

Mr S Hearse
Chief Executive
Torrige District Council
Riverbank House
Bideford
Devon
EX39 2QG



Tel : Bideford (01237) 428700

Date: 24 October 2022

MEETING OF PLANS COMMITTEE

Caddsdawn Business Support Centre - Bideford

Friday 4 November 2022 at 9.30 am

NOTICE OF MEETING

From the 7 May 2021, the law requires all councils to hold formal meetings in person. Any member of the public who wishes to attend the meeting may do so, however, please note that there are capacity restrictions, and you may be turned away once this restriction is met. This will only be the case if you are not registered to speak. Any members of the public who want to view the meeting will be able to watch through the Council's YouTube Channel <https://tinyurl.com/TorrigeYouTube>

To: Councillor C Leather (Chair)
Councillor R Lock (Vice-Chair)
Councillors: R Boughton, M Brown, P Christie, R Craigie, D McGeough,
P Watson and R Wiseman

Members are requested to turn off their mobile phones for the duration of the Meeting

AGENDA

1.	Apologies For Absence
	To receive apologies of absence from the meeting.
2.	Minutes (Pages 5 - 18)
	To receive the Minutes from the meeting held on 6 th October 2022.

3.	Declaration of Interest
	<p>Members with interests to declare should refer to the Agenda item and describe the nature of their interest when the item is being considered.</p> <p>Elected Members of Devon County Council and Town/Parish Councils who have considered a planning application by virtue of their membership of that Council hold a personal interest and are deemed to have considered the application separately and the expressed views of that Council do not bind the Members concerned who consider the application afresh.</p>
4.	Agreement of Agenda between Parts I and II
5.	Urgent Matters
	Information to be brought forward with the permission of the Chair.
6.	Public Participation
	The Chair to advise the Committee of any prior requests to speak made by members of the public and to advise of the details of the Council's public participation scheme.
7.	Planning Applications
	The information, recommendations and advice contained in the reports are correct as at the date of preparation which is more than ten days in advance of the Committee meeting. Due to these time constraints any changes or necessary updates to the reports will be provided in writing or orally at the Committee meeting.
(a)	Application No. 1/0467/2022/FUL (Pages 19 - 35)
	Development for No.5 dwellings and Associated Works - Land At Grid Reference 238550 121287, Parkham, Devon.
(b)	Application No. 1/0560/2022/FUL (Pages 36 - 50)
	Change of use of redundant amenity building to dwelling - Coastal Cabins, Hartland, Devon.
(c)	Application No. 1/0740/2022/OUT (Pages 51 - 65)
	Outline application for 1 no. dwelling with all matters reserved except for access - Land At Broadgate, Cookbury, Devon.
(d)	Application No. 1/0863/2022/LA (Pages 66 - 74)
	Formation of construction access - Land At Grid Reference 247387 125654, Trapnell Way, Bideford Business Park.

8.	Appeal Decisions Summary (Pages 75 - 116)
	Appeal Decision Summary and Reports of Planning Inspectorate Summary Appeal Decision – App. No 1/0926/2020/OUTM – Land North of Abbotsham Road
9.	Costs on Appeals
	There are no Costs on Appeals.
10.	Delegated Decisions - AGMB Applications
	There are no AGMB applications.
11.	Planning Decisions (Pages 117 - 123)
	List of Delegated Planning Decisions, Consultee Abbreviations and Application Types enclosed 22.09.2022 to 20.10.2022.
12.	Exclusion of Public
	The Chair to move:- That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information by virtue of Part 1 Schedule 12A of the Local Government Act 1972.
13.	Part II - Closed Session
	There are no Part II items.
<p>The background papers are considered to comprise the following documents:</p> <ul style="list-style-type: none"> - The individual planning application file (reference number quoted in each case) - North Devon and Torridge Local Plan 2011-2031 (Adopted October 2018) - Current Government guidance contained in Circulars, the National Planning Policy Framework, Planning Policy for Traveller Sites and Ministerial Statements - Any other documents specifically referred to in the report. <p>All background papers referred to are available for examination during normal office hours.</p>	
<p>NOTE TO MEMBERS</p> <p>All letters of representations are readily available for inspection on the files or through the website and public access. If any Member requires assistance in using this facility, please contact the Development Enabling Manager directly.</p> <p>Members of the Committee only will receive hard copies of representations received.</p>	

Meeting Organiser: Sandra Cawsey

For those wishing to speak at Plans Committee please contact:

Planning Support - Tel: 01237 428778 or 428711
Email: speak.planning@torridge.gov.uk
Website: www.torridge.gov.uk/speakplanning

(Vote: For 5, Abstentions 3)

22. DECLARATION OF INTEREST

The Chair reminded Members to declare their interests when the relevant item was up for discussion. Declarations of interest were made as indicated below and in accordance with the previously agreed arrangements for “dual-hatted” Members.

23. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

24. URGENT MATTERS

There were no urgent matters brought forward.

25. PUBLIC PARTICIPATION

The Chair advised the Committee and members of the public of the details in respect of the Council’s public participation scheme.

26. PLANNING APPLICATIONS

(a) Application No. 1/1015/2014/OUTM

The following Councillors had attended the virtual site visit listed below:

Councillors: C Leather, R Lock, M Brown, P Christie, R Boughton, R Craigie, P Pennington and R Wiseman

Application No. 1/1015/2014/OUTM - Outline Planning Application for the construction of up to 750 dwellings including affordable housing, 50 bed care facility, a local centre, a primary school, new highway infrastructure including new access points onto Abbotsham Road and the A39, areas of formal open space, green space and landscaping, drainage and attenuation infrastructure (amended drainage, highways, ecology, EIA position, S106 heads of terms) - Land North Of Clovelly Road, Abbotsham, Devon

Interests: Councillor Christie declared a personal interest – dual hatted – Bideford Town Council
Councillor Pennington declared a personal interest – Abbotsham village is included within his Ward

Officer Recommendation: - Grant subject to a Legal Agreement

The planning application had not been called into Plans Committee but had been referred at the discretion of the Planning Manager. It had previously been considered by the Council's Plans Committee in 2016. As set out in the report, the application remains undetermined and given the passage of time and change in planning policy context, it is now brought back for Members to reconsider.

Prior to the presentation Members were informed of the following updates:

- “Amendment to Condition 2 – timescale for submission of all reserved matters extended to ten years
- Amendment to wording on Condition 11 – ‘commencement of any use within a non-residential building on that site’
- Late request from Devon County Highways regarding the Heads of Terms attached to the report. They would like flexibility as to how they spend the contribution monies, and to have the opportunity to direct the monies towards improvements to the Heywood Road roundabout.” The Planning Manager advised Members of her concern that such a flexible approach would not meet the CIL Tests for planning obligations.

The Planning Manager presented the report and advised Members of the main planning considerations.

When debating the application concerns/issues raised included the following:

- Highways – left in and left out onto the busy A39 - The Devon County Highways Officer addressed this concern and confirmed this is what had been proposed by the applicant and previously approved by Committee.
- S106 contributions – the Highways Officer explained the reasoning behind the requests made.
- 30% affordable housing – to ensure that the 30% will be delivered and not reduced by the Developer. The Planning Manager informed Members of the Planning Legislation in relation to amendments to the S106 Agreement.
- Delivery of the proposed school by Devon County Council – The Planning Manager advised this site would be an alternative option to the site south of Clovelly Road. An update was given on information received from the Education Authority regarding pupil admissions. There is no date as to

when a school will be built.

- Biodiversity net gain – as requested, the Planning Manager provided further information.
- Flooding and drainage – responsibility of South West Water.
- Foul sewage – concerns as to whether South West Water are able to provide foul sewerage services to cope with additional sewerage from this large development. Councillor Leather expressed concern at the lack of detail on planning applications from South West Water.
- Abbotsham Village highway works – trigger point prior to occupation of 200 dwellings. Members suggested this could be amended to 100 dwellings however the Planning Manager advised that there would not be a robust justification for this earlier trigger. This to be discussed with the applicant when negotiating the S106.

Advice was given by the Planning Manager and County Highways Officer throughout the debate.

It was proposed by Councillor Lock, seconded by Councillor Brown that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie		X	
Cllr R Craigie			
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D McGeough	X		
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For 7, Against 1)

RESOLVED:

That the application be Granted subject to an amendment to Conditions 2 and 11 and the conditions as set out in the report.

The following statements were read out by the Head of Legal and Governance:

S Lavendar objecting to the application
A Grabis objecting to the application

Mr M Kerton addressed the Committee in support of the application

(b) Application No. 1/0136/2022/OUT

The following Councillors had attended the virtual site visit listed below:

Councillors: C Leather, R Lock, M Brown, P Christie, R Boughton, R Craigie, P Pennington and R Wiseman

Application No. 1/0136/2022/OUT - Outline application for 2 no. dwellings with all matters reserved - Land At Chasty Prior, Chasty, Devon

Interests: None

Officer Recommendation: - Grant

The planning application had been called into Plans Committee by Councillor Hepple if the Officer is minded to recommend approval. The planning reasons for the call-in are as follows:

- *The proposed development would represent building in the open countryside which is against policy.*
- *The proposed development would not qualify as in-fill.*
- *The visibility splay as depicted on the plans appears inadequate since it is not of the required length.*

The Development Manager presented the report and advised Members of the main planning considerations.

Councillor Pennington sought clarity on the comments made by Holsworthy Hamlets Parish Council that the land in question is subject to a "local needs" requirement. The Development Manager verified that this requirement relates to the applicants dwelling only and not to the site.

When debating the application, Councillor Christie raised a concern with the location of the development. The Planning Manager addressed this concern and referred to the Authority's lack of a five year housing land supply. He clarified the planning rules and

regulations in relation to this issue and why it had been necessary to undertake a tilted balance assessment. Members would need to look at the impact of the development, and to give consideration as to what the adverse impacts are and whether they outweigh the benefits.

It was proposed by Councillor Leather, seconded by Councillor Lock that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie	X		
Cllr R Craigie			
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D McGeough	X		
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For - Unanimous)

RESOLVED:

That the application be Granted subject to the conditions as set out in the report.

Mr Gareth Short, Agent, addressed the Committee in support of the application.

(c) Application No. 1/0748/2022/FUL

Application No. 1/0748/2022/FUL - Erection of single storey extension and internal alterations to existing club house - Pollyfield Changing Rooms, Pollyfield Playing Field, Avon Road

Interests: Councillor Christie declared a personal interest – dual hatted – Bideford Town Council

Officer Recommendation: - Grant

The planning application had been referred to Plans Committee because the land is owned by Torridge District Council.

The Planning Officer presented the report and informed Members of the main planning considerations.

It was proposed by Councillor McGeough, seconded by Councillor Christie that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie	X		
Cllr R Craigie			
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D McGeough	X		
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For - Unanimous)

RESOLVED:

That the application be Granted subject to the conditions as set out in the report.

Mr Samuel Stephens addressed the Committee in support of the application.

(d) Application No. 1/0349/2022/OUT

The following Councillors had attended the virtual site visit listed below:

Councillors: C Leather, R Lock, M Brown, P Christie, R Boughton, R Craigie, P Pennington and R Wiseman

Application No. 1/0349/2022/OUT - Outline application with all matters reserved 1 no. local needs dwelling - Halfpenny Land, Dolton, Winkleigh

Interests: Councillor Lock declared a prejudicial interest – predetermination –and took no part in the debate and decision making.

Officer Recommendation: Refuse

The planning application had been called into Plans Committee by Councillor Lock if the Officer is minded to refuse for the following reasons:

“Accords with Policies ST01, DM01, DM24, ST10 and DM05. Would provide a local needs dwelling for young local person who has grown up in the village and if granted with a local needs SEC 106 would remain so.”

The Planning Officer presented the report and advised Members of the main planning considerations and the reasoning for the recommendation of refusal.

It became evident from comments made during the debate that Members were supportive of the application.

The Planning Manager suggested the following conditions be imposed should Member be minded to approve the application:

- Standard time condition for outline applications and submission of reserved matters
- Standard plans condition
- Environmental Protection Officer has recommended a condition restricting hours of construction
- To tie the dwelling to the business.
- Full contamination condition
- Foul drainage scheme
- Access, parking and manoeuvring to be in place prior to occupation
- Development to be carried out in accordance with the ecology report
- For the removal of permitted development rights

The Committee agreed that the wording of the conditions be delegated to Officers and circulated to the Committee.

The Planning Manager recommended a Unilateral Undertaking to restrict the dwelling as a local needs dwelling and to tie it in with the business.

It was proposed by Councillor Leather, seconded by Councillor Christie that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
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Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie	X		
Cllr R Craigie			
Cllr C Leather	X		
Cllr R Lock			
Cllr D McGeough	X		
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For - Unanimous) – As stated above Councillor Lock did not take part in the decision making.

RESOLVED:

That the application be Granted subject to the wording of the condition being delegated to Officers in conjunction with the Chair and Vice Chair.

Mr H Jennings, Applicant, addressed the Committee in support of the application.

Councillor Lock, Ward Member, addressed the Committee

(e) Application No. 1/0870/2021/FUL

The following Councillors had attended the virtual site visit listed below:

Councillors: C Leather, R Lock, M Brown, P Christie, R Boughton, R Craigie, P Pennington and R Wiseman

Application No. 1/0870/2021/FUL - Demolition of existing bungalow and erection of two no. dwellings with two no. double garages (Revised Plans) - Glen Cottage, Glengarth Close, Northam

Interests: None

Officer Recommendation: - Grant

The planning application had been called into Plans Committee by Councillors J Manley and C Leather if the officer is minded to approve. The reasons for the call-in are as follows:

“amenity space, potential overlooking, drainage, overdevelopment and out of keeping with the local vernacular”.

Prior to the presentation Councillor Leather confirmed the call-in from Councillor Manley was if the officer was minded to grant, Councillor Leather's call in was as a member of the Plans Committee not showing whether in favour or opposed.

The Planning Officer presented the report and advised Members of the main planning considerations.

During the debate the following concerns/issues were raised:

- Major impact on the community in the area - amenity
- Over development and not in keeping in the area
- Biodiversity in the area being obliterated
- Access
- Principle of Design
- Drainage

It became evident during the discussions that Members were minded to refuse the application.

The Committee agreed the following refusal reasons:

“The proposal being unacceptable in terms of design, comprising a cramped form of overdevelopment of the site, causing harm to neighbouring amenity in conflict with Policies ST04, DM01 and DM04 of the North Devon and Torrington Local Plan and Part 12 sub sections 127 and 128 of the NPPF”.

It was proposed by Councillor McGeough, seconded by Councillor Christie that the application be refused for the reasons as stated above.

The wording of the reasons to be delegated to Officers and circulated to the Committee.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie	X		
Cllr R Craigie			
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D McGeough	X		
Cllr P Pennington	X		
Cllr P Watson			

Cllr R Wiseman	X		
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(Vote: For - Unanimous)

RESOLVED:

That the application be refused, and the wording of the reasons be delegated to Officers.

Mr I Venables addressed the Committee objecting to the application
 Mr H Gully addressed the Committee objecting to the application
 Mr K Bluett, on behalf of the Applicant, addressed the Committee in support of the application
 Councillor Hames, on behalf of Northam Town Council, addressed the Committee objecting to the application

(f) Application No. 1/0252/2022/OUTM

The following Councillors had attended the virtual site visit listed below:

Councillors: C Leather, R Lock, M Brown, P Christie, R Boughton, R Craigie, P Pennington and R Wiseman

Application No. 1/0252/2022/OUTM - Outline application for the erection of up to 400 dwellings, amenity open space, footpath links, associated landscaping and infrastructure works with all matters reserved except access (Affecting a Public Right of Way) - Land Off Cornborough Road, Westward Ho! Devon

Interests: None

Officer Recommendation: Grant

The planning application had been called into Plans Committee by Councillor Hodson if the Officer is minded to approve.

Reasons for the call-in:

- *Failure to comply with DM04: Design principles with specific reference to density of scheme proposal layout appearance, provide safe and appropriate highway access and incorporate adequate well integrated car parking and cycle routes.*
- *Failure to comply with DM05: Highways Need to demonstrate plans to provide more than a single access and exit point for*

the entire estate, notwithstanding exits are onto a narrow road.

- *DM06: Parking Provision; Proposals seem to locate visitor and additional household vehicles to on street parking thus compromising further the only access and exit route on the estate.*
- *DM09: Safeguarding Green Infrastructure Green corridor for public footpath but further green recreational space identified.*

Prior to the presentation the Planning Manager gave the following update:

- 31 additional representations received since the publication of the original report in September. The report has now been updated to reflect this.
- Devon County Highways requesting flexibility as to how to spend the contribution monies, and to have the opportunity to direct the monies to improving Heywood Road Roundabout.

The Planning Manager presented the report and advised Members of the main planning considerations.

When debating the application, concerns/comments made included the following:

- Infrastructure & Highways – the Devon County Highways Officer gave an update on future projects and alterations being proposed to roads, footpaths and junctions within this area.
- On-site provision of 30% Affordable housing – to ensure this will be delivered and not reduced by the Developer.
- Councillor Christie asked if there had been any contact with Ministry of Defence as the corner of the site is 400m away from Lomas Helicopters where military helicopters refuel. He emphasised how serious this matter is.
- Response from South West Water saying “no problems”. It was recommended that more information is requested at the Reserved Matters stage to confirm whether the service can cope with increased flows of sewerage.
- Strong Response from the AONB. The Planning Manager addressed this concern and suggested to Members that an amendment to Condition 5 be made to include mitigation strategy in terms of landscaping and density for the more sensitive parts of the site.

- Biological field – The Planning Manager responded stating this will be secured by the S106 Agreement and would be required for a 30-year period.

Councillor McGeough and Councillor Lock, who had proposed and seconded the application, agreed to an amendment to Condition 5 and for Highway flexibility.

It was proposed by Councillor McGeough, seconded by Councillor Lock that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie		X	
Cllr R Craigie			
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D McGeough	X		
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For 7, Against 1)

RESOLVED:

That the application be Granted subject to amendment to S106 Agreement to allow Highway flexibility, an amendment to Condition 5 as stated above and the conditions as set out in the report.

The Head of Legal & Governance read out statements from the following:

- B. Chalmers objecting to the application
- J & P Freeman – general letter
- Councillor Hodson, Ward Member

G Easton addressed the Committee in support of the application
Councillor Hames, on behalf of Northam Town Council, addressed the Committee objecting to the application

There were no Appeal Decisions.

28. COSTS ON APPEALS

There were no Costs on Appeals.

29. DELEGATED DECISIONS - AGMB APPLICATIONS

The Delegated Decisions for the period 14 July 2022 to 22 September 2022 be noted.

30. PLANNING DECISIONS

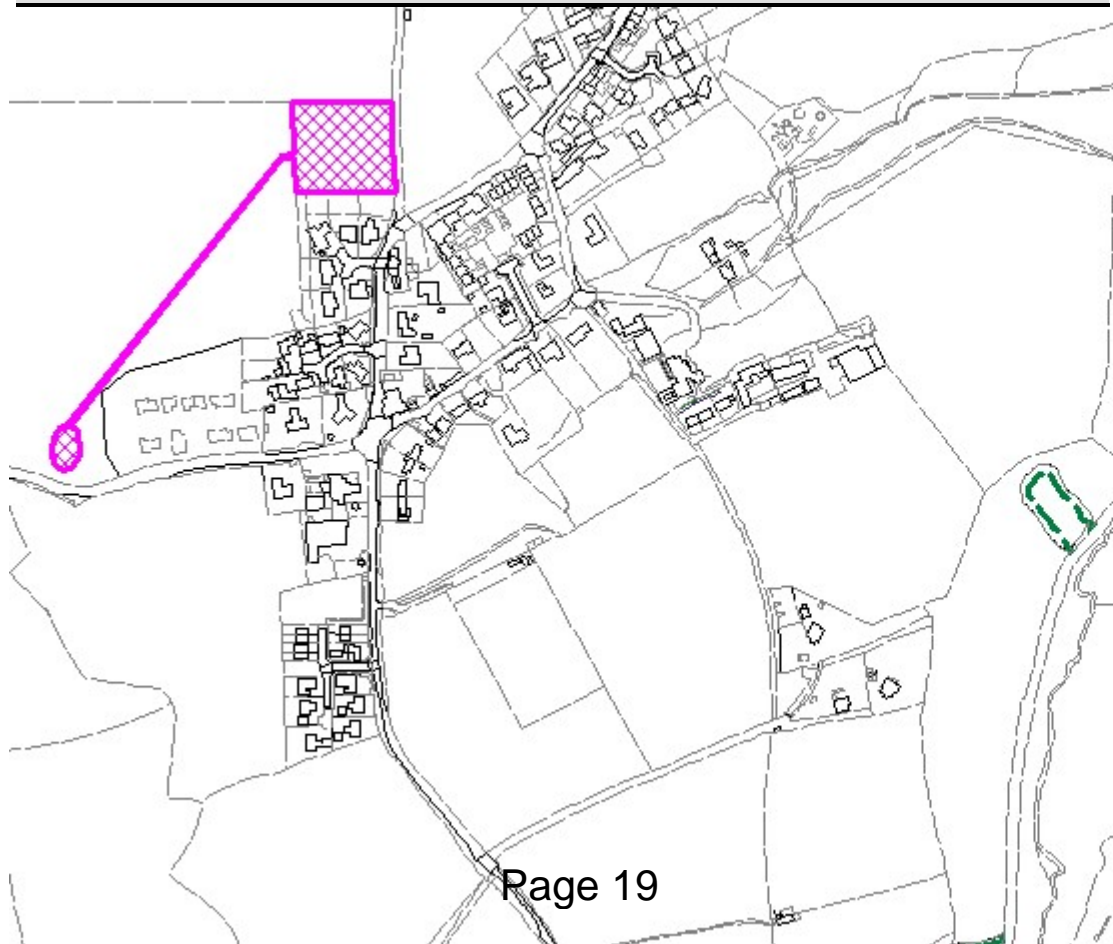
RESOLVED

That the Planning decisions for the period 14 July 2022 to 22 September 2022 be noted.

The meeting commenced at 9.30am and closed at 14.45pm

Committee Report – 4th November 2022

Application Number:	1/0467/2022/FUL
Registration date:	5 May 2022
Expiry date:	30 June 2022
Applicant:	Mr P Knox
Agent:	Fearnley Lott Architects
Case Officer:	Laura Davies
Site Address:	Land At Grid Reference 238550 121287, Parkham, Devon,
Proposal:	Development for No.5 dwellings and Associated Works
Recommendation:	GRANT subject to a Section 106 agreement



Reason for referral:

This application has been call-in to Plans Committee for consideration by Cllr Dart for the following reasons:

'I wish to call the above application to committee for contemplation and discussion.

It is a departure from the local plan.

It is also being proposed in a village that has had over and above its designated amount of development, and local infrastructure is facing mounting strains.'

Relevant History:

None.

Site Description & Proposal

Site Description

The application site is located to the north of existing dwellings at St James Close and to the west side of the village of Parkham. The application site is currently an open agricultural field with a mature hedgebank to the eastern boundary fronting onto the highway, as well as to the southern boundary. The western boundary of the site is not physically marked on site. The existing dwellings to St James Close are located immediately to the south of the application site, the public highway to the east and open agricultural fields to the north and west.

Proposed Development

This application seeks full planning permission for the development of the site to provide five dwellings with associated works.

The submitted Site Plan proposes the provision of five detached dwellings, three of which would include accommodation over two storeys and the remaining two being bungalows. The proposed development would provide 2 four-bedroom dwellings and 3 three-bedroom dwellings. Each dwelling would provide off street parking for two cars on a driveway as well as garage space.

A new access is proposed from the public highway to the east and would result in the removal of a section of the existing hedgebank along with accommodation for appropriate visibility splays in either direction. New native hedgebanks are proposed to be planted to the northern and western boundaries of the site as part of the development.

Consultee representations:

Parkham Parish Council:

Parkham Parish Council wishes to recommend refusal of this Application on the grounds that it is outside the scheduled development boundary for the village.

Devon County Council (Highways):

Initial Comments dated 6th June 2022:

The village of Parkham is currently subject to significantly levels of proposed housing development through various approved and submitted planning applications. The cumulative traffic impact of this proposal on the local road network has not been considered in a transport statement or assessment as required by National Planning Policy Framework (2021) paragraph 113. I recommend refusal in the absence of further information being submitted.

Further Comments dated 27th July 2022:

Observations:

While the increase in traffic that will result from this proposal will make things more inconvenient for drivers on the local roads, I have no evidence to support a reason for refusal on cumulative traffic impact (congestion or delay) or highway safety grounds. There are no highway or transport schemes prepared in the area that it would be reasonable to require contributions towards other than on or adjacent to the site for footways, which should be delivered by the applicant.

The proposal will create an additional passing place along the road fronting the site by virtue of creating a new access.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the approved plans where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be at least 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than ten metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

3. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

4. No part of the development hereby approved shall be commenced until details of the treatment of the visibility splays required by condition 1 above and the means of defining the boundary between the visibility splay and the remainder of the application site have been submitted to and approved by the Local Planning Authority.

REASON: To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority.

Environmental Protection Officer:

In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

The Geotechnical and Geo-environmental Assessment is very comprehensive and undertaken in accordance with relevant guidance. Following a initial phase 1 assessment and subsequent intrusive ground investigation, the application site contains no ground contamination that would pose a risk to human health. The Environmental Protection Team is satisfied that the application site has been appropriately assessed for potential contamination. It is possible that ground contamination may arise during construction and subsequently, the Environmental Protection Team recommends the imposition of the following condition:

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

Conservation Officer:

The proposal for 5 dwelling follows the expansion of the village to the west of Barton Road where Jacobs Field (Approved 1991) and St James Close (approved 1986) developments have been approved. This parcel of land is the remainder of the land which has road frontage.

The development is within sight of the church, which is the closest heritage asset. The rounding off of the development here is not considered to impact on the setting of the church any further than the row of bungalows which run along Barton Road from the village green to the Bocombe road junction.

When viewed from Broad Parkham the topography of the village will enable this parcel of land to assimilate with the existing development on the proviso that the dwellings are similar to other development along the road which means single storey.

There are no observations in relation to the heritage considerations.

Historic England - Southwest Casework:

Thank you for your letter of 19 May 2022 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Chief Education Officer:

Regarding the above planning application, Devon County Council has identified that the proposed 5 family type dwellings will generate an additional 1.25 primary pupils and 0.75 secondary pupils which would have a direct impact on Parkham Primary school and Great Torrington School.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecast that the nearest primary school has currently got capacity for the number of pupils likely to be generated by the proposed development and therefore a contribution towards primary education would not be sought.

The nearest secondary school from this development is Great Torrington School which has a current NET Capacity of 900. When factoring in approved but not yet implemented developments in the area we have forecast that in Spring 2027 the number of pupils expected to be attending the school is 1046. Therefore, our forecasts shows a shortfall of 146 pupils. Devon County Council will seek a contribution directly towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought towards secondary is £17,655 (based on the DfE extension rate of £23,540 per pupil). This will relate directly to providing education facilities for those living in the development.

We would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Great Torrington school. The costs required are as follows: -
0.75 secondary pupils £4.72 per day x 0.75 pupils x 190 academic days x 5 years = £3,353

All 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 accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

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.

Devon County Council - Flood Risk Management:

We continually receive a high volume of consultation requests for major planning applications as well as a considerable number of additional minor applications.

Please note that we are not a statutory consultee for minor planning applications. However, where Planning Case Officers have specific concerns with a surface water drainage proposal on a minor planning application, we may be able to provide some advice, depending on our current workload and priorities.

If this is one of these instances, we would be grateful if you could outline your concerns before the consultation request is added to our system. If we have been consulted in error, we would be equally grateful if you could let us know.

South West Water:

Thank you for the consultation request.

I write to advise South West Water has no comment or concern.

