

# Application Report

Strategic Development & Planning  
Place Services

North Devon Council  
Lynton House, Commercial Road,  
Barnstaple, EX31 1DG



<b>Application No:</b>	66934	<b>Application Expiry:</b>	10 September 2019
<b>Application Type:</b>	Variation of condition(s)	<b>Ext Of Time Expiry:</b>	
		<b>Publicity Expiry:</b>	8 August 2019
<b>Parish/Ward:</b>	Heanton Punchardon/Heanton Punchardon		
<b>Location:</b>	Land off Velator Close Braunton Devon EX33 2DT		
<b>Proposal:</b>	Variation of conditions 2 (approved plans) 3 (LEMP) and 6 (noise) attached to application 58119 & appeal reference APP/X118/W/15/3081123 to amend the design of BMX layout		
<b>Agent:</b>	Mrs Vanessa Harrison		
<b>Applicant:</b>	Mrs Vanessa Harrison		
<b>Planning Case Officer:</b>	Mr. R. Pedlar		
<b>Departure:</b>	Y		
<b>EIA Development:</b>	N	<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>			Committee

### **Site Description**

This application relates to a portion of the remaining part of a 3.5 hectare field with a slight fall from north east to south west, located between the villages of Braunton to the north and Wrafton to the south.

At present there is a mature indigenous hedgerow to most of the perimeter of the site. On the north side of the field is a recently completed residential development of 16 houses accessed from a junction west of the roundabout forming a junction between Velator Way and the A361. Between the houses is a ramped access into the remainder of the field.

To the west is the residential area of Velator Close. On the southern side of the site is the minor Velator Road which provides a secondary access to the field.

Knowl Water to the south east, is separated from the site by a flood defence bank, atop which is a public footpath.

The application site edged red on the submitted plan encompasses an area of 3.8 hectares in the south-eastern half of the remaining field.

### **Recommendation:**

Approve

Legal Agreement Required:- No

### **Planning History**

<b>Planning</b>	<b>Decision</b>	<b>Decision Date</b>
<b>22399</b>	Full Planning Approval	10 December 1996
Proposal: County Matter Application in respect of proposed installation of land drain together with raising of ground level by 300mm (Amended Application Type)		
<b>22400</b>	Full Planning Approval	24 November 1997
Proposal: Proposed variation of condition 5 (restriction of use) attached to planning permission 21002 to allow use of existing accesses for agricultural purposes only		
<b>24255</b>	Full Planning Approval	28 April 1998
Proposal: Application for a Certificate of Alternative Development in respect of use of land for residential housing		
<b>31696</b>	Outline Approval	5 June 2002
Proposal: Outline Application Erection of 5 no. dwellings		

<b>33908</b>	Full Planning Approval	15 January 2003
Proposal:Erection of 3 no. dwellings		
<b>47764</b>	Withdrawn	5 February 2009
Proposal:Extension to dwelling		
<b>48185</b>	Full Planning Approval	11 May 2009
Proposal:Extension to dwelling		
<b>56266</b>	Full Planning Refusal	16 May 2014
Proposal:Erection of 12 open market & 4 affordable homes, BMX track & school learning facility with associated roads, infrastructure & planting (additional information & amended plans)		
<b>58119</b>	Full Planning Refusal	29 April 2015
Proposal:Erection of 12 open market & 4 affordable dwellings, BMX track & school learning facility with associated roads, infrastructure & planting		
<b>63349</b>	Discharge Of Condition Approve	30 October 2018
Proposal:Approval of Details in respect of Discharge of Conditions 3 (landscape & ecological management plan), 5 (surface water outfall), 6 (noise), 7 (construction management plan), 9 (energy efficiency), 10 (water efficiency) & 11 (infrastructure – drainage, highways, sewers) attached to planning permission 58119 (amended plans and information) (further information) amended drainage details		
<b>63807</b>	Full Planning Approval	29 October 2018
Proposal:Variation of Condition 2 (approved plans) attached to planning permission 58119 (erection of 12 open market & 4 affordable dwellings, BMX track & school learning facility with associated roads, infrastructure & planting) to allow for additional garages on plots 1, 2, 3, 8, 10, 15 & 16 (amended plans)(amended plot 15)		
<b>65513</b>	Full Planning Approval	27 November 2018
Proposal:Variation of Condition 2 (approved plans) attached to planning permission 58119 (erection of 12 open market & 4 affordable dwellings, BMX track & school learning facility with associated roads, infrastructure & planting) to allow amended design of dwelling on plot 15		

