to ensure that the development is well-integrated with existing public transport systems, cycling paths, and pedestrian networks.</p> <p>Additionally, the sewage capacity must be evaluated to ensure it can handle the increased load without adverse environmental impacts. Proper assessments and upgrades, where necessary, should be planned before the development proceeds.</p> <p>Regarding sustainability, the development's location must provide sufficient access to amenities. Residents should have easy access to necessities such as schools, shops, and public services within a reasonable distance to promote sustainable living and reduce dependency on cars.</p> <p>I urge the council to consider these factors comprehensively before moving forward with this application. Adhering to the Adopted Local Plan and ensuring robust infrastructure support is fundamental in fostering a well-planned, sustainable community.</p> <p>Thank you for considering these concerns, we must build communities not just houses.</p>
Councillor H Walker Reply Received 02/12/2024	<p>I would like to add the following reasons:</p> <p>The area is at saturation point for new housing without major infrastructure investment. Our Health provision is full, our road network is at breaking point. Our sewage system is elderly.</p>

Name	Comment
	I would ask that the proposed crossing is moved to the desire line for pedestrians, which is on the other side of the roundabout at the top of Tews Lane.
Councillor J Cann Reply Received	No reply received
Councillor N Denton Reply Received	No reply received
Councillor W Topps Reply Received	No reply received
DCC - Childrens Services Reply Received 18/12/2024	<p>Introduction</p> <p>Devon County Council is the Local Education Authority (LEA) and therefore has a statutory duty to ensure that all children have access to statutory early years and school education. The manner in which the county council undertakes school place planning is set out in our Education Infrastructure Plan and the Education Approach for Developer Contributions (December 2021). In accordance with the above, the Department for Education and county council position is that new education facilities required to serve development should be fully funded by development.</p> <p>Devon County Council has identified that a development up to 220 family type dwellings will generate an additional 55 primary pupils and 33 secondary pupils which would have a direct impact on education provision within Barnstaple.</p> <p>When factoring in both approved but unimplemented housing development, as well as outstanding Local Plan allocations we have forecast that local early years, primary, secondary and special schools have not got capacity for the number of children likely to be generated by the proposed development. Therefore, in order to make the development acceptable in planning terms, Devon County Council will seek contributions towards additional education infrastructure to serve the address of the proposed development. This is set out below:</p> <p>Primary education and early years</p> <p>We have forecast that there is sufficient primary capacity to accommodate 24% of pupils expected to be generated by development in the area and therefore would only seek contributions against the remaining 76% of pupils. Please note that DCC will not seek additional primary contributions on SEN pupils and therefore will only seek a contribution towards the remaining 53.90 pupils expected to be generated from this development. The primary contribution sought would be £831,774</p>

Name	Comment
	<p>(based on the DfE new build rate of £20,305 per pupil x 76%). This equates to a per dwelling rate of £3,780.79. The contributions will go towards new primary provision within Barnstaple.</p> <p>In addition, DCC also need to request a proportionate land contribution of 10m2 per family-type dwelling from this development. Based upon a land value of £1,105,000 per hectare, this land contribution would equate to £184,756 (based on £1,105 per dwelling x 76%), this equates to a per dwelling rate of £839.80. The contribution would be used towards the costs of procuring the new school land.</p> <p>In addition, a contribution towards early years provision is needed to ensure the delivery of statutory provision for 2, 3 and 4 year olds. This is calculated as £55,000 (based on £250 per dwelling). This contribution will be used to provide new early years provision for children generated by the proposed development.</p> <p>Secondary education We have forecast that there is sufficient secondary capacity to accommodate 73% of pupils expected to be generated by development in the area and therefore would only seek contributions against the remaining 27% of pupils. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore we will only request secondary education contributions against the remaining 32.34 pupils expected to be generated from this development. The secondary contribution sought would be £205,546 (based on the DfE expansion rate of £23,540 per pupil x 27%). This equates to a per dwelling rate of £934.30. The contributions will be used towards the expansion of existing secondary provision in Barnstaple.</p> <p>Special Education Needs It is set out in the DCC Education Section 106 Infrastructure Approach that approximately 2% of the school population require specific Special Education provision; this development is likely to generate 1.76 pupils who will require a specialist place. DCC therefore need to request additional primary and secondary SEN places as a result of the development. The request would be a total of £143,042 (based on the SEN extension rate of £81,274 per pupil) equivalent to 1.1 primary pupils and 0.66 secondary pupils. This equates to a per dwelling rate of £650.19.</p> <p>Payment method All education infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to these contributions should be applied from this date. The 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</p>

Name	Comment
	<p>accommodation) and 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. 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. Summary Subject to the provision of appropriate s106 contributions, DCC does not object relating to the provision of education</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 18/12/2024</p>	<p>The Local Highway Authority has considered the application, including the supporting Transport Assessment and drawings. It is considered the site access/junction with identified visibility splay provision proposed as part of this application is acceptable. The proposed traffic calming works within, and adjacent to, the public highway are also considered acceptable.</p> <p>These works will need to be included within a Section 38/278 Agreement between the developer and Local Highway Authority, post-planning approval.</p> <p>The proposed signal-controlled pedestrian crossing will also require approval through a Section 278 Agreement (which will include a full Road Safety Audit).</p> <p>To secure the above, the following contributions are requested:</p> <ul style="list-style-type: none"> • a commuted payment contribution of £20,000 shall be paid towards the on-going maintenance of the pedestrian crossing. • a contribution of £5,000 towards all necessary Traffic Regulation Orders in connection with speed limit relocation and pedestrian crossing facility. <p>The application will also need to provide an adoptable grass verge to the full frontage of the application site with Old Bideford Road in the westerly direction.</p> <p>The width of such grass verge should allow for any future widening of Old Bideford Road to 5.5 metres and footway to 2 metres.</p> <p>This would ensure any further development to the west of the application site is not prejudiced by this development.</p> <p>In addition to the above highway measures, the application is also requested to contribute towards the provision of sustainable transport.</p> <p>The distance to the nearest bus stops on Westermoor Way is approximately 730 metres from the application site. This distance can be reduced if a new stop is provided on Old Bideford Road, near the junction with Brynsworthy Lane. Although the No. 19 bus service passes Barnstaple Railway Station, there are no early services to catch the 0625 or 0722 trains to Exeter, so travel for employment or education is restricted. A total of £99,285 is requested towards:</p>

Name	Comment
	<ul style="list-style-type: none"> • Restoring the Saturday 19 service to half-hourly. At present prices, this will be approximately £15,815 per annum and three years funding is sought. • Additional journeys at approximately 0600 and 0700 from Roundswell to connect to morning trains to Exeter at. The cost for these will be around £17,280 per annum and three years funding is sought. The application should also provide, or contribute towards, a new bus stop on Old Bideford Road. <p>Public footpath 17 is located to the east of the application site and connects Old Bideford Road to the residential developments to the north. Improvements are required to up-grade this footpath to a multi-use route, this includes adding a suitable surface and associated infrastructure to the footpath. These improvements would enable cyclists, pushchairs and mobility vehicles to use the footpath and would increase the connectivity of the development with Bickington, Roundswell and onto Barnstaple, encouraging active travel. At a distance of 400 metres and an average width of 2 to 2.5 metres, the cost of these improvements are estimated to be £150,000, and this is requested from this development.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 18/12/2024</p>	<p>At this stage, the County Council as the Lead Local Flood Authority object to the above planning application. It is considered that the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit additional information, as outlined below:</p> <ul style="list-style-type: none"> • It is noted that urban creep has been included within the discharge rate calculations. This should only be included within storage calculations and we therefore request that the discharge rates are calculated for the known impermeable area. • In addition to this, we would request that the applicant submits a copy or screenshot of the FEH catchment descriptors from the FEH website, along with the location of the site on the websites map. <ul style="list-style-type: none"> • It is noted that the Flood Risk Assessment sets out pollution hazard indices. The assessment sets out that the most onerous proposed land use for the development has been assessed to be 'individual driveways, residential car parks, low traffic roads and non-residential car parks with infrequent change (schools/offices)'. It is considered that the development is likely to generate more than 300 trips a day. This level of trips triggers the higher pollution indices and we would therefore recommended that higher pollution indices are assessed as part of this application. • The applicant should provide confirmation that there is space on site to vary the basins. • The applicant should also confirm how the flows would get into the swale. • It is recommended that the applicant considers whether the proposal could be built in phases.

Name	Comment
	<ul style="list-style-type: none"> • We note that the access road is proposed through the centre of the site, and over an existing culvert. Justification as to the placement of this road is welcomed. We would request that the applicant considered whether the culvert could be removed and the channel opened up. • We would recommend that the applicant considers the potential for any low lying areas of topography on the site to affect the exceedance flow routes. In addition to this, the LLFA have the following comments: Surface water is proposed to be managed via permeable paving, swales and detention basins within the application site, which is welcomed. It is noted that the flood zones have been remodelled by the applicant. We note this is likely to be assessed by the EA, however DCC as LLFA would like to remind the applicant that surface water management features such as basins should not be located within Flood Zone 3. It is recommended that the applicant submits detailed designs of the basins and swales at reserved matters stage. As part of this, the following should be addressed: <ul style="list-style-type: none"> • The side slopes of the basins should be varied • The applicant should consider how flows will get into the swale • The maintenance of the proposed basins and who will be responsible for this <p>The Council maintains a holding objection with regards to flood risk until the additional information requested is submitted to and agreed in writing by the Lead Local Flood Authority.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 19 February 2025</p>	<p>Phasing of Site – applicant notes within Table in section 1.3.3 of updated FRA that eastern catchment could be phased using a pumping station. Is a pumping station needed for surface water? Could western catchment be phased?</p> <p>Treatment from Main Roads – Swale at very east of site is not very big. If this swale is for the Main Road, it should cover more like the entire length of the road please.</p> <p>Existing Culvert – This an Ordinary Watercourse. Access crossings of watercourses should be kept to a minimum. If the site does not need 2 access crossings into the western site, then 1 should be removed (understood if this is dealt with at Reserved Matters stage)</p> <p>Maintenance – Who will maintain SuDS features and drainage network?</p> <p>Exceedance Flow Routes – We appreciate that the applicant has noted within the table in Section 1.3.3 that exceedance flow routes will avoid low spots. Could the applicant also confirm that exceedance flows will be managed within open spaces and not through the curtilages of properties?</p>

Name	Comment
<p>DCC - Public Health</p> <p>Reply Received 18/12/2024</p>	<p>DCC welcomes the provision of vegetation, open space areas within the proposed development, such as community growing spaces, orchards and green space. It is understood that the proposed development will comprise a mix of sizes, types and tenures including affordable housing. As part of the reserved matters application, it is recommended that the applicant considers the ability to create adaptable housing to suite the life course and different abilities within the community. It is recommended that the following details are addressed as part of the reserved matters application:</p> <ul style="list-style-type: none"> -The proposed development should adopt a healthy living design including outside drying space, cycle/mobility storage etc. - Active travel opportunities for residents as well as considering the needs of the less ablebodied and younger/older residents - Suicide prevention <p>Summary</p> <p>The Council raises no objection relating to public health, subject to the provision of further information.</p>
<p>DCC Waste Management</p> <p>Reply Received 18 December 2024</p>	<p>Waste and Minerals Planning 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>The submitted Planning Statement makes reference to the preparation of a CEMP that will manage the disposal of waste during construction. We recommend that the following information is addressed and secured by condition:</p> <ul style="list-style-type: none"> • identify measures taken to avoid all waste occurring. • demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy. • the amount of construction, demolition and excavation waste in tonnes, set out by the type of material. • identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.

Name	Comment
	<ul style="list-style-type: none"> • the predicted annual amount of waste, in tonnes, that will be generated once the non residential uses are occupied, such as the proposed local shop. • identify the main types of waste generated when the non-residential uses are occupied. the details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably. <p>We recommend that the LPA is satisfied with the provision of waste storage for the operational phase of the proposed development. Information surrounding operational waste can be found here: Waste Performance Statistics 2022-23.pdf (devon.gov.uk) (page 7).</p> <p>Devon County Council's Waste Management and Recycling: Development Contribution Methodology (January 2021) identifies the need for improvement works at the existing Household Waste Recycling Centre within Barnstaple. This site is located in the catchment area for this recycling centre. Therefore, development at this site is required to make a financial contribution towards these improvements as supported by Policy W21 of the Devon Waste Plan. Contributions will be requested on a 'per dwelling' basis, as per the methodology in the adopted 2017 document.</p> <p>DCC's methodology for calculating the contribution per dwelling is based upon the total cost of the new/improved facility and the total number of homes the facility will serve. This approach considers the number of new homes in the context of the wider total of all homes served by the site and proportions cost accordingly. This ensures that requests are fair and proportionate to the scale of development. The cost of a facility is based on recent, local evidence of costs to deliver a similar recycling centre elsewhere within the county and equates to a contribution of £128 per dwelling.</p> <p>Further details on this methodology can be found at the following link: https://www.devon.gov.uk/planning/document/waste-management-and-recycling/ Based on this calculation, the total contribution would be £28,160 (220dw x £128). This site is not located within a mineral consultation area or mineral safeguarding area. As such, the County Council as Mineral Planning Authority has no objections to the proposed development.</p> <p>Summary</p>

Name	Comment
	<p>Subject to the imposition of suitable planning conditions and S106 contributions, the council raises no objection on matters relating to waste planning.</p> <p>The County Council as Mineral Planning Authority raises no objections on matters relating to mineral planning.</p> <p>Adult Social Care It is noted that this application does not include the provision of specialist housing. There is a current need for the provision of adult social care units within Barnstaple, and a need to housing to meet the communities housing needs, as set out in Policy BAR. We recommend that the impact of this development on older people and younger people with specialist needs, as well as the provision of extra care housing units are considered and assessed as part of this application.</p> <p>Summary The Council raises no objection relating to adult social care, subject to the provision of further information and consideration by the applicant.</p>
<p>DCC Strategic Response (other comments)</p> <p>Reply Received 18 December 2024</p>	<p><u>Gypsy and Travellers Provision</u> We understand that North Devon Council is currently preparing a Gypsy and Travellers site allocation DPD which will provide suitable sites for Gypsies and Travellers, as stated in Policy DM30 of the Local Plan.</p> <p>However, we are aware that few suitable sites have come forward through the call for sites process and a number of those submitted do not meet the necessary assessment criteria.</p> <p>Consideration should be given by the LPA as to whether this site is suitable for the on-site provision of Gypsy and Traveller pitches. Such provision could make a positive contribution towards the mix of affordable housing available on the site.</p> <p>Summary The Council raises no objection relating to gypsy and traveller provision, subject to further consideration by the local planning authority.</p> <p><u>Public Health</u> DCC welcomes the provision of vegetation, open space areas within the proposed development, such as community growing spaces, orchards and green space. It is understood that the proposed development will comprise a mix of sizes, types and tenures including affordable housing. As part of the reserved matters application, it is recommended that the</p>

Name	Comment
	<p>applicant considers the ability to create adaptable housing to suite the life course and different abilities within the community.</p> <p>It is recommended that the following details are addressed as part of the reserved matters application:</p> <ul style="list-style-type: none"> - The proposed development should adopt a healthy living design including outside drying space, cycle/mobility storage etc. - Active travel opportunities for residents as well as considering the needs of the less able bodied and younger/older residents - Suicide prevention <p>Summary The Council raises no objection relating to public health, subject to the provision of further information.</p> <p><u>Economic Issues</u> Tourism forms a very strong and important component of North Devon and Torrridge's local economy, with 69% of visits to Devon are driven by the quality of the landscape and environment. It is noted that the development has adopted a landscape-led approach. The proposal includes the retention of some existing trees and hedgerows along the sites boundary. In addition to this, the application proposed tree and hedgerow planting around the site, with the majority of tree planting proposed within the northern section of the site. It is considered that this has the potential to ensure the visual impact of the development is minimised for the public and tourist within the area.</p> <p>It is recommended that the proposed dwellings are built in keeping with the surrounding area. We note that appendix 4 of the planning statement sets out that the proposed dwellings will make use of traditional materials, be equipped with modern technology and make use of energy efficient building fabric. It is recommended that details regarding the energy standards, broadband capability as well as solar potential is explored through the reserved matters application.</p> <p>Summary The Council raises no objection relating to economic issues, subject to the provision of further information.</p> <p>I hope these comments are useful in determining the above application. If you have any questions please do not hesitate in contacting me. We look forward to working with you and the developers to resolve these issues further prior to determination and at reserved matter stage.</p>

Name	Comment
<p>DCC Historic Environment Service</p> <p>Reply Received 18 December 2024</p>	<p>Historic Environment</p> <p>The application site lies in an area of archaeological potential. Recent archaeological investigations undertaken in advance of a housing development to the north revealed the presence of a previously unrecorded late Iron Age/early Romano-British ditched enclosure which is likely to represent the site of a farmstead dating to the 1st century BC - early 2nd century AD. This farmstead is unlikely to have existed in isolation and, as such, the application site may contain archaeological and artefactual deposits associated with the known late prehistoric and early Romano-British settlement of this landscape.</p> <p>The geophysical survey undertaken here has not identified definite archaeological features. It should also be noted that previous surveys had not identified the alignment of several of the former field boundaries shown on historic mapping within the application area. These features, along with any subtle archaeological features such as pits and gullies that may be present, may be masked by agricultural activity across the site. As such, there is the potential for the site to contain archaeological features associated with the known late Iron Age and Romano-British activity in the surrounding landscape and groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.</p> <p>Devon County Council's Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.</p> <p>If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon And Torridge Local Plan 2011 – 2031 and paragraph 218 of the National Planning Policy Framework (2024), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:</p> <p>'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all</p>

Name	Comment
	<p>times in accordance with the approved scheme as agreed in writing by the local Planning Authority.'</p> <p>Reason 'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'</p> <p>This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.</p> <p>In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:</p> <p>'The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'</p> <p>Reason 'To comply with Paragraph 218 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'</p> <p>The Historic Environment Team would advise that the programme of archaeological work should take the form of a staged programme of archaeological works, commencing with the excavation of a series of trial trenches, that should sample at least 3% of the area affected by the proposed development, to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation of all or targeted part(s) of the development site in advance of construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and</p>

