

## Committee Report – 12th May 2022

**Application Number:** 1/1017/2021/REMM

**Registration date:** 27 August 2021

**Expiry date:** 26 November 2021

**Applicant:** Strongvox Homes

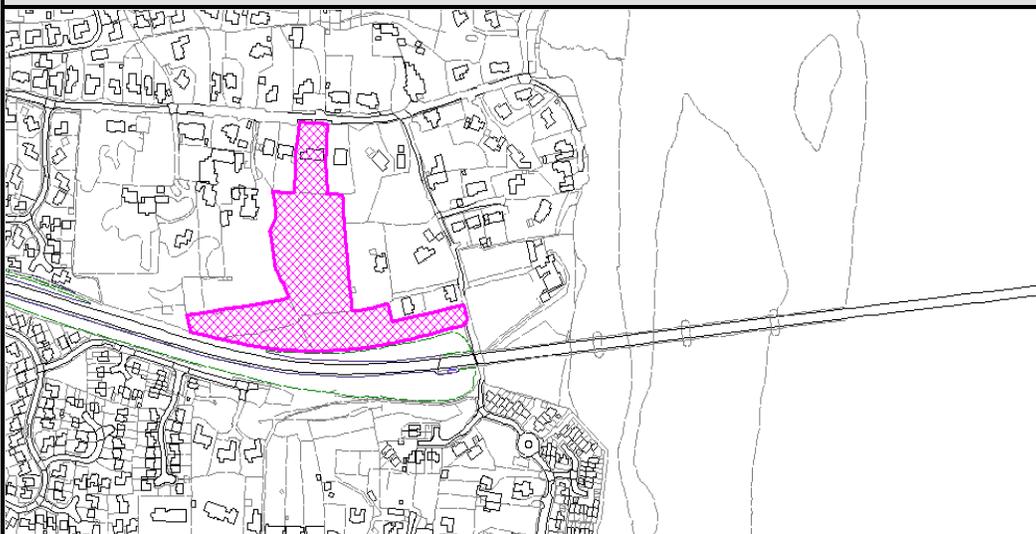
**Agent:**

**Case Officer:** Kristian Evely

**Site Address:** Land To The Rear Of Amberley,  
Limers Lane,  
Northam,  
Devon,

**Proposal:** Application for reserved matters of layout, landscaping, scale and appearance for 40 no. dwellings, along with provision of new strategic footpath/cycleway, informal public open space and associated works pursuant to Outline Planning Permission 1/0906/2015/OUTM (Amended Plans)

**Recommendation:** Grant



## Reason for referral:

This application was called-in by Cllr Leather for the following reasons:

- Lack of play provision and open space
- Attenuation scheme inadequate
- Layout detrimental to amenity of existing neighbours
- Out of character with the area
- Vehicular and pedestrian conflicts

## Relevant History:

<b>Application No.</b>	<b>Description</b>	<b>Status</b>	<b>Closed</b>
1/0906/2015/OUTM	Outline application for new residential units (40 dwellings including 12 affordable) with all matters reserved except access.	PER	19.09.2018
1/0022/2021/NMAT	Non material amendment to 1/0906/2015/OUTM - Amendment to wording of Condition 14 (cycleway)	PER	09.11.2021
1/0942/2016/FUL	New Preschool with associated facilities - Affecting a Public Right of Way. (D1 Use)	PER	23.01.2017
1/0943/2016/LBC	New Preschool with associated facilities.(D1 use)	WDN	25.01.2017

## Site Description & Proposal

### Site Description:

This site is located within the settlement boundaries of Northam. The site is an agricultural field, surrounded to the north, east and west by existing residential dwellings. To the south of the site is the A39. The site slopes from north to south, and from west to east. Boundary treatments include existing hedgerow and tree screening, with some fencing. The existing agricultural access is via Chircombe Lane.

The site benefits from outline planning permission for 40 dwellings with all matters reserved except access, reference 1/0906/2015/OUTM. The access details as approved include a road and cycle way through the garden of Amberley and adjacent to another existing residential unit named Ebb Tide. Following a viability assessment, the section 106 agreement attached to 1/0906/2015/OUTM was amended via a deed of variation, reducing the number of affordable homes from 12 to 11 (27.5% affordable units), and removed the initial trigger but kept the backstop (all affordable units shall be provided prior to occupation of 65% of the open market units). The remaining section 106 remains unaltered, and secures:

- A primary education contribution of £133,295.00
- A primary school land contribution of £16,000.00

- Highways works in the form of a cycleway linking Limers Lane to Riverside Close.