Representations:

Number of neighbours consulted:	38	Number of letters of support:	0
Number of representations received:	8	Number of neutral representations:	0
Number of objection letters:	8		

Objections received can be summarised as follows:

- Surplus to requirements of the village, due to existing building projects;
- Highway safety concerns with existing highway only single track road with no passing places and no footpaths;
- 17 opposite was refused on same grounds;
- Development overlaps site in Strategic Housing Land Availability Assessment;
- Loss valuable agricultural land;
- School too small for more pupils;
- Lack of parks;
- Query regarding sewage arrangements;
- Existing surface water drainage issues to adjacent highway;
- Query sufficient electric cabling to power electric vehicles;
- Poor road infrastructure to and from village;
- Lack of public transport infrastructure;
- Referendum in village indicates majority of population oppose further development;
- Outside settlement boundary;
- Lack of community benefits;
- Loss of character of village;
- Loss wildlife habitat.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); PAR (Parkham Spatial Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); DM10 (Green Infrastructure Provision); ST23 (Infrastructure); ST17 (A Balanced Local Housing Market);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

Material Planning Considerations:

1. Principle of Development
2. Impact on Landscape Character and Appearance
3. Impact on Historic Character
4. Impact on Residential Amenities
5. Access and Parking
6. Drainage
7. Ecology
8. Section 106
9. Planning Balance.

1. Principle of Development

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The NPPF sets out national policy in relation to rural housing and notes, at paragraph 79, that to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Policy ST01 of the North Devon and Torridge Local Plan (NDTLP) emphasises that development proposals will be considered with a presumption in favour of sustainable development, as contained in the NPPF.

The application site is located outside of the settlement boundary of Parkham as identified on the Proposals Maps to the NDTLP. The settlement boundary is located to the southern and part of the eastern boundary of the site. Neighbouring dwellings to the south at St James' Close are within the settlement boundary.

As a result of the application site being located outside of the settlement boundary, the provisions of section (4) of Policy ST07 of the NDTLP are relevant which 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 necessarily restricted to a countryside location. The accompanying text to Policy ST07, in relation to section (4) notes that in the countryside, the NDTLP seeks to control dispersed development, guarding against development in unsustainable locations.

The NDTLP identifies Parkham as a Village and section (2) of Policy ST07 notes that development in Villages will be enabled in accordance with the local spatial strategy to meet local needs and growth aspirations.

Policy PAR sets out the spatial strategy for Parkham and states that the NDTLP will enable high quality development supported by necessary infrastructure to meet the need of Parkham. The Policy seeks the provision of a minimum of 15 dwellings on an allocated site within the settlement boundary, support for the retention and improvement of village facilities and services to meet the needs of the local community and to support appropriate additional employment to address local needs. The Policy also seeks the retention of the character of the village and the protection of the local and natural environment as well as improvements to highway safety.

The spatial strategy includes the provision of 15 new dwellings within the settlement boundary on one allocation over the Plan period. The supporting text to Policy PAR states that the principle of residential development is only supported outside of the settlement boundary on an exceptional basis.

Notwithstanding the spatial strategy as set out in the Local Plan, as a result of the Burwood Appeal (APP/W1145/W/19/3238460), the Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites (5YHLS); with the appeal concluding that there is a supply of 4.23 years across Northern Devon. By virtue of not being able to demonstrate a five-year supply of deliverable housing sites (footnote 7, NPPF), there is a need to apply the presumption in favour of sustainable development (the 'Presumption') (paragraph 11(d), NPPF) as a material consideration in determining planning applications for housing.

Paragraph 11 (d) notes:

'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, Local Planning Authorities should grant planning permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (National Parks, AONB, SSSI, Heritage Assets, Habitat Sites) provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

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. 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. As the NDTLP was adopted relatively recently, none of the policies are generally considered to be out-of-date for the application of the Presumption.

The Presumption is set out in two parts by Paragraph 11 (d) of the NPPF, however, as this proposal does not harm a 'protected area', the decision taker in this case needs to consider the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits - the so-called tilted balance (Paragraph 11(d)(i), NPPF).

In addition to the 'tilted balance', some weight can be given to policy ST21 of the NDTLP which relates to managing the delivery of housing. In particular, Section (2) of Policy ST21 is relevant which supports development outside of settlement limits (where completions are below 90% of the annual requirement). The Burwood Appeal Decision determined that Section (2) of Policy ST21 is currently engaged, which states that residential development outside of defined settlement limits will be supported where they can comply with the following criteria:

- (a) in a location and of a scale and nature commensurate to the deficit in required housing;
- (b) be able to demonstrate the ability to contribute in a timely manner to addressing the deficit in housing supply;

- (c) broadly consistent with, not prejudicial to and contributing towards the positive achievement of the plan's overall spatial vision and strategy for northern Devon, along with the relevant settlement vision and development strategy; and
- (d) in all other respects in accordance with other Local Plan policies, in so far as they apply.'

The following considers each of these points in turn in relation to the proposed development:

(a) The application site is located immediately adjacent to the settlement boundary for Parkham and opposite an existing development site which is located to the east. The proposed development would extend the existing built form to the western side of the public highway beyond that already established by Jacobs Field and St James Close. The development site to the east is partially constructed and relates to five bungalows (application ref: 1/0413/2019/FUL).

The proposed development would continue the existing built form to the north of St James Close. The allocated site in Parkham has now been developed and is located to the south-west of the application site. Taking account of the scale of the allocation and the size of the existing settlement, it is considered that the proposed residential development of a site of this size would be proportionate to the existing settlement and be well related to the existing settlement, including key facilities such as the primary school and village hall which are located in close proximity to the south.

(b) The submitted application form indicates that the applicant does not own all of the land to which the application relates and therefore potential legal issues with securing the site may arise. Whilst this would not be a material planning consideration, this may affect the deliverability of the development on site. Notwithstanding this, the application is made in full with no further Reserved Matters application being required. This is a positive commitment to the development being undertaken on site subject to the relevant permissions.

(c) The spatial strategy for the District, as set out in Policies ST06 and ST07 of the NDTLP, seeks to direct residential development to existing settlements and Parkham is identified as Village which is intended to support appropriate levels of growth to meet local needs and growth aspirations.

The overarching spatial strategy for the Village as set out in Policy PAR emphasises the need for support for the retention and improvement of village facilities and services to meet the needs of the local community. The application site would seek to provide additional housing to the village with the inclusion of three- and four-bedroom dwellings with some units as bungalows. The application site is considered to be within an accessible and well-integrated location relative to the facilities and services in the village required for day-to-day living. The application site is also located within walking distance of the bus stop providing an alternative to the use of the private car to access a greater range of services and facilities.

(d) An assessment of the proposed development in relation to the broader policies of the NDTLP including landscape character, amenities, access, drainage and ecology will be considered in the subsequent sections.

Due to the lack of a five-year housing land supply, the planning considerations will need to be weighed up within the planning balance with the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits as a material consideration. The planning considerations are set out below.

2. Impact on Landscape Character and Appearance

Policy DM08A of the NDTLP makes clear that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes. Further, the policy notes that adverse landscape and seascape impacts should be avoided wherever possible. The application site is located within Landscape Character Type 5B Coastal Undulating Farmland as defined by the Joint Landscape Character Assessment for North Devon and Torridge Districts (LCA). This landscape character type is identified as being characterised by open, uninterrupted sea views, a strong field pattern with frequent crooked hedgerow trees and an area of productive, rolling farmland.

The LCA notes that the main forces for change in this landscape character area include the further growth in popularity in the area for recreation and tourism which erodes the landscape's high levels of tranquillity, damage and loss of hedgerow trees from storm events and development pressure in nearby settlements.

Policy DM04 of the NDTLP emphasises the need for good design and notes that development proposals should be appropriate and sympathetic to their setting in terms of their scale, density, massing, height, layout, appearance, fenestration, materials and relationship to existing buildings and landscape features.

The existing site is an open agricultural field which is broadly level with a mature hedgebank to the eastern boundary and a hedge to the southern boundary adjacent to the boundary with St James Close. The site is therefore enclosed to the eastern boundary, with limited views gained from the adjacent highway or adjacent sites, apart from via the existing field gate to the north-eastern corner of the site.

The application site however has a more open aspect to the west and north as it currently forms part of a wider agricultural field, and the land levels fall away more generally to the west of the site. The application site can therefore be seen within wider landscape views to the north and west. The adjacent development to St James Close is single storey in nature with a limited height and extends to the west of the adjacent highway by a similar extent to that of the proposed development. In addition, the dwellings within Jacobs Close to the south include some two storey dwellings and also extend to the west of the adjacent highway. The proposed development would include either bungalows or chalet bungalows with rooms in the roofspace. This limited height and the proposed siting of the dwellings within the application site is not considered to result in a dominant form of development. Within wider landscape views, the application site would be viewed within the context of the surrounding residential development to the south and the built form of the wider village.

The proposed development is not considered to result in an adverse impact on the surrounding landscape character or appearance and would be in keeping with the provisions of Policies DM04 and DM08A of the NDTLP in this regard.

3. Impact on Historic Character

Policy ST15 of the NDTLP seeks to conserve heritage assets and notes that great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment, by conserving the historic dimension of the landscape, conserving cultural, built, historic and archaeological features of national and local importance and their settings. Policy DM07 also relates to the historic environment and notes;

'(2) Proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.'

The application site is located at a distance of approximately 180 metres from the Grade II* listed St James' Church in Parkham with a road and dwellings between the two. The application does however form part of the setting of the church within the surrounding landscape along with much of the rest of this western side of the village due to its elevated position within the surrounding landscape.

A consultation response has been received from Historic England making no comments on the proposed development. The Council's Conservation Officer has commented on the proposals noting that the development follows the previous expansion of the village to the west of Barton Road with the approval of dwellings at Jacobs Field and St James Close which are located to the south. The Conservation Officer notes that the development is within sight of the church however the rounding off of development on the application site is not considered to impact on the setting of the church any further than the recently approved bungalows which are currently under construction to the east. The Conservation Officer further notes that when the site is viewed from Broad Parkham to the west, the topography of the site enables this parcel of land to assimilate with the existing development on the proviso that the proposed dwellings are similar in scale to existing development along the road. On this

basis, the Conservation Officer has not raised any objections to the proposed development in terms of its impact on historic character.

On this basis, the proposed development is considered to be in keeping with the provisions of NDTLP Policies ST15 and DM07 as well as national policy guidance.

4. Design and Landscaping

As noted above, NDTLP Policy DM04 seeks to ensure that development proposals are appropriate and sympathetic to their setting in terms of their scale, density, massing, height, layout, appearance, fenestration, materials and relationship to existing buildings and landscape features.

The proposed development seeks the addition of two bungalows (3 bedroom) to the south of the development, one 3-bedroom chalet bungalow to the western end of the development and two 4-bedroom chalet bungalows to the north of the development. The submitted plans and elevations propose a traditional design approach with the inclusion of dual pitched rooflines and gables features. In terms of materials, a mix of light brickwork, dark coloured cladding and painted render to the elevations and grey tiles to the roofslopes is proposed. This design approach and proposed materials are considered to be appropriate given the context of the development which includes similarly scaled and designed dwellings to the east and south of the application site.

The submitted Proposed Site Plan includes the addition of a hedgebank to the northern and western boundaries of the site to include native species, as well as the addition of trees within the gardens of the new dwellings. Low level post and wire fencing is also proposed within the site to separate the different plots although a largely open aspect is proposed across the frontages of the dwellings. The proposed provision of hedgebanks to the western, eastern and northern boundaries would assist in assimilating the development within the surrounding landscape, along with the inclusion of additional landscaping within the site.

The proposed development is considered to be in keeping with its setting in terms of the proposed design approach and landscaping. The development would therefore be in keeping with the provisions of Policy DM04 of the Local Plan.

5. Impact on Residential Amenities

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

The proposed new dwellings would be located to the north of existing dwellings to St James Close. A minimum distance of 31 metres would be retained between the rear elevation of the proposed dwellings and the rear elevation of existing properties. It is noted that there are two main dwellings to St James Close which have their main rear elevations facing towards the application site (nos. 5 and 6) and these are both chalet bungalows with ground floor windows as well as first floor dormer windows. The proposed dwellings to the southern part of the application site closest to these existing properties (Plots 4 and 5) are both single storey in height. Plot 4 would not include any windows facing to the south due to the orientation and layout of the dwelling. Plot 5 would include ground floor windows only to the main living area, two bedrooms and a bathroom. Due to the distance between the existing dwellings and the proposed bungalow, together with its limited height, a harmful impact on the amenities of neighbouring occupiers is not considered to result.

Within the development itself, the proposed dwellings are each set within their own plots with amenity spaces to the front and rear which are considered to be commensurate with the scale of the proposed dwellings. The siting and layout of the proposed dwellings is not considered to result in an adverse impact on the amenities of future occupants.

The Council's Environmental Protection Officer has commented on the submitted plans noting that due to the proximity of existing dwellings to the site, there is the potential for detriment to the amenities of existing occupiers from the construction works. On this basis, a condition to secure the construction working hours and delivery times is recommended to be included as part of any planning permission

granted. In addition, the Environmental Protection Officer has noted that a Geotechnical Assessment has been submitted providing details of the ground conditions. This does not identify any contamination however it is recommended that a condition to ensure that appropriate measures are undertaken should any contamination be discovered during the construction phase. These conditions could be included as part of any planning permission granted.

Taking account of these conditions together with the layout and nature of the proposed development, a harmful impact on the amenities of neighbouring and future occupants is not considered to result. The development would therefore be in keeping with the provisions of Policy DM01 of the NDTLP.

6. Access and Parking

Policy DM05 of the NDTLP states that all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs of all highway users. Policy DM06 relates more specifically to parking provision noting that development proposals will be expected to provide an appropriate range and scale of parking provision to meet anticipated needs.

The submitted plans propose the formation of a new access onto the public highway to the eastern boundary of the site, with a central access road extending into the site to serve all the proposed dwellings. The proposals would include the provision of off-street parking and garage spaces for each of the dwellings along with a pedestrian footway extending into the site. The existing hedgebank to the eastern elevation would be altered to form the proposed access point as well as some parts being translocated to facilitate the formation of visibility splays to the north and south of the access extending to a distance of 43 metres.

Initial comments were received from the County Council's Highways Officer noting that the village of Parkham is currently subject to significant levels of proposed housing development and the cumulative traffic impact on the local road network has not been considered in a transport statement of assessment, as required by paragraph 113 of the NPPF. On this basis, an objection to the proposed development was raised.

The applicant has submitted further information in the form of a Technical Note (dated 1st July 2022) which includes an assessment of the existing road conditions to the adjacent highway as well as referring to a traffic survey which was undertaken in 2017 which confirmed that vehicle speeds were generally lower than the speed limit and provided AM and PM peak traffic flow numbers. This survey was however undertaken on a different road elsewhere in the village although used as a comparable location by the applicant. Comments are also made in relation to trip generation noting that the development is likely to generate a maximum number of 3 trips in the AM peak and 2 in the PM peak and the Technical Note concludes that this would not result in a severe impact on the local highway network.

Further informal comments were made by the County Council's Highways Officer and the applicant provided a revised Technical Note to respond to these queries. The amended Technical Note (dated 13th July 2022) includes details of the informal passing place to the north of the application site along the adjacent highway, as well as consideration of the likely cumulative impacts of other recent developments in Parkham on the highway conditions.

Final comments have been received from the County Council's Highways Officer which note that whilst the increase in traffic resulting from the proposal will make things more inconvenient for drivers on the local roads, there is no evidence to support a reason for refusal on cumulative traffic impact or highway safety grounds. The Highways Officer further notes that the development will create an additional passing place along the frontage of the site for traffic within the new access. The Highways Officer has raised no objections subject to a number of conditions including ensuring the visibility splays are set out on site, highway surface water drainage and the formation of the access road.

On this basis, a harmful impact on highway users is not considered to result and the application is considered to be in keeping with the provisions of Policies DM05 and DM06 of the NDTLP.

7. Drainage

Policy DM02 of the NDTLP relates to environmental protection and notes that development proposals will be supported where they do not result in unacceptable impacts to pollution of surface or ground water. Further, Policy DM04, section (n) states that development proposals should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

The submitted application form confirms that the proposed development would include a soakaway for surface water drainage and the connection of the development to the mains sewer for foul drainage.

In terms of foul drainage, no objection has been raised by South West Water to the proposed connection of the development to the mains drainage network.

In terms of surface water drainage, a Flood Risk and Drainage Technical Note has been submitted in support of the application. This confirms that the application site is within Flood Zone 1 and that ground investigations undertaken in relation to a nearby site in Melbury Road identified that the site that infiltration would not be a viable option for surface water drainage. As a result, the proposed surface water drainage scheme proposes the discharge of surface water from the development via a storm sewer to the south west of the site on land which is within the ownership of the applicant. The discharge rate would be discharged into an attenuation basin and then attenuated flow from this basin would discharge into a new drainage ditch which was constructed as part of the applicant's recent development at Melbury Road. Details of exceedance routes and maintenance for the surface water drainage infrastructure has also been provided.

The proposed drainage arrangements are considered to be appropriate for the scale and nature of the development.

8. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within NDTLP Policy DM08 which requires new development to 'avoid adverse impacts on existing ecology features as a first principle, and enable net gains by designing in biodiversity features'

An Ecological Impact Appraisal has been submitted in support of the proposed development which confirms that the site has been actively in agricultural use for non-cereal crops and the loss of this area would not be significant from an ecological or conservation perspective. It does however note that the proposed formation of the access and associated visibility splays would result in the loss of approximately 15 metres of native, specie-rich hedgerow. A dormouse survey has been undertaken of the hedgerow to the eastern boundary of the site which confirmed that there is no presence of dormice, although nesting birds would use the hedgerow during the breeding season. In addition, it is concluded that there is a lack of suitable habitats on site for other protected species.

The Ecological Impact Appraisal also indicates a number of mitigation and enhancement measures for the site including the creation of 136m of new Devon hedgebank as part of the development, the realignment of the eastern hedgerow to form the visibility splay, low levels of external lighting, ensuring works to hedgerows do not take place within the bird nesting season and the provision of bat and bird boxes within the development. As the main existing habitats on site is in the form of hegebanks, the proposed development would include suitable mitigation and enhancement measures. A condition to ensure that the development is undertaken in accordance with the recommendations, mitigation and enhancement measures could be included as part of any planning permission granted. On this basis, the proposed development is considered to be in keeping with the provisions of Policy DM08 of the NDTLP.

9. Section 106

Policy ST23 of the NDTLP states that 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.

Comments have been received from the County Council's Education Officer in relation to the proposed development which seeks contributions towards additional education infrastructure for the nearest secondary school at Great Torrington which is forecast that the future number of pupils will exceed the existing capacity within 5 years. In addition, contributions are also sought towards the cost of transporting secondary school pupils to school in Torrington.

In relation to primary school pupils, the Education Officer has confirmed that there is sufficient capacity at Parkham Primary School.

These contributions would need to be secured via a Section 106 agreement as part of any planning permission granted.

NDTLP Policy DM10 relates specifically to green space provision and notes that development will provide new accessible green infrastructure, including public open space and built facilities, to at least meet the green infrastructure quantitative and accessibility standards and meet the needs of intended occupants.

The supporting text to NDTLP Policy DM10 makes clear that all residential developments will provide new or enhance existing green infrastructure in accordance with locally adopted green infrastructure standards. For a development of five new dwellings in this rural location, an on-site provision of 0.006ha of parks and recreation grounds would be sought along with 0.002ha of allotment space and 0.011ha of outdoor sport provision. In addition, the provision of 9.03m² of equipped play space for children and a further 9.03m² for youth playspace would be sought. The supporting text to Policy DM10 also notes that small parcels of open space will not be supported in a number of circumstances, including where they would not be usable and would not be multi-functional.

In this instance, it is clear that an off-site provision can be made towards a more comprehensive planned provision elsewhere, where it best delivers identified community needs and aspirations.

Discussions have been undertaken with the Parish Council in relation to the provision of the required sport and recreation space which is required for a development of this scale. In addition, it is noted that there are other recreation areas within the village (e.g. football field to the south-west of the application site) where any off-site contributions could be spent.

In this instance, an off-site green infrastructure contribution is considered to be suitable given the limited space and usability of facilities on site for future residents and surrounding local residents and would be secured via a Section 106 agreement.

10. Planning Balance

As discussed above, the Local Planning Authority cannot currently demonstrate a five-year supply of housing land to meet the identified need within the district. It is therefore necessary to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits (the tilted balance).

In terms of benefits, the proposed development is not considered to result in a harmful impact on the surrounding landscape character or the amenities of existing or future occupiers. Significant weight can be attributed to these matters due to the comprehensive nature of the application. The proposal would also provide a contribution of 5 additional dwellings towards local housing supply which is considered to be proportionate to the settlement of Parkham, taking into consideration the recently completed allocated site and other sites under construction in the village.

The application site is located adjacent to but outside of the existing village boundary and the proposed development would form an extension of development to the north of St James Close into the existing agricultural field to a similar extent as this existing development to the south.

The application site is located within close proximity to the services and facilities of the village of Parkham with the school, village hall and play area located within walking distance, along with the butchers shop, church and access to bus routes. The proposed development would therefore be considered to be reasonably sustainable given the surrounding rural context for the provision of five additional dwellings. Future residents would be likely to have some reliance on the private car to access secondary school provision, employment and wider retail facilities.

Notwithstanding this, the proposed development is not considered to result in an adverse impact on the surrounding landscape, heritage assets or the residential amenities of neighbouring or future occupiers, subject to the conditions outlined above in relation to the construction phase. The proposed development is generally considered to fit in with the wider objectives of the NDTLP in terms of its impact. Significant weight can be attributed to these aspects.

The proposed development would result in harm associated with the conflict with Policy ST07 (the Council's Spatial Strategy for the Rural Area) and this harm should be afforded significant weight.

Notwithstanding this, the provisions of paragraph 69 of the NPPF makes clear that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. This paragraph further notes the role that the development of windfall sites, such as the current application site, can make towards housing delivery.

As identified above, the proposed development would be broadly in keeping with the various criteria set out in NDTLP Policy ST21.

The proposed development would also provide direct support for the services and facilities within Parkham and the provision of additional dwellings would provide support for the retention and improvement of village facilities to meet the needs of the local community, as set out in NDTLP Policy PAR. In accordance with the provisions of Paragraph 79 of the NPPF, it is considered that significant weight can be attributed to this aspect of the development.

As noted above, there is a third-party interest in the site which may result in a delay to the development being undertaken however a full application has been provided demonstrating commitment to the development. It is noted that the concerns raised with the 5-year housing land supply within the Burwood Appeal Decision did not relate to a lack of identified sites or housing supply overall rather it was about delivery of these sites on the ground. Some limited positive weight can therefore be attributed to the development in this regard.

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development, as outlined in the NPPF, it can be concluded that the proposal would conflict with Policy ST07 of the NDTLP in terms of its location outside of the designated settlement boundary for Parkham. However, it is considered that there are a number of material considerations which would outweigh the harm caused to the spatial strategy set out in Policy ST07, including the lack of landscape or character harm, lack of adverse impact on residential amenities and the lack of adverse impact on protected species. In addition, the future residents of the site would directly support existing services and facilities in the village of Parkham. As part of this, it is noted in the comments from the County Council's Education Officer that the primary school has capacity for additional pupils and in light of the closure of other rural schools, additional pupils generated by the proposed development may assist in the retention of this key local facility.

The provisions of Paragraph 11(d) of the NPPF make clear that where there are no relevant development plan policies or the policies which are the most important for determining the application are out of date (which includes the lack of a 5 year housing land supply), planning permission should be granted unless the development is located in a protected area or the adverse impacts of doing so

would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

The application site is not located in a protected area, and it is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NDTLP and the NPPF as a whole and having considered all the planning issues. On balance, a recommendation for approval is made.

Conclusion

The proposed development in this instance, is considered to be acceptable in this location given the specific circumstances of the application as outlined in the Planning Balance section above. The proposed development is not considered to result in a harmful impact on residential amenities or protected species and would be in keeping with the character of the surrounding area, with no harmful impact on the surrounding landscape or heritage assets.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to a Section 106 agreement for the following provisions:

- £17,655 towards additional secondary education infrastructure at Great Torrington School;
- £3,353 towards secondary school transport for pupils to Great Torrington School;
- £21,900.54 towards off-site equipped playspace, sport and recreation in Parkham along with £3,711.26 towards the maintenance of these areas.

And the following conditions

1. The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

3. Construction works and deliveries shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

4. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the approved plans where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be at least 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43 metres in both directions.

Reason: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

5. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than ten metres back from its junction with the public highway

Reason: To prevent mud and other debris being carried onto the public highway

6. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

Reason: In the interest of public safety and to prevent damage to the highway

7. No part of the development hereby approved shall be commenced until details of the treatment of the visibility splays required by condition 4 above and the means of defining the boundary between the visibility splay and the remainder of the application site have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together 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 offsite receptors.

9. The development hereby permitted shall be undertaken in accordance with the Assessment of Impacts and Mitigation and Enhancements set out in the Ecological Impact Appraisal prepared by Orbis Ecology dated 10th March 2021.

Reason: To ensure that the proposed development does not result in a harmful impact on protected species or biodiversity.

10. Prior to the occupation of any dwelling hereby approved, a hedgebank including native planting shall be constructed to the northern and western boundaries of the site. If any hedging or trees die, become damaged or diseased within 5 years of the completion of the development hereby approved those trees shall be replaced with the same or similar species in the first available planting season.

Reason: In the interests of biodiversity and landscaping.

Plans Schedule

Reference	Received
21030 P1-01 B	05.05.2022
21030 P2-01 B	05.05.2022
21030 P3-01 E	05.05.2022
21030 P4-01 E	05.05.2022
21030 P4-02	05.05.2022
21030 P5-01 C	05.05.2022
21030 SITE 01 A	05.05.2022

21030 SITE 02 E	18.08.2022
21030 SITE 03	05.05.2022
01-PDL-1001 Rev. A	05.05.2022

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

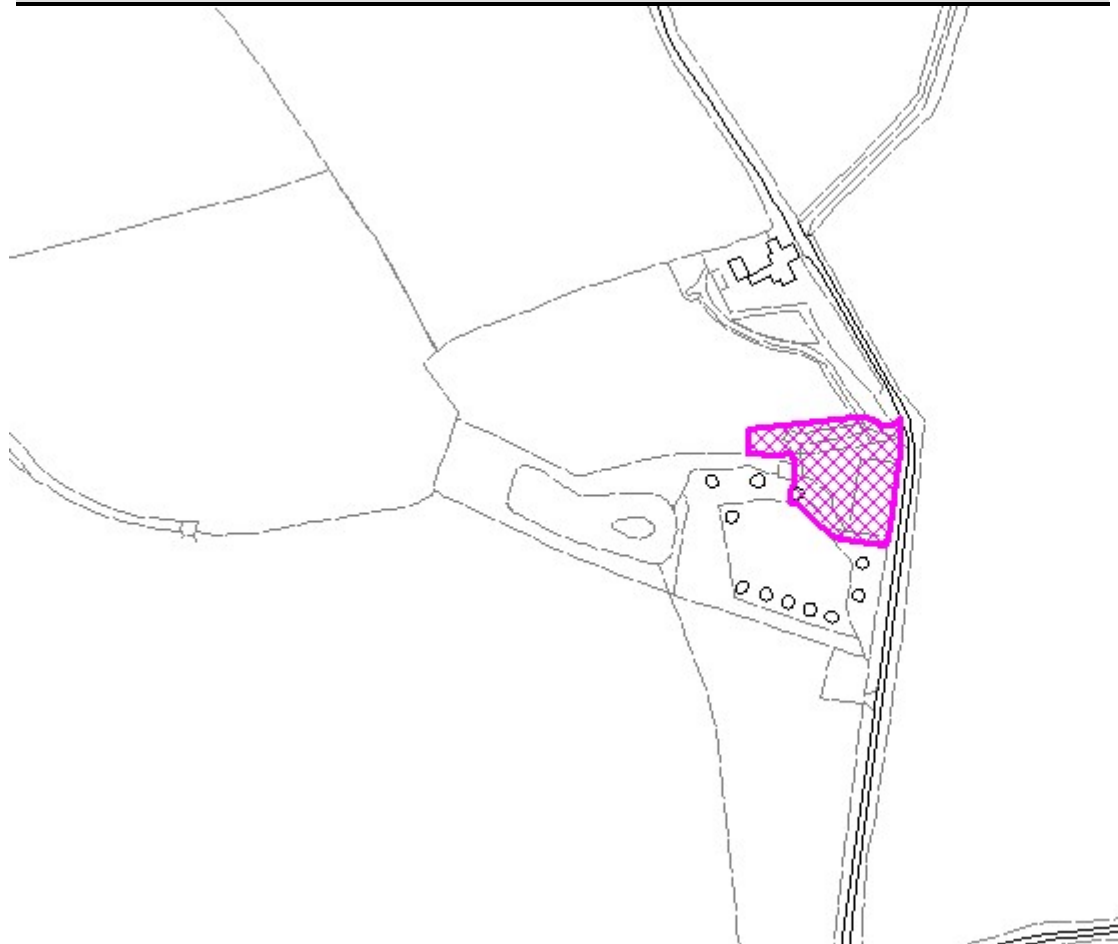
In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

Agenda Item 7b

Committee Report – 4 November 2022

Application Number:	1/0560/2022/FUL
Registration date:	10 June 2022
Expiry date:	5 August 2022
Applicant:	Mr And Mrs J Cockrill
Agent:	Planning Partnership Ltd
Case Officer:	Tristan Otten
Site Address:	Coastal Cabins, Hartland, Devon, EX39 6AT
Proposal:	Change of use of redundant amenity building to dwelling
Recommendation:	GRANT subject to conditions



Reason for referral:

The application has been called-in by Cllr Boughton as Ward Member for the following reasons:

- Lack of evidence that the existing building is redundant
- Sewage system in the area not being able to cope

Relevant History:

Application No.	Description	Status	Closed
1/0688/1993	Formation of tennis court	PER	27.07.1993
1/0123/2011/FULM	Proposed 10 yurts, parking, access and communal toilets/showers/store and kitchen block	REF	10.05.2011
1/0225/2012/FULM	10no. Yurts, Including facilities block, parking and access - Additional information and drawings	PER	24.09.2012
1/0105/2012/DIS	Discharge of condition 8 for planning approval 1/0225/2012/FULM	PER	11.01.2013
1/0028/2012/NMAT	Amendment to yurt design as approved in 1/0225/2012/FULM to change from canvas to wood and canvas	PER	19.12.2012
1/0011/2020/NMAT	Non-material amendment pursuant to permission 1/0225/2012/FULM - Layout, location of doors and windows, roof covering	PER	22.06.2020

Site Description & Proposal

Site Description

The site is known as 'Coastal Cabins' and is some 1 kilometre north of Hartland. Coastal Cabins is described as a glamping site, which is an existing campsite facility building to the north east of 10 relatively permanent 'glamping pods'. Each glamping pod has its own toilet, showering and cooking facilities.