## **Constraints/Planning Policy**

BBZI - Within Braunton Burrows Zone of Influence - Distance: 0

ABIT - Within Adopted Unesco Biosphere Transition (ST14) - Distance: 0

LCT - Landscape Character is: 7 Main Cities and Towns - Distance: 0

AC - Advert Control Area Area of Special Advert Control - Distance: 0

FZ3 - Within Flood Zone 3 - Distance: 0

RCL - USRN: 27505782 Road Class:YFP Ownership: Highway Authority - Distance: 0

CHIV - Chivenor Safeguard Zone Consultation Structure or works exceeding 45.7m - Distance: 0

FZ2 - Within Flood Zone 2 - Distance: 0

CHIV - Chivenor Safeguard Zone Consultation Any Development - Distance: 0

SSIRZ - SSSI Impact Risk Consultation Requirement:All planning applications (except householder) outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures.,Infrastructure:Pipelines, pylons and overhead cables. Any transport proposal including road, rail and by water (excluding routine maintenance). Airports, helipads and other aviation proposals.,Wind/Solar:Solar schemes with footprint > 0.5ha, all wind turbines.,Minerals/Oil/Gas:Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction., Rural Non Residential:,Residential:Residential development of 50 units or more.,Rural Residential:Any residential developments outside of existing settlements/urban areas with a total net gain in residential units.,Air Pollution:,Combustion:General combustion processes >20MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.,Waste:Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.,Compost:Any composting proposal with more than 75000 tonnes maximum annual operational throughput. Incl: open windrow composting, in-vessel composting, anaerobic digestion, other waste management.,Water Supply - Distance: 0

SSIRZ - SSSI Impact Risk Consultation Requirement:All planning applications (except householder) outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures.,Infrastructure:Pipelines, pylons and overhead cables. Any transport proposal including road, rail and by water (excluding routine maintenance). Airports, helipads and other aviation proposals.,Wind/Solar:Solar schemes with footprint > 0.5ha, all wind turbines.,Minerals/Oil/Gas:Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction., Rural Non Residential:,Residential:Residential development of 50 units or more.,Rural Residential:Any residential developments outside of existing settlements/urban areas with a total net gain in residential units.,Air Pollution:,Combustion:General combustion processes >20MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.,Waste:Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.,Compost:Any composting proposal with more than 75000 tonnes maximum annual operational throughput. Incl: open windrow

composting, in-vessel composting, anaerobic digestion, other waste management.,Water SupplyAny discharge of water or liquid waste that is discharged to ground (ie to seep away) or to surface water, such as a beck or stream (NB this does not include discharges to mains sewer which are unlikely to pose a risk at this location).

- Distance: 0

SW3 - Within Surface Water 1 in 30 - Distance: 0

SW10 - Within Surface Water 1 in 100 - Distance: 0

SW100 - Within Surface Water 1 in 1000 - Distance: 0

ACEZ - Within Adopted Coast and Estuary Zone - Distance: 0

ADVB - Within adopted Development Boundary: Branton Development Boundary

ST07 - Distance: 0

ALGS - Within 100m of Adopted Local Green Space: BRA03(1) Land off Vellator Way - Distance: 0