A non-material amendment (1/0022/2021/NMAT) has also been agreed on site, which varied the wording of condition 14 of the outline consent (trigger point relating to the footway). The revised condition notes:

*"The proposed 3m wide cycleway shall be constructed and made available for public use between Limers Lane and Riverside Close prior to first occupation of the 28th dwelling on site, or three years from the commencement of development, whichever is the sooner.*

*Reason: To provide adequate non-car modes of travel for occupants of the site and to ensure the construction of the highway mitigation measures in a safe and timely fashion."*

Proposal:

As previously indicated, Torridge District Council have already granted Outline Planning Permission, including permission for the access, reference 1/0906/2015/OUTM.

This application seeks approval for the remaining Reserved Matters, which includes.

- Layout
- Scale
- Appearance
- Landscaping

The proposed layout begins at the site entrance to the north. The site is in the shape of a 'T' and the layout is set out as such, with dwellings either side of the entrance travelling north to south, then to the north of the highway as it travels east to west. There is a play area at the southern-central point within the site, whilst the pedestrian cycle link goes logically adjacent to the highway until it extends onto highways land.

Affordable housing is detailed in three separate blocks on site, including an apartment block. The affordable housing is consistent with the housing mix and space standards set out within the section106, including:

- 3 x 1 bed units (social rent)
- 1 x 2 bed unit (shared ownership)
- 3 x 2 bed units (social rent)
- 2 x 3 bed units (social rent)
- 2 x 3 bed units (shared ownership)

The site features a mixture of terraced, semi-detached and detached dwellings, including three storey townhouses. Materials include:

- Red Brick
- Render walls (of varying colour including Chalk, Cornish and Beige).
- A mixture of slate or pantile roofs.

As detailed within the plans, dwellings are proposed to have solar panels and E.V charging points. 78 car parking spaces are shown on site, excluding garages.

Boundary treatments include a 2-metre-high wall at the entrance, followed by 2 metre close boarded fence on top of a retaining wall, and two metre close boarded fence surrounding the remainder of the site. In general, it is proposed to retain vegetation surrounding the site, whilst a variety of trees and shrubs are proposed throughout.

Surface water drainage will be dealt with by a scheme of attenuation, which includes two ponds towards the southeastern portion of the site. Foul sewerage will be discharged to public sewer.

A substation is sited in the southwest corner.

### **Consultee representations:**

#### **Northam Parish/Town Council:**

1/1017/2021/REM

It was resolved to recommend that this application be refused for the following reasons:

There is no landscaping around or within the development. Members were not happy with the three storey properties as there are no similar properties adjacent and the development is not in keeping with the street scene. Members were pleased to see the amount of affordable housing but are disappointed that it does not meet with local policy which is that affordable housing should be pepper-potted through an estate. The wildlife report is considered inadequate. Further, the Council is concerned that the children's play area is planned to be close to the A39. This location would have a potentially harmful effect on the children's long-term health. It was resolved to recommend that this proposal be refused on the following grounds:

There is no landscaping around or within the development. Members were not happy with the three storey properties as there are no similar properties adjacent and the development is not in keeping with the street scene. Members were pleased to see the amount of affordable housing. They were disappointed with the layout of the site and would prefer to see the affordable housing spread around it. The wildlife report is considered inadequate.

Further, the Council is concerned that the children's play area is planned to be close to the A39. This location would have a potentially harmful effect on the children long-term health of those using the play area.05.10.2021

It was resolved to recommend refusal on the grounds that:

The land in the proposal was designated amenity land within the Development Boundary.

There were highways issues with cumulative effects on Limers Lane and Heywood Road and their junctions. Devon County Council had previously advised that the wider highway infrastructure was unsuitable for this type of development. There were no pavements on Limers Lane, the increase in traffic would pose a danger to pedestrians. The access proposed was narrow and limited.