The existing single-storey campsite facility building has a gross internal floor space of an estimated 175 square metres and gained planning permission under planning application reference 1/0225/2012/FULM (for toilets, shower block and store). Its design was amended under reference 1/0011/2020/NMAT (for cooking area, communal space and storage).

Some 20 metres north of the site is a dwelling known as 'The Thatched House', and closer is its access track which adjoins the proposal site's northeastern boundary. To the west is a pond, and in all other directions are fields.

The proposal site, as indicated by the red edge on the provided location plan, has an estimated area of 2350 square metres, when excluding the existing access and highway to 'The Thatched House'.

The site is within the Area of Outstanding Natural Beauty (AONB) and the Heritage Coast (HC).

Proposal

The application seeks full planning permission for the change the use of an existing but redundant tourism facility building into a dwelling to be occupied in connection with the adjoining tourism business known as 'Coastal Cabins'.

Access and parking for the proposed dwelling will be provided by the existing access to the Thatched House, where a spur access track will be created to the new dwelling, as shown on the block plan.

The proposal does not significantly alter the external appearance of the building, although a bat box is proposed on the eastern elevation. No additional external lighting is proposed, and existing foul and surface water drainage arrangements will be utilised.

Consultee representations:

Hartland Parish Council:

04 July 2022:

Hartland Parish Council has reviewed planning application 1/0560/2022/FUL. The Parish Council does not support the application, due to the following concerns:

1. The original building for amenities has been erected for less than 12 months, therefore there is no evidence to show that this building is 'redundant'.
2. The sewerage facilities lack capacity for full-time residency, and needs to be addressed.
3. The Parish Council would like clarity as to whether the planning application is out of date, having not started the work within a three year period.

Hartland Parish Council:

30 September 2022:

Hartland Parish Council has reviewed the amended plans for planning application 1/0560/2022/FUL.

The concerns raised in previous correspondence remain.

However it was noted that the response from the agent states "The drainage is to a septic tank that was installed with enough capacity to serve showering, toilet and kitchen facilities for 10 holiday units".

On Google Map (satellite view) you can clearly see that the site already has 11 holiday units on site, without the addition of the dwelling. As we are aware sewerage capacity for holiday lets is a different level compared to full-time residential, therefore the concerns regarding the capacity of sewerage facility still remains and should be reviewed.

Devon County Council (Highways):

Provided standing advice

Environmental Protection Officer:

17 June 2022:

In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team

recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

It is noted that the proposed development will be served by an existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure that the existing provision has sufficient capacity to accommodate any additional loading.

Environmental Protection Officer:

1 August 2022:

Further to the previous consultation response dated 17 June, it has been brought to the attention of the Environmental Protection Team that a tennis court and campsite/spa area exist in close proximity to the application site. Whilst it is considered that the tennis court would not result in an adverse impact on residential amenity, especially as it is located within the curtilage of the proposed development, there is the potential for disturbance from the campsite/spa area, mainly from people noise during noise sensitive times, if there are no restrictions on its use.

The Environmental Protection Team reiterates its previous comments in relation to the foul drainage provision. No information has been provided to indicate the existing non-mains provision has sufficient capacity to accommodate any additional loading. The applicant is responsible for ensuring the adequacy of the foul drainage provision.

Environmental Protection Officer:

05 September 2022:

Further to the previous consultation responses dated 17 June and 1 August, the Environmental Protection Team acknowledges the applicant's comments with regards the historic use of the foul drainage provision which would appear to have sufficient capacity for the proposed development. The Environmental Protection Team reiterates the need to restrict construction hours given the undoubted low background levels during noise sensitive periods.

AONB Team:

None received.

Representations:

Number of neighbours consulted:	0	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

None received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST04 (Improving the Quality of Development)
ST07 (Spatial Development Strategy for Northern Devon's Rural Area)
ST09 (Coast and Estuary Strategy)
ST10 (Transport Strategy)

DM01 (Amenity Considerations)
DM02 (Environmental Protection)
DM04 (Design Principles)
DM05 (Highways)
DM06 (Parking Provision)
DM08 (Biodiversity and Geodiversity)
DM08A (Landscape and Seascape Character)
DM27 (Re-use of Disused and Redundant Rural Buildings)

Government Guidance:

NPPF (National Planning Policy Framework)

NPPG (National Planning Practice Guidance)

NERC (Natural Environment & Rural Communities)

WACA (Wildlife & Countryside Act 1981)

Planning Considerations

- 1. Preliminary matters**
- 2. Principle of development**
- 3. Impacts on design and character**
- 4. Impacts on residential amenity**
- 5. Access and Parking**
- 6. Ecology and Biodiversity**

1. Preliminary matters

Following comments received from the Parish Council, the agent has responded:

“The Parish Council would like clarity as to whether the planning application is out of date, having not started the work within a three year period. I presume this refers to whether the original permission 1/0225/2012/FULM was implemented within 3 years. A non-material amendment application to vary certain details of this permission was made and approved in 2020 under ref. 1/0011/2020/NMAT. TDC would not have entertained such an application if the original had not been implemented within the required period. It seems with respect that the PC have confused the requirement to commence a permission within 3 years with one to complete it within that period, which is clearly not what the time condition requires.”

The Local Planning Authority does not dispute that development commenced within 3 years of the date of planning approval 1/0225/2012/FULM.

2. Principle of development

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely section 38(6) of the Planning Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The development plan is the North Devon and Torridge Local Plan 2011 – 2031 (Adopted 2018) (NDTLP).

The application site is located within countryside, outside of any designated settlements as identified on the Proposals Maps to the North Devon and Torridge Local Plan (2018). As a result, the provisions of section (4) of Policy ST07 are relevant which notes that within such countryside locations, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location.

Also relevant is Part 4.16 of ST07 of the NDTLP, which states that, “in the countryside, the Local Plan seeks to control dispersed development, guarding against development in unsustainable locations. The character of the countryside should be conserved and enhanced and new development will not detract from this. Within this context the Local Plan is responsive to a range of economic and social needs and it support the appropriate reuse of rural buildings”.

The proposed is for the re-use of an existing building. The agent explains that the building is redundant or disused by stating:

“The original intention at this location was to provide accommodation in yurts, with communal washing and cooking facilities provided within the amenity building.

The site evolved along different lines however with the rise of glamping as a phenomenon. Glamping pods offer a greater level of comfort and amenity than the originally proposed yurts. They also offer a significantly higher degree of self-containment, each having their own toilet/showering and cooking facilities.

As a result of the lack of dependence of the pods on the facilities originally proposed for the amenities building, the design and function was amended as noted above to remove the communal washing/changing/shower facilities and simplify the communal cooking facilities. A communal space and storage facilities were introduced as part of the revision.

Since the construction of the amenity building the site has become well established and the pattern of usage has developed along lines not originally envisaged. The facilities provided in the application building are not utilised to the degree expected and guests to the site utilise the self-contained facilities within their pods and those of a communal barbecue facility instead of relying on the amenity building.

A pre-application enquiry under ref. FPEG/0148/2022 was made earlier this year, in response to which it was suggested that “Although the proposed (sic) is for the re-use of a building, it has not been demonstrated that the building is redundant or disused. The existing tourism accommodation that the site provides is considered to benefit from services that the existing building could/does provide. It is noted that there are recent reviews of customers using the tourism accommodation site. On this basis, proposal would therefore conflict with policy DM27 of the Local Plan.”

There are of course reviews of the site being used, as it is still an active and thriving tourism facility. The reviews however do not refer to the amenity building as it is not in use. The facilities in the pods are referred to and the barbecue and spa are valued, but these do not rely on the amenity building.

What is frequently referred to is the welcome offered by the owners. The current site owners and managers live close to the site in the Thatched House, but they have sold the other tourism business they owned in the vicinity and are soon to move. Their daughter currently lives some miles away and cannot realistically take over the management of the building effectively from her present location. This would necessitate being in the immediate vicinity. A residential re-use of the current amenity building would provide an on-site presence for the on-going management of this valuable tourism facility.

The supporting text to Policy DM 27 refers at 13.142 to “Northern Devon is predominantly rural in nature and the countryside contains many buildings that are no longer required for their original intended use.” This epitomises the situation at Coastal Cabins. The building would not have been constructed if it was not envisaged it would be needed, but as it turns out, the way the site has developed does not require an amenity building of this type – thus rendering it redundant. The theoretical possibility of the building being capable of use for the purpose originally conceived for it is not a constraint of policy.

The dictionary definition of redundant is “no longer needed or useful; superfluous”. The building is not needed for the originally envisaged purpose and its ongoing provision for that purpose is not economically viable or useful. Accordingly, it is redundant for that purpose.”

On this matter, the agent also responds to the Parish Council’s comments:

“Hartland PC - 3 reasons for objecting: 1. The original building for amenities has been erected for less than 12 months, therefore there is no evidence to show that this building is redundant. Please see the attached Google Earth Pro image dated 5/2/2021, well over 12 months ago, that shows the building in place.”

The agent then responds in more detail:

“One element of the PC's concerns, which you also raised at pre-application stage, was whether the building could be regarded as redundant, given that Coastal Cabins is still trading as a holiday business. I did address this in my planning statement in support of the application, but would reiterate the following points:

1. The original proposal was to provide holiday accommodation in canvas yurts. These would have had no ablutionary or cooking facilities and the building was designed to provide these. An application to vary the holiday units from canvas to timber was made and approved. The cabins now present on site have their own facilities, thus rendering the original purpose for the amenity building redundant.
2. An alternative communal use may have been feasible at one stage, but post-Covid the appetite of visitors for indoor communal facilities has declined markedly. With the existing facilities available for guests there is no demand for a communal amenity building of the nature originally envisaged. Policy DM 27 of the NDTLP does not specify a period for which a building must be redundant. Also, the policy was written and adopted pre-Covid, so would not have envisaged the rapid change in the nature of visitor demand as a result of the pandemic.
3. The welcome and assistance provided by on site owners is a feature commented on by several of the guests who have posted on-line reviews of the site. The present owners wish to retire and their daughter is looking to take the management of the site over. She currently lives in Braunton, from where it would be impossible to provide a proper supervisory service. An application for a supervisory dwelling could be made but given the availability of the amenity building and the lack of ongoing need for the facilities it was to provide, it seemed more sensible to utilise the provisions of DM 27 to create a dwelling for the new manager from its conversion.
4. Although policy DM 27 of the local plan does not require any restriction on the occupation of a dwelling arising from it, the applicants would, if the LPA feel it necessary, agree to a condition limiting occupation of the dwelling to someone employed in the management of the Coastal Cabins business.”

The Local Planning Authority must consider the stated redundance of the building objectively and in light of the Local Planning Authority having no evidence to the contrary, it finds that it would be unreasonable to resist the application for change to residential use in this instance. When considering that the relatively permanent glamping pods have exiting toilet, showering and cooking facilities, it reasonably follows that the camping facilities building is no longer required and is redundant for the purpose of the existing business.

NDTLP Policy DM27 (Re-use of Disused and Redundant Rural Buildings) states that: “The conversion of redundant and disused rural buildings will be supported subject to stated criteria. The proposal is assessed against these criteria below:

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

The proposal will not be changed externally, apart from the addition of a bat box on the east elevation. Further, it is considered reasonable and necessary to restrict the provisions of Schedule 2, Part 1, Classes A, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)(henceforth GPDO) in the interest of preserving the intrinsic qualities of the building in perpetuity.

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

The proposal will result in a positive impact on the immediate setting of the building because it will provide supervisor/manager's accommodation for the adjoining tourism site. The wider rural character is not harmed by the proposal as the external appearance of the building will not be changed and remains relatively agricultural in appearance and character, akin to a barn conversion.

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

The proposal satisfies this point. No significant external alterations, extension or rebuilding has been proposed.

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

The proposal satisfies this point. The number of vehicle movements to and from the site are unlikely to change significantly as a result of this proposal.

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

The proposal satisfies this point.

Policy ST09 sets out the NDTLP's aim to, in areas identified on the policies map, maintain and enhance the sustainability and identity of coastal communities with regard to their distinctive cultural heritage, diverse maritime economy, landscape setting and regeneration opportunities. Relevant points are quoted here, and, in each case, an assessment is provided:

- (5) The integrity of the coast and estuary as an important wildlife corridor will be protected and enhanced. The importance of the undeveloped coastal, estuarine and marine environments, including the North Devon Coast Areas of Outstanding Natural Beauty, will be recognised through supporting designations, plans and policies. The undeveloped character of the Heritage Coasts will be protected.

The proposal does not result in significant harm to the integrity of the coast and estuary as an important wildlife corridor. An enhancement by means of a bat box on the east elevation. No additional lighting is proposed which would increase harm to the dark skies within this part of the AONB. Externally, the building will not change in appearance or height. Therefore, the Local Planning Authority finds no significant conflict with this part of ST09.

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

As the building already exists and, in its appearance, will not be significantly change externally (apart from the addition of the bat box on the east elevation), the proposed dwelling will not detract from the surrounding character of the heritage coast or undeveloped coast.

Therefore, on balance and subject to conditions and other planning considerations, the proposal is acceptable in principle and in terms of policies ST07, ST09 and DM27 of the NDTLP.

3. Impacts on design and character

Paragraph 130 of the NPPF states that development should respect local character, history and reflect the identity of local surroundings. Policy ST04 of the NDTLP outlines development will be supported if they, 'achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analysis and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04.'

Policy DM04 (Design Principles) states that, 'good design seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of any new developments. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change.' The policy provides fourteen design principles that developments should have regard to.

Policy DM08A of the NDTLP relates to landscape and seascape character noting that development should be of an appropriate scale, mass and design that recognises and respects the landscape character of both designated and undesignated landscapes.

The surrounding landscape character is classified as 1B 'Coastal Open Plateau' within the Joint Landscape Character Assessment. The overall strategy for 1B is to "protect the open, undeveloped character of the coastal plateau with expansive sea views and high levels of tranquillity. Distinctive woodlands surrounding settlements are managed (including for woodfuel) and coastal habitats are traditionally grazed. The ever-changing coastline is strengthened and prepared for the future effects of climate change."

As no changes are proposed to the external appearance of the building, apart from the bat box on the east elevation, there is no concern that the proposal will have a significant impact on the character and appearance of the building, its setting and the surrounding landscape character type. Nor will there be a significant impact on the Area of Outstanding Natural Beauty or the dark skies in this area, because no additional external lighting is proposed.

It is noted that the agent states within the application that permitted development rights would be restricted suitably by the existing restrictions within the GPDO relating to dwellings in the AONB.

However, significant weight is given to preserving the landscape character and beauty of the Area of Outstanding Natural Beauty. Therefore, the Local Planning Authority must consider the resulting permitted development rights which a new dwelling and its curtilage would benefit from.

Considering that the proposal site is surrounded by open countryside, and that the building is reflective of the external appearance of agricultural buildings, it is considered reasonable and necessary to impose a condition which restricts permitted development rights, in the interest of preserving the character the building, its setting in the countryside's surrounding landscape within the AONB, and the rural character of the site.

Therefore, and subject to recommended conditions, the proposal is acceptable in terms of policies ST04, DM04 and DM08A of the NDTLP.

4. Impacts on residential amenity

Policy DM01 of the NDTLP states that development proposals will be supported where:

- (a) it would not significantly harm the amenities of any neighbouring occupiers or uses; and
- (b) the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

Policy DM02 of the NDTLP relates to environmental protection and states that development will be supported where it does not result in unacceptable impacts to the environment including from light, air, water or noise pollution. Section (2)(d) notes that in terms of light pollution this can include sky glow, light intrusion and light spillage where light overspills onto areas not intended to be lit.

The Torridge District Council Environmental Protection Officer was consulted on this application and stated on:

17 June 2022:

“In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

It is noted that the proposed development will be served by an existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure that the existing provision has sufficient capacity to accommodate any additional loading.”

He provided further comments on the 1 August 2022:

“Further to the previous consultation response dated 17 June, it has been brought to the attention of the Environmental Protection Team that a tennis court and campsite/spa area exist in close proximity to the application site. Whilst it is considered that the tennis court would not result in an adverse impact on residential amenity, especially as it is located within the curtilage of the proposed development, there is the potential for disturbance from the campsite/spa area, mainly from people noise during noise sensitive times, if there are no restrictions on it's use.

The Environmental Protection Team reiterates its previous comments in relation to the foul drainage provision. No information has been provided to indicate the existing non-mains provision has sufficient capacity to accommodate any additional loading. The applicant is responsible for ensuring the adequacy of the foul drainage provision.”

During the construction phase, the proposed will result in significant noise affecting residential tranquillity amenity. Therefore, it is considered reasonable and in line with Policy DM02 to impose a condition limiting construction hours.

No significant overlooking or overshadowing, or negative impacts on the adjoining holiday accommodation would result from the new dwelling due to the site layout, window arrangements on glamping pods, and distance and screening between buildings. However, there is concern that an unrestricted dwelling in this location would be significantly harmed by the adjoining tourism business, consisting of ten almost self-contained glamping pods, spa area and communal barbecue cooking area. These facilities are considered to generate noise, smoke, odour and a reduction in privacy amenity impacting the occupants of the proposed dwelling. Therefore, it is considered reasonable, necessary and in line with policies DM01 and DM02 of the NDTLP to restrict the occupancy of the dwelling to be in association with the adjoining holiday accommodation to protect its future occupants by ensuring their direct link with the business and its associated impacts on amenity.

Regarding an occupancy condition, the agent has stated:

“Whilst it is believed that there is no policy basis within DM27 for requiring the proposed dwelling to be tied to the Coastal cabins site, if the LPA believe that there are material considerations that make this desirable then please discuss with the agent. Although policy DM27 of the local plan does not require any restriction on the occupation of a dwelling arising from it, the applicants would, if the LPA feel it necessary, agree to a condition limiting occupation of the dwelling to someone employed in the management of the Coastal Cabins business.”

Regarding foul drainage provision, the agent has stated:

“The land shown on the block plan hatched blue is currently in the applicants’ ownership. This will be sold with the Thatched House, but access rights will be retained along with the land housing the septic tank serving the proposed dwelling. Rights of drainage for the soakaway area will also be retained on any disposal.”

And responds to the Parish Council’s comments by stating:

“The drainage is to a septic tank that was installed with enough capacity to serve showering, toilet and kitchen facilities for 10 holiday units. The suggestion it cannot cope with one three bedroomed dwelling is completely unsubstantiated and clearly incorrect.”

The Parish has again made comments raising concern over the number of holiday units exceeding 10 and questioning the capacity of the foul drainage system. This is a matter that would be dealt with via building regulations and your Officer is satisfied that there is sufficient land within the applicant’s control to ensure that adequate foul drainage measures can be established without causing harm to any neighbouring occupiers.

Therefore, subject to the recommended conditions, the proposal is acceptable in terms of policies DM01 and DM02 of the NDTLP.

5. Access and Parking

Policy ST10 of the NDTLP seeks to ensure that development proposals would not adversely impact local or strategic networks.

Policy DM05 (Highways) states:

“(1) All development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

(2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.”

Policy DM06 (Parking Provision) states:

“(1) Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to the:

(a) accessibility and sustainability of the site;

Paragraph 111 of the National Planning Policy Framework states that, ‘development should only be refused on highway grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

Devon County Council Highway were consulted on the proposal and provided their standing advice.

Because the site is already served by an existing access to the highway, which would spur off to the new dwelling within land owned by the applicant, and because there are existing movements to the site by managers and supervisors, a significant change to traffic movements to the site are unlikely to result from the proposal.

Therefore, the proposal is acceptable in terms of policies ST10, DM05, DM06 and DM27 of the NDTLP.

6. Ecology and Biodiversity

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 2010 (Habitats Regulations 2010). This is further reinforced within the Torrington District Local Plan through Policies ST14 and DM08 of the Local Plan, which require development, where possible, to retain or where possible enhance and provide a net gain in biodiversity and mitigate against the potential loss of habitats.

Specifically, policy DM08 states:

“(1) Development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance. All development must ensure that the importance of habitats and designated sites are taken into account and consider opportunities for the creation of a local and district-wide biodiversity network of wildlife corridors which link County Wildlife Sites and other areas of biodiversity importance.”

And:

“Avoidance, Mitigation and Compensation for Biodiversity and Geodiversity Impacts

(8) Development should avoid adverse impact on existing features as a first principle and enable net gains by designing in biodiversity features and enhancements and opportunities for geological conservation alongside new development. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated, if full mitigation cannot be provided, compensation will be required as a last resort.”

NPPF paragraph 180 states that where significant harm to biodiversity cannot be avoided or adequately or compensated for, then planning permission should be refused.

A completed Devon County Council Wildlife and Geology Trigger table has been submitted and identified the need for further information.

The following statement was provided:

“Similarly, the normal requirement for an ecological report is not felt to be justified. The building was effectively constructed to provide for ancillary residential use and as such will require minimal internal reorganisation to provide full residential accommodation. As such no works that will be potentially detrimental to the habitats of any protected species will be required. Additional habitat will be provided by the installation of a bat box and sparrow terrace to the ends of the building as shown.”

And:

“There will be no development that will adversely impact on habitat. It is likely that additional planting including hedging to the new curtilage boundaries of the property to be created will provide additional habitat. A bat box will be located to the eastern elevation, away from the communal facilities of the site and possible disturbance.”

Due to the scale and nature of the proposed development, a harmful impact on protected species is not considered to result, and therefore the proposal is in line with policies ST14 and DM08 of the NDTLP.

Conclusion

Subject to recommended conditions, the proposal is not considered to result in an adverse impact on the character and appearance of the surrounding area, highways, the amenities of neighbouring occupiers or protected species.

The following policies of the NDTLP are satisfied:

ST04 (Improving the Quality of Development)

ST07 (Spatial Development Strategy for Northern Devon's Rural Area)
ST09 (Coast and Estuary Strategy)
ST10 (Transport Strategy)

DM01 (Amenity Considerations)
DM02 (Environmental Protection)
DM04 (Design Principles)
DM05 (Highways)
DM06 (Parking Provision)
DM08 (Biodiversity and Geodiversity)
DM08A (Landscape and Seascape Character)
DM27 (Re-use of Disused and Redundant Rural Buildings).

Human rights & Equalities

Consideration has been given to the Human Rights Act 1998 and the Equality Act 2010.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 Construction works (including deliveries of construction materials) shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties, in accordance with policies DM01 and DM02 of the North Devon and Torridge Local Plan 2011-2031.

- 3 Within 3 months of the date of this decision full details (including species, type and size at time of planting) of all proposed landscaping and boundary treatments and the proposed times of planting, shall have been submitted for approval in writing by the Local Planning Authority. The approved details shall be fully implemented prior to occupation of the dwelling hereby approved. If within a period of five years from the date of the planting of any tree, hedgerow plant or shrub, that tree, hedgerow plant or shrub or any planted as replacement, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective another tree, hedgerow plant or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To confirm the boundary treatments for the site in the interests of the visual amenities of the area and to achieve a biodiversity net gain.

- 4 Prior to the first use of the dwelling hereby permitted, one bat box, shall be installed on the building, and retained as such thereafter.

Reason: To provide a net gain in biodiversity in accordance with Policy DM08 of North Devon and Torridge Local Plan 2011-2031.

- 5 The dwelling hereby permitted shall be occupied only by a person currently or most recently involved in the management or supervision of the adjoining holiday business currently known as Coastal Cabins, their dependants, widow or widower, and shall not be sold or let separately from the area hatched green on the location and site plan received on the 23 August 2022.

Reason: To protect the amenities of future and intended occupants of the dwelling in line with policies DM01 and DM02 of the North Devon and Torridge Local Plan 2011-2031.

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development of the types described in Part 1, Classes A, AA, B, C, D, E and Part 2 Classes A and B of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.

Reason: In the interest of the character and appearance of the setting of the building in the countryside and Area of Outstanding Natural Beauty.

Plans Schedule

Reference	Received
20-0307 D03	26.05.2022
Proposed Elevations & Floor Plans	23.08.2022
LOCATION AND BLOCK PLAN	23.08.2022

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

Informatives

01 Bats –

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and rights of Way Act 2000) and are further protected by under Regulation 39(1) of the Conservation (Natural Habitats &c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and English Nature be contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware

of this requirement and given the relevant contact number of Natural England, which is via the Bat Conservation Trust on 0345 1300 228.

02 Protect Species –

Should any protected species be discovered during the development the applicant is advised to seek further information on licensing from Natural England whose contact details are listed below:

General and licensing enquiries : Tel: 0845 601 4523 (Local rate) or by email

-General queries and wildlife management licensing email : wildlife@naturalengland.org.uk

-European protected species mitigation licensing email: EPS.mitigation@naturalengland.org.uk

-Science and conservation licensing: email: wildlife.scicons@naturalengland.org.uk

03 Nesting birds –

Nesting birds are protected under the Wildlife and Countryside Act (1981) and as amended by the Countryside and Rights of Way Act (2000). Birds are protected against disturbance during the nesting period, defined as the period from when nest-building commences to the time that nestlings have left. This varies according to species but is typically taken to be from approximately 1st April until mid-July to late August, depending on second broods.