CHIV - Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m - Distance: 0

PROW - Public Right of Way:Footpath 231FP2 - Distance: 0

BMDA - Within Branton Marsh Drainage Area - Distance: 0

#### BRA03 Local Green Spaces

ST01 Principles of Sustainable Development

ST03 Adapting to Climate Change and Strengthening Resilience

ST04 Improving the Quality of Development

ST07 Spatial Development Strategy for Northern Devon's Rural Area

ST09 Coast and Estuary Strategy

ST14 Enhancing Environmental Assets

ST22 Community Services and Facilities

DM01 Amenity Considerations

DM04 Design Principles

DM05 Highways

DM06 Parking Provision

DM08 Biodiversity and Geodiversity

DM08A Landscape and Seascape Character

DM09 Safeguarding Green Infrastructure

#### **Consultees**

<b>Name</b>	<b>Comment</b>
Landscaping & Countryside Officer	The latest plan provides useful clarification and I have no objection to the proposed variation of the lemp in so far as it relates to the part of the site to be used for the provision of the cycle track.
Reply Received 16 August 2019	I consider the proposed variation likely to result in a slight improvement to both the landscape and visual impact and biodiversity impacts of the approved scheme. The landscape and ecological impacts in respect of the wider site remain unaffected, but still require delivery and compliance in relation to the planning conditions from the relevant landowners.
Environment Agency	We have no objection to the proposed variation of condition 2 to amend the design of

Reply Received 24 July 2019	the BMX layout of this development. The reason for this position is provided below. Reason – We have reviewed the updated plans and consider that the proposed design still complies with the overall flood strategy. This includes the proposal to lower land to create additional flood storage (for the fields' surface water) and all works are at least 10m away from our flood embankment.
Project & Procurement Officer	Not applicable
Braunton Parish Council  Reply Received 13 August 2019	Braunton Parish Council wishes to recommend approval.
Heanton Punchardon Parish Council  Reply Received 13 August 2019	Parish Councillors continue to express their reluctance to recommend Approval for this application, especially as they initially, like others, recommended Refusal. They reiterate their concerns regarding: the probable increase in traffic and lack of parking facilities which will involve potential social disturbance (especially for residents of Velator Close): noise levels; lack of toilet facilities; the potential problems concerning litter and its removal; the overall management and control of the site, particularly in the evenings. Have the District Council and BMX Club prepared a management/maintenance strategy? The site of the BMX track is in the Parish of Heanton Punchardon and not Braunton. Will the District Council consider to name the track, for example, "Velator BMX Track" and the club be known as "Braunton BMX Club".

### **Neighbours**

<b>Comments</b>	<b>No Objection</b>	<b>Object</b>	<b>Petition</b>	<b>No. Signatures</b>
4	2	7		

Support:

Provision of sports facility for all ages. Encourage use of Tarka Trail. Will the contract go out to tender, which should be built by a specialist company?

#### Objection:

The report is vague and drawings inadequate. Which landscaping scheme applies? Details of the area to be scraped and sloped? Dangerous to put a pond and children together. Who is responsible for the area outside BMX/NDDC area? Noise will still be a problem from users of the track. Expect to see a tree or hedge screen between the track and dwellings (as shown previously). Potential for noise, litter and anti-social behaviour. Who will be responsible and how will it be managed. Should be at an alternative location to avoid loss of the field. The entirely asphalt track will not allow for water absorption. It should be a dirt track as before. The site is not perfect for access to the Tarka Trail as has been claimed. Is there a plan to return the field to its natural state when the 'fad' has passed and the track no longer required?

### **Considerations**

#### **Proposal Description**

This application seeks to vary conditions 2 (Approved Plans), 3 (LEMP) and 9 (Noise) that were attached to planning permission granted at appeal for the erection of 12 open market & 4 affordable dwellings, BMX track & school learning facility with associated roads, infrastructure & planting.

More specifically, the proposal relates to the BMX element of the approved scheme and proposes a smaller track configured differently from that previously approved.