The proposal raised concerns about the effect on the open character of the land.

The proposal raised concerns about provisions for drainage and run off, with a proposed attenuation pond very close to existing properties, affecting their amenity.

The wildlife survey was inadequate.

The development would be detrimental to neighbouring properties.

Northam Town Council understands that Devon County Council

The proposal as presented was significantly more dense than its immediate area, which was predominantly large, detached properties. The proposal was therefore out of keeping with local character and of unsuitable design in scale and appearance.1/1017/2021/REMM

It was resolved to recommend that this proposal be refused on the following grounds:

There is no landscaping around or within the development. Members were not happy with the three storey properties as there are no similar properties adjacent and the development is not in keeping with the street scene. Members were pleased to see the amount of affordable housing. They were disappointed with the layout of the site and would prefer to see the affordable housing spread around it. The wildlife report is considered inadequate.

#### **Conservation Officer:**

No comments received

**DCC Archaeology Section:**

30.03.2022

I refer to the above application and your recent re-consultation. The Historic Environment Team have no additional comments to make to those already submitted, namely: The consent granted for the outline planning application, 1/0906/2015/OUTM, is conditional upon a programme of archaeological work being undertaken - Condition 8.

To date, the Historic Environment Team are unaware that this pre-commencement has been discharged. As such, I would be grateful if you could inform the applicant of the outstanding requirement to discharge this condition prior to any development commencing.

The archaeological work should take the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

25.02.2022

I refer to the above application and your recent re-consultation. The Historic Environment Team has no additional comments to those already made, namely:

The consent granted for the outline planning application, 1/0906/2015/OUTM, is conditional upon a programme of archaeological work being undertaken - Condition 8.

To date, the Historic Environment Team are unaware that this pre-commencement has been discharged. As such, I would be grateful if you could inform the applicant of the outstanding requirement to discharge this condition prior to any development commencing.

The archaeological work should take the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

27.09.2021

I refer to the above application and your recent consultation. The consent granted for the outline planning application, 1/0906/2015/OUTM, is conditional upon a programme of archaeological work being undertaken - Condition 8.

To date, the Historic Environment Team are unaware that this pre-commencement has been discharged. As such, I would be grateful if you could inform the applicant of the outstanding requirement to discharge this condition prior to any development commencing.

The archaeological work should take the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

**Devon County Council - Flood Risk Management:**

05.04.2022

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

Observations:

We have been re-consulted on the following documents:

- Overland Flow Route Plan 2506 P04
- Drainage Layout Sheet 1 2501 P04
- Drainage Layout Sheet 2 2502 P0
- Drainage Layout Sheet 3 2503 P06
- Impermeable Areas 2504 P05

The applicant has proposed a feasible surface water drainage strategy which uses a basin and a tank to discharge the runoff at restricted rates into a surface water sewer. The surface water drainage network will ensure there is no increase risk of flooding as a result of the development.

23.02.2022

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

Observations:

We understand that the layout has changed and updated drainage information has been submitted. The impermeable areas have decreased therefore the runoff rate has decreased and the model has been updated to suit.

10.11.2021

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage

Observations:

The applicant has submitted a covering letter dated 12th October 2021 which answers the questions raised in my previous formal response.

Due to the existing topography numerous basins are not possible at the site. The basin can be maintained and accessed via manhole chambers where rodding can be undertaken.

06.10.2021

**Recommendation:**

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy ST03 of North Devon and Torridge Local Plan 2011 - 2031. The applicant will therefore be

required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

**Observations:**

We are pleased to see that a basin is being used to attenuate the runoff however we have the following queries:

- The applicant should indicate how the tank will be maintained considering its position under the base of the attenuation basin.
- At outline stage, several smaller basins were proposed to attenuate the runoff. Smaller basins are likely to look less engineered. The applicant should explore the use of multiple basins rather than the engineered basin with tank underneath it. If the basin/tank arrangement is the only option the basin should have side slopes no steeper than 1 in 3 and preferably the side slopes should be varied in line with best practice. There should also be a 300 mm freeboard on top of the maximum water level.
- Also at outline stage, a combination of basins and infiltration swales were proposed. The applicant should explain why infiltration is not being proposed at this stage.
- The Drainage Layout drawing should clearly indicate the capacity of the basin.
- The applicant should clarify whether the tank will be primarily used for attenuation and the basin for conveyance.
- The total impermeable area used in the Micro Drainage model is 0.830 ha whereas the impermeable area plan indicates an area of 0.937 ha which was also used in the runoff calculation. The areas used should be consistent.
- The applicant should provide evidence that South West Water are acceptable to the connection into their network.