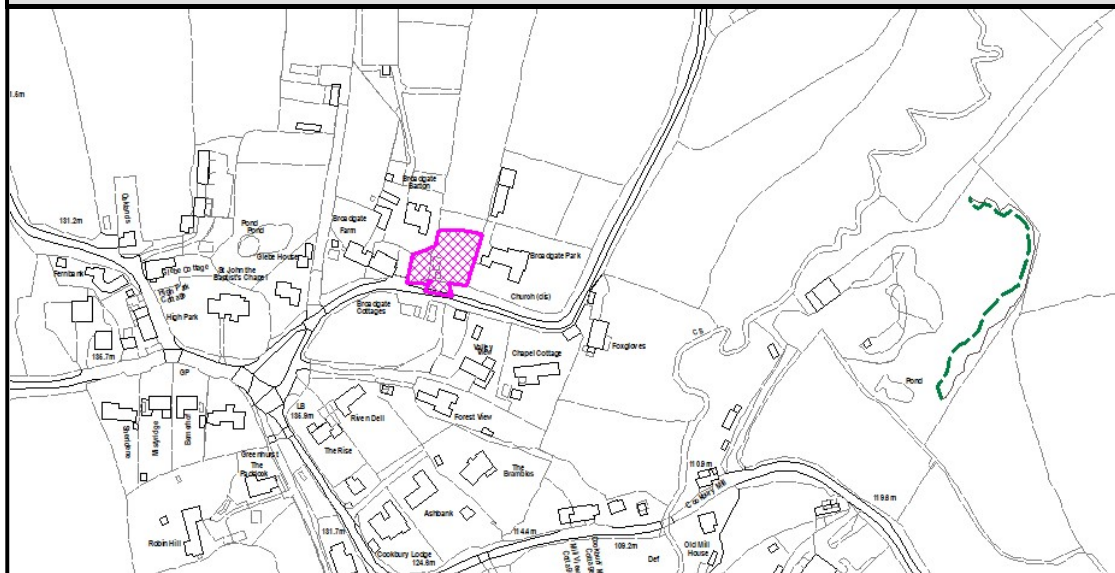
04 Foul drainage –

From the Environmental Protection Team's consultation comments:

"It is noted that the proposed development will be served by an existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure that the existing provision has sufficient capacity to accommodate any additional loading."

Committee Report – 4 November 2022

Application Number:	1/0740/2022/OUT
Registration date:	13 July 2022
Expiry date:	7 September 2022
Applicant:	H, L & P Peppiatt & Larkworthy
Agent:	WMW Consultants - Walter Wonnacott
Case Officer:	James Jackson
Site Address:	Land At Broadgate, Cookbury, Devon
Proposal:	Outline application for 1 no. dwelling with all matters reserved except for access
Recommendation:	GRANT



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Reason for referral:

Cllr Hepple has called the application to Plans Committee for the following reasons:

- Close proximity of sewage plant to boundary of neighbouring property
- Inadequate road access
- Contaminated land issues

Relevant History:

Application No.	Description	Status	Closed
1/1033/1978	RE-SALE OF AGRICULTURAL VEHICLES	PER	12.09.1978
1/0936/2004/OUT	2 no. detached dwellings and garages	REF	25.06.2004
1/2172/2004/OUT	4 no. terraced dwellings for affordable housing	REF	21.09.2005

Site Description & Proposal

Site Description

The application relates to a parcel of land located within the cluster of dwellings that comprise Cookbury.

The site is currently overgrown with vegetation and accommodates a small building at the front of the site, which is largely obscured from view by vegetation. It is understood that the site also accommodates an existing septic tank, which has historically accommodated the foul drainage arrangements that relate to Broadgate Cottage, to the west of the site. An existing access at the site's southern boundary provides access to the public highway. A large Sessile oak tree which is protected by a Tree Preservation Order is located within the site's north western corner.

The site boundaries are formed from Devon hedgebanks with intermittent trees. Existing residential dwellings and their curtilages border the site on its eastern, western and northern sides.

The site is located approximately 6kms to the north east of Holsworthy.

Proposed Development

The application seeks outline planning permission for 1 no. dwelling, with all matters reserved except for access.

As proposed, the access would be relocated to a position broadly in the centre of the site's southern boundary, with visibility splays equal to 43m to the west and 56m to the east.

Surface water is proposed to be drained to a soakaway.

Foul water would be drained to a package treatment plant which would then discharge to a drainage field on the site. A second package treatment plant would also be installed, to serve the dwelling to the west known as Broadgate Cottage. This would also discharge to the drainage field on the site.

The existing septic tank that has historically served the property to the east would be decommissioned.

The indicative site plan shows that the dwelling proposed could be located within the south eastern corner of the site, noting however that layout is matter reserved for future consideration.

Consultee representations:

Bradford & Cookbury Parish Council:

The presence of a TPO for an existing Oak tree, overhead power cables and past contamination of the land by an ancient soakaway sewage system appear to make this an unsuitable site for such a development. Objections by neighbouring landowners make this apparent, especially the close proximity of the proposed replacement sewage plants to the boundary of a neighbouring property. Road access to Allens Lane could also cause traffic congestion and nuisance problems for parishioners further down the road and especially during construction. This application needs to be brought to the attention of the council tree officer, environmental team, Devon Highways and Western Power.

Devon County Council (Highways):

Standing Advice

Environmental Protection Officer:

First Response

In relation to the above application, the Environmental Protection Team comments are outlined below.

There is the potential for detriment to neighbouring residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

There appears to be no detailed information provided on the historic use and subsequent land quality of the application site. Agricultural use and activity can result in ground contamination and ground conditions that are potentially harmful to human health or unsuitable for occupation without remediation. Given the sensitive end use, it is essential that the application site is appropriately assessed for any potential contamination that may impact future occupants and, where identified, remediated accordingly. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.

The FDA assessment form states that an existing non-mains foul drainage provision will be used but the site plan suggests a new package treatment plant will be implemented. Clarification will be required and if a new non-mains provision is to be implemented, the Environmental Protection Team will require percolation test results to be submitted to assess the suitability of the ground to accommodate a drainage field. The foul drainage provision will also need to ensure it accords with Building Regulations with regards acceptable separation distances.

Second Response

I write further to the previous consultation responses and email exchanges with the agent in relation to the above application.

Having reviewed the information provided, including the percolation test results, drainage field calculations and the revised site plan (ref. J-2406 drawing no. 3001 rev. 1), the Environmental Protection Team is now satisfied that the proposed development will be served by a suitable foul drainage proposal, consisting of two package treatment plants discharging to a drainage field, having been designed in accordance with British Standard BS6297.

Should you have any queries please do not hesitate to contact me.

Representations:

Number of neighbours consulted:	4	Number of letters of support:	0
Number of representations received:	3	Number of neutral representations:	1
Number of objection letters:	2		

Two objections have been received. The following issues have been raised:

- Environmental
- Noise
- Overlooking
- Pollution (other than noise/traffic)
- Privacy
- Residential Amenity
- Traffic or Highways
- Visual Amenity
- Loss of light
- Overbearing impact
- Character and appearance
- Limited parking
- Surface runoff
- Overdevelopment
- Odour
- Land stability
- Biodiversity
- Contamination
- Insufficient drainage proposals
- Flood risk
- Power cables need to be relocated
- Disruption from construction

One general comment has been received, which raises the following issues:

- Do not agree to share electricity supply (civil matter)
- Land is contaminated
- Existing septic tank serves our property
- Have not agreed to package treatment plant

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST07 (Spatial Development Strategy for Northern Devon's Rural Area); DM24 (Residential Development in Rural Settlements); ST21 (Managing the Delivery of Housing); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM08A (Landscape and Seascape Character); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM08 (Biodiversity and Geodiversity); ST10 (Transport Strategy); DM05 (Highways); DM06 (Parking Provision); DM02 (Environmental Protection); ST03 (Adapting to Climate Change and Strengthening Resilience);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main considerations with this application are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Biodiversity
- Highways
- Foul and Surface Water Drainage

1. Principle of Development

Paragraph 2 of the National Planning Policy Framework (the 'NPPF') states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

Cookbury is a Rural Settlement in planning terms, by virtue of the church of St John the Baptist and the Seven Maccabees that is located within the settlement. This meets the glossary definition of a Rural Settlement as set out within the adopted North Devon and Torridge Local Plan 2011-2031 (the 'NDTLP').

Policy ST07 of the NDTLP establishes that within Rural Settlements which contain at least one prescribed service or community facility, appropriately located development of a modest scale will be enabled to meet locally generated needs. Policy DM24 sets out the specific policy requirements relating to local needs dwellings. It is clear that the NDTLP provides in principle support for local needs dwellings within Rural Settlements. However, the dwelling proposed is an unrestricted open market dwelling, not a local needs dwelling as defined by the NDTLP.

The principle of an open market dwelling at the site would ordinarily be unacceptable and the proposal therefore conflicts with Policy ST07.

Notwithstanding, as a result of the Burwood Appeal (APP/W1145/W/19/3238460), the Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites (5YHLS); with the appeal concluding that there is a supply of 4.23 years across Northern Devon. By virtue of not being able to demonstrate a 5YHLS, there is a need to apply the presumption in favour of sustainable development (the 'Presumption') (paragraph 11(d), NPPF) as a material consideration in determining planning applications for housing.

Paragraph 11 (d) notes:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, Local Planning Authorities should grant planning permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (National Parks, AONB, SSSI, Heritage Assets, Habitat Sites) provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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. 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. As the NDTLP was adopted relatively recently, none of the policies are generally considered to be out of date for the application of the Presumption.

The Presumption is set out in two parts by Paragraph 11 (d) of the NPPF, however, as this proposal does not harm a 'protected area', the decision maker in this case only needs to consider the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; the so-called tilted balance (Paragraph 11(d)(i), NPPF).

In addition to the 'tilted balance', some weight can be given to Policy ST21 of the NDTLP which relates to managing the delivery of housing. In particular, ST21(2) is relevant, which supports development outside of settlement limits (where completions are below 90% of the annual requirement). The Burwood Appeal decision determined that ST21(2) is currently engaged, which requires any proposal to be in a location and of a scale and nature commensurate with the deficit in required housing (criterion a); demonstrate the ability to contribute in a timely manner to addressing the deficit in housing supply (criterion b); be broadly consistent with the plan's spatial strategy/vision along with the relevant settlement vision and development strategy (criterion c); and be compliant with the remaining plan where relevant (criterion d). Addressing each of these points in turn:

- (a) The deficit of housing within Northern Devon is clearly substantial as a 5YHLS supply cannot be proven. The proposal for a single dwelling is modest in scale, however, combined with other development, can assist in the contribution towards a 5YHLS. The proposal is considered to accord with (a).
- (b) The application is made in outline, with the result that reserved matters approval would need to be obtained and any pre-commencement conditions would need to be discharged, prior to commencement on site. However, given the modest scale of the proposal, the site could be brought forward for development relatively quickly. Once on site, the development could be built out relatively quickly, given the modest scale of the development proposed. The proposal is considered to accord with (b).
- (c) As discussed earlier, the site is located within the Rural Settlement of Cookbury. The provision of open market residential development in this location would be contrary to the aims of the NDTLP's spatial development strategy for northern Devon's rural area, which seeks to guide such development towards established settlements with development boundaries that can offer some or all of the services and facilities (schools, health facilities, retail opportunities, leisure facilities, etc.) required to support a residential use. This principle is established by Policy ST07 which adopts a hierarchical approach in recognition of the scale of each settlement and the availability of the facilities and services that are available therein, noting that Local Centres will be the primary focus for development within the rural area, with Villages also identified to accommodate more modest levels of open market residential development in accordance with local spatial strategies. It is noted, however, as discussed above, that the principle of a dwelling at the site to meet a locally generated need would be acceptable.

Whilst Cookbury does not contain the majority of the day-to-day facilities and services necessary to support a residential use within the settlement itself, the proximity of Bradford Primary School and the Bradford and Cookbury Village Hall approximately 0.8 miles to the east is noted. Bradford Primary School provides two classes of primary education within this rural area, whilst it is clear from the village hall's website that it plays an important role within the rural community, offering meeting spaces, a large hall which can seat approximately 150 and can be used for a variety of functions, excellent acoustics, portable staging, PA system

and hearing loop, a well-equipped large kitchen for catering, a skittle alley and a snooker room. The website advises that there are varied weekly and monthly activities based at the hall. In addition, the location of the Bickford Arms public house approximately 1.5 miles to the south, within the small Rural Settlement of Brandis Corner, is noted.

Given the isolated location of the school and village hall, neither facility can rely on the population of one settlement to ensure its viability and vitality. It is clear that pupils of the school and users of the village hall will be drawn from the rural hinterland. Ordinarily, a situation where the provision of open market residential accommodation would encourage the use of the private car to access key facilities and services would be undesirable. However, given the relatively isolated location of the school and village hall it is clear that it will be necessary for a large proportion of users to access these facilities using private vehicular transport. As such, in this instance the benefit of a modest quantum of open market residential development within the built form of Cookbury is recognised. Paragraph 79 of the NPPF recognises that in rural areas, development in one village may support services in another nearby village; given the isolated location of the school and village hall this principle is considered relevant in this instance.

Taking account of the above, it is considered that the proposal accords with criterion (c).

- (d) The following sections of this report assess the proposal in the context of the other relevant NDTLP policies.

Taking account of the above, it is considered that the proposal is contrary to Policies ST07 and DM24, however it is in broad conformity with Policy ST21(2). However, as set out above, the tilted balance applies in this case. The following sections of this report provide an assessment of the other material considerations pursuant to the application, followed by the planning balance to weigh the factors in support of and against the granting of planning permission, which will enable a conclusion to be made in relation to The Presumption and the tilted balance, in accordance with paragraph 11(d) of the NPPF.

2. Character and Appearance

Policies ST04 and DM04 of the NDTLP both have a strong design focus and establish the need for development to be appropriate in, and have respect for, its context and setting. In addition, Policy ST14 sets a number of requirements relating to the protection of environmental assets, whilst Policy DM08A requires development to respect landscape character of both designated and undesignated landscapes and seascapes.

In this instance the landscape is undesignated.

Clearly the residential development of the site would change its character and appearance to some degree, given its currently undeveloped state. However, the proposed development would be surrounded on three sides by existing residential uses and a well-designed dwelling would not appear as being incongruous when seen in this context. Objections received raise concerns that a dwelling would likely have to be sited towards the front of the site and would appear as being incongruous, however the nearby dwellings to the west also occupy prominent positions towards the front of their respective plots. In addition, a well-considered landscaping scheme and appropriate boundary treatments would provide an acceptable setting for the development. It is noted that scale, appearance, layout and landscaping are matters reserved for future consideration, and these issues would therefore be the subject of a future reserved matters submission.

It is noted also that the large Sessile oak in the corner of the site occupies a prominent position within the site and would be retained as part of the proposals. The tree is protected by a TPO. Objections received have questioned the methodology used by the Arborist to calculate the tree's root protection area (RPA); in this regard the agent has spoken to the Arborist who has confirmed that the tree was accurately measured on site and that the maximum RPA is 15m, regardless of stem diameter above 1250mm. It is considered that the retention of the tree would further safeguard the rural character of the site and wider area.

For the reasons above the proposal is considered to accord with policies ST04, DM04, ST14 and DM08A of the NDTLP.

3. Residential Amenity

Policy DM01 of the NDTLP confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses, or result in harm to the future occupiers of the development from existing or allocated uses. Part (i) of Policy DM04 also includes a similar policy direction.

Objections have been received that raise issues relating to residential amenity. It is noted that layout, scale and appearance are matters reserved for future consideration, with the result that the detailed design of the dwelling and layout of the site are not yet known. Notwithstanding, it is clear that a dwelling could be designed so that it is not overbearing, does not overlook adjoining sites and does not result in a loss of light.

Concerns have also been raised in relation to the foul drainage proposals. A site visit with neighbouring occupiers demonstrated that the land to the north and east is set at a lower level than the site and there are therefore concerns from the adjoining neighbour that the drainage field would drain onto the adjacent property. However, the percolation tests demonstrate that infiltration is a feasible solution, with the result that this is not considered to represent significant harm to amenity.

Concerns have also been raised in relation to noise and odour from the package treatment plants, however this issue has been discussed with two Environmental Protection Officers, who have both confirmed that this is not an issue.

It is noted that the septic tank that is currently installed on the site has been discharging untreated foul water onto the site, potentially for a number of years. There are however no suggestions that this has resulted in significant harm to the amenities of the occupiers of adjoining properties and it is considered that the foul drainage arrangements now proposed would be an improvement to the existing facilities.

Concerns have also been raised that the site is contaminated, due to the existing foul drainage situation. The Environmental Protection Officer has advised that this does not represent contamination in an environmental protection sense, and in any case a condition is recommended in respect of a phase 1 contamination survey.

It is recommended that a condition be attached to the permission to control the hours of construction and delivery of materials, to ensure that neighbouring residents would not be unacceptably affected during the construction phase.

Taking account of the above, it is considered that a well-designed scheme and appropriate conditions attached to an outline permission would ensure the adequate safeguarding of the amenities of the occupiers of neighbouring dwellings.

Turning to the amenities of the future occupiers of the site, it is considered that an acceptable standard of amenity can be provided. The detailed design of the dwelling and layout of the site would be considered as a part of a future reserved matters approval.

In conclusion, taking account of the above, it is concluded that the proposal is considered to accord with Policy DM01 and part (i) of Policy DM04.

4. Biodiversity

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 2010 (Habitats Regulations 2010). This is also supported by Policy DM08 of the NDTLP. Policy ST14 of the NDTLP seeks to deliver biodiversity net gain where possible.

The application is accompanied by an Ecological Appraisal prepared by Penpont Ecology Services Ltd dated June 2022.

The report concludes that the site is of low ecological importance, noting however that it has the potential to form part of a larger territory for bats and nesting birds, as well as offering limited suitable habitat to support reptiles.

The Ecologist recommends mitigation in the form of the creation of garden areas to replace cleared vegetation; commencement of works outside of the bird nesting season; and the avoidance of unnecessary night-time lighting. A condition is recommended to secure these measures.

Biodiversity net gain can be achieved on the site and in this regard the Ecologist recommends the strengthening of the existing defunct hedgebanks. In addition, other measures such as bird and bat friendly features, rocks for reptiles and native planting are recommended. A condition is recommended to secure these measures.

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

5. Highways

Policies ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development. Paragraph 111 of the NPPF advises that development should only be refused if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. Paragraph 110 states, inter alia, that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree. Paragraph 110 also requires 'safe and suitable' access to the site to be achieved.

The Local Highways Authority has been consulted and has referred to its Standing Advice document.

Access is to be considered as part of the current application. Visibility splays of 56m to the east and 43m to the west would be formed at the site; these are considered to be appropriate given the modest scale of the development and the relatively light trafficked highway that passes the site. In addition, the condition and narrow width of the lane are likely to ensure that vehicles speeds are relatively low.

In particular, the poor condition of the highway surface is noted, however it is considered that the addition of the traffic associated with one dwelling would not result in a 'severe' impact, as is the test set out within the NPPF. Taking account of these factors, it is considered that the proposal would not unacceptably affect highway safety, nor would it have a severe impact on the road network.

The site is of sufficient size to ensure that parking and turning facilities can be accommodated within, to ensure that vehicles are able to leave the site in a forward gear. It is noted that the layout of the site is a matter reserved for future consideration.

It is noted that the sustainable transport options at the site are limited. However, for the reasons discussed above in the 'principle of development' section, in this instance the site is considered as an appropriate location for residential development of a modest scale.

Taking account of the above, it is concluded that the proposal accords with policy DM05, ST10 and DM06, as well as the relevant parts of the NPPF.

6. Foul and Surface Water Drainage

Policy DM02 of the NDTLP requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development. Policy ST03 requires development to minimise flood risk.

It is proposed that foul water associated with the proposed dwelling would be discharged to a package treatment plant. Foul water associated with the dwelling to the west would be drained to a separate package treatment plant. Both would then discharge to a drainage field within the site. Percolation tests have been submitted which indicate acceptable Vp values. It is understood that the dwelling to the west has historically utilised a septic tank that is located on the site, however it was recently found to be discharging untreated foul water onto the site. As such, the Council's Environmental Protection Officer has issued an enforcement notice under separate legislation that requires an appropriate drainage solution to be approved and installed. The current proposal would deliver an appropriate solution, noting however that compliance with the enforcement notice would still be required in the event that planning permission is not granted. The drainage solution has been revised such that the drainage field is now located a minimum of 2m from any site boundary and a minimum of 7m from any dwelling. The Environmental Protection Officer has confirmed that the drainage proposals meet the requirements of BS6297:2007. In this instance, given the various constraints on the site and that the site is to also accommodate the drainage solution relating to the adjacent dwelling, a condition is recommended to ensure that the drainage is installed in accordance with the approved plans.

Surface water is proposed to be drained to a soakaway. Percolation tests at the site have shown that this is a feasible solution and there are therefore no concerns in this regard. The indicative site plan has been revised to demonstrate that the soakaway can achieve a 5m separation from the public highway.

Taking account of the above, it is considered that the proposal accords with Policy DM02, ST03 and DM04 of the NDTLP.

7. Tilted Balance and Conclusion

As discussed earlier, the site is located within a Rural Settlement, outside of any defined development boundary. The principle of open market residential development in this location would ordinarily be

unacceptable. However, as discussed earlier it is necessary to undertake a 'tilted balance' assessment as the Local Planning Authority cannot currently demonstrate a 5YHLS.

The development plan policies referred to above are in broad conformity with the NPPF and therefore are not considered to be out of date.

In terms of the matters that weigh in favour of the proposal; the single dwelling proposed would make a contribution, albeit modest, to the housing stock within the district at a time that the Local Planning Authority cannot demonstrate a 5YHLS. The provision of housing must be given weight in favour of the consideration of the application. In addition, the dwelling proposed, in combination with other modest developments, would likely make a positive contribution to the viability of the nearby local school and village hall, as highlighted by paragraph 79 of the NPPF. There would also be a modest economic benefit resulting from the construction period, as well as a further modest benefit from the payment of council tax. Biodiversity net gain at the site would also be a modest benefit. The proposal would also deliver a solution for the existing foul water drainage issues relating to the existing dwelling to the west of the site.

Weighing against the application, the proposed development would be located within a rural settlement, remote from the majority of the services and facilities that are necessary to support a residential use. This would be likely to result in an increase in the use of private motor vehicles, which would be contrary to the sustainability aims of the NDTLP.

In respect of the overall balancing exercise, it is considered that the consideration of the application turns on the isolated location of the school and village hall. As discussed earlier, neither facility can rely on the population of one settlement to ensure its viability and vitality and users of both will rely on private vehicles to reach the area. It is also pertinent to note that the village hall offers a wide range of facilities and diverse community events. Consequently, in this instance and for these reasons it is considered that Cookbury is a suitable location for modestly scaled open market residential development at this time that the Local Planning Authority cannot demonstrate a 5-year supply of housing sites. On this basis, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and it is therefore recommended that outline permission be granted, subject to the conditions set out below.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to the following conditions

1. Approval of the details of:

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (d) Landscaping

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with the provisions of Part 2 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

2. (i) Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

(ii) The development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92(2) of the town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule. For the avoidance of doubt, the site plan reference 3001 Revision L is approved solely to secure the foul drainage proposals.

Reason: To ensure the development is carried out in accordance with the approved plans.

4. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the approved drawings where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be a minimum of 56 metres to the east and 43 metres to the west.

Reason: To ensure the safety of all road users in the area.

5. Prior to the occupation of the dwelling hereby permitted, a minimum of two vehicle car parking spaces and turning facilities to enable vehicles to leave the site in a forward gear shall be provided on the site and retained as such thereafter.

Reason: To avoid vehicle parking on the public highway, in the interests of highway safety.

6. The development hereby permitted shall only be carried out, (including the delivery of construction materials), during Monday to Friday between the hours of 07:00 to 19:00 and Saturday between the hours of 08:00 to 13:00 with no works, (or the delivery of construction materials) being carried out on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

7. The development hereby permitted shall be carried out in accordance with the recommendations and enhancement measures set out at sections 9, 10 and 11 of the Ecological Appraisal prepared by Penpont Ecology Services Ltd dated June 2022. The biodiversity enhancement measures shall be delivered on site prior to occupation of the dwelling hereby approved and retained thereafter as such.

Reason: To ensure the protection and enhancement of the biodiversity value of the site.

8. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed surface water drainage design.

- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

The dwelling hereby permitted shall not be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

9. Prior to the occupation of the dwelling hereby permitted, the foul drainage proposals hereby permitted shall be installed to serve the dwelling hereby permitted and the dwelling to the west of the site known as Broadgate Cottage. An 'as built' survey plan shall be submitted to and approved by the local planning authority to demonstrate that the drainage has been installed as approved, also prior to the occupation of the dwelling hereby permitted. Thereafter, the drainage shall be retained.

Reason: To ensure that the drainage proposals are installed as approved.

10. All existing trees and hedges to be retained shall be protected for the duration of the construction works by tree protection fencing in accordance with BS5837:2012, as shown on the approved Tree Protection Plan received 13 July 2022.

Reason: To ensure the protection of the Sessile oak and other arboricultural features to be retained.

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a) to d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Approval by the Local Planning Authority of the report submitted at this stage will confirm whether there is a need to undertake remediation measures under conditions b), (c) and (e) below.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c).

e) Long Term Monitoring and Maintenance

Where an approved remediation scheme includes a requirement for a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation over time, a report setting out monitoring and maintenance requirements must be submitted in writing for the prior approval of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together 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 offsite receptors.

Plans Schedule

Reference	Received
22.HP.1.C	13.07.2022
Tree Protection Plan	13.07.2022
3001 Rev L	20.09.2022

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

Agenda Item 7d

Committee Report – 4 November 2022

Application Number:	1/0863/2022/LA
Registration date:	12 September 2022
Expiry date:	7 November 2022
Applicant:	Torridge District Council
Agent:	Mr Geraint James
Case Officer:	James Jackson
Site Address:	Land At Grid Reference 247387 125654, Trapnell Way, Bideford Business Park, East The Water, Devon,
Proposal:	Formation of construction access (Environment Centre)
Recommendation:	GRANT



Reason for referral:

The applicant is Torridge District Council.

Relevant History:

Application No.	Description	Status	Closed
1/1207/2015/FULM	Business letting units car parking lots, access, drainage and landscaping (Plots 3)	PER	19.01.2017
1/0896/2019/DIS	Discharge of Condition 4 of Planning Approval 1/1207/2015/FULM	PER	14.11.2019

Site Description & Proposal

Site Description

The application relates to part of an agricultural field located within the Bideford development boundary.

The site is bounded at its southern edge by a mature hedgerow that separates the field from the public highway.

To the east of the site is an existing field access and hedgerow. The Evans Transport industrial estate is located to the north west. An existing dwelling known as 'Bay View' is located to the west. The urban area of East-the-Water is located further to the north west.

Proposed Development

The application seeks full planning permission for the formation of a construction access.

The access would be used for the construction of the Torridge District Council Environment Centre, a planned facility for the processing of household recycling materials and food waste. The Environment Centre does not have planning permission and will be subject to a separate future application.

A section of existing hedgerow would be removed to form the access, including visibility splays. A temporary access road would be constructed to facilitate access across the field. Soft landscaping and an infiltration swale would be introduced on either side of the road.

The site would be returned to its current condition once the access is no longer required.

Consultee representations:

Bideford Town Council:

RESOLVED: That the application is approved.

Devon County Council (Highways):

First Response

Observations:

I have no objection to the application subject to it somehow being linked to the future unsubmitted application for land to the north and not being used for anything other than construction of that site - subject to it gaining separate planning permission.

It must also be closed off after the site to the north is constructed unless a subsequent application approves its full time use as an access.

I leave such conditions to be written by the Local Planning Authority.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Second Response

The access hereby approved onto Gammaton Road shall be only used for construction activities associated with land immediately adjacent to the application site.

REASON: To prohibit use of the access by all traffic and as a general access to the site and beyond.

Once constructed the access shall be permanently closed with gates that only open inwards and shall not be used unless and until land adjacent to the application site gains relevant planning permission for uses that require construction access.

REASON: To allow the access to be built but not used.

The access shall be constructed such that no surface water drains on to the highway.

REASON: In the interest of highway safety and avoid damage to the highway.

Third Response

Visibility splays to be provided as per the approved plans.