Name	Comment
	<p>archive deposited in accordance with relevant national and local guidelines.</p> <p>The Historic Environment Team would be able to discuss this further with you, the applicant or their agent if it would be helpful. The Historic Environment Team can also provide the applicant with advice on 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.</p> <p>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/.</p> <p>Summary Subject to the imposition of suitable planning conditions, the council raises no objection on matters relating to historic environment</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 7 November 2024</p>	<p>Re 220 dwellings at land north of Old Bideford Road Roundswell - 7th November 2024</p> <p>Whilst it is appreciated this is an Outline application with all matters reserved except access, with a development of this size, areas of concern tend to be in relation to clear ownership of property (including parking spaces), defensible space and planting, (preventing conflict with/from areas of public open space, ball games etc) and access into, through and out of a proposed development.</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 key role to helping to ensure a safe and sustainable development.</p> <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 PCPI's SBD Homes 2023</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>

Name	Comment
	<p>Management and maintenance: Places that are designed with management and maintenance</p> <p>I look forward to reviewing a more detailed application should the proposal progress, but in the meantime please do not hesitate to contact me if I can assist further.</p> <p>Rick Napier Designing Out Crime Officer Prevention Department Devon & Cornwall Police</p>
<p>Environment Agency</p> <p>Reply Received 26 November 2024</p>	<p>Thank you for consulting us on this application.</p> <p>Environment Agency Position</p> <p>We have no flood risk objections to the proposals subject to several conditions being applied to any permissions. There are some flood risk technical issues that need to be carefully considered at the detail design stage.</p> <p>Reason and suggested wording for conditions:</p> <p>The submitted flood modelling report and Flood Risk Assessment are acceptable, they have identified correctly the flood risks (fluvial and surface water) and outlined mitigation measures to an appropriate level. This have reduced the size of the published flood zones on site. However some of those measure need additional design at the reserved stage, which may impact other elements of the overall scheme, and other issues have not been fully covered</p> <p>Technical Issues that a condition(s) need to cover, and be resolved before any works start on site</p> <p>Conditions:</p> <p>Watercourse and Flood Routes</p> <p>The two existing streams on site may need to be enhanced to provide increased flood conveyance/storage in addition to biodiversity enhancements. There is limited detail on the current culvert section (on the western stream) and how this will change with the proposed development. The culvert should be fully removed(daylighted) and replaced with a proper bridge crossing at some suitable point.</p> <p>The flood route flows out of the site to the north through/over the existing hedge, after filling up the storage area. The modelling set a flood level of 30.79mAOD but does not say what the level of the land/hedge where the flood water passes through/over. This flow route needs to be fully designed into the site plans and be legally secure, so that its function remains.</p> <p>All watercourses will need an appropriate buffer zone for maintenance access and to protect biodiversity. – the minimum will be 3m (perhaps 5m for wider section). This space can be used as POS or footpaths etc, but must not be within housing plots.</p> <p>Ownerships and maintenance duties of the watercourse must also be clearly set out and part of the POS – not part of any residential properties.</p> <p>The culvert that takes both watercourse northward beyond the site, need to be assessed by CCTV to ensure it is in good condition, and if not, repairs carried out to ensure that the watercourse can</p>

Name	Comment
	<p>operate correctly (to handle the SUDS discharges and some flood conditions).</p> <p>Finished Floor Levels The FRA has set out that all FFLs must be 0.3m above the 30.79mAOD flood level in the northern section of the site, so at least 31.1mAOD. However, FFLs also need to be at least 0.3m above the near watercourse river bank, in case the streams are every blocked.</p> <p>Crossings over the Watercourses The number of crosses across the stream need to be kept to the minimum for essential access only. Each crossing will need to have its soffit level at least 0.3m above the Design Flood Level (Q100 CC), and a low spot on one side of road will need to be designed, so that a flood exceedance route exists (residual blockage risk) and properties are not affected.</p> <p>Condition – Contaminated Land Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <ol style="list-style-type: none"> 1. A site investigation scheme, based on the information gained in the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site. 2. The results of the site investigation and risk assessment (1) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken. 3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting <p>.</p> <p>Any changes to these agreed elements require the express consent of the Local Planning Authority.</p> <p>REASON For the protection of controlled waters. We have reviewed the Phase 1 Geoenvironmental Desk Study Report. REV: P02 P24-24, DATE: 30 July 2024 submitted in support of this application. We note the presence of landfill to the north of the site and Qualitative contamination Risk assessment states that "the risks to controlled water from the landfill is considered to be low as ground water is considered to flow north and the watercourse also flows north". We agree with the recommendation in section 8.1.14 of the report that an intrusive ground Investigation is required to confirm ground conditions and the contaminative status of the site.</p>

Name	Comment
	<p>With this in mind, we consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out above. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.</p>
<p>Environment Agency</p> <p>Reply Received 5 February 2025</p>	<p>Thank you for consulting us on this application.</p> <p>Environment Agency Position</p> <p>Our response on flood risk issues essential remains the same as previous (26 November 2024), in that the finer detail can be resolved by some conditions at the reserved matter stage. We also refer you to the contaminated land condition requested in your previous response.</p> <p>We would like to clarify:- Any ditch, land drain etc that flows with water during heavy rain, is legally classified as a watercourse. Therefore the same 'rules/considerations' on culverting etc apply equal to the watercourse and the 'land drain' onsite.</p> <p>The downstream culvert(north of the site) needs to be in a fit state to accept the new surface water drainage discharge. Although the potential of a full blockage on flood risks has been resolved, we want to ensure that frequent problems(increased damage/maintenance) to the proposed new drainage system, watercourse or other land is prevented. Therefore CCTV surveys are required, and any necessary maintenance(e.g. desilting after the site's construction period) and repairs carried or agreed with the culverts owner, including the enforcement of any riparin duties on all parties.</p>
<p>Environmental Health Manager</p> <p>Reply Received 5 February 2025</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Noise</p> <p>I have reviewed the MEC Acoustics Assessment report dated September 2024. The report describes an assessment of potential noise impacts associated with the proposed residential and commercial development and has regard to relevant standards and guidance on such matters.</p> <p>The report concludes that acceptable internal and external noise levels can be achieved provided a package of noise mitigation measures is incorporated within reserved matters detailed development proposals. on closed thermal double glazing to relevant facades.</p> <p>In general, I accept the findings and conclusions of the report. However, I do have a potential concern in relation to noise arising from use of the access road to the site. The indicative site layout plan included within the report shows the main access point /</p>

Name	Comment
	<p>access road passing close to what appears to be a dwelling and its garden amenity areas located to the north / northwest of the main access point. Noise associated with use of an access road in this location is likely to adversely impact occupiers of this dwelling to some degree and this impact should be considered and mitigated as appropriate.</p> <p>In making the above comments, I am mindful of Appeal Decision APP/X1118/W/23/3318751 of 11 September 2023 relating to application 73875 for housing on land north of St Andrews Road, Fremington, North Devon. The Inspector in that case considered that noise impacts affecting existing residents due to traffic accessing the site would cause significant harm that should be given substantial weight in his decision.</p> <p>Given the above, I recommend the applicant be asked to consider the potential for noise from the proposed access road to adversely impact sensitive receptors in the vicinity and to review / amend site layout proposals and / or introduce noise mitigation measures as appropriate. I would not object to this issue being addressed as part of any reserved matters application.</p> <p>Notwithstanding the above comments concerning access road noise, any reserved matters application should also include details to demonstrate that the mitigation strategy and plant noise design criteria described and recommended in the MEC Acoustics Assessment report will be implemented in full.</p> <p>2 Air Quality Impacts I have reviewed the MEC Air Quality Assessment report dated September 2024.</p> <ul style="list-style-type: none"> - Construction Phase The Assessment identifies a number of potential impacts and recommends a scheme of dust mitigation for inclusion in a Dust Management Plan (DMP). I accept the findings of the report and have made reference to its recommendations in relation to the need for a Construction Environmental Management Plan (see below). - 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. The report includes details of a recommended sustainable transport approach with a view to further reducing traffic related pollution. I accept the findings of the report and support its recommendations regarding a sustainable transport approach. <p>3 Land Contamination</p>

Name	Comment
	<p>I have reviewed the Rodgers Leask Limited Phase 1 Geo-environmental Desk Study report dated 30 July 2024. The assessment identifies sources of potentially significant contamination at the site requiring further investigation. The report recommends that an intrusive investigation be undertaken to confirm contamination risks and to establish if remediation measures are required.</p> <p>Unless these matters are satisfactorily dealt with prior to grant of permission, I recommend the following conditions be included:</p> <ul style="list-style-type: none"> - Contaminated Land Condition (Phase 2 Investigation Required) Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with a Phase 2 Intrusive Investigation and Contamination Assessment Report for potential ground contamination for written approval. The Phase 2 report shall detail all investigative works and sampling as well as the results of analysis and further risk assessments undertaken and highlight any unacceptable risks identified. The report shall be prepared by a suitably qualified competent person, have regard to the findings and recommendations of the Rodgers Leask Limited Phase 1 Geo- environmental Desk Study report dated 30 July 2024, and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site. <p>Where contamination remediation works are identified as necessary at Phase 2, the following additional requirements shall be completed prior to first occupation of the development:</p> <ul style="list-style-type: none"> (a) A remediation options appraisal and proposed remediation scheme shall be submitted to the Local Planning Authority for approval prior to remediation works commencing. The remediation scheme shall include a remediation method statement and details of any post remediation verification measures required. (b) Approved remediation works shall be carried out in full under a Quality Assurance scheme to demonstrate compliance with the approved methodology and established good practice. (c) A completion and validation report shall be submitted to the Local Planning Authority for written approval. The report shall include details of the remediation works undertaken along with the results of any post-remedial sampling, analysis or monitoring undertaken to demonstrate that remediation has been undertaken in full accordance with the approved methodology and that the site has reached the required clean-up criteria. Where relevant, waste transfer documentation detailing waste removed from the site shall be included. (d) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the approved works have been undertaken as detailed in the completion report. <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together</p>

Name	Comment
	<p>with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.</p> <p>- Contaminated Land (Unexpected Contamination) Condition</p> <p>Should any suspected contamination of ground or groundwater not previously addressed be encountered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination exposed during development is assessed and remediated in accordance with the National Planning Policy Framework.</p> <p>4 Construction Phase Impacts</p> <p>In order to ensure that dust, noise or other impacts arising during the construction phase of the development are effectively managed and controlled, I recommend construction work be subject to compliance with an LPA approved Construction Environmental Management Plan.</p> <p>To this effect, I recommend conditions along the following lines be included on any permission:</p> <p>- Construction Environmental Management Plan Condition</p> <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 during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-</p> <ol style="list-style-type: none"> a) measures to regulate the routing of construction traffic; b) the times within which traffic can enter and leave the site; c) details of any significant importation or movement of spoil and soil on site; d) arrangements for materials deliveries, materials storage and waste materials removals including soil and vegetation; e) the location and covering of stockpiles; f) details of measures to prevent mud from the site contaminating public footpaths and roads / wheel-washing facilities; g) a dust management plan describing dust mitigation measures in accordance with recommendations set out in the MEC Air Quality Assessment report dated September 2024;

Name	Comment
	<p>h) a noise control plan which details hours of operation and proposed mitigation measures;</p> <p>i) location of any site construction office, compound and ancillary facility buildings;</p> <p>j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;</p> <p>k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.</p> <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> <p>a) Monday - Friday 08.00 - 18.00, 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>Thank you for consulting us on this application.</p> <p>Environment Agency Position Our response on flood risk issues essential remains the same as previous (26 November 2024), in that the finer detail can be resolved by some conditions at the reserved matter stage. We also refer you to the contaminated land condition requested in your previous response.</p> <p>We would like to clarify:- Any ditch, land drain etc that flows with water during heavy rain, is legally classified as a watercourse. Therefore the same 'rules/considerations' on culverting etc apply equal to the watercourse and the 'land drain' onsite.</p> <p>The downstream culvert(north of the site) needs to be in a fit state to accept the new surface water drainage discharge. Although the potential of a full blockage on flood risks has been resolved, we want to ensure that frequent problems(increased damage/maintenance) to the proposed new drainage system,</p>

Name	Comment
	<p>watercourse or other land is prevented. Therefore CCTV surveys are required, and any necessary maintenance(e.g. desilting after the site's construction period) and repairs carried or agreed with the culverts owner, including the enforcement of any riparian duties on all parties.</p>
<p>Fremington Parish Council</p> <p>Reply Received 5 December 2024</p>	<p>It was resolved, with no votes to the contrary and one abstention from Cllr Walker, to recommend REFUSAL, the development is outside of the Local Plan, the local infrastructure is not of a standard to support the development without significant improvements to the sewage system and pumping station, the highways and secondary schools in the local area are fast running out of space, along with Dr surgeries with a local surgery already over subscribed and a lack of dental care in the area. Development of the parish has already reached saturation point and this development would create oversaturation of the parish. The site claypit land and will add to drainage issues in the area.</p> <p>If the North Devon Council is minded to approve the application then there needs to be more pedestrian crossings on the Roundswell side of the Roundabout and a continuous walking route with dropped kerbs for those with less mobility or prams to get to the school and a good amount of laybys and bus stops, along with a Section 106 contribution to bring the drainage on the Queen Elizabeth II Playing Field, Tews Lane up to standard.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 28 November 2024</p>	<p>Thank you for your consultation.</p> <p>The proposed site is outside the Barnstaple development boundary in the North Devon and Torrridge Local Plan. The proposed site is in Fremington parish. The affordable housing requirement will be dependent upon the classification of the land the application refers to. A development of 220 dwellings would not be allowed unless the site is considered as being within the Barnstaple (urban) development boundary, in which case in accordance with the Local Plan and the Affordable Housing Supplementary Planning Document (adopted July 2022) 30% affordable housing provision would be required</p> <p>The applicants Design and Access Statements states: The DAS is submitted to support an outline planning application for development of up to 220 dwellings, a local shop, together with open space, areas for play and associated infrastructure works, including access from Old Bideford Road, with all matters reserved except for access, and submitted to North Devon Council. The development will provide for a mix of dwelling types and sizes, including the provision of up to 30% affordable dwellings, in line with the Council's current policy.</p> <p>In accordance with Council policy and the Affordable Housing Supplementary Planning Document, the required tenure mix for</p>

Name	Comment
	<p>affordable housing is at least 75% Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent, Affordable Rent, or Discounted Market Sale).</p> <p>The Council's affordable housing mix requirement is:-</p> <ul style="list-style-type: none"> 1 bedroom - 30-35% 2 bedroom - 35-40% 3 bedroom - 20-25% 4 bedroom - 5-10% <p>30% of 220 dwellings equates to 66 affordable dwellings on-site and no financial off-site contribution.</p> <p>Devon Home Choice (DHC) shows there are 233 households living in the parish of Fremington registered as being in need of affordable housing for rent as of July 2024. As of the same date there are a total number of 1970 households registered living in North Devon. Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (Shared Ownership/Discounted Market Sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document).</p> <p>Additionally, to make the dwellings as flexible as possible for allocation and to future-proof dwellings to allow families to grow or downsize, the Registered Providers will generally require the dwellings to be constructed to maximum occupancy. This means the highest number of bed-spaces per room (double bedrooms) are required:</p> <ul style="list-style-type: none"> 1-bed 2-person 2-bed 4-person

Name	Comment
	<p>3-bed 6-person 4-bed 8-person</p> <p>Accordingly, the Council will seek affordable housing to be constructed to the maximum bed-space requirements for the size of dwelling (number of bedrooms) and to accord with the associated nationally described space standards for those bed-spaces</p> <p>The affordable homes should be pepperpotted throughout the site in clusters of no more than 6-10 units</p> <p>The Council expect affordable housing to be built to a high standard of design and amenity. In line with the Local Plan objectives to achieve mixed and sustainable communities, Policy ST18(8) states that the affordable housing should be indistinguishable from the open market housing; the development should be tenure blind. The affordable housing should therefore be:</p> <ul style="list-style-type: none"> Of a comparable design and quality; Of the same material and construction; To at least the same basic internal and external specification; With the same car parking arrangement; and To be at least of an equivalent size and type to the open market dwellings (or if larger, the national space standards). <p>3% of our housing register require wheelchair accessible housing. Therefore, we would expect 3% of the affordable housing to be provided as wheelchair accessible and use housing (rounded to the nearest whole number). These should be built to comply with the requirement M4 (3) (2) b of the Building Regulations 2010 Approved Document M: Access to and use of buildings. These should be provided as Social Rent. This would be detailed as a planning condition. I would request that the applicant contacts Housing Enabling at the reserved matters stage (if the application progresses) to get the most up to date housing need for disabled adapted properties so that this can be factored into the design appropriately</p> <p>Local occupancy, what size Shared Ownership dwellings will be permitted due to affordability, and the marketing criteria will be dependent upon the planning classification of the proposed site.</p> <p>Housing Enabling would be pleased to comment in further detail once Planning have determined the classification of the proposed site.</p>
Natural England	Thank you for your consultation dated 6th February regarding the above proposal. We have the following advice.