We would be happy to provide another substantive response once additional information is provided to the local planning authority.

**Natural England:**

24.04.2022

No objection

15.03.2022

No objection

25.02.2022

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

05.10.2021

Natural England has no comments to make on this application.

**The Environment Agency:**

No comments received

**Environmental Protection Officer:**

30.03.2022

Further to the amended information provided, the Environmental Protection Team has no objections.

01.03.2022

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

07.02.2022

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

16.09.2021

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

**Designing Out Crime Officer - DC&D Police:**

30.03.2022

Thank you for this application, to which I have no additional comments from a designing out crime and ASB perspective.

04.03.2022

The amended boundary treatment details are noted.

10.02.2022

I note and welcome the revised site wide boundary treatments. However, concerns remain regarding the need for additional boundary protection for the 2 existing dwellings in the south east corner, for which, as detailed in my original comments, I recommend the inclusion of either fencing and/or enhanced defensive planting to help reduce this potential vulnerability.

The indicated Local Area of Play (LAP) - primarily for the under 6 year olds, should be enclosed with fencing at a minimum height of 1200mm with a single dedicated entry and exit point to enable parental/guardian control, reduce casual entry, provide a safe clean play area (preventing dogs entering).

02.11.2021

Recommendation:

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy ST03 of North Devon and Torridge Local Plan 2011 - 2031. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Following my previous consultation response FRM/2021/1017/2021, dated 12.11.21, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- GI TP01 Test
- Impermeable Area Plan, Proposed Development at Limers Lane, Bideford, 2504 P02
- Basins Section Proposed Development at Limers Lane, Bideford, 2505 P02
- Micro Drainage Network Outputs dated 12.10.21
- Greenfield Runoff Calculation dated 12.10.21
- GI Extract Section 4.1 Drainage
- Drainage Layout Sheet 3 of 3 2503 P02

The applicant has answered my queries in relation to impermeable area which is now consistent within the impermeable area plan and the model. My query regarding the use of infiltration and freeboard allowance at the basin have been answered as well.

However I still have outstanding queries raised in my previous response of 6th October 2021 which have not been answered:

- The applicant should indicate how the tank will be maintained considering its position under the base of the attenuation basin.
- At outline stage, several smaller basins were proposed to attenuate the runoff. Smaller basins are likely to look less engineered. The applicant should explore the use of multiple basins rather than the engineered basin with tank underneath it. If the basin/tank arrangement is the only option the basin should have side slopes no steeper than 1 in 3 and preferably the side slopes should be varied in line with best practice.
- The applicant should clarify whether the tank will be primarily used for attenuation and the basin for conveyance.
- The applicant should provide evidence that South West Water are acceptable to the connection into their network.

13.10.2021

In addition to my original comments, please note the following observations from the Road Casualty Reduction Officer (RCRO) regarding the above application.

As I understand it this is a reserved matters and the issue of outline planning has already been granted. Therefore any Highways issues directly related to access and flow of traffic have already been agreed or formed part of the original grant of outline planning.

As far as the reserved matters layout is concerned I would raise issue with:

- The fact that there is mention of a 3 mtr wide footpath which is then later referred to as a cycle path and then referred to again as a footpath/cycle path. It needs to be clear exactly what purpose this is to serve as if it is to be a shared usage then it must be signed and divided accordingly to prevent pedestrian and cycle traffic coming into conflict.
- The pedestrian/cycle path exits the south edge of the development and appears to have 2 junctions with the existing Chircombe lane.
- The first appears to exit directly onto Chircombe lane in a T junction arrangement. Chircombe lane is an unlit vehicular route used by the residents to access a number of property's I would have concerns that a designated cycle route exits directly onto this unlit lane without the correct staggered barriers or lighting.
- The path then continues south adjacent to Chircombe lane and is joined with the existing pedestrian path. I am unsure if the existing path is a shared cycle route and so have pedestrian safety concerns that unexpected bicycle traffic will be joining a pedestrian footway.
- The incline of the path (as it aligns to Chircombe lane) has been identified as being in excess of normal pedestrian/cycle path parameters. This does concern me especially in relation to colder and autumnal/winter months. The path is bordered by existing leafy trees, during the colder darker months the path will become carpeted in windfall leaves, with frost or surface freezing which will make the path dangerous to use, more so for cyclists