Environmental Protection Officer:

In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of an existing neighbouring dwelling to the west, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

Representations:

Number of neighbours consulted:	1	Number of letters of support:	0
Number of representations received:	1	Number of neutral representations:	0
Number of objection letters:	1		

One objection has been received, which raises the following issues:

- Notification insufficient
- Site is within open countryside
- Pollution
- Visual impact
- Noise
- Odour
- Property value (not a material consideration)
- Site designated as woodlands
- Privacy

- Dust
- Security

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST04 (Improving the Quality of Development); DM04 (Design Principles); ST14 (Enhancing Environmental Assets); DM08A (Landscape and Seascape Character); DM01 (Amenity Considerations); DM08 (Biodiversity and Geodiversity); ST10 (Transport Strategy); DM05 (Highways); DM06 (Parking Provision); ST03 (Adapting to Climate Change and Strengthening Resilience); DM02 (Environmental Protection);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main considerations pursuant to the application are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Biodiversity
- Highways
- Surface Water Drainage
- Other Matters

1. Principle of Development

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The site lies within the defined development boundary of Bideford. Policy ST06 of the North Devon and Torridge Local Plan 2011-2031 (the "NDTLP") clarifies that the Strategic Centre of Bideford will provide a focus for housing and employment development; that significant levels of development will be accommodated in Bideford consistent with its scale and its complementary role to Barnstaple; and that sustainable development opportunities will be secured to increase self-containment and achieve balanced development to enable the town to meet its own needs and those of the surrounding area.

The proposed access would facilitate the construction of the Torridge District Council Environment Centre, which would be subject of a separate future application. Whilst it is noted that the Environment Centre does not currently have planning permission, it is understood that the works to form the construction access would be undertaken in advance, outside of the bird nesting season. Policy ST06 establishes that Bideford is expected to accommodate significant levels of development, and the proposed access would enable future development to come forward, if planning permission were to be granted. Given the site's location within the development boundary, the principle of development is considered acceptable, and the application is in accordance with Policy ST06.

2. Character and Appearance

Policies ST04 and DM04 of the NDTLP have a strong design focus and establish the need for development to be appropriate in, and have respect for, its context and setting. In addition, Policy ST14 sets a number of requirements relating to the protection of environmental assets, whilst Policy DM08A requires development to respect landscape character of both designated and undesignated landscapes and seascapes.

In this instance the landscape is undesignated.

The proposed access would have only a modest impact on the character and appearance of the area. Given the site's location within the development boundary it is expected that the surrounding area would accommodate significant levels of development. In particular, it is noted that land to the east is allocated for mixed use development including approximately 600 dwellings and a new school. In addition, it is noted that the access would be stopped up once it is no longer required. As such, any visual impact would be temporary.

Taking account of the above, the proposal is considered acceptable in the context of ST04, DM04, ST14 and DM08A.

3. Residential Amenity

Policy DM01 of the NDTLP confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses, or result in harm to the future occupiers of the development from existing or allocated uses. Policy DM04(i) follows a similar policy direction.

A residential property known as 'Bay View' is located approximately 100m to the west of the site. The occupier of the dwelling has raised objection to the proposal, on the basis of noise, pollution, dust, traffic, health hazards and security impacts. The objection clarifies that the author has a brain damaged son.

The objection appears to make reference to the perceived impacts of the Environment Centre, however Members are advised that the application under consideration does not include the Environment Centre. Rather, the application seeks permission solely for the construction road and the impact on the occupiers of the property must therefore be considered on this basis. In this regard, it is considered that the distance between the site and the dwelling, as well as the modest scale of the works and their temporary nature, would not result in a significant impact. It should also be noted that the site lies within the Bideford development boundary, where significant levels of development are expected. The site is not located within open countryside, as is suggested by the objection. Neither is the land designated to be woodlands. Planning permission 1/1207/2015/FULM (relating to plot 3 of the industrial estate) does not require the site to be planted out, whilst the discharge of condition application 1/0896/2019/DIS relates to condition 4 of that permission and a Construction and Environmental Method Statement. It is noted that an historic permission, reference 1/1116/2007/FUL, granted permission for a number of B1, B2 and B8 uses across a larger site. This permission was extended under reference 1/0030/2011/EXTM, which was granted in March 2011. Condition 3 of the permission required the submission of a scheme relating to tree planting, however it would appear that no details were ever submitted to discharge the condition and due to the time elapsed it is not possible for the local planning authority to enforce any breach of condition.

It is noted that the Environmental Protection Officer has requested a condition relating to hours of construction and deliveries, and it is recommended that this be attached to any forthcoming planning permission.

There are no other sensitive premises that would be affected by the proposal.

The proposal is considered to accord with policies DM01 and DM04(i).

4. Biodiversity

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 2010 (Habitats Regulations 2010). This is also supported by Policy DM08 of the NDTLP.

In addition, Policy ST14 seeks to deliver biodiversity enhancement through development.

The application is accompanied by a Hedgerow Survey prepared by Orbis Ecology dated 8 September 2022. The report advises that the section of hedgerow to be removed to form the access does not meet the criteria to be considered as 'important' as defined by the Hedgerow Regulations 199, nor does it meet the criteria for the Devon Biodiversity Action Plan habitat of species rich hedges. Notwithstanding, the hedge remains to be classified as priority habitat under the Natural Environment and Rural Communities Act 2006 (NERC). The Ecologist advises that the hedge has the potential to be used by nesting birds during breeding season and therefore advises that the proposed works should not be undertaken between 1 March and 31 August, unless an Ecologist has first inspected the hedge for active nests and confirmed in writing that no birds will be harmed.

The Ecologist also notes that the works are temporary and the section of hedgerow to be removed will be reinstated once the access is no longer required.

Taking account of the above, it is concluded that the proposal accords with the above-mentioned policies and other legislation.

5. Highways

Policies ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development. Paragraph 111 of the NPPF advises that development should only be refused if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. Paragraph 110 states, inter alia, that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree. Paragraph 110 also requires 'safe and suitable' access to the site to be achieved.

The Highways Authority has been consulted and advises that it has no objection, subject to conditions to ensure that the visibility splays are provided as approved, that the access can only be used in conjunction with the development of land adjacent to the access and that the proposal shall ensure that surface water does not drain onto the public highway.

It is recommended that the above conditions are attached to any forthcoming planning permission.

It is considered that the proposal accords with NDTLP Policies ST10, DM05, DM06 and the relevant paragraphs of the NPPF.

6. Surface Water Drainage

Policy ST03 of the NDTLP seeks to minimise flood risk whilst Policy DM02 requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water.

The submitted drawings show that surface water would be drained to 450mm wide infiltration trenches located to either side of the proposed access road. In addition, a condition is recommended to ensure that surface water does not drain onto the public highway.

The submitted details are considered acceptable and the proposal is therefore in accordance with policies ST03 and DM02 of the NDTLP.

7. Other Matters

The objection received asserts that the occupier of the property known as 'Bay View' has not received notification of the application by post, which is not in accordance with planning regulations. However, notification of the application was delivered by hand by a member of Torridge District Council staff and a site notice has been displayed at the site. As such, the application has been publicised as required.

Members are advised that their consideration of the application must be restricted solely to the proposed construction access. Any effects relating to any future development of the Torridge Environment Centre cannot be considered, as this does not form part of the application under consideration. In addition, members are advised that any resolution to grant planning permission for the construction road does not prejudice the committee's position in respect of any future application relating to the Torridge Environment Centre. Any such application would need to be considered on its merits at that time.

8. Conclusion

The proposal is acceptable in principle, as discussed above. In addition, it accords with the relevant NDTLP policies, and any adverse impacts can be avoided through the use of suitably worded conditions.

One objection has been received, however for the reasons set out above it is considered that this should not preclude the granting of planning permission.

It is noted that Bideford Town Council supports the application.

Consequently, it is recommended that planning permission be granted subject to the following conditions.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to the following conditions:

1. The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

3. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the approved drawings where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

Reason: To ensure the safety of all road users in the area.

4. The access hereby approved onto Gammaton Road shall be only used for construction activities associated with land immediately adjacent to the application site.

Reason: To prohibit use of the access by all traffic and as a general access to the site and beyond.

5. Once constructed the access shall be permanently closed with gates that only open inwards and shall not be used unless and until land adjacent to the application site gains relevant planning permission for uses that require construction access.

Reason: To allow the access to be built but not used.

6. The access shall be constructed such that no surface water drains on to the highway.

Reason: In the interest of highway safety and avoid damage to the highway.

7. Once the access hereby approved is no longer required, it shall be stopped up with a native hedgerow in the first planting season following the cessation of its use and retained as such thereafter.

Reason: In the interest of the character and appearance of the area.

8. Construction works (including deliveries of construction materials) shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

9. The development hereby permitted shall be carried out in accordance with the recommendations set out at Section 6 of the Hedgerow Survey prepared by Orbis Ecology dated 8 September 2022.

Reason: To safeguard the biodiversity value of the site.

Plans Schedule

Reference	Received
200664 1020 P03	18.08.2022
200664 1350 P04	18.08.2022
200664 1351 P04	18.08.2022
200664 1450 P03	18.08.2022
200664-1350 P05	08.09.2022

Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner. In this instance there was no need for further engagement as the development as submitted is considered to accord with the development plan. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

APPEAL DECISIONS SUMMARY
Committee 4th November 2022

Appeal decisions for the period 22.09.2022 – 20.10.2022

Application No.	Address/Proposal	Appeal Decision	Officer Recommendation	Committee/ Delegated	Costs
1/0926/2020/OUTM	<p>Land North Of Abbotsham Road Abbotsham Bideford Devon EX39 3QP</p> <p>Outline planning application for the erection of up to 290 dwellings, including affordable housing with public open space, landscaping and sustainable drainage system (SuDS) and two vehicular access points from Abbotsham Road. All matters reserved except access</p>	Allowed	Allow	Committee	N/A



Appeal Decision

On-line Inquiry Opened – 27 September 2022

Accompanied site visit made on 29 September 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th October 2022

Appeal Ref: APP/W1145/W/22/3295530

Land North of Abbotsham Road, Bideford EX39 3QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs J Turner and Gladman Developments Ltd against the decision of Torrington District Council.
 - The application Ref 1/0926/2020/OUTM, dated 12 October 2020, was refused by notice dated 9 February 2022.
 - The development proposed is an outline planning application for the erection of up to 290 dwellings, including affordable housing with public open space, landscaping and sustainable drainage system (SuDS) and two vehicular access points from Abbotsham Road. All matters reserved except for means of access.
-

Decision

1. The appeal is allowed and planning permission is granted for up to 290 dwellings, including affordable housing with public open space, landscaping and sustainable drainage system (SuDS) and two vehicular access points from Abbotsham Road. All matters reserved except for means of access. At land north of Abbotsham Road, Bideford EX39 3QP in accordance with the terms of the application, Ref 1/0926/2020/OUTM, dated 9 February 2022, and subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The proposal was submitted in outline with all matters reserved except for the means of access. The application was accompanied by a Design and Access Statement, an illustrative Development Framework Plan and numerous technical documents.
3. Notwithstanding the proximity of the site to sensitive statutory and non-statutory designations, its location within the zone of influence of the Taw-Torrington Estuary Site of Special Scientific Interest (SSSI) and the presence of protected species and associated habitats on the site, the proposed development has been screened out as not being of a scale and nature likely to result in a significant environmental impact. As such an Environmental Impact Assessment has not been required.
4. The Local Planning Authority's (LPA) decision contains a single reason for refusal which can be disaggregated into three component elements: (i) sustainable location; (ii) landscape; and (iii) ecology. On submission of the LPA's Statement of Case it confirmed that it no longer wished to pursue the sustainable location aspect. That said, this issue, allied to local infrastructure

capacity, remains a matter of concern to local residents and community representatives and I address it in the decision below, including consideration of the proposed planning obligations.

5. In response to the LPAs Statement of Case, which clarified their principal concerns, the appellant produced a Revised Development Framework Plan (the RDFP). Again, this is an illustrative plan, accompanying an outline proposal. The description and red line of the appeal proposal have not been amended. The effect of the RDFP was to illustrate an option for the appeal site to come forward excluding development in the north-west of the site. To some extent the LPA could have secured similar as part of reserved matters when considering the details of layout and scale, bearing in mind the description of the development was “up to 290 dwellings” (my emphasis). On this basis, the RDFP was consulted on between 14 July and 12 August 2022. I have taken into account the comments received. Furthermore, as the RDFP signals a reduced scale of development I consider no one would be prejudiced by my taking the RDFP into consideration¹ as an illustration of how the appeal site could be developed.
6. Following the submission of the appellant’s RDFP the LPA further considered its position. Subject to the appellant’s evidence to this Inquiry being confined to a scheme controlled at a maximum of 215 dwellings (based on the RDFP) and the north-west of the site being subject to a condition that it remains in agricultural use² the LPA entered into a Statement of Common Ground signed and dated 19 August 2022. The statement confirmed that, on this basis, both main parties considered the appeal ought to be allowed³. Consequently, other than in response to my request that the LPA clarify its position regarding strand (iii) of its reason for refusal (ecology) and in support of the submitted planning obligations, the LPA produced no further evidence to the Inquiry. Notwithstanding, the LPAs position and the consultation on the RDFP, there is continued and considerable objection to the appeal proposal from local residents and others as evidenced in the written responses to both the planning application and the appeal, together with appearances at the Inquiry.
7. A Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and dated 27 September 2022 has been submitted [ID4]. The UU includes obligations concerning, amongst other things, affordable housing, public open space provision and maintenance, education, highways and health. I return to the matter of the planning obligations in more detail later in this decision.

Main Issues

8. The main issues in this appeal are as follows:
 - (i) The effect on the character and appearance of the surrounding area;
 - (ii) The effect on the biodiversity value of the site, including Badgershill Wood; and

¹ Having regard to the judgement in *Bernard Wheatcroft Ltd v SSE* [1982] 43 P&CR 233

² Based on the Retained Agricultural Use Plan [ref 2020-013 501 Rev A]

³ Paragraphs 1.2.3 and 2.4.4 of Statement of Common Ground, 19 August 2022

- (iii) Whether material considerations, including the housing land supply position, indicate a decision otherwise in accordance with the development plan.

Reasons

Development Plan policy

9. The development plan for the purposes of this appeal comprises the North Devon and Torrridge Local Plan 2018 (the NDTLP). This is the starting point for decision-making within the primacy of Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NDTLP is a relatively recent document having been examined and found sound against the requirements of the National Planning Policy Framework (NPPF) and local circumstances. Accordingly, as a starting point, and being a plan less than five years old, the NDTLP has considerable force and weight for decision-making⁴.
10. Policy ST01 of the NDTLP sets out the principles of sustainable development in North Devon. This includes reaffirming the positive approach to be taken in decision-making as set out in the NPPF and reiterating the presumption in favour of sustainable development for decision-making in a way which is generally consistent with parts c) and d) of paragraph 11 of the NPPF.
11. Policy ST06 of the NDTLP set out the spatial strategy, identifying Bideford as a 'strategic centre' which will provide a focus for housing and employment development over the plan period. Bideford is the highest order settlement in Torrridge due to its size and sustainability credentials. Policy ST08 identifies the housing requirement for North Devon as being at least 17,220 dwellings over the plan period, of which 4,127 homes are assigned to Bideford. It is important to recognise that the housing requirement in Policy ST08 is expressed as a minimum. Policy BID of the NDTLP sets out the town strategy and spatial vision for Bideford including, amongst other things, enabling significant growth to strengthen Bideford's role as a strategic centre, within the context of having due regard to the importance of the setting and landscape quality of the area. Consequently, sizeable greenfield land releases at the edge of the town are allocated in the NDTLP (accounting for approximately two-thirds of the 4,127 homes). The largest of these is the Bideford West Urban Extension (Winsford Park), directly adjacent to the south of the appeal site on Abbotsham Road.
12. The appeal site is located in open countryside adjacent to but beyond the settlement boundary of Bideford. Accordingly, for the purposes of the development plan, the appeal site is 'countryside' where part 4 of Policy ST07 of the NDTLP limits development to those uses requiring a countryside location.
13. Policy ST14 of the NDTLP seeks to protect and enhance the character and intrinsic beauty of what is a predominantly rural area, including the local landscape character. The appeal site is not covered by any statutory or local landscape value designation. Nonetheless, Policy DM08a of the NDTLP requires all development proposals to respond to the landscape character including undesignated landscapes by taking account of and respecting the sensitivity and capacity of the landscape asset.

⁴ See NPPF paragraph 12

14. Policies ST14 and DM08 of the NDTLP seek to conserve and enhance the biodiversity of North Devon. Whilst there are no statutory biodiversity designations on or directly adjacent to the site, Badgershill Wood is a locally identified Site of Nature Conservation Importance. Policy DM08 stipulates that any development likely to adversely affect local sites will only be permitted where there the need for and benefits of the development clearly outweigh the loss, and the coherence of the local ecological network is maintained.
15. The NDTLP at Policy ST21 sets out a strategic policy for managing housing delivery including corrective measures should any material under-delivery against the plan's annual housing requirement arise. This includes positively considering additional sources of housing supply, including sites outside of defined settlement limits subject to criteria. Policy ST21 also refers to implementing a plan review where there is a sustained situation of no five-year supply of deliverable housing land. On the evidence before me, a plan review has only recently been initiated, with adoption envisaged at the end of 2025⁵.

Issue 1 - Character and Appearance

Landscape Impact

16. The appeal site is situated at the western edge of the town of Bideford. It predominantly comprises rolling pastoral farmland, rising steeply, on the southern side of the Kenwith Valley. In the lower half of the site the hillside is indented by a combe through which a watercourse flows north towards the valley floor. The combe is wooded including its steeply sided slopes, with established broadleaved tree cover extending into immediately adjoining rising land, notably to the west. This is Badgershill Wood, which occupies a central position within the site. The appeal site is strongly bounded by well-established hedgerows and hedgebanks, together with a thicker band of tree and scrub planting along the A39 at the western boundary of the site.
17. The most fine-grained analysis of landscape character is contained within the Joint Landscape Character Assessment (LCA) for North Devon and Torridge 2010. The host landscape character type unit at the appeal location is Type 5b – Coastal Undulating Farmland - which forms part of the broader national landscape character area 149 (The Culm), an area which covers much of the gently hilly ridges and plateaus of Devon between Dartmoor and Exmoor. The appeal site exhibits a number of the key characteristics and special qualities of the host landscape including the strongly rolling landform, bands of broadleaved woodland, fields bound by Devon hedgebanks and predominantly pastoral land use. Badgershill Wood is a particularly positive landscape feature of the appeal site. The adjoining pastoral fields on the appeal site provide a pleasant context within which the woodland is experienced.
18. In terms of other special qualities of the host landscape, I observed that there are no open, uninterrupted views towards the sea or estuary of the Torridge, both across or from within the appeal site. Due to the proximity of the urban edge of Bideford and the adjoining A39 there is negligible tranquillity at the appeal site. Moreover, the qualities of the host landscape at the appeal site, special and otherwise, are somewhat diminished by the following three factors.

⁵ Table 2, Mr Carvel's Proof of Evidence.

19. Firstly, the A39 is a dominant feature at the site. This is not only in terms of noise but additionally, the road crosses the Kenwith Valley at height across a concrete viaduct structure immediately to the north-west of the appeal site. This feature starkly interrupts the valley. The viaduct and structural planting along the A39 also serve to disconnect the appeal site from the markedly more rural undulating coastal farmland to the west, which is more redolent of the host landscape character type. Accordingly, the A39 encloses the appeal site such that its character is more related to being at the edge of Bideford rather than representing the start of uninterrupted and unfettered countryside rolling west towards the Atlantic coast.
20. Secondly, the modern houses on the Londonderry Farm estate, on rising land, immediately to the east of the site are a visually prominent urbanising feature in the landscape at the appeal location. They are clearly visible from the A39 Kenwith viaduct, from within Osborne Lane and when approaching from the west along Abbotsham Road. These houses can also be glimpsed from long distance including various viewpoints in the appellant's Landscape and Visual Impact Assessment (LVIA). They also provide a strong urban foreground in views from the public open space on higher land near Bridge Plats Way. More widely, in various views around the appeal site, development is already a feature in the surrounding landscape. This includes the large framework structure on the higher land to the west of the appeal site at 'The Ultimate Adventure Centre'. Also notable is the prominence of new development under construction on the ridge line to the north at Northam on sites allocated in the NDTLP. Whilst this is at a moderate distance from the appeal location, it nonetheless exemplifies that the character of the undulating landscape at the western fringes of Bideford is further transitioning, and modern housing development is becoming a more conspicuous feature.
21. In this regard, and thirdly, I must also take into consideration the impact of the Winsford Park allocation immediately to the south of the appeal site, opposite on Abbotsham Road. The site is allocated in the NDTLP at Policy BID01 for, amongst other things, 1,050 homes and community infrastructure. The evidence before me is that planning permission is being sought for the site, indicating a commitment to develop the allocation. In character terms, the Winsford Park allocation is in the same landscape character type as the appeal site. Whilst it is on less steeply rising land than the appeal site it nonetheless shares many of the same landscape features and special qualities including a blend of pastoral fields, hedgebanks and woodland blocks. Notably, the Winsford Park site is on higher land. Accordingly, development would be prominent along this part of Abbotsham Road bringing the urban edge of Bideford from the recent housing at Londonderry Farm and Moreton Park further west to the A39. Consequently, the character of this edge of the Bideford would change as a consequence of what is already proposed in the NDTLP. In views across the Kenwith Valley, the Winsford Park development on its higher land would be a conspicuous backdrop to the appeal site.
22. As such the appeal site is enveloped to the south and east by existing and planned modern residential development and to the west by the main A39 road. Therefore, whilst the character of the appeal site is representative of the host landscape type and is otherwise a pleasant and verdant area of countryside, particularly Badgershill Wood, it is not a pristine area of landscape, such that the few special qualities of the host landscape at the

appeal site are compromised and reduced. Accordingly, I find that the landscape character of the appeal site is of no more than medium quality.

23. The permanent loss of characteristic pastoral farmland and the consequent change to the setting of Badgershill Wood would inevitably result in harm to a landscape of medium quality. Higher value elements in the landscape including Badgershill Wood and the hedgebanks would be retained. As set out above, the large grassland field on the steeply rising land to the north-west of the appeal site, which provides an appreciable part of the rural setting to Badgershill Wood, could also be retained, through proposed conditions, and so remain an area in a characteristic land use. Accordingly, taking all of the above into account, the harm to the landscape character at the appeal site would be no more than moderate.

Visual Impact

24. Due to the topography, vegetation and adjoining development, the appeal site is relatively well-contained in the wider landscape. There are few public points at which the degree of change to the landscape arising from the appeal proposal would be experienced. The principal ones are on Abbotsham Road, where occasional views can be gained down across the sloping site from the few gateway entrances. Clearly the proposed development would dominate the foreground in these views and interrupt the sense of the panorama over the Kenwith Valley towards Godborough and Raleigh Hills. However, the proposed housing would be seen against the visually prominent development at Londonderry Farm as well as the significant changes that will arise from the adjacent Winsford Park site. To some degree, translocating the existing roadside hedgebank and additional landscaping would lessen the visual impact of housing closest to Abbotsham Road. There is a gateway near Lower Winsford Court where there is an isolated, short and detached stretch of footway on Abbotsham Road. I accept this viewpoint could be occasionally appreciated by a small number of pedestrians confident enough to negotiate the highway conditions on Abbotsham Road. However, the limited views on Abbotsham Road are to be mainly glimpsed, very transitorily, from within a passing vehicle at either 40mph or 30mph given the general absence of footways along this part of Abbotsham Road. Overall, I ascribe no more than moderate visual harm for receptors on Abbotsham Road.
25. Views across the south-east part of the site can be achieved at Osborne Lane where there are gaps in the hedge and at the track entrance to Lower Winsford Cottage. From my observations on site, Osborne Lane appears to be a reasonably popular byway for walkers and can be accessed by connecting footway along Abbotsham Road. These views look across the rolling grassland of the site, towards the fringes of Badgershill Wood. These limited views would be lost with a resulting sense of enclosure and urbanisation. However, it is important to take into account that the rural character at this location would change with the implementation of the Winsford Park site to the south-west. Additionally, landscaping on the appeal site has the potential to soften the edge of development at this location and reinforce Osborne Lane as a green corridor. As such there would be minor visual harm for pedestrian receptors at the southern end of Osborne Lane.
26. Elsewhere on Osborne Lane, the highway is moderately cut into the steep hillside and the good quality hedgebanks along the appeal site boundary are to

be retained, together with the scope to strengthen landscaping along this edge. As such the appeal proposal would not be visually prominent. Where housing may be glimpsed this would be in the context that housing on Londonderry Farm to the east is already visually prominent within large parts of Osborne Lane. Similar would apply in Northdown Road to the north of the appeal site. Overall, there would be negligible visual impact or harm from within Osborne Lane and Northdown Road.

27. The A39 Kenwith viaduct to the north-west of the appeal site affords elevated views down across the Kenwith Valley, particularly for southbound traffic. The rising topography of Badgers Hill and the woodland of Badgershill Wood would be effective in screening the majority of the appeal proposal from this perspective. As set out elsewhere, proposed conditions to retain the north-west slope of the site as undeveloped land would ensure that development would not form a bold or proximate new urban edge to Bideford in this perspective. That said, development in the north-east of site (proposed Area B) would be visible to passing traffic heading south over the viaduct. It would be seen, however, in the context of the adjoining Londonderry Farm housing, which is highly conspicuous in views from the viaduct, occupying rising land behind the appeal site. As such, the appeal proposal would not appear as an incongruous feature in the landscape and would largely be read as a recognisable and measured consolidation of the existing urban pattern of development.
28. The loss of characteristic rolling farmland would be seen from the viaduct in respect of the north-east part of the site. There is no footway along this part of the A39, including on the viaduct. The speed of the road and volume of traffic makes it unattractive for cycling. The visual receptors affected on the viaduct are therefore those in vehicles heading south on the A39. Noting the new traffic lights at the Buckleigh Road junction, I consider it reasonable for most traffic to have reached a speed of 50mph by the time it is crossing the viaduct. The appellant has calculated that at this speed the appeal site would be visible for approximately 6 seconds, and I arrive at a similar assessment from my own observations. Accordingly, the adverse visual effect on the landscape from the loss of rolling fields would be only momentarily experienced from the viaduct and therefore of no more than a minor visual harm would arise.
29. I have visited the further afield viewpoints identified in the appellant's LVIA to the west and north of the A39 and I am satisfied that in many perspectives the appeal proposal would not be visible due to intervening landforms and vegetation. It would be seen at some distance from the north near Silford⁶ but would read in the wider landscape as a moderate consolidation of existing housing development at Bideford, most notably Londonderry Farm and in time with the Winsford Park development on the higher land above the appeal site. Accordingly, where the appeal proposal could be seen at some distance it would not appear especially conspicuous or as an isolated incursion of development into an otherwise untouched area of countryside.
30. The proposal would be visible from open space at Bridge Plats Way to the east and from existing residential properties at Londonderry Farm. In terms of the public views from the open space, the visual impact of the appeal proposal

⁶ In the vicinity of Appellant Viewpoint 21

would be minor given the dominance of existing housing in the foreground. Private views from residential properties would undoubtedly be affected but given intervening distances and the ability to strengthen landscaping along the eastern edge of the site, the visual harm would be moderate only. I have also visited the Godborough Hill reserve to the north of the appeal site. This affords uninterrupted views across the Kenwith Valley to the appeal site. It is, however, not a widely accessible site, being gated off, although I accept volunteers and organised visitors access the site. The appeal proposal would be plainly visible from Godborough Hill albeit within the context of neighbouring modern housing on Londonderry Farm and the forthcoming impact of further housing on Winsford Park above the appeal site. With this in mind and given the managed nature of the access to Godborough Hill I attribute no more than moderate visual harm from this perspective.