#### **Planning Considerations Summary**

- Principle of the development.
- Design
- Landscape and Ecological Management Plan
- Amenity
- Flood Risk
- Highways
- Other matters

#### **Planning Considerations**

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

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

## **Principle of the Development**

Policy BRA03(1) provides that Land between Braunton and Wrafton, as shown on Policies Map 3, is identified as a local green space where any development must:

- (a) provide or enhance opportunities for outdoor sport and recreation;
- (b) not harm its open character, with any new buildings or structures sited and designed to minimise their visual impact;
- (c) protect and enhance the site's features of local biodiversity value; and
- (d) not increase the risk of flooding elsewhere in Braunton and Wrafton.

As mentioned above, planning permission was granted on appeal for a mixed use development, principally comprising housing and a BMX track. The housing element has been completed this year and that keeps the original planning permission alive.

Whilst a representation suggests that the BMX track should be at an alternative location to avoid loss of the field, the principle of the BMX track has been established and this application only seeks to vary the details of its design and any knock on effects of that in terms of related conditions.

## **Design**

The applicant advises that following an extensive public consultation, local users, community groups and visitors were heavily in favour of a BMX pump track rather than a race facility.

The original planning permission allows for the construction of a regional standard BMX race track with 4 metre start hill, start gate and approximately 400 metre raceway, with jumps, rollers and large tarmac berms.

The applicant explains that 'pump tracks are generally smaller in size and scale than race tracks. They do not require a large start hill or start gate. They are generally quieter due to the lack of gate and the different surface material. As they are not used for racing, no planned event will be held at the track, minimising the impact on local residents'.

The submitted drawings show a layout which at the maximum is 55.6m by 51.321m. The maximum height above surrounding ground level will be 1.2m. The surface will be asphalt to make it rideable in any weather and keep maintenance and noise. Although there is a comment that 'it should be a dirt track as before', that is only partly correct, because the three berms were originally intended to be asphalt with four sections of dirt track joining.

Additionally, the applicant comments....."Please find below response to queries on track surface. I have tried to address the individual points made:

Environmentally friendly – this application is for a variation to the previous application. The previous design incorporated a start hill with 10m + length (and near 10m wide) tarmac'd (asphalt) area, two large tarmac'd berms, finish area and other associated ground works. The new design will involve less tarmac overall and is more environmentally friendly in its design.

Safety – asphalt offers more grip than dirt, reducing the number of falls. Asphalt does not become rutted in the same way that dirt does, again making it a safer surface. The finished track will be inspected and signed off by RoSPA in the same way that any facility of this kind is.

Cheaper – dirt is cheaper at construction stage, but requires a lot of maintenance. This maintenance needs to be carried out by specialist track builders and is expensive. Dirt tracks are very susceptible to rainfall, and are likely to become rutted and in poor condition very quickly. A heavy rainfall can render them unrideable until repaired. Asphalt is maintenance free, and offers a constant, safe riding surface.

Permeability – asphalt tracks are designed to allow water to run off them, whereas dirt tracks often become water-logged, and water pools on them. The track will be raised to avoid any issues with marshy land. The Environment Agency have responded to the application with no objections.

Absorption of sun's rays – not even sure what this means?

In addition to the above comments – asphalt tracks are weather resistant, can be ridden when wet and in most weather conditions (unlike a dirt track), and more importantly can be ridden by skateboards, scooters, roller skaters, wheelchairs etc. offering a more useful community facility.”

Concerns have been raised about the lack of information on the submitted drawings, for example details of the area to be scraped and sloped and additional information has been sought and received.

### **Landscape and Ecological Management Plan**

Representations have questioned which landscaping scheme applies and raise a concern that the accompanying Planning Statement indicates that NDC will only be responsible for implementing the LEMP as it applies to that part of the site where the BMX track will be located.