05.10.2021

Police have no objections in principle to the proposal, the general layout proposed would appear to offer both active frontages and good overlooking of the new internal streets and the inclusion of Designing Out crime proposals, paragraphs 5.7-5.10 within the Design Compliance Statement is welcomed. It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour, however, there are some concerns from this perspective that require attention.

As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority the following information is to inform the applicant:-

ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouses or barns undergoing conversion into dwellings. It also applies to conservation areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2019.

As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.

SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

Secured by Design (SBD) is a police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places to live and visit. The above should be considered in conjunction with the following attributes of Crime Prevention through Environmental Design (CPTED):-

- Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security
- Structure: Places that are structured so that different uses do not cause conflict
- Surveillance: Places where all publicly accessible spaces are overlooked; have a purpose and are well managed to prevent creating areas which could attract criminal activity, the antisocial to gather or for unacceptable behaviour such as dumping, littering and dog fouling etc. to go unnoticed
- Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
- Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019 and ADQ
- Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime, fear of crime and a sense of safety at all times.
- Management and maintenance - Places that are designed with management and maintenance in mind to discourage crime, fear of crime and ASB

The proposed site wide boundary and plot separation treatments are noted. Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate, however, it is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass. With this advice in mind, I do not support the proposed use of 1.2m post and rail fencing as a side or rear boundary treatment.

This type of fencing has few if any safety benefits, for example, keeping young children and dogs safe and secure or security merits and certainly does not address possible issues of privacy.

Having visited the site, I also have concerns with the reliance on existing hedging as appears to be the proposal, as a rear/side boundary treatment. To service this function appropriately, any hedge must be of sufficient height and depth to provide both a consistent and effective defensive boundary for both existing dwellings and as soon as residents move in. If additional planting will be required to achieve this, then temporary fencing would be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function. In reality, residents will have varying levels of commitment and standards with regard to maintenance potentially resulting in all kinds of unacceptable material being erected to avoid having to maintain them, especially given in parts they exceed 2m. With this in mind, any approved boundary treatments must take into account and not undermine the safety and security of existing dwellings and facilities.

From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both enough when balanced against the schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles, and designed that it is convenient and practical to use, for example, side by side parking as oppose to tandem style parking, as this will encourage its use and reduce the level of unplanned parking elsewhere. It is the 'elsewhere parking' that can introduce a source of conflict and rancour amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.

Pedestrian links require careful consideration, as from an offenders perspective, these will provide a legitimate excuse for being in the area without fear of being challenged or noticed. All planned routes should be needed, well used by generating adequate footfall, well overlooked, for example, not running to the rear of dwellings and well integrated. Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised, levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence. Therefore any pedestrian and cycle routes through the site, must be and feel as safe as possible for users and again should not potentially undermine the security of dwellings. Where possible, they should be overlooked and have dwellings facing on to them. It is important to consider which routes may just be used for leisure and others which for example children may have to use to walk to school etc.

The proposed 3m pedestrian/cycle path to the south of the site is noted. Will this path be adopted? If a footpath is to be used 24 hours a day it should as straight as possible, wide, well lit, in accordance with BS 5489-1:2013/2020, devoid of potential hiding places, overlooked by surrounding buildings and activities, well maintained so as to enable natural surveillance along the path and its borders. Bollard lighting would not be considered suitable for this area as this type of lighting does not project sufficient light at the right height and can be easily obscured making it difficult to recognise facial features and providing opportunities for concealment.

As a result it can lead to an increase in the fear of crime and with this in mind it is recommended, as detailed in Secured By Design - Homes 2019 and Commercial 2015 v2, this type of lighting be used purely for wayfinding.