31. As set out above, existing established vegetation would screen the proposed development in a number of views. Additional landscaping would be required to help integrate the development in the Kenwith Valley and soften the edges of development along Abbotsham Road and Osborne Lane. The effectiveness of landscaping, principally the rate of growth in a coastal climate (salt and wind) is doubted and I was shown examples of planting on the nearby exposed Godborough Hill reserve site. To some extent the appeal site is more sheltered, including from prevailing south-westerlies by the topography and by established planting along the A39. I see little reason why the proposed landscaping cannot become similarly established over time on the appeal site. Moreover, the detail of the landscaping scheme, to be secured by condition, would be a matter for the Local Planning Authority to agree, including a mix of species suited to local conditions. On this basis I am satisfied that landscaping would be effective in minimising visual impacts in various perspectives.
32. Overall, whilst in many perspectives the appeal proposal would be read as a coherent consolidation of existing and planned for development in Bideford I nonetheless find that there would be some harmful visual impacts arising from the loss of views over characteristic rolling pastoral farmland and limited glimpsed views of the Kenwith Valley panorama. Accordingly, I find that any adverse visual impacts would be at worst of a moderate scale and localised in nature. This would reduce over time as landscaping becomes established and the development settles into its largely edge of town context.

Other related Character and Appearance matters

33. The North Devon Area of Outstanding Natural Beauty (AONB) is at its closest point approximately 800 metres to the west. Due to topography and the A39 there is no intervisibility between the appeal site and the AONB. The village of Abbotsham further separates the appeal site from the AONB. Consequently, the appeal proposal would not adversely affect the landscape and scenic beauty of the AONB or its setting.

Conclusion on Character and Appearance

34. Whilst it is not a valued landscape for the purposes of NPPF paragraph 174 a), the appeal site is nonetheless a pleasant area of countryside, representative of the host landscape type, including some of the special qualities. Whilst the appeal proposal would retain high value landscape features such as hedgerows and woodland, the irreversible loss of the characteristic pastoral fields on the valley side and the moderate degree of envelopment of Badgershill wood and

the combe valley by housing to the south and east would be harmful in landscape terms. The character of the appeal location is, however, appreciably affected by existing and planned development, including noise from the adjacent A39, which diminishes the landscape character at the appeal site to no more than medium value. There would be relatively few public perspectives in which the harm to the landscape would be experienced. The principal one would be along Abbotsham Road but this must be seen in the context of the forthcoming change at this location resulting from the major urban extension on the adjoining Winsford Park site. That reflects that sustainable growth in Bideford as part of the recent NDTLP has required incursion into comparable areas of the host landscape type and on this basis the appeal proposal would be little different and no more harmful from a landscape perspective.

35. Overall, the harm to the character and appearance of the area would be moderate. Accordingly, the proposal would be contrary to Policies ST14 and DM08a of the NDTLP which seek to protect and enhance local landscape character. These policies are consistent with the NPPF at paragraph 174.

Issue 2 - Biodiversity

36. There are no statutory biodiversity designations at the appeal site or immediately adjoining it. Badgershill Wood on the appeal site is a locally designated Site of Nature Conservation Interest being a woodland priority habitat. At the time of this appeal, Badgershill Wood is not on the ancient woodland inventory but a review is in progress⁷. An ancient woodland specialist from the Devon Biodiversity Records Centre has surveyed the wood and concluded that the woodland should be treated as provisional Ancient Woodland. Confirmation of any part of Badgershill Wood as Ancient Woodland remains to be determined. On the opposite side of the Kenwith Valley to the appeal site is Godborough Castle and Turners Wood County Wildlife Site (CWS), albeit separated by intervening land and lanes on the valley floor. Further to the east, at some distance (c. 730 metres), is the Kenwith Valley Local Nature Reserve (LNR). The site is within the zone of influence of the Taw Torridge Estuary SSSI, being approximately 1.9km to the east of the SSSI.
37. The appeal site has been comprehensively surveyed for its flora and fauna in accordance with recognised Phase 1 habitat survey methodologies. The vast majority of the site is intensively grazed improved grassland which is shown to have relatively little biodiversity value. The habitats of greatest value are Badgershill Wood and the various hedgerows in and around the site. Badger setts are recorded within the wood and the hedgerows provide corridors for both foraging badgers and recorded bats species. No development is proposed within the woodland. Other than for two vehicular access points, an internal road connection through hedges H1 and H9 and modest pedestrian/cycle connections into Northdown Road and Osborne Lane, the vast majority of hedgerows would be retained, including that proposed to be translocated along Abbotsham Road.
38. Retaining these higher value ecological habitats provides a strong basis for conserving the biodiversity value of the site including its ability to continue to provide meaningful wildlife connectivity through the site. Their retention and buffering would also provide a platform for enhancing biodiversity on the site. This could be secured by condition to inform subsequent detailed proposals.

⁷ Anticipated to conclude by April 2023

The minor loss of hedgerows would be compensated for by the significant enhancement of hedgerows around the site and significant additional comparable habitat provision including planting around Badgershill Wood.

39. In respect of Badgershill Wood, the proposed conditions to provide certainty that the north-west part of the site would be retained as undeveloped farmland would valuably enable Badgershill Wood to 'breathe', including unhindered movement for foraging and wider connectivity into the Kenwith Valley. In this way, the treatment of Badgershill Wood would be markedly different to the heavily enclosed combe woodland on the neighbouring Londonderry Farm development. Furthermore, as pointed out by Dr Mansfield in evidence, the layout at Londonderry Farm generally backs onto the wood, reducing natural surveillance and collective responsibility. Whilst layout and design are reserved matters in this case, it is already recognised in the evidence that development could be set back but orientated towards the woodland on the appeal site thus reducing potential anti-social issues and risks for the ecological welfare of the wood. Accordingly, I am satisfied that detailed matters of layout and design could appropriately form part of the approach to ensuring Badgershill Wood is protected and embraced by future residents for its value for nature on their doorsteps.
40. As set out above, work is ongoing to determine whether parts of Badgerhill Wood comprise ancient woodland, as such it is prudent to take a precautionary approach. Having Paragraph 180c) of the NPPF in mind, I note that the proposals would not result in the loss of any woodland and that more generally a 15 metres buffer to the woodland, which would provide appropriate avoidance of harm as per Natural England's standing advice⁸ can be achieved. Such a measure could be secured by condition to direct detailed layouts and design at the later reserved matters stage. This would be an effective approach.
41. In terms of whether the appeal proposal would deteriorate the quality of the prospective ancient woodland and the overall biodiversity value of Badgershill Wood by enabling public access and through the general proximity of development, matters are balanced. From my observations on site, livestock grazing, human activity and lack of management means significant parts of the wood lack valuable understorey, scrub and woodland ground flora. It is fair to describe the current condition of the woodland as moderate. Whilst the woodland provides a priority habitat and supports badger setts and potential roosts for bats, it could, with proper management, provide a more ecologically beneficial and diverse habitat. Consequently, the appellant proposes a woodland management plan, as part of a wider Landscape and Environmental Management Plan (LEMP), all of which could be secured by condition. This could include details for measures to protect areas within the wood from access and buffering of the woodland with additional planting. As such I find the appeal proposal would present an opportunity to significantly enhance the management of the wood for wider biodiversity and its potential ancient woodland interest.
42. Access within the woodland could be managed by way of clearly identified routes and providing information to future residents and visitors. Given the topography within the wood, there are obvious existing paths that are likely to

⁸ See CD4.8 Natural England Correspondence 20 November 2020

form the basis of limited informal routes in the wood, the details of which can be determined as part of subsequent detailed proposals and accompanying management plans secured by condition. Additionally, more sensitive parts of the wood could be fenced off to restrict access. This approach may not exclude all activity from the remainder of the woodland, but any residual use would be at a level that would not cause significant harm to the woodland or give rise to its deterioration.

43. Based on the survey work (2017-20)⁹, development would avoid and suitably buffer the location of main and outlier badger setts within Badgershill Wood. The proposed retention of land to the north-west of the site as open farmland together with hedgerows in and around the site would maintain connectivity with the woodland for foraging. Additional survey work could be secured by condition to ensure that prior to the commencement of construction work any changes in the location of badger setts and associated activity are identified, so as to enable effective protection measures to be put in place. In terms of public access into Badgershill Wood, unmanaged this would create potential issues of disturbance for badgers. To address this, areas within the woodland could be fenced off, a perimeter fence with badger gates erected around a suitable boundary to the woodland to further manage and limit the access points into the wood and information/signage provided. These are matters of detail that could be secured via conditions as part of the proposed environmental and woodland management plans. At this in principle stage, I am satisfied that development would avoid those parts of the site hosting badger setts and that reasonable options exist to manage access at the woodland in a way which would not harm the existing badger population.
44. Appropriate bat surveys have been undertaken and various bat species have been recorded at the appeal site with potential bat roosts identified in Badgershill Wood¹⁰. The use of hedgerows within and around the site for commuting and foraging bats is important. With the exception of the removal of very short lengths of hedging for external and internal accesses, the woodland and hedgerows are otherwise to be retained. Again, the details for the buffering of existing woodland and hedgerows around the site to protect and enhance bat routes could be secured through appropriate conditions. Similarly, the luminosity of external lighting in areas potentially sensitive for commuting and foraging bats could be reasonably dealt with by way of a condition. Overall, I am satisfied that the appeal proposal would not adversely affect bat populations at the site subject to various conditions being imposed.

Other biodiversity matters

45. Cat predation is raised as an issue. The survey work has identified few species at present on the site that would be at risk. No dormice have been recorded and the breeding bird assemblage¹¹ on the site, notwithstanding local observations of various raptors and other species, can be reasonably described as being of no more than local importance. The opportunity to diversify habitats (including gardens), improve the woodland and strengthen hedge banks across the site would result in tangible habitat gains likely to support increased numbers of generalist garden and woodland birds. Additionally,

⁹ Badger Survey Report (FPCR, September 2020)

¹⁰ Table 11 and Figure 22, Core Document 1.10 (Ecological Appraisal, FPCR, September 2020)

¹¹ Table 12, Core Document 1.10

- measures such as bird boxes within Badgershill Wood would support woodland birds further.
46. The appeal site is within the North Devon Biosphere reserve, in the transition area rather than the core area. In support of NDTLP Policy ST04 (Quality of Design), paragraph 3.29 of the plan encourages development within the transition area to accord with the objectives of the Biosphere Reserve Strategy which include, amongst other things, restoration and functioning of habitats and improve resilience to climate change. As set out above, the appeal proposal would retain valuable habitats on the site, it would provide for significant additional on-site green infrastructure, including SuDS basins that will not only manage waterflows in the context of climate change but also increase habitat diversity. The appeal site would continue to function in terms of enabling wildlife connectivity at this edge of Bideford. Overall, I find the appeal proposal would not harm the objectives of the Biosphere Reserve Strategy.
47. Reference was made to the benefits of consolidating land for nature within the Kenwith Valley, linking the LNR site to the east with the Godborough Castle CWS and ultimately to incorporate Badgershill Wood. Allied to this, objectors assert that the wider local ecology of the Kenwith Valley would be subject to a significant adverse effect. Given the intervening distances there would be no harm to the biodiversity value of the LNR or the Godborough Castle CWS. With the retention of the north-west of the site as open farmland, Badgershill Wood would continue to function as part of a coherent ecological network in the Kenwith Valley. The appeal proposal would incorporate significant areas of green infrastructure such that those parts of the site closest to the Kenwith Valley would remain open and largely for the benefit of biodiversity. With regard to the Taw Torridge Estuary SSSI, downstream of the Kenwith Valley, given the separating distance (1.9km) and the proposed use of SuDS to manage water quality impacts, I share the assessment of Natural England that there would be no adverse impact on the qualifying interests of the SSSI.
48. The NPPF at paragraph 174 (d) states that development should provide for biodiversity net gain (BNG). NDTLP Policy DM08 at part 8 states that development should enable net gains by designing in biodiversity features and enhancements. The Environment Act 2021 will set net gain as being at least 10% (likely to come into force in late 2023). The appellant has undertaken an assessment using recognised metrics¹² and updated on the basis of the RDFP. This shows a BNG in habitats of 31.19% and in hedgerow habitats of 11.75%, with sizeable benefits coming from improvement of the woodland habitats and alternative management of areas that are currently modified grassland in poor condition. The outputs are disputed with local objectors commenting that the assessment has underestimated the baseline value of the site and has not adequately factored in matters such as cat predation and dogs. Having regard to the latest BNG Briefing Note and Habitat Plan¹³, and noting that BNG is principally a measure of habitat units and their condition/value, I find the outputs to be credible at this indicative outline stage such that the final detailed scheme can achieve a net gain amply in excess of 10%. The ability to deliver biodiversity net gain in excess of the minimum 10% is a benefit to be weighed any balance.

¹² DEFRA metric v2.0 – see Dr Mansfield Proof of Evidence paragraphs 6.2 & 6.3

¹³ Core Documents 9.1 and 9.2

Conclusion on Ecology

49. Overall, the appeal proposal would minimise impacts on biodiversity, including protected species, and deliver quantifiable biodiversity net gain. The retention of the north-west of the site as undeveloped land, secured by condition, would ensure that, together with retained and augmented hedgerow buffer provision, ecological connectivity through the site would be maintained and improved. The issue of public access within Badgershill Wood is balanced in terms of the benefits and the risks to biodiversity. Subject to various comprehensive conditions concerning management¹⁴ during and after construction and the provision of necessary buffering and lighting controls, together with the detailed consideration of the layout of the proposed development, I consider the any potential adverse impacts would be appropriately mitigated. Through direct avoidance and with various conditions in place, there would be no loss or deterioration of the prospective ancient woodland. Overall, the appeal proposal would accord with Policies ST14 and DM08 of the NDTLP in terms of protecting the natural environment, avoiding an adverse impact on protected species and the locally designated Badgershill Wood site, providing overall biodiversity net gain and maintaining the coherent local ecological network at this edge of Bideford. The proposal would also accord with paragraphs 174 and 180 of the NPPF.

Issue 3 - Material considerations indicating a decision other than in accordance with the development plan.

50. At the time the LPA made its decision and during the appeal process there has been no dispute between the main parties that the LPA cannot demonstrate a requisite five-year supply of deliverable housing sites. The latest 'Five Year Housing Land Supply Position Statement' available provides the position as of 1 April 2019¹⁵. Both main parties refer to the Great Torrington appeal decision¹⁶ in Torridge which concluded in March 2020 that notwithstanding the adoption of the Local Plan in 2018, the housing land supply at that time was held to be equivalent to 4.23 years. A considerable period of time has passed since the detailed assessment of housing land supply carried out in that decision (at paragraphs 30-73) which has left some to suggest the housing land supply picture in North Devon may well have improved as NDTLP allocations come to fruition. Alternatively, the appellant surmises that the situation is likely to have deteriorated. Either way, there is no empirical alternative to the 4.23 years figure, which my colleague methodically arrived at. Consequently, based on the evidence that is before me, I too conclude that there is no demonstrable five-year supply of deliverable housing land and that the situation remains at best only 4.23 years.

51. The NPPF at paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. There is minimal evidence before me that the housing land supply is likely to be recovered any time soon. A review of the NDTLP is in its very early stages.

¹⁴ Both a Construction Management Environmental Plan and a Landscape Ecological Management Plan (including a Woodland Management Plan)

¹⁵ Core Document 7.1

¹⁶ APP/W1145/W/19/3238460 – Land at Caddywell Lane/Burwood Lane, Great Torrington (issued 18 March 2020)

52. Policy ST21 of the NDTLP provides a framework for managing the delivery of the housing requirement in North Devon based on maintaining a five-year supply of deliverable housing land. The engagement of the mechanisms contained in Policy ST21 was carefully considered as part of the Great Torrington appeal which found that recent levels of housing delivery mean parts 1 and 2 of the policy were brought into effect¹⁷. Notwithstanding the passage of time since that appeal decision, there are no submissions from the LPA that ongoing monitoring now indicates that parts 1 and 2 of the policy are no longer engaged. The activation of part 2 of the policy is critical in this appeal given that it facilitates a recovery in housing delivery by supporting additional residential development outside of defined settlement limits subject to criteria.
53. The appeal proposal would be located at the edge of Bideford, the top tier location in Torridge for sustainable housing growth as identified in NDTLP Policies ST06, ST08 and BID. The town is identified to accommodate significant growth at 4,127 homes, such that the scale of the appeal proposal would not unbalance the spatial distribution of housing identified in the NDTLP. The scale of the housing land supply deficit at the time of the Great Torrington appeal was determined to be some 1,600 units. The appeal proposal would deliver approximately 13% of the shortfall. Accordingly, criteria (a) & (c) of Policy ST21 (2) would be satisfied.
54. The appeal site is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) at parcels BID/10 and BID/11 as being developable, with an indicative combined capacity of 210 units (almost identical to what is being proposed here). To echo, the Great Torrington appeal at paragraph 72. "This is precisely the type of site that should be released if Policy ST21(2) is engaged." As a medium-sized development opportunity requiring no significant up-front infrastructure delivery to unlock the site, it is likely to be an attractive proposition to housebuilders. A significant amount of preliminary technical work has been undertaken to inform the outline proposal such that there should be no impediments to the timely submission of reserved matters and first construction within the required timeframes. The appellant submits that up to 150 homes could be completed within the five-year period. That feels potentially optimistic but even on a more cautious approach of say 100 homes, the appeal proposal would still make a meaningful contribution in addressing the deficit in housing supply in the short term. As such, I find criterion (b) of Policy ST21 (2) would be met.
55. Criterion (d) of ST21(2) references being in accordance with other NDTLP policies, in so far as they apply. Whilst I have found moderate landscape harm contrary to Policies ST14 and DM08a, in all other respects I find the proposal would accord with relevant development plan policies. In terms of the landscape harm, I have set out above, that such harm appears unavoidable for Bideford to sustainably expand, noting the location of NDTLP allocations. Moreover, paragraph 7.65 of the NDTLP sets out that when Policy ST21(2) is triggered it is expected that such sites will be developable SHLAA sites and will normally adjoin development boundaries for defined settlements. The appeal site provides a logical location for Bideford to expand having regard to criterion (d) of Policy ST21(2).

¹⁷ Paragraph 68 of 3238460

56. To conclude on this main issue, there are two key considerations. Firstly, the LPA cannot demonstrate a five-year supply of deliverable housing sites and so paragraph 11(d) of the NPPF applies. This approach is also embodied at Policy ST01 of the NDTLP. Secondly, the appeal proposal would accord with the requirements of NDTLP Policy ST21 in terms of recovering the deficit in housing land supply on unallocated but deliverable edge of settlement sites, at a proportionate scale and in the right locations.

Other Matters

Sustainable Location

57. The settlement of Bideford takes the form of an east-west lozenge of development spanning both sides of the River Torridge. The appeal site is at the western edge of the town. On this side of the river is the town centre, community hospital, schools, college and the sizeable employment and retail offer on Clovelly Road. Proposed residential allocations in the NDTLP would significantly extend and consolidate the east-west form of Bideford most notably at Winsford Park to the south and west of the appeal site. As set out in Policy BID01 of the NDTLP, the adjacent Winsford Park allocation is intended to provide local infrastructure, including a primary school, as well as connections through to the Clovelly Road. Accordingly, the appeal site is reasonably well-related to existing services and facilities in Bideford. Housing development at the appeal site would not be out-of-kilter with the planned settlement pattern for the town to 2031 which has been adjudged to be sustainable as part of the relatively recent NDTLP process.

58. In terms of modes of travel, Abbotsham Road would provide the most direct route for pedestrians and cyclists to access facilities in Bideford. For most of its length into the town centre there is a good standard of footway on both sides of the road, with street lighting, and a pedestrian crossing where Abbotsham Road meets High Street. The appeal proposal would also involve widening the short length of footway along Abbotsham Road from Osborne Lane to Lane Field Road. Whilst I accept that some of the distances involved, such as to the town centre, would be at the margins of reasonable everyday walking distances, nonetheless, the infrastructure would exist to provide a safe and convenient option for those who choose to walk to access services in the town.

59. The site is comfortably within reasonable cycling distances to facilities in Bideford. Good quality off-road cycling infrastructure has been installed along Abbotsham Road as part of the nearby Moreton Park development. The appeal proposals would readily connect to this, including upgrades along Abbotsham Road to an improved crossing point over to Moreton Park¹⁸. Elsewhere, Abbotsham Road is either 30mph or 20mph and street-lit, conditions which would be conducive to safe cycling. Whilst there is a notable undulation in Abbotsham Road close to the Harsleywood development, it is otherwise of a relatively comfortable gradient for most cyclists and no impediment to those on electric bicycles. Additionally, the proposed Kenwith Valley Cycle Route (as promoted at Policy BID08 of the NDTLP) to the north of the appeal site would provide an alternative, flatter route into the town once implemented. Separate pedestrian and cycle accesses are illustratively shown onto Osborne Lane and Northdown Road to the east and north of the site respectively. Whilst these would be matters of detail for a reserved matters stage, I saw nothing on site

¹⁸ Drawing P20034-002A

that would indicate that in principle these connections could not be achieved. The differences in levels between the appeal site and Northdown Road are modest and the network of lanes in the Kenwith valley are lightly trafficked and would provide a safe means of linking to proposed cycle path along the valley. Overall, the appeal site would be sustainably located to support a degree of modal shift to cycling.

60. Not everyone will want to, or be able to, walk or cycle the distances involved in reaching services and facilities in Bideford despite their relative proximity. Buses serve the adjacent Londonderry Farm development with bus stops only a short walk from the appeal site. A less frequent bus service connects along the Abbotsham Road and the appeal proposal could provide for a bus stop on the site frontage as part of any detailed proposals in conjunction with any provision to be made as part of the urban extension on the opposite Winsford Park site. Accordingly, there would be reasonable opportunities for residents to access bus services, consolidating the appeal site's sustainable location.
61. Allied to the issue of sustainable location is the issue of whether infrastructure in Bideford could sustainably support additional demands arising from the proposed development. The evidence, including from infrastructure providers, points to some moderate capacity issues but there are no identified 'showstoppers' and that ultimately appropriate mitigation could be secured, if required. I deal with this below under my separate consideration of the proposed planning obligations.
62. Taking all of the above into consideration and recognising that land directly adjacent to the appeal site is allocated for major residential development in the NDTLP, the appeal proposal would be sustainably located. The location would be consistent with the transport strategy in NDTLP Policy ST10, the strategy in Policy BID, and NPPF paragraph 105 in terms of managing patterns of growth.

Highways

63. Matters of access are not reserved and the appeal proposal would involve two points of highway access onto Abbotsham Road. The proposal is informed by a Transport Assessment, a Travel Plan and Stage 1 Road Safety Audit. I give significant weight to the absence of objection from the local highway authority¹⁹ subject to conditions and planning obligations being secured. There is little before me to demonstrate that the location and standard of the junctions proposed onto Abbotsham Road, the details of which could be secured by condition, would not be safe. Road traffic accidents on Abbotsham Road are relatively low and there is no particular pattern or cluster to indicate a particular highway safety issue²⁰. The necessary visibility splays, in accordance with Manual for Streets standards, can be achieved at the appeal site following the proposed translocation of the existing hedge bounding onto Abbotsham Road and the extension of the 30mph speed limit.
64. In terms of the performance and safety of the wider local road network, access to the A39 can be readily achieved via the 'Big Sheep' junction a short distance to the west of the site. I note within the appellant's Transport Assessment²¹ that any required upgrades to 'Big Sheep' junction are to be solely funded by

¹⁹ Core Document 4.16

²⁰ Page 83 of Core Document 1.8

²¹ Paragraph 6.3.3 of CD1.8

the Winsford Park development and I have not read anything to the contrary, including from Devon County Council Highways. With regards to the Abbotsham Road into Bideford, the highway is of a good width and standard. I observed the highway performance during both the AM and PM peaks, and whilst my site visit can only provide a snapshot, I nonetheless observed that traffic maintained reasonable flows. Reference has also been made to the appeal site generating "rat-running" traffic onto Northdown Road but there would be no direct vehicular access from the site. Furthermore, the character and width of Northdown Road does not make it an attractive alternative for vehicular traffic accessing the centre of Bideford compared to the directness and good standard of Abbotsham Road. Consequently, there would be no harm to highway conditions on Northdown Road.

65. The appellant has undertaken proportionate forecasting work, which also factors in likely background growth correlated to circumstances in Torridge. The appellant's transport assessment also considers the likely impact of the Winsford Park allocation. The appellant has taken observed traffic movements at the nearby Lane Field Road junction to develop locally derived trip rates generated by the appeal development. This has been checked against a standard methodology (TRICS) and shown to broadly corroborate locally based observations. Based on the higher number of 290 houses, the appellant's transport assessment shows that nearby road junctions on Abbotsham Road would continue to operate with spare capacity, including when allowance is also made for Winsford Park. Overall, I am satisfied that the residual cumulative impacts on the road network would not be severe. As such, the proposal would accord with NDTLP Policy ST10 and NPPF paragraphs 110 and 111.

Flood Risk

66. The appeal site is located with the Bideford Critical Drainage Area (CDA) as defined by the Environment Agency²². This does not preclude new development, but it does require a careful approach to considering drainage matters to ensure known issues, notably within the Kenwith Valley, are not exacerbated. Minimum drainage standards are set for the CDA so as to reduce current run-off rates, principally through the use of the Sustainable Drainage Systems (SuDS) hierarchy.
67. Most of the appeal site has a very low risk of flooding due to the rising topography. Only a narrow area along the small watercourse within the site is at risk of fluvial flooding and through the imposition of conditions development can avoid this area. Elsewhere the risk of flooding could be reduced by daylighting an existing culvert for that part of the watercourse on the site and again this could be secured by condition, as sought by the Local Lead Flood Authority (LLFA).
68. The appeal site drains towards the watercourse in the centre of the site which flows north into the adjacent Kenwith valley, an area already at risk of flooding. Extensive areas of what is currently permeable grass pasture (where run-off is currently uncontrolled) would be developed but the rate of run-off can be suitably managed through the application of SuDS to ensure that surface water run-off rates would be reduced to the 1 in 10 year event consistent with the CDA standards. Due to restricted underlying permeability the proposed solution is attenuation basins of sufficient scale to ensure a rate of discharge

²² Core Document 6.17

equivalent to 1 in 10 year discharge rate, up to and including the 1 in 100 year rainfall event (plus 40% allowance for climate change). The long-term storage capacity of the basins has been modelled to account for a 16 hour storm duration. Each development parcel is indicatively shown to have its own scaled SuDS basin and the details of these could be appropriately secured by condition. The appellant has re-run calculations based on a 215 dwelling scheme and as such I am satisfied that there would be a betterment in run-off rates compared to existing uncontrolled conditions²³. Accordingly, the appeal proposal would not increase flood risk elsewhere, including within the Kenwith Valley flood storage area. The proposed development would also reduce flood risk within the site, including in habitats such as Badgershill Wood.

69. I attach significant weight to the absence of objections from both the Environment Agency and the LLFA on the principle of the approach outlined by the appellant in their Flood Risk Assessment and subject to conditions being imposed on any permission. Overall, on the issue of flood risk, I find the proposal would accord with NDTLP Policies ST03 and BID (i) as well as paragraphs 167 and 169 of the NPPF.

Miscellaneous

70. References have been made to Policies ST04 and DM04 of the NDTLP in respect of design principles and quality. Notwithstanding the separately identified moderate landscape harm, I have little before me to demonstrate that a high-quality development that respects the key characteristics and special qualities of the site cannot be secured through the detailed reserved matters and by various conditions imposed at this outline stage, including the preparation of a design code. Accordingly, I find no conflict with these policies.
71. With regards to the impact on best and most versatile (BMV) agricultural land, the appellant has undertaken a detailed analysis²⁴ as part of the appeal process. Applying the NPPF definition of BMV this shows that some 30% of the site is grade 3a land, with the remainder being grade 3b and 4 or woodland. Approximately a quarter of the identified Grade 3a land would be in the area that could be subject to a condition to be retained in agricultural use. Accordingly, the appeal proposal would result in a very small loss of BMV at the lower end of the index. Having regard to NPPF paragraph 174(b) and NDTLP Policy ST14 (d) this would be a very minor harm to be weighed in any balance.
72. I have been referred to a separate 2015 appeal decision which dismissed a nearby scheme for 3 houses in the Kenwith Valley²⁵. I have few details about the circumstances for that appeal, which predates the adoption of the NDTLP. I also note my colleague in that decision found significant harm to the character and appearance of that part of Bideford primarily because the scheme would not physically and visually appear part of the urban area. Accordingly, my colleague in applying the tilted balance arrived at a conclusion that the significant environmental harm outweighed the modest benefits arising from only 3 additional houses. I have assessed the appeal proposal before me on its own merits, including the materially different circumstances of only moderate harm to character and appearance (noting the changing context with the adjacent planned Bideford West Urban Extensions site) together with the

²³ Table 2, Core Document 9.11

²⁴ Agricultural Quality of Land North of Abbotsham Road, Bideford, Land Research Associates August 2022 [CD9.5]

²⁵ APP/W1145/W/15/3121618

significant benefit of over 200 additional homes at a time of housing under-delivery. Accordingly, I give very little weight to the 2015 appeal decision.