Name	Comment
<p>Reply Received 18 February 2025</p>	<p>Designated sites – no objection The location is approximately 40m from the Fremington Claypits Site of Special Scientific Interest (SSSI) and therefore unlikely to damage or destroy the geological interest for which the site was notified.</p> <p>The ecological report states that overwintering bird surveys were conducted but they do not appear to be included within the ecological impact assessment (EclA). Table 1 of the EclA includes reference to Wintering bird surveys December 2022, January and February 2023 EAD Ecology (2022b).</p> <p>The EclA states that no overwintering birds associated with the SSSI were recorded. If this is the case then the proposal is unlikely to damage or destroy the geological interest for which the site was notified.</p> <p>Protected species We have not assessed this application and associated documents for impacts on protected species. Natural England has produced standing advice[1] to help planning authorities understand the impact of particular developments 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 their habitats Guidance Note 8 Bats and Artificial Lighting and we recommend this is followed when designing lighting schemes.</p> <p>Soils and Agricultural Land Quality 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 20ha ‘best and most versatile’ (BMV) agricultural land. Post 1988 ALC surveys indicate the land is Grade 3b and Grade 4.</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</p>

Name	Comment
	<p>ecosystem services which soils provide, through appropriate site design / masterplan / Green Infrastructure. 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>Biodiversity Net Gain Development provides opportunities to secure a net gain for nature as outlined in the National Planning Policy Framework, the Defra 25-year Environment Plan and the Environment Act. Policy ST14 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 paragraph 193 of the NPPF 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.</p> <p>Whilst it is not Natural England's role to comment on the metric calculations or to provide detailed advice on biodiversity net gain at the planning application stage, we do advise and encourage 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, in accordance with the mitigation hierarchy. The LPA are advised to secure the details for the delivery, management and monitoring of the net gain through planning condition or obligation. Further guidance for LPAs can be found here https://www.gov.uk/guidance/biodiversity-net-gain-what-local-planning-authorities-should-do</p>
<p>NDC Waste, Recycling & Commercial Services</p> <p>Reply Received</p>	<p>No reply received.</p>
<p>NHS Acute Care</p>	<p>Royal Devon University Healthcare NHS Foundation Trust (the Trust) has reviewed the above planning application and carefully considered the impacts that it will have on how Acute and</p>

Name	Comment
Reply Received 18 November 2024	<p>Community healthcare services can be provided for within the local area. The Trust acknowledges that the creation and maintenance of healthy communities is a significant material consideration and that all planning applications must be determined in accordance with the development plan (unless material considerations indicate otherwise), and that both the creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework (NPPF). There have been several planning appeals whereby the Planning Inspector has ruled in favour of NHS contribution requests and confirmed that they meet the CIL test requirements, in particular we would like to draw your attention to the most recent and local appeal decision for Ikea Way in Exeter (APP/Y1110/W/21/3270745). In addition, we understand that Council's development plans are required to conform with the NPPF and that less weight is given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Page 2 of 35 A fundamental part of a sustainable healthy community is access to health services and we hope that as a local partner you will be supportive in ensuring that the local population has access to appropriate and timely healthcare provision. Whilst preparing this response, it is noted that the North Devon and Torridge Local Plan 2011 – 2031 (adopted 2018) and associated policies states that: "Aim 4: Mixed Communities – where there is a strong community spirit and the opportunity for an excellent quality of life. Objectives ... (c) the investment in low carbon futures and in modern healthcare, social, sports, recreational, leisure and cultural services and facilities fulfils the requirements of our growing and changing population;" Policy ST23: Infrastructure (1) Developments will be expected to provide, or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific and/or cumulative impact of those developments. (2) Where on-site infrastructure provision is either not feasible or not desirable, then off-site provision or developer contributions will be sought to secure delivery of the necessary infrastructure, through methods such as planning obligations or the Community Infrastructure Levy. (3) Developments that increase the demand for off-site services and infrastructure will only be allowed where sufficient capacity exists or where the extra capacity can be provided, if necessary through developer-funded contributions." Paragraph 8.18 "A key principle is that new development should contribute towards the cost of additional infrastructure, the need for which arises from it. Where new capacity is needed, developers will be expected to provide, fund or contribute towards it. Contributions may be sought through the Community Infrastructure Charging Schedule or by undertaking or agreement under Section 106 of the Town and Country Planning Act. Provision of necessary infrastructure should be phased with new development to minimise any experience of deficiencies,</p>

Name	Comment
	<p>whilst not unacceptably affecting the viability of overall levels of development. It is recognised that infrastructure obligations on development must not, when aggregated with the Page 3 of 35 impact of other policies in this Plan, make development unviable. Provision of critical infrastructure will be prioritised. An appropriate balance needs to be struck between public and private finance sources for the delivery of necessary infrastructure.” The appendices to this request demonstrate that the Trust is currently operating at full capacity in the provision of acute, community and planned healthcare. The proposed development will create a potentially long-term impact on the Trust’s ability to provide its services in a safe, accessible and sustainable manner to current and new residents. The Trust’s funding is based on the previous year’s activity that it has delivered, subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients. Our NHS contract is agreed annually based on the previous year’s activity plus any preagreed additional activity for clinical services. The Trust nor its Commissioners are able to take into consideration the Council’s housing land supply, potential new developments and housing trajectories when the annual contracts and funding arrangements are negotiated. The funding is not able to be changed even if the health care providers or commissioners have knowledge of new housing development through the consultation process, during the local plan process or otherwise. Further, the following year’s contract does not retrospectively pay the previous year’s deficit. Therefore, new developments, whether they are allocated or windfall sites create an impact on the Trust’s ability to provide the services required due to the funding gap that is created and the contribution sought is to mitigate this direct impact. In requesting this contribution to mitigate the impact we have considered and ensured that it is compliant with the CIL Regulation 122 and Appendix G has been provided in order to assist the Local Planning Authority. Section 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request that a developer contributes towards the impact a development creates on services. The contribution of £113,956 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculations are provided within the appendices. Without the requested contribution the Trust will still provide healthcare to all the new residents of the development however its ability to support health and wellbeing for everyone, provide quality of health services for all, and ensure sustainable use of NHS resources will be compromised. In particular, the increased healthcare activity from this Page 4 of 35 development without the required resources will lead to longer waiting times for all patients. The Trust would appreciate acknowledgement of the request for an S106</p>

Name	Comment
<p>NHS Primary Care</p> <p>Reply Received 14 November 2024</p>	<p>contribution relating to this development and confirmation that it will form part of the S106 agreement with the developers.</p> <p>Methodology for Application 79375</p> <ol style="list-style-type: none"> 1. Residential development of 220 dwellings 2. This development is in the catchment of: • Brannam Medical Centre • Fremington Medical Centre • Queens Medical Centre • Litchdon Medical Centre which has a total capacity for 52,073 patients. 3. The current patient list size is 52,588 which is already over capacity by 515 patients (at 101% of capacity). 4. The increased population from this development = 497 <ol style="list-style-type: none"> a. No of dwellings x Average occupancy rate = population increase b. $220 \times 2.26 = 497$ 5. The new GP List size will be 53,085 which is over capacity by 1,012 <ol style="list-style-type: none"> a. Current GP patient list + Population increase = Expected patient list size b. $52,588 + 497 = 53,0285$ (1,012 over capacity) c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6 6. Additional GP space required to support this development = 34.80m² <ol style="list-style-type: none"> a. The expected m² per patient, for this size practice = 0.070m² b. Population increase x space requirement per patient = total space (m²) required c. $497 \times 0.070 = 34.80\text{m}^2$ 7. Total contribution required = £124,494 <ol style="list-style-type: none"> a. Total space (m²) required x premises cost = final contribution calculation $34.80\text{m}^2 \times \text{£}3,577 = \text{£}124,494$ (£566 per dwelling).
<p>Open Space Officer</p> <p>Reply Received 2 December 2024</p>	<p>This application generates a requirement for open space and green infrastructure in accordance with policy DM10. The applicant has stated that the development is for 220 dwellings but has not outlined the number of bedrooms in any unit as yet. I have therefore provided an indicative calculation (attached) based on 220x3bed houses to give the applicant an indication of approximate provision that would be sought. We can provide a more accurate calculation when the number of units and bedrooms in each is confirmed.</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 and some recommendations and options are laid out within the attachment. As an urban application - informal amenity and green space is required as part of the application in addition to allotment/orchard provision, play area provision and formal sports and recreation provision (see attachment for further information and quantum required for each element).</p> <p>In this application it seems likely that allotment/orchard, play area (400sq.m.) and informal amenity and green space can all be provided for on-site.</p>

Name	Comment
	<p>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>For formal sport and recreation this application is likely to require an off-site contribution to deliver facilities in-lieu of on-site delivery at Tews Lane Sports Facility and/or strategic leisure providers within 5 mile radius for instance Tarka Leisure Centre or Barnstaple Rugby Football Club/Barnstaple Town Football Club etc.</p> <p>We are happy to provide review of the requirements and advice regards the layout and design of open space and play throughout the application process.</p>
<p>South West Water</p> <p>Reply Received</p>	<p>No reply received.</p>
<p>Sustainability Officer</p> <p>Reply Received 12 December 2024</p>	<p>The submitted Ecological Appraisal (EA) and subsequent bat, bird and dormouse surveys conclude that the existing site is approximately 11ha of grazed fields predominantly of modified grassland, with the eastern corner of the eastern field also comprising a small area of other neutral grassland. The site is bordered by a solar development to the west, agricultural/residential development to the east, agricultural land to the north and Old Bideford Road to the south. The wider landscape is predominantly agricultural with a mosaic of copses, woodland and mature hedgerows. Further bat surveys are considered necessary on Tree T5, located towards the north of the stream within 20m of the proposed road crossing. This tree will be assessed by aerial inspection a further two times as per current guidance (Collins 2023) to determine whether it is in current use and whether additional mitigation will be required, however, it is considered likely that if an alternative roost was required this could be adequately provided elsewhere on site in the form of a bat box on a retained tree outside the zone of impact e.g. on a tree at the north of the stream in the SuDS/POS area.</p> <p>A native species-rich hedgerow associated with a wet ditch runs north to south between the two western fields, and a stream runs south to north dividing the two western fields from the eastern field. A line of broadleaved trees is present along both banks of the stream, with a section of native hedgerow along the north-western extent. Hedgerows are Habitats of Principal Importance (HPI), the line of trees are of Local importance and the stream is of District importance given its largely natural state. Hedgerow loss has been minimised however, there will be a loss of approximately 140m of hedgerow which will be compensated for with the planting of a minimum of 380m native species-rich hedgerow associated with a</p>

Name	Comment
	<p>ditch or bank. Tree removal has been avoided through the use of existing gaps in vegetation. There will be a loss of approximately 20m of wet ditch associated with the internal hedgerow dividing the two western fields to provide internal road access.</p> <p>The EA states that dark buffers of a minimum 5m along the western and northern boundaries will be maintained during construction and operation and that the majority of the 10m watercourse buffer will be kept dark. The effects of light spill must be minimised through creating/maintaining vegetated hop overs over the bridges, ensuring bridge heights are sufficient to allow bats to continue to commute under them (subject to detailed design), and designing lighting to be as sensitive as possible whilst still meeting local requirements e.g. use of low level bollard lighting for footbridges (where required), reducing column heights and using shields and fencing. The recommended dark buffers on all boundaries should be clearly illustrated on the submitted Site and Parameters Plan alongside additional mitigation zones. Plans should also clearly identify that all retained habitats will be kept outside of residential curtilage.</p> <p>The EA recommends a total of 110 bat boxes, 110 bird boxes and 110 bee bricks to be installed on dwellings across the site, however a rural scheme of this nature should be aiming to provide at least a bat and bird box on each dwelling. Two hibernaculum/habitat piles are proposed in the northern POS and Hedgehog Holes will be required in any fencing proposed as part of any detailed application.</p> <p>The submitted BNG Metric concludes that the existing baseline habitats consist of 22.28 Habitat units, 24.07 Hedgerow units, and 4.21 Watercourse units and that it is possible to achieve a 18.43% BNG for area habitats, 11.26% for linear habitats and 11.25% for watercourses within the redline boundary. Approximately 8.54ha of poor condition modified grassland approximately, 140m of hedgerow and 20m of tree line will be lost as a result of the development. A further 20m of ditches, 30m of rivers will be lost. In order to deliver onsite BNG 0.5ha of moderate condition modified grassland and 0.47ha of poor condition modified grassland will be created and 3ha of grassland will be enhanced to other neutral grassland. In addition 0.05ha of allotments, 0.04ha of orchards, 500m of hedgerow and 0.61ha of urban trees will be delivered. Approximately 300m of rivers and 150m of ditches will be created and enhanced. The current BNG Metric is supported by the relevant baseline Habitat Condition Assessments.</p> <p>A habitat management and monitoring plan (HMMP) in accordance with the EA, BNG Metric and revised Landscape 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 as part of any subsequent detailed application. The</p>

Name	Comment
	<p>HMMP will be required to clearly set out the implementation and future management of all 'significant' onsite habitats in order to ensure that the strategy is effective in the long term and should include appropriate remediation measures where required. A s106 and BNG monitoring fee of £4,131.08 should be secured in accordance with the Devon County Council monitoring calculation to cover costs of agreeing the Biodiversity Gain Plan, the detailed Habitat Management and Monitoring Plan and monitoring significant onsite BNG.</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> <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"> - 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; - the pre-development biodiversity value of the onsite habitat; - the post-development biodiversity value of the onsite habitat; - any registered off-site biodiversity gain allocated to the development and the biodiversity; and - any biodiversity credits purchased for the development. <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"> - name and address of the person completing the Plan, and (if different) the person submitting the Plan; - a description of the development and planning permission reference number (to which the plan relates);

Name	Comment
	<ul style="list-style-type: none"> - 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; - 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; - 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); - (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; - 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; - 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 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. <p>Further comments on Landscape Impacts (23/01/2025): The submitted Landscape Visual Assessment (LVA) is appropriately detailed in regards of the presented landscape character baseline and the selection of viewpoints. I would broadly agree with the LVA conclusions that the site is largely contained by the existing landform and local vegetation and that impacts on landscape character would likely be Moderate / Minor Adverse at year 15 due to the loss of open fields and that visual effects are largely negligible.</p> <p>It is disappointing that given the scale of development that a full LVIA has not been submitted with wireframe modelling depicting the scale of the proposal. This is perhaps a detail that you may wish to secure by condition for delivery at RM.</p>
Heritage and Conservation Officer	There are no listed buildings or Conservation Areas in the immediate vicinity, so from that point of view I do not believe that the development would harm the significance of any nearby

Name	Comment
Reply Received 18 February 2025	designated heritage assets through effects on setting. I am assuming that you will have consulted Steve Reed, as there may well be archaeological sites that need considering

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
2	0.0	14	0.0	0.0

Objection comments received have raised the following concerns:

- Area outside of Local Plan
- Highway impact
- No local infrastructure for more development
- Surface water concerns
- Landscape impacts and loss of green wedge (site is not within green wedge)
- Amenity impacts
- Air pollution

A support letter is received raising the provision of upgraded highway along Old Bideford Road as a positive attribute of the scheme.

The above are discussed in relation to the relevant planning consideration below.

Considerations

Proposal Description

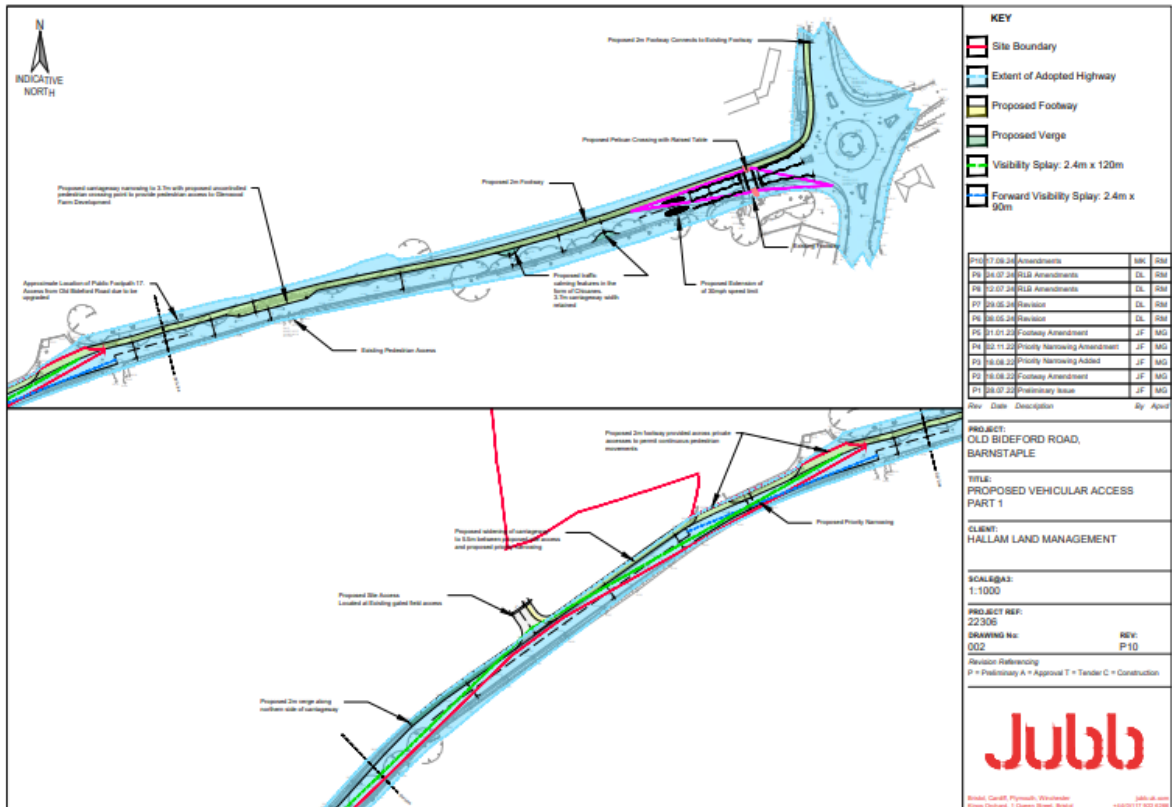
This application is made in outline with all matters reserved other than access for '*residential development of up to 220 dwellings along with a Local Shop (Use Class E(a)) up to 390m2 and associated infrastructure*'.