The path does leave the existing dwellings with a boundary adjacent to the path potentially vulnerable, therefore these boundaries will require enhancing with either appropriate fencing or substantial defensive planting to reduce opportunities for unwanted access.

Finally, whilst it is acknowledged the remit regarding access to/from and through the site sits with the statutory consultee, the Highways Department, given the lack of public footpath along the majority of Limers Lane and this being the primary route to and from the proposed site, I have taken the liberty of passing the application details onto the Police Road Casualty Reduction Officer for their consideration and will forward any subsequent comments forthwith.

**South West Water:**

20.04.2022

I refer to the above application and would advise that South West Water has no objection or comments with respect to the revised plans as listed below.

Overland Flow Route Plan 2506 P04  
Drainage Layout Sheet 1 2501 P04  
Drainage Layout Sheet 2 2502 P0  
Drainage Layout Sheet 3 2503 P06  
Impermeable Areas 2504 P05

08.03.2021

With reference to the above planning application I would advise that South West Water has no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy, in particular that the surface water disposal will be attenuated flow via a requisition surface water sewer to the existing public surface water sewer, as shown on NORTHAM-C-300\_2503 -Drainage Layout Sheet 3 of 3 revision P05 dated 24/02/22.

18.10.2021

I would advise that your suggested solution for surface water drainage for the above site will be acceptable, South West Water has no objection to your foul and surface water drainage strategies.

06.10.2021

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

**Planning Policy:**

No comments received

**Chief Education Officer:**

No comments received

**Devon County Council (Highways):**

11.02.2022

The amended layout shows the cycleway crossing the new road in a more appropriate position.

I have no objection to the application.

19.10.2021

Highways comments following police comments on the highway:

My comments on these comments are as follows (in italics):

As far as the reserved matters layout is concerned I would raise issue with:

- The fact that there is mention of a 3 mtr wide footpath which is then later referred to as a cycle path and then referred to again as a footpath/cycle path. It needs to be clear exactly what purpose this is to serve as if it is to be a shared usage then it must be signed and divided accordingly to prevent pedestrian and cycle traffic coming into conflict.

*This is subject to detailed design, but will be a shared cycle and pedestrian path without segregation, as per current design guidance (LTN1/20) it is required for a segregated path not to simply be paint but a physical kerb, or there to be no segregation on a path where there will be fewer than 300 pedestrians and 300 cyclists per HOUR.*

- The pedestrian/cycle path exits the south edge of the development and appears to have 2 junctions with the existing Chircombe lane.

*I don't believe there are any junctions for cyclists onto Chircombe Lane, which is private. If there are, it is unlikely that cyclists would use Chircombe Lane rather than the new path due to the rough surface of Chircombe Lane not being conducive to cycling.*

- The first appears to exit directly onto Chircombe lane in a T junction arrangement. Chircombe lane is an unlit vehicular route used by the residents to access a number of property's I would have concerns that a designated cycle route exits directly onto this unlit lane without the correct staggered barriers or lighting.

*See above. The new path will be lit, subject to detailed design of street lighting by DCC street lighting engineers. Staggered barriers are no longer compliant with new cycle guidance LTN1/20, but this is a detailed design point that will be addressed at detailed design stage.*

- The path then continues south adjacent to Chircombe lane and is joined with the existing pedestrian path. I am unsure if the existing path is a shared cycle route and so have pedestrian safety concerns that unexpected bicycle traffic will be joining a pedestrian footway.

*The existing path up to Hanson Park is a shared use path. The new path will join that and also join onto the carriageway for cyclists to continue towards the centre of Bideford passing Riverbank House on this quiet residential street. The precise design will be subject to detailed design and road safety audit.*

- The incline of the path (as it aligns to Chircombe lane) has been identified as being in excess of normal pedestrian/cycle path parameters. This does concern me especially in relation to colder and autumnal/winter months. The path is bordered by existing leafy trees, during the colder darker months the path will become carpeted in windfall leaves, with frost or surface freezing which will make the path dangerous to use, more so for cyclists.