In response, the applicant explains that ‘NDC will be responsible for implementing the LEMP for the entire area associated with the BMX track as set out in plan 2 in the appendices. This is because this is the only land that NDC will have ownership of. The site was originally divided up into three parcels – the area including the housing, road infrastructure, attenuation pond and boundary banks; the area designated as a school learning zone; and the area designated for BMX. Pearce construction own the first, the second (learning zone) was not taken up by the schools so the land has reverted to the original land owner; the third was transferred to the now defunct BMX club and then on to NDC.

So, to clarify, NDC Parks, Leisure and Culture will implement the LEMP for the entire area designated as BMX in plan 2 of the appendices. The other areas will be the responsibility of the other landowners, as would be the case for any other planning application. The existing wetland areas within the BMX area will be maintained as set out in the planning statement’.

An additional concern raised is that the applicant's planning statement explicitly states that Tree Planting and Aftercare will not be addressed as it is not applicable to the area where the track will be located.

The applicant explains 'The reason for this statement is that the tree planting scheme shown in Appendix 1 does not include any planting within the area under the BMX ownership. This is probably easier to see when viewed in conjunction with the land registry plan attached. The area to the north of the site is owned by Pearce, and the area to the east abutting Exeter Road is partly associated with the BMX land, but the trees shown already exist. (As do many of the trees on the Pearce land – as shown by the photos).

NDC is not against the planting of more trees, or the provision of bat boxes – the Parks Leisure and Culture team are very much in favour of enhancing the ecology of areas wherever possible. The team have already said that they would like to enhance this area after the construction is complete.

This statement was purely to address the LEMP for the purposes of the planning process'.

The Landscape and Countryside Officer has 'no objection in principle to the proposed pump track as the landscape and visual impacts are likely to be lesser than the previously approved scheme that involved greater earth works and the ecological impacts are likely to be similar or slightly improved.

However, the proposal does seek to vary the LEMP.

The planning statement seeks to address some of the revised changes to the LEMP, which are fairly small, but if the block plan is approved as a revision to the LEMP there are some key changes which the LCO identifies are:

- i) The block plan shows a greatly increased 'scrape' area. No details have been provided in relation to the depth/profile of this area, but I would suspect that as a 'scrape' the maximum depth below the surrounding area is likely to be in the region of 100-200mm however you may wish to seek clarification on this point. The approved LEMP shows newly created wetland being sown with Emorsgate EM8 seed mix. I would assume that this would be used within the scrape but again you may wish to seek clarification on this point. (The planning statement makes reference to the previously approved wetland areas 3 & 4 but these are not shown on the block plan)
- ii) The block plan does not show the provision of the two *Alnus glutinosa* trees to the west of the BMX track which are shown within the approved LEMP, and the planning statement states that no trees are to be planted within the land controlled by North Devon Council. These are proposed trees that would be provided for within the existing LEMP on land that is now under the control of the Council. Again you may wish to seek clarification of this point.

- iii) The block plan does not show the provision of surfaced path connections to the south and east of the proposed pump track. I think this provision is a sensible and practical solution to the likely increase in cycle access to the land (appropriate changes to the access styles/gates might also be of use. Again you may wish to seek clarification of this point.
- iv) The block plan does not show the provision of bat boxes within the larger trees near at the eastern access. Again you may wish to seek clarification of this point.

Whilst I have no objection in principal to the proposed scheme I can see where misunderstandings of the intent of scheme which is obvious from some of the written representations have arisen.

You may wish to consider suggesting that the applicants clarify matters by providing a new block plan that shows how the site will relate to the provisions of the existing LEMP using appropriate shading and a key to identify the various LEMP provisions within the context of the revised site layout'.