The site access would be formed from the southern boundary of the site onto Old Bideford Road, in the south-eastern part of the site as shown in the indicative layout below:

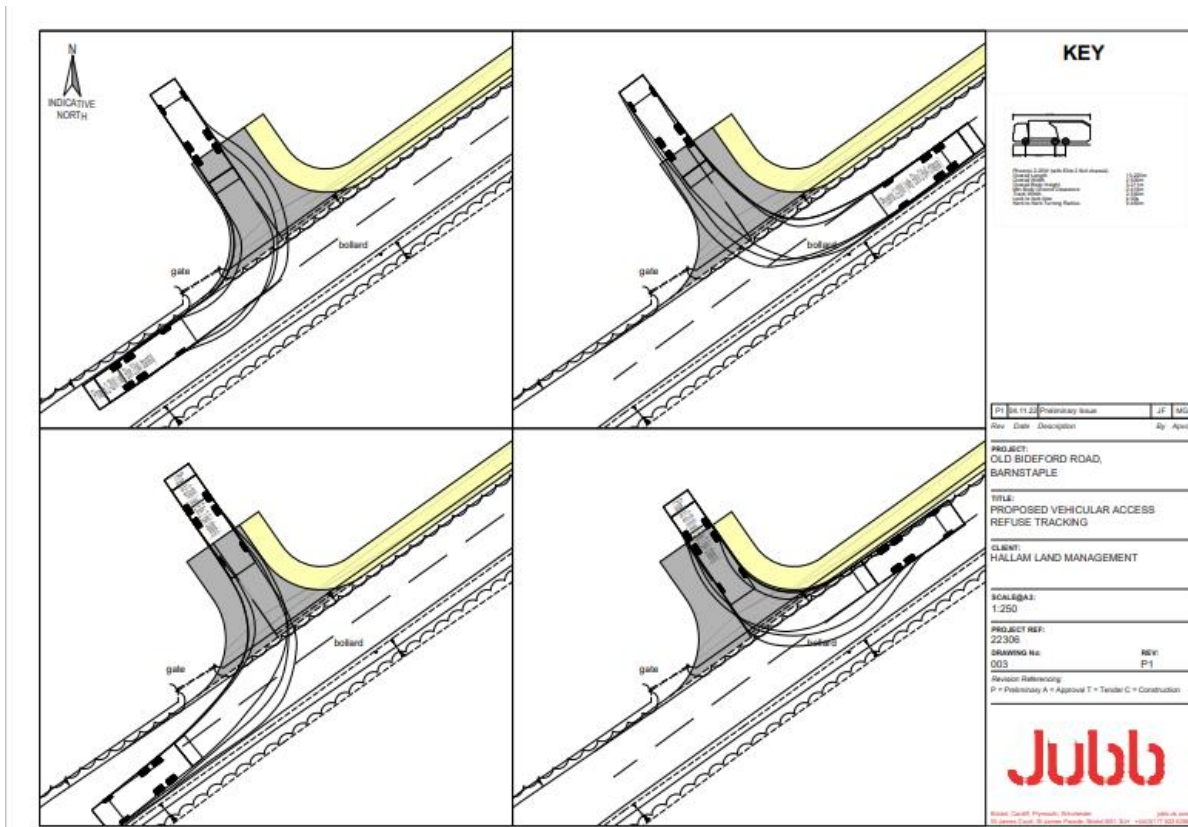


Indicative Layout Extract from Transport Assessment

Detailed technical drawings have been supplied of the access and for other highway improvements to provide pedestrian connectivity along Old Bideford Road.



Access Plans and Improvement to Old Bideford Road



Swept Path Drawings of access

The application also proposes 30% on site affordable housing, on-site public open space, surface water management and landscaping along with an infrastructure contributions package for education, health, waste, and recreation along with off-site highway works.

Planning Considerations Summary

The main consideration in the determination of the application are:

1. Principle of Residential Development
2. Design
3. Amenity
4. Heritage Assets
5. Ecology
6. Highways
7. Flood Risk and Drainage
8. Socio Economic Benefits
9. Heads of Terms
10. Planning Balance

Planning Considerations

1. Principle of 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 In policy terms, the site is located within the countryside. Policy ST04 (4) of the North Devon & Torridge Local Plan 2018 (NDTLP) states that '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 necessary restricted to a countryside location.'
- 1.3 The proposed development does not fall within any of the criteria above and is therefore considered a departure from the current Local Plan, albeit, a short distance from the western side of Roundswell and a short distance from the development boundary

Five year housing land supply (5YHLS)

- 1.4 Local planning authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement; the so-called 'five-year housing land supply' (Paragraph 78, National Planning Policy Framework; December 2024). The Government published a revised version of the National Planning Policy Framework on 12th December 2024 along with associated revisions to planning practice guidance. Most significant to the calculation of the five-year housing land supply is the revision of the methodology to calculating local housing need within planning practice guidance, the reimposition of this as a mandatory approach for establishing housing requirements and alterations to the application of the relevant buffer within national planning policy.
- 1.5 These revisions introduced changes that have a direct impact and notable bearing on the assessment of five-year housing land supply for North Devon and Torridge. As a consequence of these changes to national planning policy and associated planning practice guidance, North Devon Council in association with Torridge District Council have determined that they are unable to demonstrate a sufficient supply of deliverable sites for housing across their joint local planning authority areas.
- 1.6 The assessment, as set out in the Five Year Housing Land Supply Addendum (January 2025), concludes that the Councils are able to identify a 4.86 year supply, equivalent to circa 97.2% of the five-year requirement, with the identified supply showing a shortfall of 192 dwellings when measured against the local housing need and applying the appropriate prescribed buffer.
- 1.7 Accordingly, the Council considers that in accordance with the provisions of Footnote 8 of the National Planning Policy Framework, it is necessary to apply the presumption in favour of sustainable development and the provisions of Paragraph 11(d) of the National Planning Policy Framework in relation to applications involving the provision of housing.

- 1.8 This is not a site subject to special designation as detailed in footnote 7 of the NPPF therefore the effect of the above is that the Councils' Housing Policies are deemed to be out-of-date and therefore appropriate weight is then apportioned to them in the planning balance exercise to reflect the above circumstances.

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

- 1.9 For the purposes of the Presumption, policies of the development plan are not considered to be automatically out-of-date by virtue of not being able to demonstrate a 5YHLS.
- 1.10 Whether a policy of the development plan is out-of-date is a matter for the decision taker, in light of their substance and considering their conformity with the NPPF. Due weight should be given to policies, according to their degree of consistency with the NPPF; the closer the policies in the plan are to the policies in the NPPF, the greater the weight that may be given to them.
- 1.11 The Presumption is set out in two parts; First stage of the Presumption is to check if the policies of the NPPF that protect areas or assets of particular importance give a clear reason to refuse the development that is proposed (Paragraph 11(d)(i) and Footnote 6, NPPF). This is only done by reference to the provisions of the NPPF and not the NDTLP. There needs to be a clear reason to refuse and not simply that it affects one or more of those areas or assets.
- 1.12 If there is no clear reason to refuse based on a protected area or asset, the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination– the so-called tilted balance (Paragraph 11(d)(i), NPPF).
- 1.13 The courts have concluded that the application of the tilted balance takes into account both the provisions of the NPPF and development plans as relevant and when taken as a whole. As such it can include the consideration of the relevant provisions of the development plan (NDTLP) and not only the provisions of the NPPF. The decision taker will however need to assess the weight to be given to development plan policies, including whether or not they are in substance out-of-date and if so for what reasons.
- 1.14 The application is contrary to the Development Plan policy ST07 as the site lies outside the designated development boundary as identified in the NDTLP, however the Local Planning Authority therefore needs to determine whether there are material considerations which would override the Development Plan in permitting this development. In this instance, the absence of a 5YHLS would indicate that Policy ST07 is out-of-date, only in so far as it relates to housing

applications in locations which would otherwise be deemed as sustainable; subject to the consideration and application of the tilted balance against any policy conflicts identified in relation to other development plan policies and whether these conflicts and impacts result in both significant and demonstrable harm.

- 1.15 The site is located a short distance from the western side of Roundswell and a short distance from the development boundary. The application seeks to provide small retail facility and significant off-site highway works which would allow the site to make a sustainable access via all mode back to the wider Roundswell area and its services and facilities and as such would provide for the unmet housing need in the Barnstaple area. In light of the above, given the overall sustainability of the sites location, limited weight is afforded to Policy ST07 in this instance which should be considered in the overall planning balance.

Housing Needs and Mix

- 1.16 The intention to deliver the development is a matter for consideration in the context of Policy ST21 of the NDTLP, as the presumption in favour of sustainable development can only be considered to carry sufficient weight, where there is a realistic prospect of the development being delivered; in part or in whole, within the prescribed 5 year period.
- 1.17 Given the contribution of housing proposed in this case and the land supply deficit, this is an instance where a shortened commencement date should be considered to show there is a firm intention to secure a land sale and engage a housebuilder. As such the timescale for submission of reserved matters has been reduced from 3 to 2 years and is agreed with the applicant.
- 1.18 In terms of the housing mix proposed, as an outline scheme the housing mix has not been detailed however the planning statement confirms this will accord with the Council's adopted housing mix or any emerging policy which may exist at a time reserved matters application are formulated.
- 1.19 In terms of the need for affordable housing in the area, the mix of dwellings would need to reflect identified needs in the Council's evidence base.
- 1.20 As a starting point, the development is required by Policy to provide 30% AH on any major development site, therefore the developer is offering a policy compliant provision of AH across the site which equates to 66 dwellings.
- 1.21 When applying the sliding scale of weight to be afforded to material considerations, this spectrum of limited, moderate, significant to substantial weight needs to be applied appropriately. As such, whether policy compliant or exceeding this, there is no dispute that the provision of affordable housing in an area where needs are high is a material planning consideration which is agreed as carrying **significant** weight in the consideration of the application.
- 1.22 It is also relevant to the principle of development the provision of a small retail unit on site to enhance sustainability and reduce the need for longer trips to large retail outlets to the east which are beyond the 800m walkable

neighbourhood. A premises of 390m² was proposed on the initial submission which would require retail impact assessment given its location in accordance with Policy DM20 of the NDTLP. On discussion of this matter with the developer, the unit has been reduced to below the 250m² threshold for retail impact assessment however would still provide a meaningful floor area for a commercial premises to serve the proposed population.

- 1.23 Given the small scale, distance from any other retail offer and service of its proposed community, it is not considered the site would impact on vitality or viability of any nearby village centre or town/district centre, it would be unlikely to attract traffic beyond the development and would not harm the local area in its context with the development. As such it would also comply with Policy DM21 of the NDTLP.

Summary

- 1.24 In light of the above, given the proposal is a departure from the adopted development plan, with an absence of five-year housing land supply as a material consideration of **significant** weight, an assessment of the proposal in relation to Section 38(6) of the PCPA2004 and the Presumption will be combined, drawing together into a combined Planning Balance conclusion at section 9 of this report. The subsequent sections of the report will seek to demonstrate the following:

- *whether the proposal is in accordance or conflict with specific policies and provisions of the development plan;*
- *if necessary, whether there are material considerations (including the Presumption) that mean that a decision should deviate from the specific policies and provisions of the development plan;*
- *how the proposal fares against the two elements of the presumption in favour of sustainable development; and*
- *therefore whether it should be approved or refused.*

2 Design and Landscape impacts

- 2.4 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.

Site Design and Location

- 2.5 The application is made in outline with all matters of layout, scale, appearance and landscaping reserved for submission at reserved matters stage. As such matters in relation to design which can be considered are the high levels principle of good place-making which are underpinned through the above LP policies, and NPPF and the National Design Code.
- 2.6 The development is a residential-led scheme with up to 220 dwellings. The main developable areas lie within the Southern parts of the three fields comprising the development and avoids hedgerows and watercourses. This can be seen in the parameter plan below:



Extract of Parameter Plan

- 2.7 The site layout and development composition to provide a small retail facility, along with connectivity eastwards to allow access to Roundswell Business Park, Tews Lane Playing Fields, Roundswell Primary Academy and onward journeys to Barnstaple via all modes represents a responsive place-making exercise.
- 2.8 When considering the walkable neighbourhood principles whereby development should be within 10 minute walk (around 800 metres) of key facilities, the following table and map were produced in the Travel Plan submitted with the application which shows the distances:

Service/Facility	Location	Distance	Walking Time minutes	Cycling Time minutes
Retail				
Sainsbury's	Roundswell Retail Park EX31 3NH	1.5km	19	6
Aldi	Roundswell Retail Park EX31 3RY	1.2km	15	5
Roundswell Retail Park	Roundswell Retail Park EX31 3RY	1.1km	14	5
Employment				
Roundswell Business Park	Brannam Crescent EX31 3TD	1.1km	14	5
Brannam Business Park	Oakwood Close EX31 3NJ	1.5km	19	6
Enterprise Road Business Park	Enterprise Road EX31 3YB	1.5km	19	6
Education				
Roundswell Community Primary Academy	Claypits Road EX31 3WJ	1.1km	14	5
Sticklepath Community School	Woodville EX31 2HH	1.8km	22	8
The Shoreline Academy	Fishleigh Rd EX31 3UD	750m	10	3
Health				
Boots Pharmacy	Roundswell Retail Park EX31 3NH	1.5km	19	6
Community				
Hele Post Office	Oakland Park EX31 2BZ	2.2km	27.5	9
Bickington Post Office	Babbages EX31 2LL	1.5km	19	6
Roundswell Community Centre	Gratton Way EX31 3NL	1.4km	18	6
Place of Worship				
Sticklepath Methodist Church	Rhododendron Avenue EX31 2DL	2km	25	8
Roundswell Church	Gratton Way EX31 3NL	1.4km	18	6
Transport				
Westermoor Way Bus Stop	Wester-Moor Way EX31 3XN	600m	8	3
Barnstaple Railway Station	Sticklepath EX31 2AU	3.3km	41	14
Barnstaple Bus Station	Silver Street EX32 8RL	3.9km	49	16
Public House/ Café				
Costa Coffee	Roundswell Retail Park EX31 3RY	1.4km	18	6
The Old Barn Inn	Tews Lane EX31 2JU	1.4km	18	6
The Plough Inn	Bickington Road EX31 2JQ	1.6km	20	7
Cedars Inn	Bickington Road EX21 2HE	1.8km	22	8

Table 4.1: Distances to Local Services and Facilities from the Proposed Site Access

Table Extracted from Travel Plan

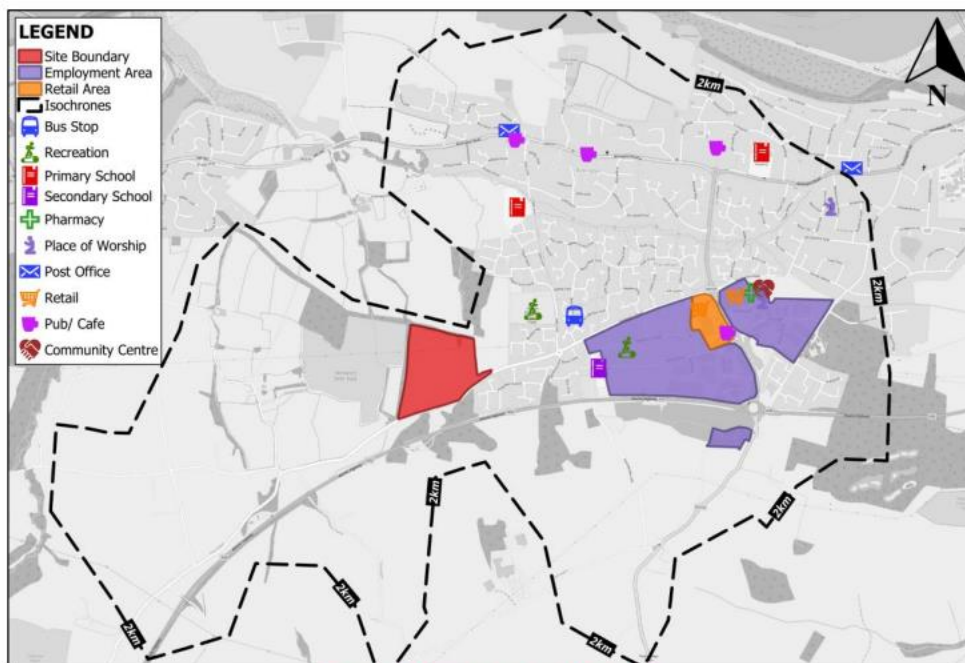


Figure 4.2: Local Services and Facilities

2km Radius Plan Extracted from Travel Plan

2.9 Whilst some of the distances exceed the walkable neighbourhood principles, the access provided, with off-site highway improvements on Old Bideford Road to give onward connectivity to the east and north along Tews Lane

which will also be enhanced, would create a safe and accessible walking and cycling environment.

2.10 The site location and onward connectivity would look to fulfil the principles of Policy ST04 and DM04 of the NDTLP, and paragraph 135 of the NPPF below:

'1) Good design seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new development. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. Development proposals need to have regard to the following design principles:

- (a) are 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;*
- (b) reinforce the key characteristics and special qualities of the area in which the development is proposed;*
- (c) are accessible to all, flexible to adaptation and innovative;*
- (d) contribute positively to local distinctiveness, historic environment and sense of place;*
- (e) create inclusive environments that are legible, connected and facilitate the ease of movement and permeability through the site, allowing everyone to easily understand and find their way around;*
- (f) retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area;*
- (g) provide public and private spaces that are well designed, safe, attractive and complement the built form, designed to minimise anti-social and criminal behaviour;*
- (h) provide safe and appropriate highway access and incorporate adequate well-integrated car parking, pedestrian and cycle routes and facilities;*
- (i) ensure the amenities of existing and future neighbouring occupiers are safeguarded;*
- (j) incorporate appropriate infrastructure to enable connection to fast ICT networks;*
- (k) optimise the efficient use of land, and provide well-designed adaptable street patterns and minimise functionless open spaces;*
- (l) create and sustain an appropriate mix of uses and support local facilities and transport networks;*
- (m) consider opportunities for public art; and*
- (n) provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.*

(2) All major residential proposals will be expected to be supported by a Building for Life 12 (BfL 12)(117)(or successor) assessment. High quality design should be demonstrated through the minimisation of "amber" and the avoidance of "red" scores.'

Paragraph 135 NPPF:

'Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

- 2.11 In terms of the location of the development and the placemaking exercise to integrate the development into the wider urban area of Barnstaple, the scheme achieves key links and provides infrastructure which will enable the development to become a part of the wider Roundswell area with an interdependence on its facilities which can be accessed safely and by attractive options of alternative travel modes. As such this would comply with Policies ST04, and DM04 of the NDTLP and paragraph 135 of the NPPF.
- 2.12 In terms of the Building for a Healthy Life assessment which accompanies the application it is acknowledged it can be difficult to assess a scheme purely based upon an outline scheme and indicative layout. The LPA would question the extent of green scores given the indicative layout only and would advise that some of these currently unknown aspects should have been scored amber at this stage to indicate that they hadn't yet been achieved however it appears feasible that they could.
- 2.13 Your officers' can see no clear reason at this stage why any red scores should have been attracted and it will be key for this assessment to be re-run at reserved matters stage in order to ensure that the highest number of green scores can be achieved to comply with the above policy and provide the highest quality development.

Landscape Impact

- 2.14 The site is located in an area characterised as Upper Farmed Wooded Valley Slopes in the Joint Landscape Character Assessment for North Devon and Torridge 2023.
- 2.15 The key characteristics of this landscape character area are:

- Open landscape with important vantage points and uninterrupted vistas enjoyed by people.
- Narrow sunken lanes and species-rich hedgebanks.
- Culm grassland and copses, woodlands and tree clumps important for wildlife.
- Cob, thatch and whitewashed buildings, including traditional linhays which give time-depth to the landscape.
- Little or no light pollution resulting in starlit skies.

2.16 The site itself slopes gently to the north where it bounds the former claypits area. It is low lying at between 45.5m AOB and 29m AOD at the lowest point. The surrounding farmland is undulating and slopes upward to the south with vantage points of the low parts of the site visible from farmland further south.