Planning Obligations

73. The appellant has submitted a Unilateral Undertaking (UU) containing covenants to both Torridge District Council and Devon County Council which would provide for various planning obligations proposed to mitigate the impact of development and to make provision for affordable housing. The UU is submitted in the form of a deed, binding those with an existing and future interest in the land. The UU allows me to discount any obligation that does not the three statutory tests at Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), which are also set out at NPPF paragraph 57.
74. In general terms, Policy ST23 of the NTDLP sets out that 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 the development. The policy further identifies that whilst the starting point is on-site provision, off-site provision will be secured via planning obligations (there is not a CIL in North Devon). The policy also stipulates that development which increases the demand for off-site services and infrastructure will only be allowed where sufficient capacity exists or which extra capacity can be provided, including through developer contributions. Given the appeal proposal is in outline and the precise housing numbers and mix would be addressed at Reserved Matters, various planning obligations are necessarily expressed as a formulaic per dwelling requirement.
75. The submitted obligations would provide for the delivery of 23% of the total dwellings to be affordable housing on a tenure split of 75% affordable rent and 25% intermediate housing. The obligation provides for an affordable housing scheme to be submitted to and approved by the LPA and appropriate trigger points for the delivery of the housing in accordance with part 8 of Policy ST18 of the NDTLP. The obligation contains a reasonable mechanism to transfer the affordable dwellings to a Registered Provider. In terms of the occupation of the dwellings, Torridge District Council operates a Choice Based Lettings system, which would ensure those with the greatest housing need would be prioritised. The obligation contains an appropriate backstop in the form of a reasonable timeframe to transfer the dwellings.
76. The requirement in the NDTLP at Policy ST18 is for 30% affordable housing on residential development proposals of 11 or more dwellings. Part 5 of the policy states that negotiation to vary the scale and nature of affordable housing provision, along with the balance of other infrastructure and planning requirements, will be considered on the basis of a robust appraisal of development viability. Concern has been expressed that following the illustrative RDFP and the appellant's proposal to limit the development at no more than the 215 dwellings, the viability of the appeal proposal, and in particular the provision of affordable housing is uncertain. The LPA has engaged the District Valuer who advises that, on the basis of a 215 dwellings scheme, a 23% on-site provision would be viable in the context of other infrastructure and planning requirements. On this basis, I find the affordable housing obligation would meet the requirements of NTDLP Policy ST18, the

Affordable Housing Supplementary Planning Document 2022 and the relevant tests and so I have taken it into account.

77. With regards to open space provision, Policy DM10 of the NTDLP requires development to provide new accessible green infrastructure, including public open space and built facilities. The policy cross-references Table 13.1 in the NDTLP which summarises the sought standard and quantum of provision based on population. The obligation commits the owner of the site to submit an Open Space Scheme and Management Plan for approval by the LPA at the time of the first Reserved Matters application. Additionally, the obligation requires details of the Private Management Company who will manage and maintain the open space to be submitted to and approved by the LPA. Consequently, the planning obligation would commit the purchasers of each dwelling to pay a fair and reasonable proportion of the costs incurred by the management company in delivering the approved open space scheme and management plan. Illustratively, at this outline stage, the appeal scheme is potentially capable of delivering a standard and quantum of green infrastructure, including public open space, that compares very favourably to that sought by Policy DM10. On this basis I find the proposed open space transfer and works obligation is necessary and would meet the relevant tests.
78. The UU also contains provision for a 'Built Recreation contribution' defined by precise sums on a per dwelling basis to contribute proportionally towards a new community hall on the adjoining Winsford Park site, swimming pool provision at the Torridge Leisure Centre in Northam and 3G artificial playing pitch provision in Bideford. There is little in the LPAs Committee Report or CIL Compliance statement to explain how these contributions would meet the necessary tests other than a general assertion around increased usage and pressure. There are few details regarding the Winsford Park facility and whilst I was verbally advised at the Inquiry of a shortfall in the funding for the community hall there are no evidence before me to corroborate this, the extent of any shortfall and how the sum sought would be fairly and reasonably related in scale and kind. Similarly, I have very little information on the existing capacity of the Torridge Leisure Centre pool, including any deficiency, together with any information on the ability or plans to expand and improve this facility. References at the Inquiry to a "built facilities calculator" and to the Infrastructure Delivery Plan do not assist when those documents, or relevant extracts, have not been provided. The same applies in respect of the sought sum towards 3G artificial pitch provision. Consequently, I find the proposed built recreation contributions would not meet the necessary tests and so I have not taken them in to account.
79. The UU contains a provision to make a per dwelling contribution to healthcare in the form of per dwelling contribution to mitigate impact on the Northam Surgery, within whose catchment the appeal site is located. The NHS Devon Clinical Commissioning Group (CCG) advises that the surgery has insufficient capacity to accommodate demand from the appeal site and is already oversubscribed on its patient list totals by 120%. A modest extension to the Northam surgery site is proposed, to which I was advised at the Inquiry that planning permission has now been granted. The CCG has set out a formula which shows that the contribution towards capital costs of extending the surgery would be fairly and reasonably related in scale and kind. Overall, I find the contribution would meet the necessary tests and so I have taken it into account.

80. In terms of the obligations to Devon County Council (DCC), there are various in relation to transport. The first relates to a contribution towards the Kenwith Valley Cycle Route (KVCR). This proposed route is identified in the NDTLP, with Policy BID08 in support of its delivery. To this end DCC has undertaken a design phase and identified the overall capital cost of the scheme at c.£2million. This is to be regarded as a minimum cost given recent increases in construction costs. Approximately a third of this capital cost has been secured via other developer contributions leaving a significant funding shortfall. In terms of its necessity, the proposed KVCR is a very short distance to the north of the appeal site, connected by quiet country lanes. The cycle route would provide a safe, generally flat route into Bideford along the valley floor as well as a leisure route to the coast. It would be an attractive alternative to using the car, consistent with NPPF paragraphs 104 c) and 105. The DCC methodology applies a pro-rata contribution based on a proportion of overall housing growth in Bideford and Northam. Accordingly, the proposed contribution would be fairly and reasonably related in scale and kind to the appeal proposal. The proposed KVCR contribution would meet the necessary tests.
81. Vehicular traffic from the appeal proposal will assign to the adjacent A39 North Devon Link Road (NDLR) in order to access facilities in Bideford, Northam and further afield in Barnstaple as shown in the appellant's Transport Assessment. Various junctions along the NDLR require improvement to upgrade capacity and enhance safety including at Bideford. Strategically this is consistent with Policy ST23 of the NDTLP and also Policy ST10 which seeks to maintain the operational effectiveness of the A39 as a strategic road. The Buckleigh Road junction (B3236) has recently been upgraded and so the UU proposes a per dwelling contribution towards the upgrading of the A39/A386 Heywood roundabout, a project specifically identified at part h) of Policy BID in the NDTLP in terms of supporting sustainable growth in Bideford. The proposed project would involve increasing capacity on the approaches to the roundabout and installing toucan crossings, for which indicative plans have been prepared. I was advised at the Inquiry that the cost of the Heywood roundabout improvement would be c.£3.7million and as per the approach to KVCR, DCC has taken an approach of a pro-rata contribution based on a proportion of overall housing growth in Bideford and Northam. As a large-scale windfall site, the appeal site was not factored into previous apportionment of costs of the planned growth in the NDTLP. Any minor concerns I have about this are in large part offset by the valid submission made by DCC that infrastructure projects are suffering from upward cost pressures and as such any additionality of contributions from the appeal site would help ensure delivery of the Heywood scheme. At £1,345 per dwelling, the appeal scheme would contribute less than 10% towards the overall cost of the project, which I find to be fairly and reasonably related in scale and kind, when taken in the round with other major growth proposals in Bideford and Northam. I therefore find the obligation would meet the tests and so I have taken it into account.
82. The final transport related obligation concerns the cost of implementing Traffic Regulation Orders (TRO) to extend the 30mph speed limit west along Abbotsham Road and to close-off the majority of Osborne Lane to vehicular traffic. Extending the 30mph speed limit is necessary to secure safe vehicular access into the site and improving safety more generally for all highway users on that part of Abbotsham Road fronting along the appeal site. I was advised

that it is an objective of DCC to close Osborne Lane to vehicular traffic from the trackway to Lower Winsford Cottage down to Northdown Road. Osborne Lane is a very narrow highway with banks on either side, as such it is generally unappealing for vehicular traffic. I am not persuaded that its closure would adversely affect traffic movements from the appeal development, which would use the more direct Abbotsham Road. Additionally, closure of most of Osborne Lane would allow it to serve as an attractive pedestrian and cycle route connecting eastern parts of the site more directly to Abbotsham Road thus promoting walking and cycling as part of a genuine choice of transport modes for future occupiers of the appeal development. This would be consistent and paragraphs 104 and 105 of the NPPF. The sum sought for the TRO is very modest. Overall, I therefore find the TRO obligation is necessary.

83. Turning to education, contributions are sought in respect of primary education (places and land), Special Educational Needs (SEN) and early years provision. In respect of primary education DCC advise that whilst there is some current headroom to accommodate additional pupils, existing permissions and allocations will significantly exceed the capacity of Bideford primary schools by some 80%. Major windfall developments, such as the appeal proposal, will add to this situation. The NDTLP plans for new primary school provision in the town, including a potential 420 place school on the adjacent Winsford Park site. As such a proportional contribution from qualifying dwellings²⁶ in the appeal proposal towards expanding primary education provision in terms of both places and additional land acquisition costs in the town is necessary and the sum sought fairly and reasonably related in scale and kind. I have therefore taken the primary education contributions into account.
84. Turning to SEN provision, the approach of DCC is to request a contribution on all proposals over 150 dwellings, as a quantifiable scale of development likely to generate whole pupil numbers who will require a specialist place. The DCC document on developer contributions linked in the Council's CIL Compliance Statement states that as of December 2021 there is no spare SEN capacity in Devon. As such a contribution would be necessary. Whilst the cost of individual SEN places is significant, the appeal proposal would generate a relatively small demand and as such a modest cost per qualifying dwelling. Overall, I find the contribution would be fairly and reasonably related in scale and kind. I have therefore taken the contribution into account.
85. With regards to early years provision (2-4 year olds) there is little before me, in contrast to primary education or SEN that there is a particular capacity issue (or hotspot) in Bideford such that a contribution towards providing additional statutory early places would be necessary. I note the example that the new primary school at Winsford Park could accommodate early years provision but that does not distinguish between what capacity may already exist as opposed to what may be required to serve the substantial Bideford West Urban Extension. As such I do not find the early years contribution to meet the required tests.
86. Finally, an obligation is proposed towards enhanced library provision in Bideford. Existing provision in the town falls well short of DCCs space standard for modern library facilities. A £1.25m project has been identified to provide a relocated library facility which would be addressing an existing deficiency and

²⁶ 2 bedrooms or more, as per DCC 'Education Approach for Developer Contributions' (December 2021)

providing capacity to meet the growth of the town as set out in NDTLP. The approach of DCC is take account of both existing and planned dwellings in Bideford and planned growth (some 12,000 dwellings) and divide the cost equally on a pro-rata basis at approximately £105 per dwelling. The obligation would be therefore fairly and reasonably related in scale and kind. On this basis the obligation would meet the tests and so I have taken it into account.

87. With the exception of the built recreation contribution and the early years education contribution I am satisfied that all of the above planning obligations accord with the three tests in CIL Regulation 122. Therefore, I can take these qualifying obligations into account. On this basis the appeal proposal would make adequate provision for affordable housing and other infrastructure requirements. As such, the proposed development would accord with NDTLP Policies ST10, ST18, ST23, BID and DM10.

Balance and Conclusion

88. The Planning and Compulsory Purchase Act 2004 at Section 38(6) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
89. The absence of a demonstrable 5 year supply of deliverable housing land also means NPPF paragraph 11(d) is applicable. The development plan policies which are most important for determining the application comprise NDTLP Policies ST01, ST06, ST07, ST14, ST21, BID, DM04, DM08 and DM08a. Given the housing land supply situation in North Devon, I find Policies ST06 and ST07 to be out of date. In practice this is already accounted for by the fact that part 2 of Policy ST21 provides a development plan mechanism to override these policies. That said, criterion (d) of part 2 of Policy ST21 requires proposals in all other respects to be in accordance with other Local Plan policies, in so far as they apply. As such, and notwithstanding Policy ST21, it is imperative in this appeal to consider whether the tilted balance at NPPF paragraph 11 d) applies, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
90. With regards to the benefits of the proposed development, there is little before me in terms of how long the shortfall in housing land supply is likely to persist. The preparation of a new Local Plan, anticipated at part 3 of NDTLP Policy ST21 is only in its nascent stages and unlikely to be adopted until the end of 2025. In my view it is unlikely that a new Local Plan will be adopted before meaningful completions are capable of having occurred on the appeal site. On this basis the delivery of up to 215 dwellings towards meeting the identified housing need in North Devon would be a very significant social benefit. Furthermore, the benefit of providing 23% of the units as affordable homes given the identified annual need to deliver 345 such homes within the context of the housing delivery shortfall across all tenures in a Borough would be substantial. In addition, the homes would be built to latest construction standards including energy efficiency and this is an additional moderate environmental benefit to be taken into account.
91. Economic benefits in terms of jobs and investment at the construction and occupation stages can be afforded moderate weight. The housing would be within cycling and walking distance of a range of services and facilities in Bideford, including those provided on the adjacent allocated Bideford West

Urban Extension (Winsford Park) development. Accordingly, there would be notable environmental and social benefits by delivering housing at a highly sustainable location. The scheme would also make a fair and proportional contribution to infrastructure provision around the town including the KVCR, the Heywood roundabout upgrade and enhanced library provision. Whilst the planning obligations are necessary to make the development acceptable in planning terms in accordance with Policy ST23 they nonetheless will bring wider benefits to Bideford and Northam residents. As such I attach a moderate weight to these wider social and environmental benefits.

92. There would be a biodiversity net gain of around 31% for habitats and 12% for hedgerows. This would be notably above the target of 10%. The proposal would provide a significant quantum of green infrastructure including areas with public accessibility as well as the scope to improve the management of existing habitats as part of agreed management plans and ongoing maintenance arrangements. Therefore, the environmental benefits for biodiversity and green infrastructure should be afforded significant weight. The proposal would also improve hydrological conditions reducing current rates of uncontrolled run-off and reducing flood risk elsewhere and I give this environmental benefit moderate weight.
93. Turning to the adverse impacts. Other than failing to secure a deliverable housing land supply, Policies ST06 and ST07 are generally consistent with the NPPF in terms of delivering a pattern of sustainable development in North Devon. As a starting point, the policies and the conflict with them should be afforded moderate weight despite their out-of-datedness. Moreover, the degree of conflict with Policies ST06 and ST07 by virtue of being beyond the settlement boundary, and weight to be given to them, is significantly lessened by the positive support for such proposals in Policy ST21 (2) of the same Plan in light of the housing land supply circumstances. As such the conflict with Policies ST06 and ST07 would be only a minor harm in this case in terms of the loss of valuable certainty from a plan-led system.
94. The development would have an adverse effect on the character and appearance of the area in relation to landscape, which would be contrary to NDTLP Policies ST14 and DM08a. The degree of harm would be no more than moderate and localised. The policies are, however, consistent with NPPF and so conflict with them carries appreciable weight notwithstanding the housing land situation. Also as set out above, I also find a very minor harm that would arise from the loss of a very small area of best and most versatile agricultural land (grade 3a).
95. Bringing this all together, I have found non-compliance with some of the most important policies in the NDTLP in the determination of this appeal, namely Policies ST06, ST07, ST14 and DM08a. As such, I find the proposal would not accord with the development plan as a whole, even though I have reduced the weight that I have given these policies due to the lack of five year deliverable supply of housing land and the provisions of Policy ST21(2).
96. Turning to part (i) of paragraph 11(d) of the NPPF there are no areas or assets of particular importance that provide a clear reason for refusing the development (by reference to footnote 7). In respect of part (ii) of paragraph 11(d) when the above considerations are taken together, and weighed in the balance, I find that the adverse impacts would not significantly and

demonstrably outweigh the benefits that I have identified. The development would be in an otherwise suitable location to boost housing supply in North Devon in accordance with NDTLP Policy ST21 (2) and when considered against the policies of the NPPF when taken as a whole. As such the presumption in favour of sustainable development as per NPPF paragraph 11(d) and at NDTLP Policy ST01 would apply. This is a material consideration in favour of the proposed development that indicates that the decision should be taken otherwise than in accordance with the development plan.

Conditions

97. A list of conditions was provided in advance of the inquiry which was presented as agreed between the two main parties in the event of planning permission being granted. I have considered the suggested conditions having regard to Planning Practice Guidance on the use of conditions and paragraphs 55 and 56 of the NPPF. Given the outline nature of the proposal, a notable number of pre-commencement conditions are proposed. As further clarified by Mr Carvel at the Inquiry, I am satisfied that the appellant has provided their agreement to the pre-commencement conditions in the terms sought by Section 100ZA(5) & (6) of the Town & Country Planning Act 1990 (as amended).
98. In addition to the standard time limit conditions (1 & 3) for the submission of reserved matters and commencement of the development, a condition (2) defining the remaining reserved matters to be approved and a condition (4) requiring the development is carried out in accordance with the approved plans are both needed in the interests of proper planning and for the avoidance of doubt. Further conditions (5 & 6) controlling the quantum of housing development and retaining land in the north-west of the site for agricultural use are both necessary for the avoidance of doubt and to ensure that environmental impacts on the landscape are reduced to an acceptable level and the biodiversity value of the site, including connectivity to the Kenwith Valley, is not harmed.
99. A condition (7) requiring a phasing plan and associated details is necessarily a pre-commencement condition in the interests of proper planning and to ensure the site, which contains distinct internal compartments of land, comes forward in a comprehensive and co-ordinated manner. Given the topography of the site a condition (33) requiring plans as part of the reserved matters to show finished floor levels of the proposed dwellings and other construction levels across the site, is necessarily a pre-commencement condition and required to ensure the proper planning of the site, to protect the character of the area and in the interests of residential amenity.
100. To ensure appropriate implementation of the approved landscaping details, a further condition (8) is necessary requiring that landscaping takes place at an appropriate part of the year and that there is an appropriate mechanism to replace tree or plant specimens where necessary within a prescribed timeframe. In terms of achieving well-designed places a condition (9) requiring a design code is necessary and would accord with the objectives of NDTLP Policies ST04 and DM04 and NPPF paragraph 129 to create high quality, beautiful and sustainable places. As submitted the condition contains 18 details expected to be covered by the Code. A number of these details replicate, albeit in a design context, various technical matters that are addressed through separate conditions. To be effective and to not unduly delay

or complicate the discharge of the condition, the required design code should be a relatively simple, concise document geared principally to securing greater design quality, character and sense of place. Accordingly, I have streamlined the list of details to be covered by the design code, in large part to avoid duplication, and ensure that the Code focuses on, amongst other things, architectural and design principles, materials and finishes, street hierarchy, design and character, movement within the site, key spaces and open space and boundary treatments. To ensure good design is embedded at the outset, condition (9) is necessarily a pre-commencement condition. To further secure good design and a satisfactory appearance, a separate condition (10) requiring samples of materials and finishes is necessary. So as not to delay construction, this condition is triggered once development has reach slab level.

101. Given the appeal site is close to existing and prospective residential areas, the presence of individual residential properties at the appeal site and the local highway network, the submission and approval of a Construction Environmental Management Plan (CEMP Highways) prior to any construction work is necessary in order to maintain residential amenity and public safety. Condition (11) would reasonably secure this. I also impose a separate condition (13) in the interests of the living conditions of residents living adjacent to the appeal site that construction only takes place within reasonable working hours. The proposed condition suggests a 07:00 to 19:00 period for construction works for Mondays to Fridays. That is too long and so I reduce the period on these days to 18:00 hours to give local residents reasonable respite from noise and disruption towards the end of the day. Additionally, in the interests of public health and environmental safeguarding, a precautionary condition (12) is necessary requiring a risk assessment and remediation scheme to be submitted and approved were construction work to identify an unanticipated contamination issue.
102. A condition (14) requiring a comprehensive waste audit statement is necessary so that as major development, the appeal proposal deals appropriately with the reuse and recovery of construction waste in accordance with Policy W4 of the Devon Waste Plan and the Devon Waste Management & Infrastructure Supplementary Planning Document. For effectiveness this is necessarily a pre-commencement condition. Whilst the appellant has undertaken an initial Archaeological and Heritage Assessment, including geophysical survey work in 2017, a condition (21) requiring a programme of archaeological work is necessary to ensure a comprehensive record is made of any evidence found on the site. This is justifiably a pre-commencement condition in order that the permission accords with Policy DM07 of the NDTLP and with paragraph 205 of the NPPF.
103. To ensure highway safety, conditions (15 -17) are all necessary to ensure that appropriate access is implemented before construction work takes place at the site. Furthermore, prior to the commencement of construction a condition (18) requiring submission of internal highway details is necessary for highway safety and ensuring quality of place. Associated conditions (19 & 20) are both necessary to ensure that the approved details are implemented prior to the phased occupation of the dwellings and that the internal highway layout is maintained free of obstruction. Again, these conditions are necessary for the highway safety of all users. In terms of ensuring safe and sustainable access to the site condition (34) is necessary to ensure that off-site enhancements are implemented prior to first occupation. A further condition (35) on requiring the

implementation of specific highway works within any agreed phase prior to first occupation is necessary to ensure highway safety and quality of place.

104. Small parts of the site are at risk of fluvial flooding. Accordingly, conditions (22 & 23) are both necessary to ensure development does not encroach into this area and that an appropriate easement for future maintenance is secured. Both conditions are necessarily pre-commencement to ensure that the function and capacity of the watercourse on the site is maintained so as not to increase flood risk on the site and elsewhere. Further conditions (24-26) regarding the details of any proposed new culverting, positioning of the proposed attenuation basins of the SuDS relative to the adjacent Kenwith Valley floodplain, and detailed designs of the drainage proposals for the site, including replacement of existing culvert with open channel are all required as pre-commencement conditions to ensure that the site can be developed and appropriately drained in a way which reduces the risk of flooding over the lifetime of the development. Furthermore, given the site is located in the Bideford Critical Drainage Area and is directly adjacent to areas of high and medium flood risk it is essential that that the proposed development does not result in an increase in flood risk on adjacent land or further downstream in the Kenwith Valley. In terms of the attainment of the proposed conditions, they are sufficiently detailed following the assessment of the appellant's Flood Risk Assessment and further technical work, all of which has been considered by the Environment Agency and the Local Lead Flood Authority. Consequently, I am satisfied that the proposed conditions dealing with flood risk would be effective and meet the tests of necessity and reasonableness at paragraph 56 of the NPPF.
105. As set out above the site has notable biodiversity value and hosts protected species and so it is critical that prior to commencement of any works the baseline conditions are reassessed so that badger setts and bat corridors and potential bat tree roosts are either reconfirmed or changes identified and so can therefore be appropriately protected through the following: (i) the layout and design of the detailed reserved matters; (ii) during construction works; and (iii) the provision of mitigation and ongoing maintenance to enhance habitats of value on the site (woodland and hedgerows), create new beneficial habitats and maintain connectivity through the site, including for protected species, so as to result in meaningful biodiversity net gain. A number of conditions are proposed and included in the schedule below (conditions 27-31). All of these conditions are necessarily pre-commencement given measures need to be identified and where necessary put in place prior to works beginning. They are all fully justified by the ecological evidence available (including the Phase 1 survey work) and necessary to ensure the development would mitigate any potentially minor harmful impacts and overall secure appreciable biodiversity enhancement.
106. Conditions (27 & 29) would require a Construction and Environmental Management Plan (Ecology) and secure a Landscape and Ecological Management Plan (LEMP) as part of the reserved matters including woodland management measures for Badgershill Wood including measures to protect the area of possible Ancient Woodland as well as details regarding the long-term management of existing and proposed habitats on the appeal site. These would be comprehensive requirements necessary to ensure the development accorded with Policies ST14 and DM08 of the NDTLP and paragraph 174 d) of the NPPF. A specific condition (28) would require further and ongoing badger survey and monitoring work, details of protection measures where necessary

and a requirement that any works resulting in a direct impact on a badger sett are carried out in accordance with the required licencing regime and standing advice. The condition is necessary to ensure legal compliance with the Protection of Badgers Act 1992. A further condition (31) is necessary to ensure that external lighting on the site does not disturb or prevent protected bat species using their territory, including for foraging along hedgerows.

107. The evidence shows that Japanese Knotweed, a non-native invasive species, is present at the site. A condition (30) requiring details and a method statement for controlling and removing the plant rhizomes and thereafter preventing further spread prior to commencement is required to protect the environment and ensure controlled disposal. Furthermore, a condition (32) requiring details of tree protection measures prior to construction commencing is necessary as a separate condition in order to ensure trees to be retained on the site are suitably conserved during the construction phases as recommended in the appellant's Arboricultural Assessment.

108. A specific condition requiring details of the housing mix and housing unit sizes would not be necessary given these are separately sought as part of conditions 7 and 9. Additionally, the District Valuer's latest viability appraisal (5 September 2022) advises at paragraph 14.2 that consideration be given to a viability review mechanism, principally by way of a condition. The appeal proposal has been subject to a reasonably long period of scrutiny and assessment between the submission of the application and the LPAs determination during which time various parties including DCC transport and education and Torridge's Strategic Housing Enabling officer have had input, generally on more than one occasion. Iterative viability appraisal has also been undertaken, including of the revised development of no more than 215 dwellings. As such I am satisfied that the appeal proposal, including those necessary obligations identified to have met the relevant tests, is viable and capable of substantive delivery within the next 5 years. There are standard time limits to submit the reserved matters and commence the scheme, which would sufficiently incentivise implementation within an expedient timeframe. Taking this all together I do not consider imposing a viability review condition would be necessary or reasonable in all other respects.

Conclusion

109. In applying section 38(6) of the Planning and Compulsory Purchase Act (2004), I have found that the proposal would not accord with the development plan as a whole. However, I find that the presumption in favour of sustainable development is a material consideration that indicates that the decision should be taken otherwise than in accordance with the development plan. Therefore, for the reasons given and having regard to all relevant matters raised, I conclude that the appeal should succeed.

David Spencer

Inspector.

APPEARANCES

FOR THE APPELLANT:

Zack Simons, Of Counsel

Instructed by Stuart Carvel of
Gladman Developments Ltd

He Called

Clive Self DipLA, MA (Urban Design), CMLI
Managing Director of CSA Environmental

Dr Suzanne Mansfield BSc (Hons), Ph.D, CMLI, MCIEEM
Senior Ecology Director, FPCR Environment & Design Ltd

Stuart Carvel MTCP (Hons) MRTPI
Planning Director, Gladman Developments Ltd

Victoria Richardson
Gladman Developments Ltd – assisted for the proposed conditions and planning
obligations sessions

FOR THE LOCAL PLANNING AUTHORITY:

Nina Pindham, Of Counsel

Instructed by Tope Ojikutu, Legal
Services Manager, Torridge District
Council

She was assisted for the proposed conditions and planning obligations sessions by:

Mark Reynolds BSc (Hons), MSc MRTPI
Managing Director, Context Planning Limited

INTERESTED PERSONS:

Philip Marlow – Local resident
Ken Richardson – Local resident
Stephen Prust – Local Resident
Alison Evans – Local Resident
Michael Newcombe – Devon County Council Transport & Highways (for the Planning
Obligations discussion).