Further clarification has been sent to the applicant advising that the LCO would be content with a plan that showed:

1. the proposed scrape as a 'new area of wetland creation' varying from existing ground levels to a maximum depth of 200mm below the existing levels (consistent with part 4.2 of the approved LEMP)
2. the remaining grassland as 'amenity and retained culm grassland' (consistent with 4.3 of the approved LEMP)
3. tree planting consisting of the two *Alnus glutinosa* (consistent with 4.4 of the approved LEMP)
4. provision of 3 Schwegler '2F' bat boxes on one of the existing trees at a height greater than 3metres above ground level.
5. Provision of the compacted gravel path linking from the residential area to the southern access (I'm content for the eastern access not to require a path as the vast majority of cycle is likely to come through the new housing or the link to the south.

The final point you may wish to clarify with Lucy, the original proposal was for a grasscrete car parking area for occasional event parking. I would suggest continuing with this approach might be best as it may be more cost effective, less visually intrusive treatment'.

In response and as mentioned above, amended plans have been received and the LCO comments 'The latest plan provides useful clarification and I have no objection to the proposed variation of the LEMP in so far as it relates to the part of the site to be used for the provision of the cycle track.

I consider the proposed variation likely to result in a slight improvement to both the landscape and visual impact and biodiversity impacts of the approved scheme.

The landscape and ecological impacts in respect of the wider site remain unaffected, but still require delivery and compliance in relation to the planning conditions from the relevant landowners'.

### **Amenity**

Objectors have raised concerns about the potential for noise from users of the track, litter and anti-social behaviour.

At the time of the original application 58119, the EHO recommended conditions relating to submission of an assessment of predicted noise effects, particularly arising from the proposed BMX track, at dwellings, both proposed within the site and existing housing adjoining the site at the time permission was granted. The assessment was to describe any required noise mitigation measures necessary to ensure that the development does not adversely affect amenity enjoyed by existing and future residents.

A Noise Impact Assessment was subsequently submitted as part of application 63349 on which the EHO commented 'The report assesses potential operational noise impacts with particular regard to impacts associated with the proposed BMX track. The report concludes that no significant operational noise impacts will arise and that no specific mitigation measures are therefore required. I note the BMX track will not have external lighting and so will not be used after dark. I accept the Report's findings and Condition 6 can now be discharged'.

On the basis that the track is reduced in scale and a significant distance (80 metres) from dwellings in Velator Close to the west and Poyers to the east, it is considered that noise is not likely to be any more of a nuisance than was originally assessed.

As an aside, the applicant confirms that artificial lighting will not be used during construction or general use of the track.

In terms of Anti-Social Behaviour, the applicant obtained the views of the Police, who advised that this site would be included in their patrols and that the track is a much needed facility, because the existing Bowl in the centre of the village is too small.

The occupant of a neighbouring dwelling in Velator Close comments that he expects to see a tree or hedge screen between the track and dwellings (as shown previously). The approved soft landscape layout plan does not show such screening within the NDC application site, other than two trees at the southwestern end. As mentioned above, an amended plan has been received that reinstates these proposed trees, plus previously approved paths and bat boxes. The applicant comments that a tree or hedge screen could be accommodated. Further planting is proposed beyond the application site further to the west and closer to residential properties as part of the original application, the planting of which will be pursued with that landowner.

The comment that it is dangerous to put a pond and children together is noted, but as referred to above, the intended 'scrape' should not exceed a maximum of 200mm below

the existing ground levels, which has now been confirmed and is unlikely to constitute a safety hazard.

### **Flood Risk**

The application site is within Flood Zones 2 and 3, with the BMX track within the latter and a concern has been raised that the entirely asphalt track will not allow for water absorption.

However, the revised track is smaller than that originally approved and consultation with the Environment Agency reveals that they have no objection to the proposed variation of condition 2 to amend the design of the BMX layout of this development. The reason for this position is they have reviewed the updated plans and consider that the proposed design still complies with the overall flood strategy. This includes the proposal to lower land to create additional flood storage (for the fields' surface water) and all works are at least 10m away from their flood embankment.