Drone extract of site area

2.17 The application is accompanied by Landscape and Visual Appraisal which assesses the impact of the development. This concludes the site, which is not subject of any landscape designations is of medium landscape value and the development would have a negligible effect on the landscape in the long term. Moderate to minor adverse effect is considered to result from the loss of open fields.

2.18 It goes on to identify a limited number of sensitive receptions being residents adjacent to the site and users of Old Bideford road who would experience moderate to minor adverse effects, whilst wider and less sensitive receptors would experience negligible to no effect due to the limited visual envelop of the development. As such the development was concluded to as not having an unacceptable level of harm to landscape and visual receptors.

2.19 The LVA was reviewed by the Council Sustainability Officer who agreed with the conclusions however was disappointed that a full LVIA was not presented however suggested this could accompany a reserved matters submission when scale and appearance of dwellings is known. On review of this point with the developer they refer to the Council's local lost which states:

'A Landscape and Visual Impact Assessment (LVIA) will be required to be prepared by an appropriately qualified person where a proposal is an Environmental Impact Assessment (EIA) development and the development would be likely to have a significant impact on the surrounding landscape

and/or townscape/seascape character of the site, including its context. A LVIA will also be required for major development proposals for non-EIA development that could have a significant effect on the special qualities of the North Devon Coast Area of Outstanding Natural Beauty.'

- 2.20 As such the LPA would have no justification to impose a condition requiring a full LVIA accompany the reserve matters applications given the development is neither EIA development nor does it impact on the North Devon National Landscape (formerly AONB).
- 2.21 The change in landscape character resulting from the development would remove open farmland features and as such would result in a level of harm, albeit limited, to the character and appearance of the area. As such, the development cannot be considered to conserve or enhance the landscape character contrary to Policy ST14 and DM08A however given the very limited level of harm identified this policy conflict is considered to carry limited weight when weighed in the overall planning balance.

3 Amenity

- 3.4 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.
- 3.5 Policies DM02 considers atmospheric pollution and noise and DM03 considers Construction and Environmental Management of development.

Neighbouring Residential Amenity

- 3.6 In terms of residential amenity, the site is located with suitable separation distances from nearby residential uses to the east and south such that a site layout could be effectively designed without the amenities of neighbours being adversely affected. This is a matter for consideration in details at reserved matters stage.
- 3.7 No comments are raised by Environmental Health in respect of this issue.

Noise

- 3.8 In terms of noise, the site is located to the south of an area of commercial activity and the A39 which is the main link between Barnstaple and Bideford. The application is therefore accompanied by a noise impact assessment which looks at these sources of noise and makes mitigation proposals are part of that report.
- 3.9 The noise impact assessment has been reviewed by the Council's Environmental Health Officer and concludes that there are no concerns to this aspect of the proposals.
- 3.10 The EHO has however commented with concerns that the volume of traffic access the site from proposal access point has the potential to impact on the

occupiers of neighbour residential uses from noise impact. The EHO Officer considers this matter can be dealt with at reserved matter stage via condition as part of layout details and with need to be informed by a suitable noise assessment to demonstrate the measures adopted. This has been conditioned as part of this recommendation.

- 3.11 It is further commented that any reserved matters application will need to deal with any plant noise resulting from the position of the retail unit and any extraction or commercial noise generated from that premises. This will be achieved through further noise assessment and layout as part of the RM application.
- 3.12 In light of the above, subject to conditions, it is considered any noise impacts can be appropriately mitigated by conditions.

Air Quality

- 3.13 In terms of air quality, an air quality impacts assessment is supplied with the application which demonstrates that air quality impacts will be appropriate at both construction and operational phases subject to conditions in respect of construction management and traffic management through a Travel Plan.
- 3.14 The findings of this report are supported by the EHO and no objections raised. These matters will be controlled by conditions to be suggested at the end of this report.

Land Contamination

- 3.15 In relation to land contamination, a phase 1 Geo-environmental report has been supplied as part of the application and has been received by the Council's EHO.
- 3.16 The report supplied makes the following conclusion in respect of the site:
'Intrusive ground investigation works shall be required in order to confirm ground conditions and provide foundation recommendations for the Site. Subsequent gas monitoring will need to be undertaken to determine the risk to human health from gas migration.'
- 3.17 The EHO comments that these further intrusive assessments should be undertaken before development takes place on the site, commenting unless dealt with under the current application, a condition on the outline would deal with any pre-development requirement to carry out these assessments.
- 3.18 The EHO also seeks to impose a reactive contamination condition to deal with any unknown contamination which may occur when development is taking place.
- 3.19 In light of the above, subject to the imposition of conditions requiring an intrusive contamination investigation and a reactive contamination condition this would effectively deal with any land contamination impacts arising from the site.

Summary

- 3.20 In light of the above, subject to the imposition of conditions, the development can be made acceptable in amenity terms in accordance with Policies DM01, DM02 and DM04 of the NDTLP.

4 Heritage Assets

- 4.4 When considering granting planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.
- 4.5 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.
- 4.6 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.
- 4.7 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

- 4.8 There are no heritage assets within the boundary of the site however 2 no. Grade II listed buildings lie on the adjacent side of the A39 to the South at Higher Rookabeare and Rookabeare Cottage.
- 4.9 Beyond the above assets, there are further Listed Buildings and Conservation Area Boundaries located some distance from the site, with Conservation Areas at Fremington, Muddlebridge and Bickington to the North.
- 4.10 The scheme has been reviewed by the Heritage and Conservation Officer and due to the location of the site and its separation from any designated heritage asset the development is not considered to result in any harm to the heritage assets.
- 4.11 As such this is considered to meet the above statutory duties, the requirement of Policies ST15 and DM07 of the NDTLP and the objectives of the NPPF.

Buried Archaeology

- 4.12 The site located close to an area where late Iron Age/early Romano-British was identified as part of the development of the land allocation along Tews Lane further northwards and there is potential therefore that groundworks could disturb or destroy archaeological/artefactual deposits associated with these.
- 4.13 The application site has been the subject of archaeological assessment including a geophysical survey to identify the potential for and importance of any buried archaeological features.
- 4.14 In consultation with the County Archaeologist there is no disagreement with the conclusions and assessment carried out and the response suggests that the developer must supply either a Written Scheme of Investigation as part of the application or it can be conditioned as part of the recommendation. Furthermore, a condition requiring post investigation assessment is also required such that this information is available for achieve.
- 4.15 Detailed advice is provided on the form that archaeological works should take which should be used by the developer to guide the schedule of works on the site.
- 4.16 In this instance given the scheme is in outline, it is considered appropriate to, where recommending approval to use a pre-commencement condition for the submission of the WSI and the other consideration suggested by DCC Archaeology to ensure and evidence of site is appropriately documented.
- 4.17 As such the above would accord with Policies ST15 and DM07 of the NDTLP and provisions of the NPPF insofar as they relate to buried archaeology on site.

5 Ecology

- 5.4 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).
- 5.5 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;'

- 5.6 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

- 5.7 The Ecological assessment work (EclA) The Ecological assessment work (EclA) accompanying the application acknowledges the potential impacts on a number of species 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.

- 5.8 The baseline habitat present on site consists of modified and neutral grassland with native species rich hedgerows and tree lines and ditches. These can be seen in the image below for reference:



Drone photo of site from North

- 5.9 The site is located 150 metres from the Higher Gorse Claypits County Wildlife Site (CWS), however does not fall within any wildlife designations.
- 5.10 The habitats identified on site provide suitability for common amphibians, reptiles, badgers, foraging/ commuting bats, including Annex II species, and roosting bats, breeding birds, dormouse and hedgehogs.
- 5.11 The survey effort in the EclA follows Natural England standing advice for the identified protected species and the Council's Sustainability Officer has

reviewed this and has raised no concerns in respect of the survey effort carried out.

- 5.12 The biodiversity value of the site is low in respect of the grassland however the hedgerows and tree lines hold a higher biodiversity value and are being used or highly likely to be used by bats, breeding birds and dormouse.
- 5.13 The following mitigation and enhancement measures have been proposed as part of the application
- Construction Ecological Management Plan to be employed during construction to prevent impacts to retained habitats including the stream and hedgerows and off-site CWS.
 - Retention of hedgerows where possible, and supervised removal of hedgerow where essential for access with timing to avoid sensitive periods for wildlife, including a dormouse licence where applicable.
 - Dark corridors designed for bats and other wildlife along the western and northern boundaries.
 - Compensation for any hedgerow removal in excess of that removed
- 5.14 The above measures can be secured by planning conditions and landscaping and layout at reserved matters stage. It is considered that a robust approach to survey work has been carried out. The survey work will set the baseline for any reserved matters application, which were permission granted, and pre-commencement ecology survey conditions would deal with any changes in presence of species and licencing requirements.
- 5.15 However it is considered for the purposes of determining the planning application and ensuring wildlife has been appropriately considered in light of the legislative framework and can be appropriately conserved in the context of Policy ST14 and DM08, the level and extent of survey work carried out is commensurate with the requirements and Natural England Standing Advice.

Biodiversity Net Gain

- 5.16 The application was submitted in October 2024 and as such is subject to the new Legislative provisions in relation to mandatory biodiversity net gain requirements requiring development to achieve a minimum gain of 10% in biodiversity. This is secured using a hierarchical approach whereby onsite provision is the preferred means of delivery with a Biodiversity Gain Plan and Habitat Management and Maintenance Plan secured by condition/S106 provides for a 30 year period to ensure management and maintenance of BNG sites.
- 5.17 A BNG assessment is submitted with the application which demonstrates that the site is able to demonstrate the minimum 10% net gain is achieved and is summarised below:

Table 1: Summary of On-Site BNG Metric Assessment

Unit Type	Onsite Baseline Units	Onsite Post-development Units	Net Unit Change	% Change
Habitat	22.28	26.39	+ 4.11	+ 18.43%
Hedgerow/ Linear	24.07	26.78	+ 2.71	+ 11.26%
Watercourse	4.21	4.69	+ 0.48	+ 11.52%

BNG Table extract from Biodiversity Net Gain Statement and Assessment

- 5.18 The BNG assessment carried out has been reviewed by the Council's Sustainability Officer who supports the assessment which has been carried out and provides a detailed description of what will need to be secured by condition and Section 106 agreement to ensure that the mandatory BNG is secured and delivered for the 30 year requirements. There are also no objections from Natural England.
- 5.19 As such subject to the provision of appropriate BNG conditions and a legal agreement the proposals are able to demonstrate an appropriate level of biodiversity net gain on site which meets the requirements of the Environment Act 2004, along with Policies ST14 and DM08 of the NDTLP and biodiversity objectives of the NPPF. The enhancements and BNG achieved on site carried moderate weight as a benefit arising from the development.

Habitat Regulations Assessment

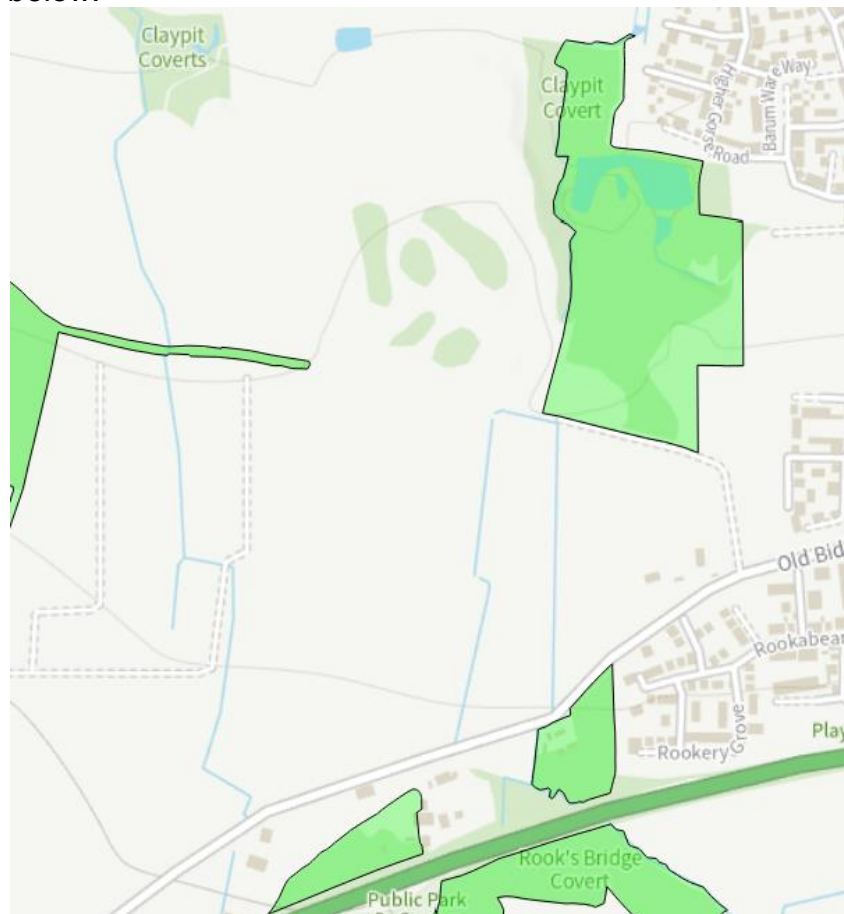
- 5.20 In relation to the Special Areas of Conservation (SAC) being the Branton Burrows SAC and Culm Grassland SAC, the response by Natural England highlighted the need for an appropriate assessment to be carried out in relation to the Habitat Regulations in order to ascertain whether significant effects 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.
- 5.21 In terms of Branton Burrows SAC, the site is located in an area previously identified as part of the Zone of Influence for impacts resulting from dog walking recreational pressures on the SAC from new residential development. Natural England have subsequently confirmed following further evidence that this impact no longer exists. As the proposal is not directly connected with or necessary for the management of the European site and the proposal is unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects and it can be screened out from further appropriate assessment.
- 5.22 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

- 5.23 In terms of best and most versatile agricultural land, Policy ST14 (d) and Paragraph 187 (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).
- 5.24 The site falls within subgrade 3b and 4 and as such would not represent loss of BMV and as such would not appear to conflict with the above policies.

Other Matters

- 5.25 Natural England are a statutory consultee on the application due to its location within approximately 40 metres of the Fremington Claypits Site of Special Scientific Interest (SSSI). The SSSI is designated for Geological interest. Natural England have commented that given the separation distance they do not consider there to be any impact on the SSSI from the development proposed.
- 5.26 It was raised at pre-application stage that the site lies to the north and south of two Tree Preservation Orders (TPO) covering groups of trees which can be seen below:



Map extract showing TPO in green

5.27 The Council's Arboricultural Officer has reviewed the plans and is content with the Arboricultural Impact Assessment and Tree Protection Plans supplied as part of the application. As such the trees on site and adjacent have adequate protections as a result of the development proposed. This will be secured by planning conditions.

6 Highways

6.4 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.

6.5 The application is made in outline with matters of access for approval. The access would be formed in the eastern most field forming the site and would provide vehicle access to the whole development. This can be seen in context in the plan below which shows the indicative layout.



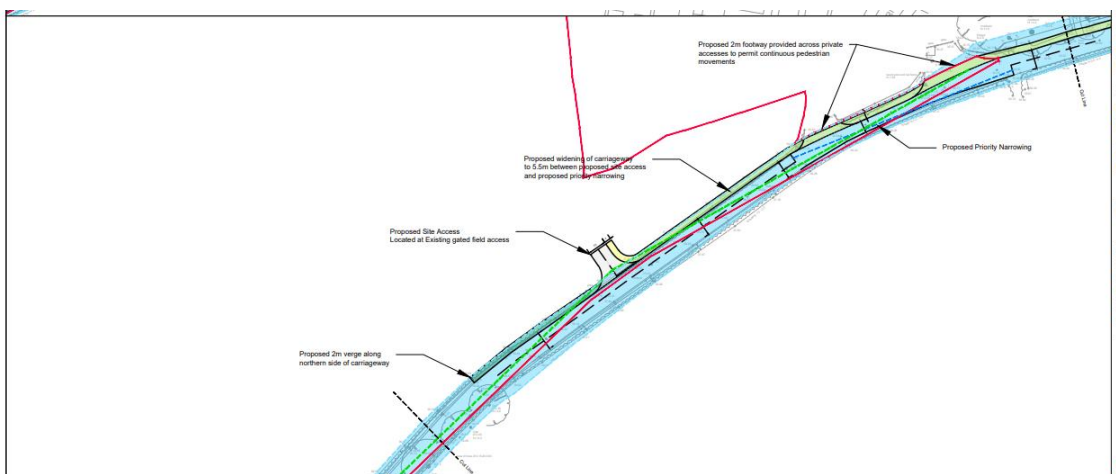
Indicative Site Layout including fixed Access point

6.6 The Transport Assessment which accompanies the application provides further technical design details on the vehicles access as well as design details for the provision of footway from the site to Tews Lane to the east on the northern side of Old Bideford Road on an area of current highway verge. An view of this area of road is shown below for context.

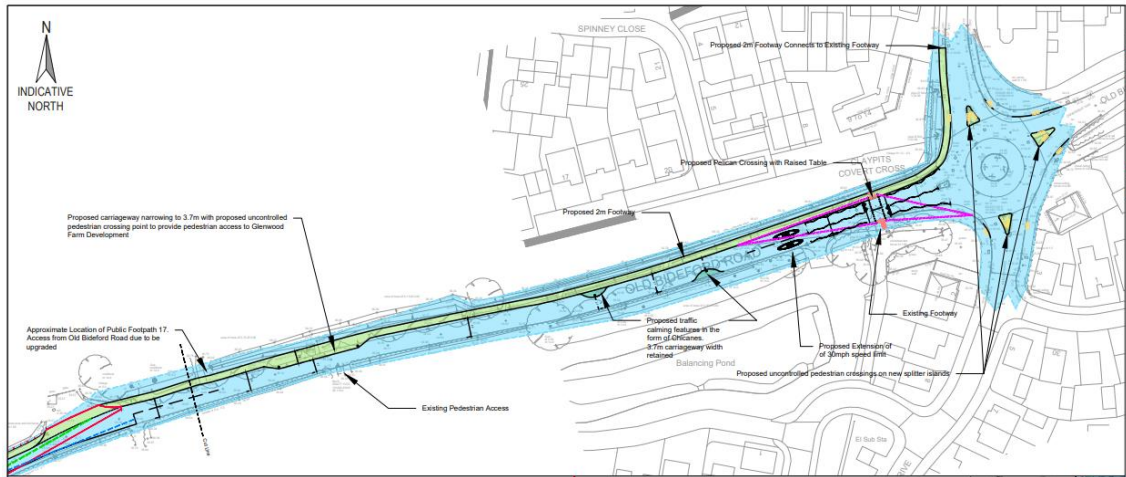


View looking west along Old Bideford Road

- 6.7 The area between the site and Tews Lane is at present a rural road with no footway with the proposals seeks to provide the connectivity eastwards, introduce a chicane feature to reduce traffic speeds. These arrangements can be seen in the technical drawings below extracted from the Transport Assessment.