Inquiry Documents (IDs) submitted at the event

- 1 Appellant Opening Statement
- 2 Local Planning Authority Opening Statement
- 3 Statement submitted by Philip Marlow

Inquiry Documents (IDs) submitted after the event

- 4 Signed and Dated Unilateral Undertaking
- 5 Closing Submissions for the Local Planning Authority
- 6 Closing Submissions for the Appellant

Schedule of Conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Prior to the commencement of each phase of the development details of the following matters for that phase (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:
 - a) The scale of the development;
 - b) The layout of the development;
 - c) The external appearance of the development;
 - d) The landscaping of the site.
3. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
4. For those matters not reserved for later approval, the development hereby approved shall be carried out in accordance with the approved plans:
 - Site Location Plan CSA/4846/106
 - Proposed Access Plan P20034-001A
 - Proposed Footway Widening to 2m between Osborne Lane and Lane Field Road P20034-002A
5. The development hereby approved shall be for no more than 215 dwellings.
6. No development shall take place in the area hatched green on the Retained Agricultural Use Plan Drawing No. 2020-013 501 Rev A
7. As part of the first reserved matters application a detailed phasing plan for the whole site shall be submitted to the local planning authority for approval in writing. The phasing plan shall include details of:
 - a) the intended number of market and affordable dwellings for each phase;
 - b) the general locations and phasing of key infrastructure including, surface water drainage, green infrastructure, and access for pedestrians, cyclist, buses and vehicles; and
 - c) the timing and delivery of the highway and footway improvements.The development shall be carried out in accordance with the approved phasing plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. In the event that the development hereby approved is phased, the required details shall be carried out on the completion of any such phase. 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.

9. 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.

10. No development above damp proof course level, in a particular phase, shall commence until full details/samples of the materials to be used in the construction of the external surfaces of the buildings in that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

11. Prior to the commencement of development in an agreed phase, 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 Highways) 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, 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) the importation of spoil and soil on site;
 - d) the removal /disposal of materials from site, including soil and vegetation;
 - e) the location and covering of stockpiles;

- f) details of measures to prevent mud from vehicles leaving the site and must include wheel washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) mitigation measures in relation to noise, vibration, dust and lighting;
- i) details of any site construction office, compound and ancillary facility buildings;
- j) specified parking arrangements 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 first submitted to and agreed in writing by the Local Planning Authority, shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

12. Development other than that required to be carried out as part of an approved scheme of remediation in an agreed phase must not commence until conditions a) to e) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority.

The investigation and risk assessment must be undertaken by a competent person(s) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Approval by the Local Planning Authority of the report submitted at this stage will confirm whether there is a need to undertake remediation measures under conditions b), (c) and (e) below.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c).

e) Long Term Monitoring and Maintenance

Where an approved remediation scheme includes a requirement for a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation over time, a report setting out monitoring and maintenance requirements must be submitted in writing for the prior approval of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

13. Construction works shall not take place other than between 0700 and 1800 hours on Monday to Fridays, Saturdays between 0800 and 1300 hours and no time on Sundays and Bank Holidays.

- 14.A Waste Audit statement shall be submitted as part of the first reserved matters application for each phase of the development. This statement should include all information outlined in the waste audit template provided in the Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.
- 15.The vehicular site accesses and visibility splays shall be constructed, laid out and maintained for that purpose at the site accesses in accordance with the Proposed Access Plan P20034-001A prior to the commencement of onsite work.
- 16.Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with submitted drawings where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90 metres in both directions.
- 17.No part of the development hereby approved within an agreed phase shall be brought into its intended use until the access, parking facilities, visibility splays, turning areas, parking spaces and garage/hardstanding, access drives and surface water drainage serving that phase have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
- 18.Any proposed estate road, cycleways, footways, footpaths, verges, junctions, 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 constructed and laid out in accordance with details to be approved by the Local Planning Authority 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.
- 19.No part of the development hereby approved shall be commenced until:
- a) 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
 - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - c) The footway on the public highway frontage required by this permission has been constructed up to base course level

d) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

20. When once constructed and provided in accordance with the conditions above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

21. No development shall take place within an agreed phase 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, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

22. The development hereby permitted shall not be commenced until such time as a scheme to show that there will be no development within the mapped extents of fluvial flooding has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

23. The development hereby permitted shall not be commenced until such time as a scheme to show that there will be a 4 metres easement on both sides of the watercourses has been submitted to and approved in writing by the local planning authority. The scheme shall include details of ownership and long term maintenance of the easement. The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

24. The development hereby permitted shall not be commenced until such time as a scheme detailing the plans for all culverts within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of ownership and long term maintenance of the easement. The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

25. The development hereby permitted shall not be commenced until such time as a scheme showing the final site levels and finished floor levels of the development has been submitted to and approved in writing by the local planning authority. The development, including SuDS features, shall all be sited 1.5m above the Kenwith stream floodplain. The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

26. Prior to, or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

a) A detailed drainage design based upon the approved Flood Risk Assessment land North of Abbotsham Road Bideford

SHF.1132.078.HY.R.001.G & Technical Note dated 12th August 2021
SHF.1132.078.HY.L.003.A

- b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- d) A plan indicating how exceedance flows will be safely managed at the site.
- e) Detailed plans for the new channel to replace the majority of the length of the 600 mm culvert.
- f) A detailed assessment of the condition and capacity of the 350 mm culvert to the north of the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

27. Prior to or as part of the Reserved Matters, a Construction and Environmental Management Plan (CEMP: Ecology) shall be submitted to, and be approved in writing by, the local planning authority. It will follow the appointment of an Ecological Clerk of Works (ECoW) to manage the on-site ecology works, and a walkover survey by a qualified ecologist prior to the detailed design to reassess baseline conditions, check the status of previously identified ecological features such as badger setts and bat tree roost potential, and assess for potential new signs of protected or notable species. The CEMP: Ecology shall include:

- a) An Ecological Construction Mitigation Plan identifying all sensitive habitats including all hedges and watercourses, and the locations of important features such as badger setts. It will show appropriate protection zones and widths, where temporary fencing and signage is required, and details of any specific protection requirements for a given feature if necessary. It will also include any ecology specific detail in relation to pollution prevention and control.
- b) All the Primary Bat Corridors (minimum 10m), all other retained hedges (minimum 3m), the woodland (possible AWI area 15m, other minimum 10m) and retained grassland areas to be fenced with temporary fencing to protect them from construction effects and maintain their ecological function.
- c) The retained features in b) shall not be lit during construction, and there shall be no night time works except in exceptional circumstances.
- d) Protected Species Method Statements (PSMS) for each legally protected and notable species as follows:
 - Bats in Trees
 - Nesting Birds
 - Badgers
 - Reptiles
 - Japanese knotweed
 - Other species – relevant NERC Section 41 species that may be encountered e.g., hedgehog & common toad

Development shall proceed in accordance with the approved details.

28. Prior to or as part of the Reserved Matters, a badger survey update shall be conducted to inform the detail design process. This shall be submitted to and approved by the local authority, to include:

- a) Both a construction and an operational "Badger Mitigation, Movement and Sett Protection" drawing, based on the detail landscape design and recommendations in the Badger Report (FPCR, 2020), shall be submitted and approved by the LPA prior to the commencement of works.
- b) A Method Statement following the recommendations outlined within the Badger Report (2020) and the standing Natural England advice on www.gov.uk shall be submitted to and approved by the LPA prior to any vegetation clearance and groundworks (can be included within the wider CEMP Ecology document).
- c) Any works that will result in a direct impact on a badger sett shall be appropriately assessed by a class licenced badger person, and the necessary best practice avoidance measures, monitoring, precautionary supervision and either low impact class licence or full mitigation licence works identified and carried out according to standing advice and legal compliance.
- d) Monitoring: update badger survey in years one, two, three and five of LEMP to record number of active, partially active and inactive holes, by an appropriately qualified badger class-licenced holder, and submitted to the LPA. Should there be evidence of disturbance, either noted from the monitoring or after investigation following reports of disturbance, further mitigation measures shall be actioned as appropriate to ensure the badgers benefit from the woodland management and enhancements.

Development shall proceed in accordance with the approved details.

29. Prior to, or as part of the Reserved Matters, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The LEMP shall have a chapter dedicated to the management of Badgershill Wood that is based on the approved outline Woodland Management Plan, and fully account for Biodiversity Net Gain.

The content of the LEMP shall make specific reference to include the following:

- a) Description and evaluation of features to be managed. This will include all existing and newly created landscape and ecology features which shall be in general accordance with those identified in drawing Mitigation and Enhancement Plan Figure 19 Rev 7473-E-19B (19th May 2021), including (but not exclusively):
 - All retained and newly created hedgerows and trees (e.g., eastern boundary (H2) hedge maintenance).
 - Primary Bat Corridor enhancements.

- Badgershill Wood Management Plan.
 - All Biodiversity Net Gain habitats and condition targets.
 - The planting of a range of native standard trees (in bat corridors and informal POS), and non-native/cultivar flowering street tree species (in formal areas), to be planted in all areas of the site so they have a significant presence.
 - SUDs features – including demonstrating they are a “a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits (ecosystem services) for local communities” in line with the NPPF, with the aim to maximise their wildlife value.
 - Wildlife Boxes and other enhancements.
 - NERC Section 41 Species enhancements including a hedgehog highway.
- b) Ecological trends and constraints on site that might influence management, primarily birds, bats in trees, bats foraging and commuting and badgers, but consideration will be given to other Priority Species and general wildlife.
- c) The area of possible Ancient Woodland shall be treated as such and requires a minimum 15m buffer and special management to reduce recreational impacts. The Woodland Management Plan submitted with the application outlines suitable management to achieve this, this or similar suitable management to be finalised within this LEMP.
- d) Aims and objectives of management. To include, but not exclusively:
- Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions.
 - Full BNG calculation
 - Details of the body or organization responsible for implementation of the plan.
 - Details of steps taken to create and support a “friends of” group to promote and secure community engagement with Badger’s Hill Wood.
 - Ongoing monitoring and remedial measures and agreed plan for submission to the LPA of significant changes or monitoring findings. Monitoring shall include repeat woodland condition assessments of Badgershill Wood.

The LEMP shall also include details of the legal and funding 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 biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

30. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme. The protocol will include:

- a) Before any works are undertaken, the site must be re-surveyed by an experienced ecologist for the presence of Japanese Knotweed. This survey must also note any Japanese knotweed adjoining the site.
- b) Full details of a Method Statement and management scheme for its eradication and/or control shall be submitted to and approved by the Local Planning Authority. The approved management scheme must be implemented before the commencement of works.
- c) The CEMP and LEMP shall appropriately make reference to and provide the relevant protocol information to ensure cross compliance.

31. Prior to or as part of the reserved matters application, a "lighting design for bats" shall be submitted to and approved in writing by the local planning authority. The strategy shall be drawn up in direct consultation with DCC lighting engineers, and shall:

- a) Identify with an ecologist those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging;
- b) Use the Bat Conservation Trust and ILP Guidance: Bats and artificial lighting in the UK.
- c) Ensure only minimal lighting on site where it is genuinely needed for H&S reasons.
- d) Amber (<3000K) lights to be used unless agreed with the LPA and DCC that a whiter light is needed for H&S reasons.
- e) Show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the recorded species using their territory. This is to include light from properties.
- f) Where lighting is required along the site access, the strategy shall demonstrate that proper consideration was given to minimising the potential impact in this area.
- g) Where the road crosses H1 and H9, a detailed drawing showing how lighting impacts will be minimised, with use of screening if 0.5lux or less cannot be achieved and compliant with the LPA, will be submitted for reserved matters approval. The same applies to the crossing point to the north of Badgershill Wood as shown on the Mitigation and Enhancement Plan Figure 19 Rev 7473-E-19B (19th May 2021)

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

32. Prior to the commencement of any development hereby granted planning permission and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby granted planning

permission, site specific details of the specification and position of fencing for the protection of any retained tree/group of trees, a tree constraints report and plan in accordance with the recommendations in BS5837:2021, together with a site specific arboriculture impact assessment and arboriculture method statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved and the fencing shall be erected prior to the commencement of any of the development hereby permitted and shall be maintained until the development, or particular phase, has been completed and all equipment, machinery and surplus material have been removed from the site.

33. The application(s) for the approval of the Reserved Matters required by condition 1 shall specify as (datum) the proposed finished floor levels of all dwellings together with finished levels of the surrounding amenity space to the proposed dwellings and other proposed site construction levels in relation to existing ground levels. The agreed construction levels shall be implemented as approved.
34. Prior to the occupation of the first dwelling, the Proposed Access arrangements shown on Plan P20034-001A shall be constructed and laid out in full and thereafter maintained in accordance with the approved details. The proposed Footway Widening to 2m between Osborne Lane and Lane Field Road P20034-002A shall also be constructed, laid out and maintained for those purposes in accordance with the approved plans.
35. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- a) The spine road and 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, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Schedule Ends.

Torridge District Council

Planning Decisions

Between 22.09.2022 and 20.10.2022

List of Applications

Application No:	Officer	Proposal and Address	Applicant	Decision/Date
<u>PERMITTED</u>				
1/0551/2021/ OUT	Sarah Boyle	Outline Planning Application for up to No. 4 dwellings with all matters reserved. - Land Adjacent To Byways, Halwill, Devon.	Mr A Smale And Mrs B Martin	PER 06.10.2022
1/0894/2021/ FULM	Helen Smith	Reserved matters application for appearance, access, landscaping, layout & scale pursuant to planning approval 1/0111/2016/OUTM for the erection of 26 residential dwellings, associated infrastructure and open space. (Variation of Condition 1 of application 1/1078/2020/REMM - Plans Schedule) - Land East And West Of Manteo Way, Manteo Way, East The Water.	Baker Estates Ltd	PER 19.10.2022
1/1124/2021/ REM	James Jackson	Reserved Matters Application for all matters except access (previously approved) for 5 dwellings and associated works pursuant to planning permission 1/0450/2018/OUT. - Land At Fore Street, Langtree, Devon.	Mr D Pearce	PER 22.09.2022
1/1126/2021/ FUL	Debbie Fuller	Proposed construction of an Agricultural Supervisory Dwelling - Land At Grid Reference 236844 113273, Milton Damerel, Devon.	Mr Mark Walter	PER 10.10.2022
1/1346/2021/ FUL	James Jackson	Erection of 9 dwellings - Land Opposite Clawton Primary School, Clawton, Devon.	Mr Luke Dunkin	PER 05.10.2022
1/0136/2022/ OUT	James Jackson	Outline application for 2 no. dwellings with all matters reserved - Land At Chasty Prior, Chasty, Devon.	Ms P Holliday & Mr J Mostyn	PER 11.10.2022
1/0201/2022/ FUL	Ryan Steppel	Part retrospective application for amendment to windows/doors and roof - Garage At Backfield, Appledore, Devon	Mr Stephen Rawlings	PER 29.09.2022

1/0418/2022/ FULM	Ryan Steppel	Proposed agricultural building - Tristan Johnson Ltd, Winkleigh Airfield, Winkleigh.	Tristan Johnson Ltd	PER 26.09.2022
1/0426/2022/ FUL	Ryan Steppel	Change of use of land to domestic curtilage with provision of additional parking spaces and associated works - Winswood House, Burrington, Umberleigh.	Mr & Mrs Mitchell	PER 14.10.2022
1/0476/2022/ CPE	Debbie Fuller	Certificate of existing lawfulness for the use of a static caravan for residential purposes (C3) - Maldrea Cottage, Pancrasweek, Holsworthy.	Mr & Mrs John Gardiner	PER 10.10.2022
1/0518/2022/ LBC	Sarah Chappel I	Remove external signage, letterbox and external ATM - Halifax, 71A High Street, Bideford.	Lloyds Banking Group	PER 27.09.2022
1/0557/2022/ CPL	Ryan Steppel	Dormer loft conversion - 23 Town Park, Torrington, Devon.	Mr Dom Oshea	PER 12.10.2022
1/0566/2022/ FUL	Debbie Fuller	Erection of dwelling (Amended red edge) - Land East Of Meddon Village Hall, Meddon, Devon.	Mr & Mrs Lewis	PER 29.09.2022
1/0589/2022/ FUL	Tracey Blackmore	Proposed two storey extension - Owls Hatch, Buckland Brewer, Bideford.	Robin And Carole Shephard-Blandy	PER 22.09.2022
1/0591/2022/ FUL	Laura Davies	Proposed Industrial Building - Smart Manufacturing, Unit 1, Clovelly Road Industrial Estate.	PWH Surveyors Ltd	PER 27.09.2022
1/0618/2022/ REM	Angelo Massos	Reserved matters application for access, appearance, landscaping, layout & scale pursuant to outline planning permission 1/0702/2020/OUT for 1 no. dwelling to be used as managers accommodation (Amended Plans) - Land At Libbear Barton, Shebbear, Devon.	Libbear Barton Ltd	PER 05.10.2022
1/0654/2022/ REMM	Tracey Blackmore	10 dwellings - Reserved matters application for access, appearance, landscaping, layout & scale pursuant to outline application 1/0989/2018/OUTM - Proposed residential development for 10 dwellings - Land Adjacent Sutcombe Memorial Hall, Sutcombe, Devon.	Glovers Wood Developments Ltd	PER 28.09.2022
1/0673/2022/ FUL	Laura Davies	Erection of wooden shed for community fridge - Libraries Unlimited South West, Holsworthy Library, North Road.	Holsworthy Town Council	PER 11.10.2022

1/0675/2022/ FUL	Ryan Steppel	Demolition of barn and some outbuildings and erection of new dwelling and associated works (following approval 1/0159/2021/AGMB) - Agricultural Building At Grid Reference 264064 115248, Burrington, Devon.	Mr & Mrs Barnes	PER 19.10.2022
1/0680/2022/ FUL	Debbie Fuller	Removal of tin shed and erection of new stable block, manège and tractor/implement shed and associated works - Building At Waldon View, Milton Damerel, Devon.	Mr Kemp	PER 13.10.2022
1/0684/2022/ FUL	Laura Davies	Change of use of barn to dwellinghouse, together with associated works - Priestacott Farm, Ashwater, Beaworthy.	Mr J Beare	PER 07.10.2022
1/0700/2022/ CPE	Ryan Steppel	Certificate of existing lawful use for use of lodge as a holiday let - Honey Beam, Torrington, Bideford.	Mr Andrew Rintoul	PER 12.10.2022
1/0712/2022/ FUL	Debbie Fuller	Retrospective erection of a covered agricultural slurry store - Nethercott Farm, Tetcott, Holsworthy.	Sir William Molesworth St Aubyn	PER 10.10.2022
1/0713/2022/ FUL	Debbie Fuller	Demolition of barn and erection of dwelling house with associated works in lieu of Class Q Permitted dwelling (in replacement of 1/0399/2021) - Barn 4, Nethercott, Broadwoodwidge.	Richard Cull	PER 29.09.2022
1/0716/2022/ FUL	Ryan Steppel	Conversion of existing attached barn to form an extension to dwelling - Hackwill Barn, North Street, Dolton.	Bolshaw	PER 18.10.2022
1/0717/2022/ FUL	Debbie Fuller	Conversion of agricultural building to a holiday let unit - Land At Dowland, Bradworthy, Devon.	Mr C Bond	PER 23.09.2022
1/0721/2022/ FUL	Ryan Steppel	Demolition of existing barn and erection of replacement dwelling and associated works in lieu of Class Q approval 1/0222/2022/AGMB - Barn At Halsbury Barton Farm, Buckland Brewer, Devon.	Mr Chris Slee	PER 10.10.2022
1/0728/2022/ FUL	Ryan Steppel	Extension & alterations to existing dwelling - Kingsdown, Cleave Hill, Dolton.	Phil Milton	PER 06.10.2022

1/0729/2022/ FUL	Kristian Evely	Proposed dormer and garage extension - 21 Lundy View, Northam, Bideford.	Mr & Mrs Bowden	PER 11.10.2022
1/0745/2022/ CPE	Ryan Steppel	Certificate of existing lawful use of land as domestic garden to Stapledon Court - Land Adjacent Stapledon Court, Holsworthy, Devon.	Mr and Mrs Richard Paige	PER 07.10.2022
1/0747/2022/ FUL	Ryan Steppel	Retrospective application for the siting of a portacabin for use at Tarka Valley Railway - Puffing Billy, Torrington, Devon.	Tarka Valley Railway	PER 10.10.2022
1/0748/2022/ FUL	Ryan Steppel	Erection of single storey extension and internal alterations to existing club house - Pollyfield Changing Rooms, Pollyfield Playing Field, Avon Road.	Mr Sam Stephens	PER 13.10.2022
1/0756/2022/ FUL	Sarah Boyle	Change of use from agricultural building to commercial kitchen (Sui Generis) with an extension - Barn At Grid Reference 244277 109361, Shebbear, Devon.	Jax Cakes 'N' Bakes	PER 13.10.2022
1/0760/2022/ FUL	James Jackson	Proposed Slurry Store - East Ash Farm, Bradworthy, Holsworthy.	Mr J Ludwell	PER 05.10.2022
1/0772/2022/ FUL	Debbie Fuller	Conversion of existing workshop/store to form single unit of holiday accommodation (Variation of Condition 6 of planning approval 1/2348/2005/COU) - Brook Cottage, Bradworthy, Devon.	Mrs Joanne Miller	PER 26.09.2022
1/0763/2022/ FUL	Angelo Massos	Proposed roof over an existing cattle feed yard - Backway Farm, Shebbear, Beaworthy.	Mr P Johns	PER 26.09.2022
1/0771/2022/ FUL	Angelo Massos	Alteration of shop and flat into 2no. dwellings in lieu of Class MA permitted dwelling 1/0498/2022/COUPD - 83 Moreton Park Road, Bideford, Devon.	N&A Property Ltd	PER 12.10.2022
1/0784/2022/ FUL	Mary- Ellen Whalley	Part-retrospective application for the erection of agricultural shed to cover cow yard - Bourne Farm, Bridge Reeve, Chulmleigh.	Mr & Mrs R Cole	PER 03.10.2022
1/0796/2022/ FUL	Ryan Steppel	Installation of underground electricity cables at Gammaton Moor Solar Farm to connect to the DNO substation - (1/1057/2021/FULM) - Land At Webbery Barton And Cleave Farm, Bideford, Devon.	Lightsource SPV 175 Limited	PER 20.10.2022

1/0809/2022/ FUL	Ryan Steppel	Part retrospective application for the change of use from garage to ancillary living accommodation - 65 Meddon Street, Bideford, Devon.	Mr Paul Heuze	PER 06.10.2022
1/0816/2022/ FUL	Laura Davies	Change of use from mixed use to 2no. residential dwellings - Woodscott, North Road, Bradworthy.	ADSE Developments	PER 23.09.2022
1/0821/2022/ FUL	Angelo Massos	Alterations at rear including new bay windows at first and second floors - 2A Buttgarden Street, Bideford, Devon.	Mr Douglas Kirkpatrick	PER 11.10.2022
1/0819/2022/ FUL	Debbie Fuller	Conversion of barn to dwelling - Barn At Lemons Hill, Horns Cross, Bideford.	Miss Lomax	PER 10.10.2022
1/0820/2022/ FUL	Mary-Ellen Whalley	Two storey infill side/rear extension and internal alterations - The Lodge, Station Road, Halwill Junction.	Mr And Mrs Williams	PER 10.10.2022
1/0824/2022/ TRE	Mary-Ellen Whalley	Crown raising of of 1no. Copper Beech covered by TPO/0011/2009 - Sundene, Choep Road, Northam.	Mrs Kathryn Best	PER 28.09.2022
1/0829/2022/ FUL	Sarah Boyle	Part retrospective application for a new highway access and internal site vehicular access improvements. - RHS Garden Rosemoor, Torrington, Devon.	Royal Horticultural Society	PER 18.10.2022
1/0831/2022/ FUL	Ryan Steppel	Change of use of land to domestic and erection of garage - Middle Southcott Barn, Frithelstock, Torrington.	Mr and Mrs Paul Cantiani	PER 19.10.2022
1/0836/2022/ FUL	Sarah Boyle	Proposed erection of 2 no. dwellings with garaging and change of use of land to education (revision to approved application reference 1/1223/2021/FUL). - Land At Caddywell, Torrington, Devon.	Mr Julian Tolley	PER 18.10.2022
1/0850/2022/ FUL	Mary-Ellen Whalley	Erection of rear single storey extension, conversion of garage to bedroom and slate to roof - Lyndene, Halwill Junction, Beaworthy.	Mr Lavender And Ms Macey	PER 07.10.2022
1/0852/2022/ FUL	Debbie Fuller	Conversion of stables to dwelling - Moor View, Broadwoodwidge, Lifton.	Mrs Button	PER 10.10.2022

1/0857/2022/ TCA	Angelo Massos	Works to trees within a conservation area - felling of 1no. holly tree - 2 Clarkes Lane, Merton, Okehampton.	Karen Picton	PER 27.09.2022
1/0041/2022/ NMAT	Laura Davies	Non material amendment to Planning Approval 1/1402/2021/REM - Proposed increase of finished floor level of plot 2 - Barn Park, Sanders Lane, Holsworthy.	Mr Graham Skinner	PER 23.09.2022
1/0042/2022/ NMAT	Debbie Fuller	Non material amendment to Planning Approval 1/0555/2022/FUL - Reduction of gable at South elevation & insertion of window and roof window at East elevation - 28 Staddon Road, Appledore, Bideford.	Kevin Henman	PER 30.09.2022
1/0045/2022/ NMAT	Angelo Massos	Non-material amendment to planning permission 1/0294/2022/FUL - Change in decking material - 14 Greenacre Close, Northam, Bideford.	Miriam Norburn	PER 11.10.2022
1/0881/2022/ FUL	Mary- Ellen Whalley	Proposed conversion of redundant barn to residential dwelling (Affecting a Public Right of Way) - Barn At Nethergrove Lane, High Bickington, Devon.	Mr J Tucker	PER 18.10.2022
1/0878/2022/ FUL	Mary- Ellen Whalley	Extensions and alterations to include small first floor extension to front, two storey extension to side and part loft conversion - Woodside, Weare Giffard, Bideford.	Mr And Mrs Messenger	PER 10.10.2022
1/0882/2022/ FUL	Mary- Ellen Whalley	Division of first floor flat and creation of dormer extension to form 2 flats (Variation of condition 2 of planning permission 1/0111/2021/FUL) - Upover, Torridge Hill, Bideford.	Mr Butt	PER 18.10.2022
1/0910/2022/ TCA	Debbie Fuller	Works to trees within a conservation area - Ash tree to be reduced to 2m, Ash and Sycamore to be pollarded by 20% and Sycamores to be pruned to reduce by 10% - 2 Castle Cottages, Buckland Brewer, Bideford.	Mr Christopher Layton	PER 06.10.2022
1/0944/2022/ AGR	Angelo Massos	Erection of a steel portal framed fodder and machinery store - Alscott Farm, Alverdiscott, Barnstaple.	Andrew Lane Ltd	PER 10.10.2022
1/0961/2022/ AGR	Sarah Boyle	Agricultural building to store machinery - Great Warham, Beaford, Winkleigh.		PER 12.10.2022

1/0965/2022/ AGR	James Jackson	Erection of roof over existing yard to form a straw storage building - East Youlstone, Youlstone, Bude.	M.R. & K.L. Cleave And Son	PER 13.10.2022
1/0976/2022/ TRE	Mary- Ellen Whalley	Removal of deadwood and maintenance work to 1no. Monterey Pine (T3) covered by TPO/0004/2018 - 13 Pridham Place, Bideford, Devon.	Wills Tree Services	PER 13.10.2022
1/0991/2022/ TCA	Mary- Ellen Whalley	Works to trees within a conservation area - crown reduction by 2 metres to 1 x Copper Beech (T1) and by 2 metres to 1 x magnolia (T2). Removal of 1 x Birch tree (T3) - 4 Myra Court, Irsha Street, Appledore.	Mr Ross McCormick	PER 28.09.2022

REFUSED

1/0484/2021/ OUTM	Laura Davies	Outline application with all matters reserved for 17no. bungalows including 5 affordable, together with new access road and associated works - Land Off Barton Road, Parkham, Devon.	M & J Lang Developments Ltd	REF 13.10.2022
1/0742/2022/ FUL	James Jackson	Conversion of barn and storage unit to dwelling - Land At Lower Upcott, Holsworthy, Devon.	Ms Susie Clarke	REF 11.10.2022