### **Highways**

A comment has been received that the site is not perfect for access to the Tarka Trail as has been claimed. However, it is undeniable that the site is in a sustainable location which provides opportunity for easy access by different transport modes, including cyclists. The South West Coast Path (Tarka Trail) is within 200m of the southern gate access point and within 400m of the northern entry point.

Access to the site and on-site parking provision remains as previously proposed, which was considered acceptable by the appeal inspector in connection with the original scheme that envisaged use of the track for regional level competition.

### **Other Matters**

Certain other matters have been raised in representations, which are not considered to be material to consideration of this planning application.

### **Conclusion**

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of revised planning conditions.

## **HUMAN RIGHTS ACT 1998**

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

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

## **Recommendation**

Approve

Legal Agreement Required:- No

## **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years beginning with the date on which planning permission 58119 was granted.

Reason:

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

308 01 (Location Plan),  
308 20 L (Site Plan),  
570 06 A (Boundary Screening Details),  
570 30 (House Type A and B),  
570 31 (House Type C),  
570 32 (House Type D),  
570 33 B (Plot 15 plans and elevations),  
570 34 (House Type F),  
570 35 (Double Garage),  
570 36 (Double Garage),  
570 37 (Single Garage),  
308 38 (House Type F),  
308 40 (Boundary Wall),  
308 41 (Boundary Wall),  
308 42 (Boundary Treatment),  
308 43 (Boundary Treatment),  
308 52 (Development Finishes Schedule),  
1023-SK01 (Proposed Junction Inter-visibility),  
CSW 173 360 (Amended Drainage Strategy).  
NDC001 (Surface Water Drainage - received 5<sup>th</sup> September 2017),  
1000 A (Proposed Culvert Remediation Works),  
300.1 D (Section 104 Sewer Adoption Layout),  
300.2 E (Section 104 Sewer Adoption Layout),  
Landscape and Ecology Management Plan Revision 04,  
SC01 27-8-13 (1 of 2) Rev D (Proposed Soft Landscape Layout),  
SC01 27-8-13 (2 of 2) Rev F (Proposed Soft Landscape Layout),,  
Method Statement for Safe Working PCL.S.113/1,  
Noise Impact Assessment April 2016,  
Construction Management Plan including drawing  
308 10 F (Block Plan) (Proposed Soft Landscape Layout),,  
302.1 (Drainage Construction Details),  
302.2 (Drainage Construction Details),  
304 A (Longitudinal foul and surface water sewer sections),

305 B (Proposed Drainage Layout),  
310 D (S38 highway adoption layout),  
320 (Highway longitudinal & cross sections)  
330.1 (Highway construction details)  
NDC001 (BMX Site Plan Proposed)  
NDC002 (BMX Location Plan)  
NDC003 (BMX Track Design)

Reason:

To confirm the drawings to which the consent relates and to ensure the development accords with the approved plans.

3) 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: Monday to Friday 08.00 and 18.00, Saturday 09.00 and 13.00, nor at any time on Sundays, Bank or Public holidays.

Reason:

To protect the amenity of local residents.

4) The occupation of any dwelling, in an agreed phase of development, shall not take place until the following works have been carried out in accordance with details submitted to and approved in writing by the local planning authority:

- i) the spine road and/or cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level with the ironwork set to base course level and the sewers, manholes and service crossings completed;
- ii) the spine road and/or cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintained at public expense have been constructed up to and including base course level;
- iii) all visibility splays have been laid out to their final level;
- iv) the street lighting for the spine road and/or cul-de-sac and/or footpaths has been erected and commissioned;
- 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.

Once constructed such areas shall be maintained free of obstruction to ensure the free movement of vehicular and pedestrian traffic and the street lighting and nameplates maintained in accordance with the approved details.

Reason:

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

5) Any car parking spaces within any communal parking area to be provided as part of the development shall not be allocated to individual dwellings and shall be maintained free of obstructions, to allow their use 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 site.

6) 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.

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### **Inserts**

O.S. Location Plan

List of representations names and addresses

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