Access Arrangements including visibility



Technical design of footway along Old Bideford Road and Pelican Crossing

- 6.8 In terms of vehicle trips anticipated to and from the site the Highway Authority have reviewed the TA and have no objections to the findings of this and have supported access and highway works which has been provided subject to a commuted sum for upkeep of the pelican crossing and contribution to a Traffic Regulation order to re-locate the speed limit entering Roundswell and the pedestrian crossing.
- 6.9 The Highway Authority have asked that a verge is created to the west of the site to the edge of the ownership to allow for future development potential along Old Bideford Road. Given these areas are not allocated for development at this stage it would not be reasonable to secure this and as such has not been pursued.

Accessibility by Alternative Modes

- 6.10 In terms of access to alternative modes of travel and sustainable development principle centred around transport mode. The site is at upper limits in terms of distance for walking routes to certain onward facilities however the developer has sought to address through a number of measures.
- 6.11 As part of pre-application discussions the proximity of the site to convenience goods shops was raised, which could result in unnecessary vehicle trips therefore the applicant has agreed to site a commercial retail unit within the development which would seek to provide for easy access to convenience goods prevents short car trips to larger retail facilities to the east of the site.
- 6.12 Following consultation with DCC, they have sought improvements to the No 19 bus service which can be accessed to the west in Wester Moor Road. This includes contributions which facilitates restoring a half hourly service on a Saturday and earlier stops to enable on-ward train travel to Exeter. It also seeks a new bus stop on Old Bideford Road. These are agreed with the developer and will form part of the Section 106 Agreement.
- 6.13 In terms of other requests from DCC, a contribution on £150,000 is sought for an upgrade to footpath No.17 which runs between Old Bideford Road and Higher Gorse Road, along at 400 metre extent. At present this path is a mix

of compacted gravel and mud, lies directly adjacent to the geological SSSI to the west and passed close to a County Wildlife Site at the northern end. Improvements to this path would serve a purpose for an additional route to access development, including the school to the north however there is some concern that provision of these works would compromise both the SSSI and ecological interest, particularly if there became pressure to light the route.



Purple dotted line shows North-South line of Footpath No.17

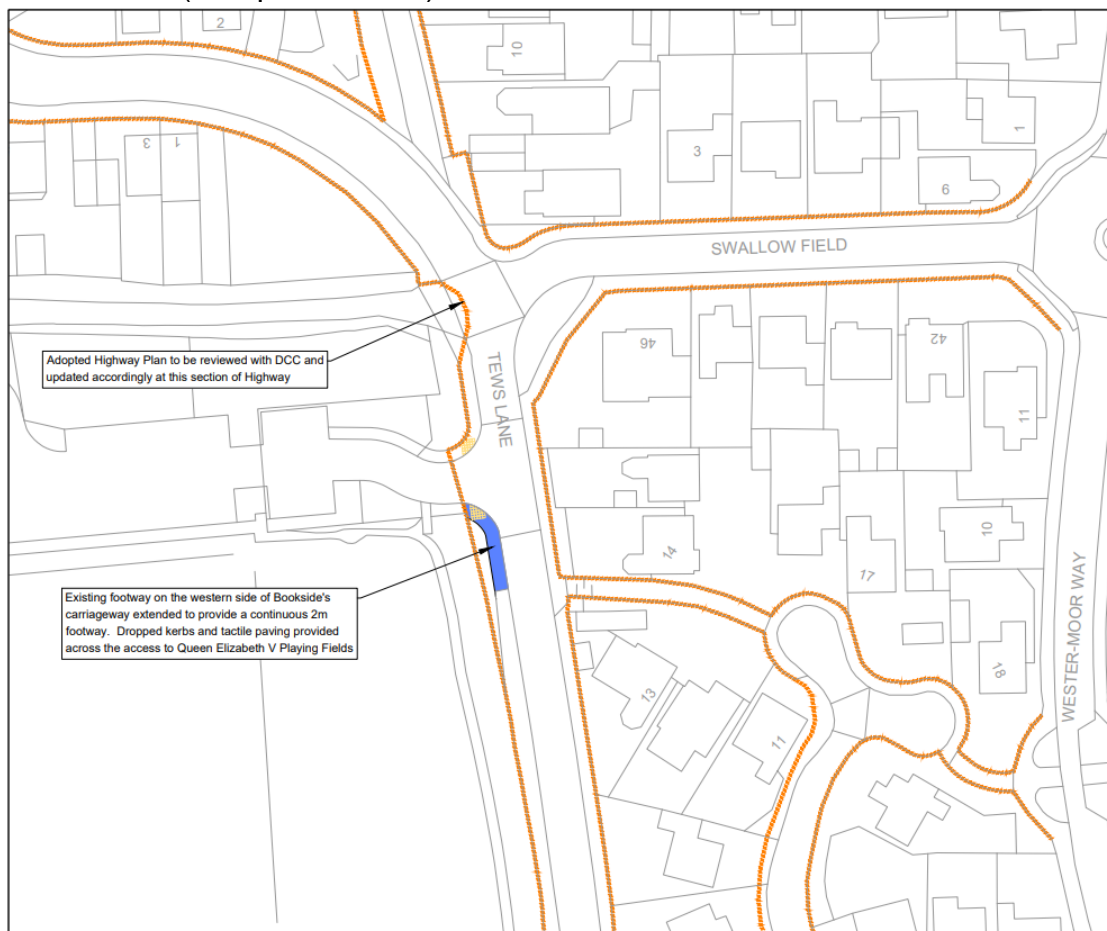


Yellow line area proposed for upgrade

- 6.14 Rather than discount the need for this route to be upgraded, given the scheme already seeks to deliver a safe and suitable walking route along Old Bideford Road and onwards to the north on Tews Lane, the developer has costed a sensitive upgrade rather than a formal multi-user path which would conflict with adjacent designations. This would be a no-dig solution therefore

protecting geological interests and would not include any lighting to safeguard the ecological interest. Where lit access is needed this is provide via the Old Bideford Road route as an alternative.

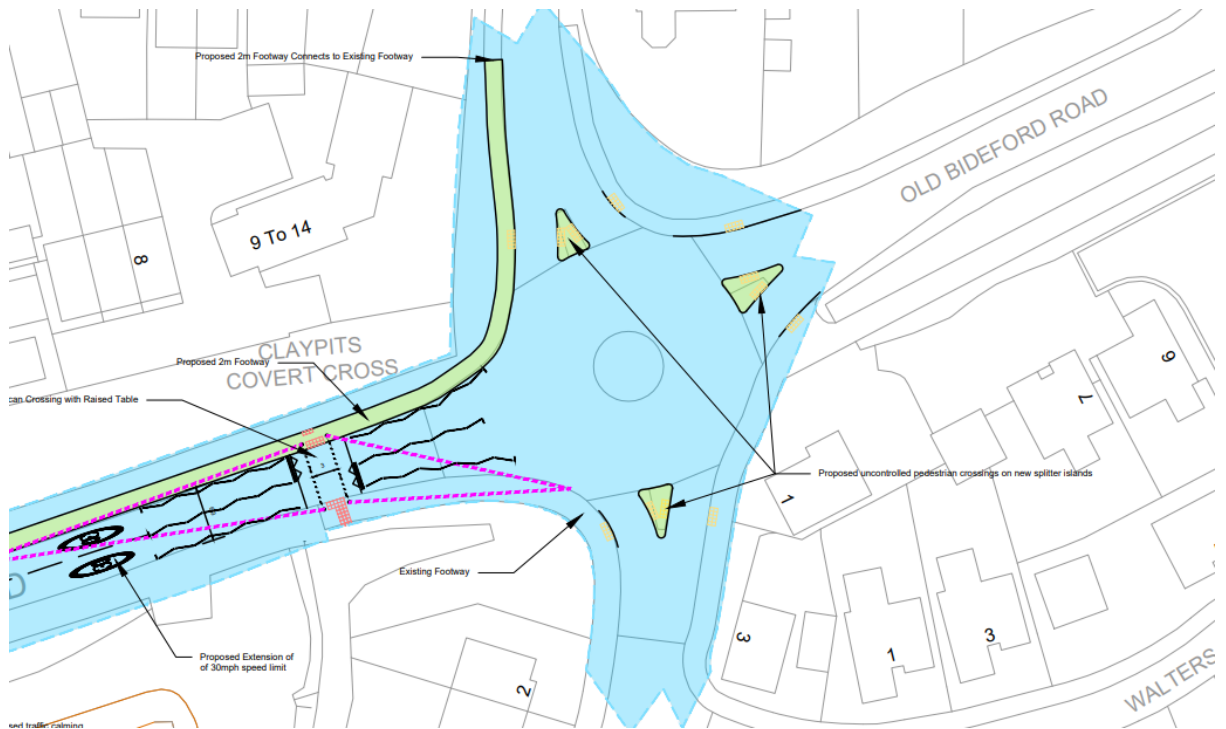
- 6.15 These works have been formally costed by a Quantity Surveyor and would amount to a sum of £42,277. Given the route improvement is seen as a planning gain rather than as CIL Reg 123 compliant obligation request, given a suitable alternative exists, the LPA will seek this contribution and not the larger sum, of which no formal evidence of costing has been supplied, requested by DCC.
- 6.16 Following discussion around comments from the Parish and local knowledge of connectivity issues in and around Tews Lane, the developer has offered an additional package of additional highway improvements which are a planning gain which has not been sought directly from the Highway Authority.
- 6.17 These gains include the following works the continuation of footway along the western side of Tews Lane into the Playing fields, and the relocation of the blind east-west crossing on at the top (south) end of Tews Lane and provision of pedestrian refuge areas on the arms of the roundabout at Tews Lane. (See plans below).



Continuation of Footway and drop kerb along Tews Lane into Queen Elizabeth II Playing Fields



Street View Extract of current arrangement



Plan showing improvement at Top (South) end of Tews Lane



Current Crossing with Poor visibility to north due to hedge



Roundabout arm crossings to be improved

- 6.18 Policies DM05 and ST10, along with paragraphs 110, 115 and 117 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.
- 6.19 The measures which have been adopted to enable and promote sustainable travel from the site would result in a vision led pedestrian environment allowing safe and suitable access to the east and north to on-ward facilities required for education, employment and retail. The scheme would enable meaningful adoption of public transport and, albeit not a segregated route, cycling from the site to the segregated route along Tews Lane is easily accessible.
- 6.20 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 westward parts of the development site would be in excess of the walkable neighbourhood of 800m or within a 10-minute walk. However, with the measures in place to improve the accessibility to the site for all form of alternative mode to the car it is considered that this would result in a sustainable form of development in highway terms.
- 6.21 As such this is considered to comply with Policies DM05 and ST10 of the NDTLP and paragraph 110 and 115 and 117 of the NPPF. Significant weight is afforded to the response to sustainable travel modes proposed by the application.

7 Flood Risk and Drainage

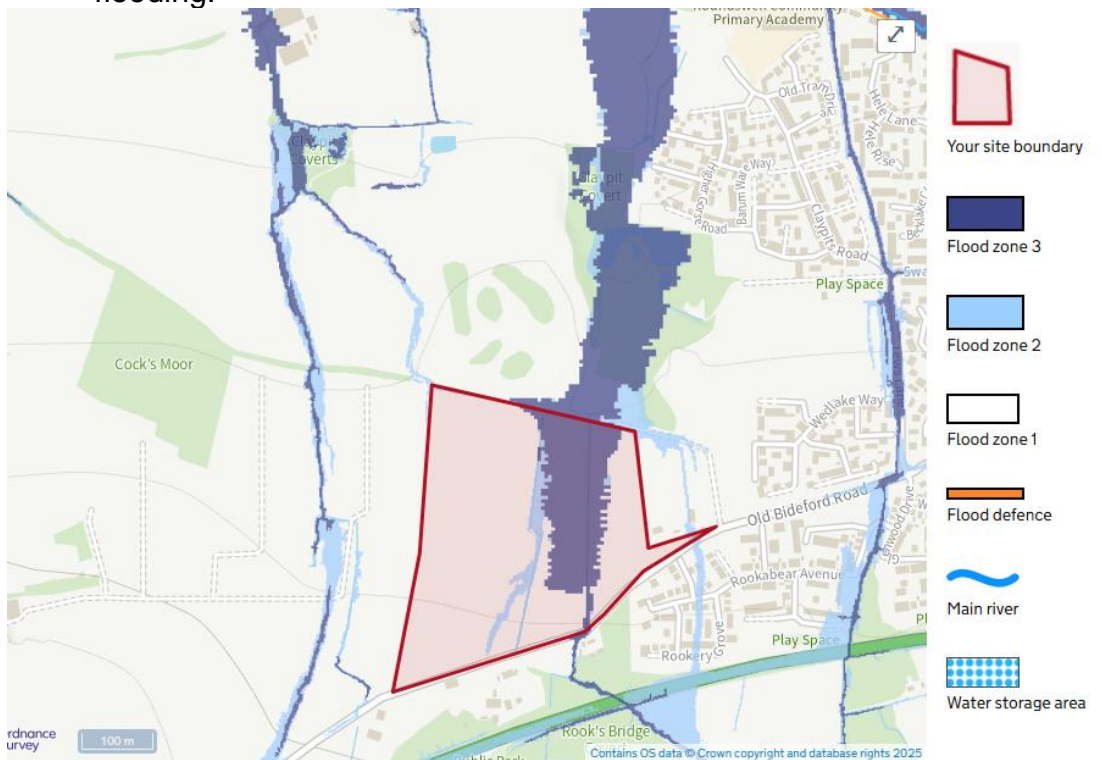
- 7.4 NDTLP Policy ST03 requires that development takes account of climate change to minimise flood risk. Policy DM04 requires development to 'provide

effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rain water'.

- 7.5 Paragraphs 170-182 of the NPPF deal with matters of flood risk and seeks development to be located in areas at the lowest risk of flooding.

Flood Risk

- 7.6 The plan below shows the extent of flood zone on the site demonstrating the parts of the site are within Flood Zone 2 and 3 therefore at the highest risk of flooding:



Extract of Environment Agency Flood Maps

- 7.7 On review of the extent of the site sat within the EA high level flood mapping the developer has commissioned detailed hydraulic modelling of the site which reviewed both the fluvial and pluvial flood risks associated with the site. It also takes into account culverts and other flood management features that are not taken into account of the national level modelling above.



Extract from FRA of Flood Modelling

7.8 The above demonstrates that significantly less of the site is within areas subject to flood risk and as such leave larger parts of the site available for development. The findings of this modelling exercise have been accepted by the Environment Agency and they have therefore provided a list of planning conditions to ensure detailed site design achieves development which is safe from flooding.

Sequential Test

7.9 In terms of the above and the interaction with the sequential test which directs development to the lowest areas of flood risk, recent planning case law and a subsequent update to paragraph 181 of the NPPF allows a site specific design approach to avoiding flood risk and as such expects the most vulnerable development to be located in the lowest risk of flooding.

7.10 In light of the above the indicative site layout has been devised to ensure that all residential dwellings are outside of the flood risk areas. As demonstrated in the plan below:

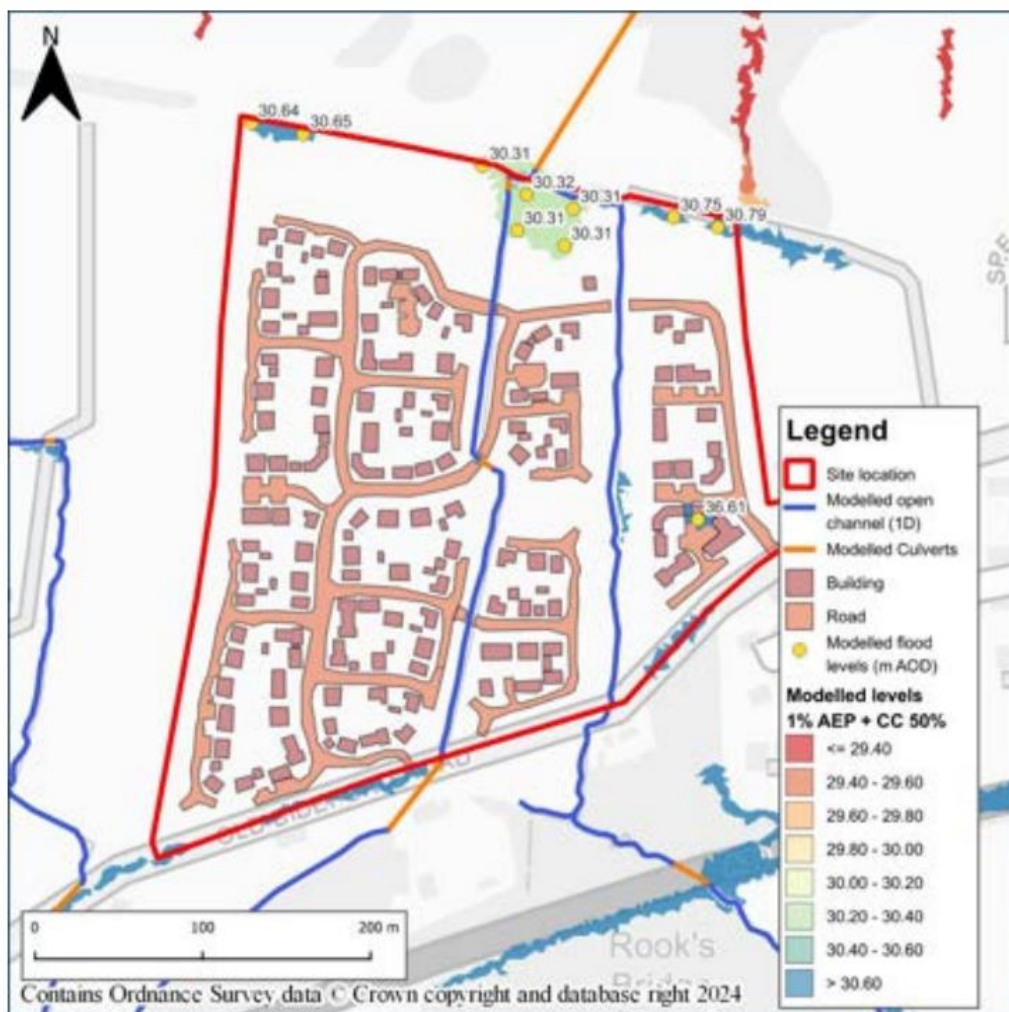


Figure 6-4: Post-development scenario peak flood levels - 1% AEP plus 50% climate change

FRA extract showing location of development parcels

- 7.11 The above demonstrates that the extents of 1 in 100 year plus 50% climate change and 1 in 1000 year flood events have been modelled and only include a small area of land at the northern periphery of the site.
- 7.12 The site layout including safe access and egress from the site is demonstrated outside the accurately modelled area of flood risk and the sequential test is not required to be applied.
- 7.13 The EA request a condition relating to CCTV monitoring of a culvert beyond the control of the applicant to which they have responded the following:

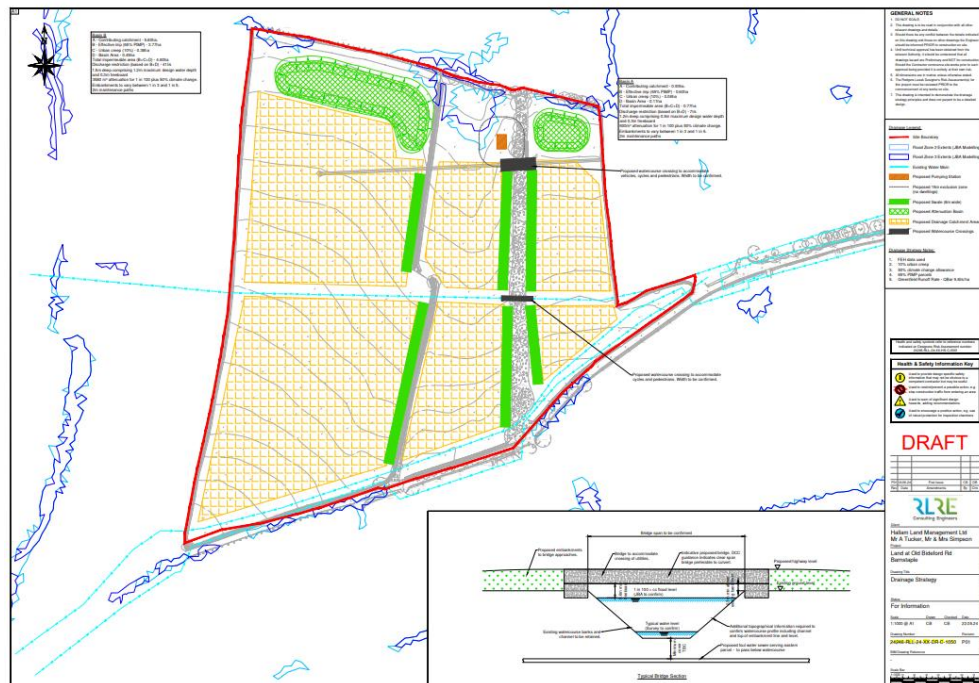
'As you are aware, the EA has requested a condition requiring the delivery of a CCTV survey to the north of the site to monitor the existing culvert. This culvert is located outside of the site boundary and outside of land within Hallam's control. As we have discussed, this is not a reasonable request and fails to meet the CIL tests. The riparian owner is Devon County Council who are liable for the culvert's maintenance. A future Construction and Environmental Management Plan, as already requested through condition, would ensure that an appropriate management regime is implemented during construction to ensure protection of the watercourses and prevent the

discharge of unwanted material, ensuring the watercourses/culvert would not be affected by the proposed development. At the request of the EA, the hydraulic modelling has included a 100% culvert blockage scenario, which has demonstrated that, if the culvert was to become blocked, the site would not flood.'

- 7.14 Given there is DCC control of the culvert and appropriate measures on site can be adopted to prevent blockages, it is not the responsibility of the developer to investigate something beyond their control and as such the imposed conditions would appropriately deal with this issue.
- 7.15 In light of the above, subject to appropriate layout reflecting the flood risk modelling and avoiding development in areas at risk of flooding in the northern part of the site, the development is considered to comply with Policies ST03 and DM04 of the NDTLP and paragraph 181 of the NPPF.

Drainage

- 7.16 In terms of surface water drainage on site, the site is located in a Critical Drainage Area whereby betterment of green field run off rates should be achieved in order to reduce risk of surface water flooding as a result of the development.
- 7.17 Infiltration rates have been tested on site and demonstrate that soakaways will not be a suitable SUDS solution on site therefore following the drainage hierarchy the site will need to be served by attenuation features to ensure flood risk is reduced and provides for a 1 in 100 year plus 50% climate change event. This is demonstrated in the drainage strategy drawing below:



Drainage Strategy Plan

- 7.18 The above approach has been subject to consultation with Devon County Council Lead Local Flood Authority (LLFA) who raised point of clarity to the initial FRA and strategy presented and the development have subsequently provided an updated FRA addressing these matters.

- 7.19 The LLFA were consulted on the updated FRA and have provided a short list of queries which have been clarified by the developer as primarily being issues which will be clarified at reserved matters stage as part of layout in respect of location of swales adjacent the spine road, exceedance routes avoiding dwelling curtilage, and minimising needs to cross watercourses. There was a request to clarify how SUDS will be managed which will be matter for consideration via the Section 106 agreement and a point of clarity on the needs for a pumping station.
- 7.20 It would appear at the time of finalising the report that the site has demonstrated that surface water generated by the development can be dealt with by an appropriately design SUDS solution which complied with DCC's hierarchy and meetings Critical Drainage Area requirements. As such it is considered that the development can be made accepted though conditions and the Section 106 agreement.
- 7.21 As such, for the purposes of the outline application, the development would accord with Policies ST03 and DM04 of the NDTLP in relation to surface water management and paragraph 173 of the NPPF.
- 7.22 In terms of foul drainage this would connect into an existing foul sewer network and no objections to this have been received by South West Water.

8 Socio Economic Benefits

Economic Benefits

- 8.4 The proposal would bring economic benefits in the form of new homes bonus, council tax and housing provision reducing temporary accommodation cost pressure.
- 8.5 There would be economic benefits though 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.
- 8.6 Permanent future expenditure by occupiers would result from the development and benefit to local employers from housing availability for workers.
- 8.7 Financial contributions to education, highways health and waste are an economic benefit of limited weight as policy requirements of the planning process.

Social benefits

- 8.8 The provision of housing and affordable housing would contribute to meeting identified housing needs in the strategic area.

- 8.9 Financial contributions would be made to mitigate the impact of development for education, healthcare, and sport and recreation which would provide for the social needs of the future occupiers of the site.
- 8.10 The scheme also provides planning gains through the provision of off-site highway works, not request by DCC, to provide improvements to the pedestrian environment along Old Bideford Road and Tews Lane through the provision of footway, and improved crossing facilities. This would be both a social and environmental benefit to those accessing facilities sin the area via a cohesive pedestrian route.

Environmental Benefits

- 8.11 Provision of a local convenience shop is also a social benefit and would reduce reliance on the private car as would the aforementioned improvements in 8.7 above.
- 8.12 SUDS systems would better greenfield run off rates.
- 8.13 A minimum of 10% biodiversity net gain in achieved on site with a statutory 30 year protection.

9 Infrastructure Requirements

- 9.4 The following infrastructure requirements have been identified 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	30% across the site comprised of 75% social rent and 25% intermediate Mix to reflect SPD requirements, design advice on size, and disabled access dwellings.	
Highways obligations	<p>1) a commuted payment contribution shall be paid towards the on-going maintenance of the pedestrian crossing.</p> <p>2) a contribution towards all necessary Traffic Regulation Orders in connection with speed limit relocation and pedestrian crossing facility.</p> <p>3) Restoring the Saturday 19 service to half-hourly.</p>	<p>1) £20,000</p> <p>2) £5,000</p> <p>3)£99,285</p> <p>4) £42,277</p>

Head of Terms	Detail	Amount
	<p>At present prices, this will be approximately £15,815 per annum and three years funding is sought. • Additional journeys at approximately 0600 and 0700 from Roundswell to connect to morning trains to Exeter at. The cost for these will be around £17,280 per annum and three years funding is sought.</p> <p>4) No. 17 footpath upgrade (alternative figures proposed by developer)</p> <p>5) Securing off site highway works</p>	
Allotment:	On site provision	No off-site contribution
Amenity & Green Space:	On site provision	No off-site contribution
Play Space	1 x LEAP and 2 x LAP provided on site	No off-site contribution
Parks, Sport and Recreation	Off Site contribution	£72 per sqm per person–more accurate calculation to be provided once number of units/beds is confirmed)
Management arrangements for POS	Scheme to be agreed	
Provision of SUDS and details of Management arrangements	Scheme to be agreed	
Primary and secondary SEN provision.	It is set out in the DCC Education Section 106 Infrastructure Approach that approximately 2% of the school population require specific Special Education provision; this development is likely to generate 1.76 pupils who will require a specialist place.	£143,042 (based on the SEN extension rate of £81,274 per pupil) equivalent to 1.1 primary pupils and 0.66 secondary pupils. This equates to a per dwelling rate of £650.19.
Primary Education	Contribution as sufficient primary capacity to accommodate 24% of pupils expected to be generated by development	The primary contribution sought would be £831,774 (based on the DfE new build rate of £20,305 per pupil x 76%). This equates

Head of Terms	Detail	Amount
	in the area and therefore would only seek contributions against the remaining 76% of pupils.	to a per dwelling rate of £3,780.79. The contributions will go towards new primary provision within Barnstaple.
Primary Land Contribution	Proportionate land contribution of 10m2 per family-type dwelling from this development.	£184,756 (based on £1,105 per dwelling x 76%), this equates to a per dwelling rate of £839.80.
Secondary School contribution towards the expansion of existing secondary provision in Barnstaple	73% of pupils expected to be generated by development in the area and therefore would only seek contributions against the remaining 27% of pupils.	The secondary contribution sought would be £205,546 (based on the DfE expansion rate of £23,540 per pupil x 27%). This equates to a per dwelling rate of £934.30.
Early years	A contribution towards early years provision is needed to ensure the delivery of statutory provision for 2, 3 and 4 year olds.	£55,000 (based on £250 per dwelling)
NHS Primary Care	Contribution towards capacity at either Brannam Medical Centre, Fremington Medical Centre, Queens Medical Centre, or Litchdon Medical Centre	£124,494
NHS Acute Care	Contribution toward patient funding gap	£113,956
Biodiversity Net Gain	Secure on site with 30 year HMMP and monitoring fee	£4,131.08

Highways

- 9.5 In order to comply with Policies ST10 and DM05 of the NDTLP, the development will need to deliver the highways obligation set out above and described in detail in the highway section of this report.

Waste

DCC seeks a contribution toward waste facilities as an infrastructure pressure from new development. This payment is considered justified in the context of Policy ST23 of the NDTLP.

Open Space

- 9.6 In order to comply with Policy DM04 and DM10 of the NDTLP, open space provision on and off-site must be secured at outline stage via a section 106 agreement.
- 9.7 On site provision would be secured by the approved plans and section 106 agreement whereby a management company would be responsible for the long-term upkeep of the area and they would be made publicly available at the earliest opportunities through the development of the site.
- 9.8 In terms of the off-site contribution which is off-set by the on-site amount these monies would be secured via S106 and used to deliver a named projects within the local area which will be identified as part of S106 negotiations.

Education

- 9.9 Appropriate infrastructure in accordance with Policy ST23 of the NDTLP is required which includes contributions towards education facilities and capacity as identified in the table above.
- 9.10 All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 prices and any indexation applied to contributions requested should be applied from this date.
- 9.11 The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.
- 9.12 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.

Affordable Housing

- 9.13 The scheme is required to deliver 30% affordable housing in order to accord with Policy ST18 of the NDTLP. This will be comprised of a tenure split a minimum of 75% social rent and the balance as intermediate housing, will be pepper potted across the site and take a design approach in accordance with good, inclusive design principles require by the NDTLP and NPPF. This will be secured by the Section 106 agreement.

National Health Service

- 9.14 Appropriate infrastructure in accordance with Policy ST23 of the NDTLP is required which includes contributions towards Healthcare facilities. The NHS's acute and primary care providers have been consulted on the application and require the contribution towards enabling capacity of GP surgeries and acute care.

Biodiversity Net Gain

- 9.15 For the reasons given above in the ecology section of the report, BNG is required to be secure via the S106 agreement and conditions. This is considered to comply with Policies ST14 and DM08 of the NDTLP, the NPPF and requirements of the Environment Act 2024.

10 Planning Balance

- 10.4 In summary, the Council has an undisputed lack of a 5 year housing land supply. Paragraph 11 (d) of the NPPF establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development should be applied for decision-taking involving applications for housing in North Devon. The lack of housing supply is a significant matter in favour of the proposal and carries substantial weight.
- 10.5 Landscape impacts are considered to be localised, reducing in magnitude at a wider context and not impacting on any designated landscape. It is considered with appropriate landscaping secured at reserved matters stage the impacts will reduce landscape impact throughout the lifetime of development. This issue, with some landscape change is therefore afforded **limited** weight against the proposals.
- 10.6 In highway terms the Highway Authority works to improve the local highway network are to be required which the developer has agreed to deliver. The design and location of the access proposed is considered to be acceptable. The location of development is beyond desired walking distances in some instances, however a vision-led approach has been adopted providing small-scale convenience goods access on site with a local shop and betterment of access to alternative modes, with further planning gains to the pedestrian environment are secured along Tews Land and Old Bideford Road. **Significant** weight is afforded to this issue.
- 10.7 The ecological impacts from development can be mitigated through appropriate construction management, and monitoring along with green infrastructure provision on site. The development also achieves adequate mandatory biodiversity net gain and impacts on nearby designated site can be made accepted via condition and contributions. **Moderate** weight in favour of the development is afforded to BNG and habitat enhancement achieved.
- 10.8 The amenities of local residents can be appropriately safeguarded through the parameter plans, conditions imposed and reserved matters in relation to noise, land contamination and construction measures.
- 10.9 The site can appropriately deal with flooding and surface water run-off in accordance with Environment Agency and DCC Flood Risk advice and national requirements. A betterment of greenfield run off rate in the Critical Drainage Area is afforded **moderate** weight in favour of the proposals.

- 10.10 No harm to heritage assets has been identified as a result of the development and potential for archaeological deposits on site can be adequately dealt with by planning condition.
- 10.11 Turning to the NPPF and the 3 dimensions of sustainability, and this the presumption in favour of sustainable development;
- 10.12 The economic benefits of the proposal would be strong, including the creation of jobs, the addition of spending power to the local economy and the new homes bonus.
- 10.13 Social benefits would include meeting general housing needs and affordable housing needs, which given the areas current housing crisis is of significant benefit and afforded significant weight.
- 10.14 Environmentally the impact of development would be limited in landscape terms however mitigation exists which would reduce these impacts over time and beyond a local context, but not negate them entirely. The location of the site with alternative transport mode offers would be an environmental benefit.
- 10.15 As such considered as a whole, with the significant weight attributed to the Council's absence of a 5 year housing land supply, the site is sustainable in NPPF terms, and that the provisions of paragraph 11 of the NPPF are engaged. Paragraph 11(d) of the NPPF is clear that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

	In favour	Against
Principle of development (5YLHS)	Significant	
Affordable housing	Significant	
Landscape impacts		Limited
Ecology	Moderate	
Highways impact	Significant	
Flood impacts	Moderate	
Construction, jobs, economic impact	Limited	
Public Open Space, education, health and waste contributions	Limited	

Table identifying material consideration and weight attributed to these by Officers

- 10.16 Given the above discussion it is considered, on balance, that there would not be significant and demonstrable harm in landscape, amenity, highways, drainage, ecology or heritage terms, which would outweigh the substantial benefits attributed from the provision of much needed housing, including a significant element of affordable housing on an otherwise sustainable site. As such with the imposition of appropriate conditions and S106 obligations the

balance is considered to be, on balance in this instance, to fall in favour of the proposal.

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 with delegated authority sought to refine conditions and planning obligations

Legal Agreement Required: Yes

Conditions

1. a) In the case of any reserved matter, an application for approval must be made not later than the expiration of two years beginning with the date on which this permission is granted ; and

b) The development to which the permission relates must be begun not later than whichever is the later of the following dates :

(I) the expiration of two years from the date on which this permission is granted; or

(II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The development of each phase for which permission is hereby granted shall not be begun before detailed plans thereof showing the, appearance, landscaping, layout, and scale of the development on the site (hereinafter referred to as 'reserved matters') have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Part 3, Article 6 (b) of the Town and Country Planning (General Development Procedure) Order 2015.

3. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
- PP01 Location Plan received on the 23/10/24
 - 002 P10 Proposed Vehicular Access Part 1 received on the 23/10/24
 - 003P1 Proposed Vehicular Access Refuse Tracking received on the 23/10/24
 - 007 P3 Proposed Priority Narrowing And Chicane Tracking Part 3 received on the 23/10/24
 - 004P4 Priority Narrowing Tracking received on the 23/10/24
 - 005P4 Priority Narrowing Tracking received on the 23/10/24
 - PP02D Parameter Plan received on the 23/10/24
 - 0001P07 Landscape Strategy Plan received on the 23/01/25
 - 012 P2 Proposed Footway Extension along Brookside (Tews Lane) received on the 13/02/25
 - 013 P1 Proposed Vehicular Access - Tews RA (OS Base) received on the 13/02/25
 - 014 P2 Proposed Vehicular Access - Part 1 (Topo Base) received on the 13/02/25
 - Arboricultural Assessment 11283 Aa Rev A received on the 23/10/24
 - Acoustics Assessment- 28891-ENV-0401 Rev A received on the 23/10/24
 - Planning Statement (incorporating HUDU Checklist and Housing Statement) received on the 23/10/24
 - Historic Environment Desk-Based Assessment received on the 23/10/24
 - 22306 Ta01v4- Transport Assessment received on the 23/10/24
 - Biodiversity Net Gain Statement and Assessment 2365-BNG-CB received on the 23/10/24
 - Design and Access Statement received on the 23/10/24
 - Travel Plan 22306 Tp01v4 received on the 23/10/24
 - Landscape and Visual Appraisal 11283-LVA Report RevA.pdf received on the 23/10/24
 - Geo-environmental Desk Study- P24-246 received on the 23/10/24
 - Acoustics Assessment- 28891-ENV-0402 Rev A received on the 23/10/24
 - Hydraulic Modelling Report received on the 23/10/24
 - Devon BNG Statement received on the 01/11/24
 - P24-246 24246-RLL-24-XX-RP-C-00107 Flood Risk Assessment and Drainage Strategy Jan 2025 received on the 29/01/25
 - 2365-EclA-CB Ecological Impact Assessment R1 13112024 received on the 14/11/24
- ('the approved plans').

Reason:

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

4. The development hereby permitted shall be carried out in general accordance with a Phasing Plan to be submitted to and approved by the Local Planning Authority prior to or at the same time as the submission of the first application for reserved matters. The approved Phasing plan shall thereafter be followed unless otherwise agreed in

writing with the Local Planning Authority. The Phasing Plan shall identify the areas of formal and informal Public Open Space, road, cycle and footpaths connections and any/all works to watercourses, surface water drainage and green infrastructure.

Reason:

To enable the development to be delivered in controlled phases and to ensure delivery contributes to the deficit in 5 year housing land supply to accord with the provisions of Paragraph 11 (d) of the National Planning Policy Framework.

5. The reserved matters submissions for each Phase shall include details of the proposed quantity and location of affordable housing within that Phase for approval by the Council, which shall be in accordance with the Affordable Housing Scheme required by the Section 106 Agreement.

Reason:

To ensure timely delivery of affordable housing as required by Policy ST18 of the North Devon and Torridge Local Plan.

6. The reserved matters shall be carried out in accordance with a Design Code which shall be submitted before or at the same time as the first reserved matters application and shall provide details of the following:
 - a) architectural and design principles;
 - b) the identification of character areas including street types, street materials and street furniture;
 - c) landmark buildings;
 - d) housing unit sizes and mix;
 - e) boundary treatments;
 - f) roofscapes;
 - g) the road hierarchy type and standard;
 - h) car and cycle parking;
 - i) footpath and cycleway networks including any internal/external links;
 - j) existing landscape features to be retained;
 - k) types and location of areas of open space; and
 - l) proposed landscape framework, including structural planting;

The development shall be carried out in accordance with the agreed details.

Reason:

In order to achieve a well-designed place and to accord with the objectives of North Devon and Torridge Local Plan Policies ST04 and DM04 and National Planning Policy Framework paragraph 129 to create high quality, beautiful and sustainable places. This is a pre-commencement requirement to ensure good design is embedded from the outset of the future scheme forthcoming on the site.

7. No more than 220 residential dwellings (Use Class C3) shall be constructed on the site pursuant to this planning permission.

Reason:

To restrict the use of the site to that which is permitted by this planning permission and compatible with the surrounding area and to provide appropriate facilities across the development for the needs of the community.

8. As part of the reserved matters application submitted for any Phase, scaled drawings, including cross and long section showing existing levels on the site and the proposed finished floor levels and ridge heights of the development in relation to fixed datum for that Phase shall be submitted to and approved in writing by the Local Planning Authority.

Finished Floor Levels shall be 0.3m above the 30.79mAOD flood level in the northern section of the site (at least 31.1mAOD), and at least 0.3m above the near watercourse river bank. The development of the relevant phase shall then be carried out in accordance with those approved details unless variations are subsequently agreed in writing by the Local Planning Authority.

Reason:

To ensure proper development of the site and safeguard against flood risk in accordance with Policies ST03 and DM04 of the North Devon and Torridge Local Plan.

9. Prior to the commencement of any site clearance, groundworks or construction within a phase, the local planning authority shall be provided with a Phase 2 Intrusive Investigation and Contamination Assessment Report for potential ground contamination for written approval for that phase. The Phase 2 report shall detail all investigative works and sampling as well as the results of analysis and further risk assessments undertaken and highlight any unacceptable risks identified.

The report shall be prepared by a suitably qualified competent person, have regard to the findings and recommendations of the Rodgers Leask Limited Phase 1 Geo-environmental Desk Study report dated 30 July 2024, and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site. Where contamination remediation works are identified as necessary at Phase 2, the following additional requirements shall be completed prior to first occupation of the development:

- (a) A remediation options appraisal and proposed remediation scheme shall be submitted to the Local Planning Authority for approval prior to remediation works commencing. The remediation scheme shall include a remediation method statement and details of any post remediation verification measures required.
- (b) Approved remediation works shall be carried out in full under a Quality Assurance scheme to demonstrate compliance with the approved methodology and established good practice.
- (c) A completion and validation report shall be submitted to the Local Planning Authority for written approval. The report shall include details of the remediation works undertaken along with the results of any post-remedial sampling, analysis or monitoring undertaken to demonstrate that remediation has been undertaken in full accordance with the approved methodology and that the site has reached the required clean-up criteria. Where relevant, waste transfer documentation detailing waste removed from the site shall be included.
- (d) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the approved works have been undertaken as detailed in the completion report.

Reason:

To ensure that risks from land contamination to future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems are identified and, where necessary, remediated in accordance with Policies DM02 and DM03 of the North Devon and Torridge Local Plan and the National Planning Policy Framework.

10. Should any 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.

Reason:

To ensure that any contamination exposed during development is remediated in accordance with the National Planning Policy Framework

11. 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 during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-
 - a) measures to regulate the routing of construction traffic;
 - b) the times within which traffic can enter and leave the site;
 - c) details of any significant importation or movement of spoil and soil on site;
 - d) arrangements for materials deliveries, materials storage and waste materials removals including soil and vegetation;
 - e) the location and covering of stockpiles;
 - f) details of measures to prevent mud from the site contaminating public footpaths and roads /wheel-washing facilities;
 - g) a dust management plan describing dust mitigation measures in accordance with recommendations set out in the MEC Air Quality Assessment report dated September 2024;
 - h) a noise control plan which details hours of operation and proposed mitigation measures;
 - i) location of any site construction office, compound and ancillary facility buildings;
 - j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
 - k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

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

Reason:

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

amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.

12. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:
 - a) Monday - Friday 08.00 - 18.00,
 - b) Saturday 08.00 - 13.00
 - c) nor at any time on Sunday, Bank or Public holidays.

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

13. As part of the Reserved Matters application for a given phase, details of the noise mitigation works provided within MEC's Acoustic Assessment shall be submitted to and approved in writing by the Local Planning Authority and thereafter the scheme shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure resultant amenity levels are acceptably achieved for future occupiers of the site in accordance with Policies DM01 and DM02 of the North Devon and Torridge Local Plan.

14. Prior to commencement of a phase where there are watercourses the development hereby permitted shall not be commenced until such time as the detailed design of the watercourses (including any necessary enhancements to provide increased flood conveyance/storage in addition to biodiversity enhancements) and crossings, buffer landscaping have been submitted to, and approved in writing by, the local planning authority. Watercourse crossings shall be kept to a minimum and each crossing will have its soffit level at least 0.3m above the Design Flood Level (Q100 CC), and a low spot on one side of road will need to be designed, so that a flood exceedance route exists (residual blockage risk) and properties are not affected. The details to be submitted shall also include a minimum 3m offset/buffer zone for the watercourses which shall be landscaped and include detail showing how the land will slope towards the watercourse. No watercourse shall be within private ownership or within residential gardens. The details shall be fully implemented and subsequently maintained in accordance with the submitted arrangements unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure the development is safe from flood risk in accordance with Policy ST03 of the North Devon and Torridge Local Plan and flood risk objectives of the National Planning Policy Framework.

15. Within any phase which requires works of culverting, the development within that phase hereby permitted shall not be commenced until such time as the detailed design of any culverts has been submitted to, and approved in writing by, the Local Planning Authority. The details shall be fully implemented and subsequently maintained in accordance with the submitted arrangements unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the development is safe from flood risk in accordance with Policy ST03 of the North Devon and Torridge Local Plan and flood risk objectives of the National Planning Policy Framework.

16. No part of the development hereby permitted on a phase shall be commenced until the detailed design of the construction phase surface water drainage management plan has been submitted to and agreed in writing with the Local Planning Authority. The construction phases of the development shall be carried out in accordance with the agreed details until such a time the relevant permanent strategy for each phases is operational.

Reason:

To ensure the construction phase of the development safeguards against surface water flooding to accord with Policies ST03 and DM04 of the North Devon and Torridge Local Plan and flood risk and design objectives of the National Planning Policy Framework.

17. No part of the development hereby permitted on any agreed phase shall be commenced until the detailed design of the proposed surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed for that phase. The design of the surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (24246-RLL-24-XX-RP-C-001_P07 Flood Risk Assessment & Drainage Strategy).

These details shall include details of the exceedance pathways and overland flow routes in the northern part of the site, in the event of rainfall in excess of the design standard of the proposed surface water drainage management system. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason:

To safeguard against surface water flooding in accordance with Policies ST03 and DM04 of the North Devon and Torridge Local Plan and flood risk and design objectives of the National Planning Policy Framework.

18. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which, will serve the access road to the site, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (24246-RLL-24-XX-RP-C-001_P07 Flood Risk Assessment & Drainage Strategy). No part of the development shall be occupied until the surface water management

scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason:

To safeguard against surface water flooding in accordance with Policies ST03 and DM04 of the North Devon and Torridge Local Plan and flood risk and design objectives of the National Planning Policy Framework.

19. At the reserved matters stage the full details of the adoption and maintenance arrangements for the proposed surface water drainage management system shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason:

To safeguard against surface water flooding in accordance with Policies ST03 and DM04 of the North Devon and Torridge Local Plan and flood risk and design objectives of the National Planning Policy Framework.

20. Unless otherwise agreed in writing with the Local Planning Authority, no construction within a Phase shall commence until full details of both hard and soft landscaping works have been submitted to and approved by the Local Planning Authority for that Phase. These details shall include in relation to the Phase in question:

- a) The provision of dark buffers of a minimum of 5m along the site's western and northern boundaries, to be maintained during construction and operation and, where possible, the majority of the 10m watercourse buffer to be kept dark;
- b) The trees and hedges to be retained and the means of protection thereof.
- c) Hard Landscaping works including the proposed site levels or contours, pedestrian and cycle access and circulation areas, hard surfacing materials, water features
- d) Soft landscaping details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers and densities where appropriate, and
- e) Implementation timetable. The details will include the phasing of planting, soft and hard works within each part of that development, so as to ensure that works related to each development area is completed in conjunction with that area.

All hard and soft landscape works within a Phase shall be carried out in accordance with the approved details and any subsequent amendments that have been agreed in writing with the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a Phase in the first planting and seeding season following the occupation or the substantial completion of the development within the Phase in question, or as provided for in implementation timetable 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 ensure the development is appropriately assimilated into its setting and safeguards ecological interests in accordance with Policies ST04, ST14, DM04, DM08 and DM08A of the North Devon and Torridge Local Plan.

21. Detailed designs of the areas of Public Open Space, (including on site allotments) indicated on the Parameter Plan, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the Phase of development within which it is to be provided. Unless otherwise agreed in writing, the agreed scheme shall subsequently be completed/laid out, landscaped, and where required: fenced and equipped, prior to the substantial completion of 80% of the dwellings within that Phase of development and the land shall thereafter be maintained in accordance with the agreed management schedule.

Reason:

To ensure good design in accordance with Policies ST04, DM04 and DM10 of the North Devon and Torridge Local Plan.

22. Prior to commencement of development in any agreed phases, a detailed landscape and ecological management plan (LEMP) shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The content of the LEMP will address and expand upon the provision and management of all landscape and biodiversity avoidance, mitigation and enhancement measures of the development as set out within the ecological appraisal and preliminary ecological appraisal shall include:

- a) A description and evaluation of landscape and ecological features to be created managed and ecological trends and constraints on site that might influence management;
- b) A Defra Biodiversity Net Gain Metric calculation;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an initial 10- year period);
- g) Details of the body or organization responsible for implementation of plan;
- h) Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures;
- i) Means of reporting of landscape and ecological monitoring results to the Local Planning Authority and provisions for seeking written agreement to any changes to the management actions and prescriptions that may be necessary to ensure effective delivery of the aims and objectives of the LEMP over time.

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

Reason:

In order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 187 of the National Planning Policy Framework.

23. No works or development shall take place in any agreed phases until a scheme for the protection of the retained trees and hedges [BS5837: 2005 section 7 - Arboricultural method statements (AMS) and the tree protection plan (TPP)] has been agreed in writing with the by the Local Planning Authority and these works shall be carried out as approved LPA.

This scheme shall include:

(a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (RPA) in accordance with paragraph 5.2.2 of BS5837: 2005 of every retained tree and hedge on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees and hedges to be removed shall also be clearly indicated on this plan and marked with a dashed outline.

(b) a tree survey schedule in accordance with paragraph 4.2.6 of BS5837: 2005.

(c) a tree work schedule for all the retained trees and hedges in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.

(d) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

(e) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

(f) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

(g) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).

(h) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (paragraph 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

(i) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

(j) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.

(k) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of 'No-Dig' construction.

(l) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

(m) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

(n) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (paragraph 9.2.3 of BS5837).

(o) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

(p) the timing of the various phases of the works or development in the context of the tree protection measures.

(q) no retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or hedge, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)]

(r) If any retained tree, or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason :

To safeguard the appearance and character of the area in accordance with Policies DM04 and DM08A of the North Devon and Torridge Local Plan.

24. 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.

25. 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.

26. 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.

27. Within 6 months of the dwelling hereby approved being first occupied:

- (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.

28. 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.

29. The development hereby approved, and any subsequent reserved matter application shall be carried out in accordance with the recommendations contained within the Ecological Impact Assessment prepared by GE Consulting (2365-EcIA-CB) dated 13 November 2024.

Reason:

In the interest of safeguarding ecological interests and achieving a net gain in biodiversity in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, the biodiversity objections of the National Planning Policy Framework and 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).

30. As part of each reserved matters application, the lighting strategy with full details of design and scale of the means of lighting and its compliance with the LEMP shall be submitted to the local planning authority for approval and the development shall then be carried out in accordance with the approved details.

Reason:

To ensure lighting design safeguards ecological interests in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan.

31. The site access/junction and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the relevant approved plans.

Reason:

In the interest of the safety of users of the adjoining public highway in accordance with Policies ST10, DM05 and DM06 of the North Devon and Torridge Local Plan.

32. The proposed estate road, footways, footpaths, traffic calming works, signalised pedestrian crossing, junctions, cuttings, access drives, construction traffic roads, construction staff car parking and construction site compound street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be laid out, constructed and completed in accordance with the details and programme that is to be submitted to the Local Planning Authority for approval in writing before their construction begins. For this purpose, plans and sections, indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority for approval.

Reason:

To ensure that adequate information is available for the proper consideration of the detailed proposals to comply with Policies DM05 and DM06 of the North Devon and Torridge Local Plan.

33. As part of any subsequent reserved matters application on any agreed phase, a scheme for on site parking shall be submitted to and agreed in writing with the Local Planning Authority. This shall include details of drainage and materials of construction and external appearance. No individual dwelling shall be occupied until the approved parking for that unit has been provided and is available for use.

Reason:

To minimise the extent of on street parking that may result as a consequence of the development in accordance with Policies St10 and DM05 of the North Devon and Torridge Local Plan.

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

Reason:

To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of users of the adjoining public highway and to protect the amenities of adjoining residents in accordance with Policies ST10, DM01, DM02, DM05 and DM06 of the North Devon and Torrridge Local Plan.

35. No dwelling shall be occupied until the following works have been carried out:

- i) the road and/or cul-de-sac carriageway including the vehicle turning head to serve that dwelling have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- ii) the footways and footpaths which provide that dwelling with a direct pedestrian route to an existing highway maintainable at public expense have been constructed up to and including base course level;
- iii) the visibility splays between the dwelling and the existing highway maintainable at the public expense have been laid out to their final level;
- iv) the street lighting for the roads and footpaths applicable to i) and ii) above has been erected and is operational;
- v) the car parking and any other vehicular access facility required for the dwelling by this permission have been completed;
- vi) the verge, service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- vii) the street nameplates for the spine road and/or cul-de-sac have been provided and erected.

Reason:

To ensure that adequate facilities are available for the traffic attracted to the site to comply with Policies DM05 and DM06 of the North Devon and Torrridge Local Plan.

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

Reason:

In the interest of public safety and to prevent damage to the highway in accordance with Policies ST10, DM05 and DM06 of the North Devon and Torrridge Local Plan.

37. Individual car parking spaces within any communal parking facilities to be provided as part of the development shall not be allocated to individual dwellings and shall be maintained free of obstructions to their use, such as chains or bollards, by all occupiers of the estate and their visitors.

Reason:

To ensure that adequate off street parking facilities are available for all the traffic attracted to the development in accordance with Policies ST10, DM05 and DM06 of the North Devon and Torridge Local Plan.

38. The location of all sub-stations and similar utility buildings or structures required by statutory undertakers and all other appropriate bodies shall be identified as part of the reserved matters and shall be located in suitably concealed and/or screened locations where they are not visually prominent.

Reasons:

To ensure appropriate design is achieved in accordance with Policies ST04 and DM04 of the North Devon and Torridge Local Plan.

39. A waste audit statement shall be submitted as part of each reserved matters application for each phase of the development. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document.

Reason:

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

40. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.

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

Reason

To comply with Paragraph 218 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

42. The retail unit proposed shall not exceed 249m² in floor area and shall fall within Use Class E (a) only selling convenience goods and shall be used for no other purposes without the further grant of planning permission. Its delivery shall be indicated on the phasing required by condition 4.

Reason:

To safeguard vitality and viability of other retail facilities and the amenities of future occupants.

Informatives

1. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the North Devon Council website, www.northdevon.gov.uk.

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

2. The development to which this permission relates is the subject of an agreement under, inter alia, Section 106 of the Town and Country Planning Act 1990.
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-built 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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included seeking further information. The LPA has been required to apply the titled balance in regard to Paragraph 11 (d) of the National Planning Policy Framework and in this instance, on balance it is considered that the limited landscape harm arising from the development is not considered to be significant and demonstrable harm when considered in the balance with the Council's absence of a 5 year housing land supply.

END OF REPORT