*The path will require maintenance in the same way that all paths do and that will fall to the Highway Authority, assuming the path is offered for adoption. This route is considered a better alternative to cycling across the A39 at grade, even though steep for a short section. The exact design is subject to detailed design, but is likely to include a crossfall to drain any water into the verge of the path such that it should not ice over.*

21.09.2021

Observations:

The principle of development of the site and the impact of traffic off site has previously been considered and is not for discussion with this application only concerning the layout of the site and new cycleway to Riverside Close.

The site proposes a 3m cycleway alongside the site road linking Limers Lane to a new path under the A39 to Riverside Close. This is a requirement of the outline permission and forms a key part of the cycling strategy for Bideford/Northam with such a link being recognised in Devon County Council's Transport Infrastructure Plan.

The proposed indicative design of the new cycleway link is acceptable, despite being at 10% gradient. While this is steep for a cycleway, it is only over a short length, and there is no alternative flatter route possible. Detailed design of these works shall require structural Approval in Principle from Highway Authority structural engineers along with highway agreement under section 278 of the Highways Act.

The internal layout should be amended slightly so that the cycleway crossing of the internal road is between plots 12 and 26, on the desire line of the onward cyclelink and with maximum visibility from and of cyclists at this crossing around the bend in the road.

Detailed design, post planning, shall require details of the access onto Limers Lane to prioritise cyclists and pedestrians and ensure safe and suitable connection with Limers Lane, which is without footway or cycleway for the majority of its length.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

**DCC Rights Of Way:**

No comments received

**Strategic Enabling Officer:**

31.03.2022

Following the receipt of document AP-01 A (AMENDED) (AFFORDABLE HOUSING PLAN) on the 29th March 2022, I have noted the changes that have been made to the original positioning of the affordable dwellings and I am happy to accept this moving forward.

09.03.2022

The affordable homes should be designed and of the same material and construction as the open market dwellings - including car parking.

The affordable housing provision is required to be 'pepper-potted' throughout the development. However, in the POS Plan dated 27/10/2021, I can see that all affordable dwellings have been clustered together in the southwest of the site. In Schedule 1, para 1.1 of the Section 106 dated 3rd September 2018, it clearly outlined a requirement for pepper potting these dwellings across the site. Consideration of any grouping of affordable housing in the overall scheme will include how the provision relates to the wider development including where there is a degree of separation provided by open market housing, roads, open space or landscape features. The affordable homes should be pepper potted throughout the site in clusters of no more than 6-10 units.

In respect of all affordable dwellings, there is a requirement for a Local Occupation Criteria. The Priority order will be;

- First cascade to the Torridge District Council administrative area.
- Second cascade to the Devon County Council administrative area.

Socially rented new build dwellings will be advertised for a period of 2 weeks inclusive of all cascades as listed above, then for re-let, they shall be advertised for 1 week. For the advertising of Shared Ownership dwellings, new builds will be advertised for 12 weeks inclusive of all cascades and re-sale will be for 8 weeks.

The Section 106 requires that at Reserved Matters stage, the applicant submits an Affordable Housing Scheme. Unfortunately, we are yet to receive an Affordable Scheme as detailed below:

Affordable Housing Scheme: a scheme for the provision of the Affordable Housing forming part of the Development to be submitted by the Owner to the District Council which shall include unless otherwise agreed with the Council:

- Arrangements for the provision of the Affordable Dwellings;
- Location of the Affordable Dwellings;
- Details of the unit size of the Affordable Dwellings;
- Arrangements for the transfer of the Affordable Dwellings

If this can be provided to myself or Kristian Evely at the earliest convenience, we will confirm this in an additional response.

**Minerals And Waste Planning:**

08.10.2021

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste

hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

Within the Waste Audit Statement submitted, the applicant has made a good attempt to consider the targets for the reuse, recycling and recovery of construction waste as well as demonstrating the management of waste in accordance with the waste hierarchy.

However, the following points need to be addressed:

- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
- Identify the main types of waste generated when development is occupied (If possible);
- Identify measures taken to avoid waste occurring; and
- Provide detail of the waste disposal method including the name and location of the waste disposal site.

We would request that this information is provided at this stage of the application. However, we acknowledge there may be intention for the details on the operational phase to be provided at a later date. If this is the case, we would recommend that a condition is attached to any consent to require the submission of these particular details in advance of the commencement of development.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planningdocument>

21.12.2021

I can confirm that the additional information provided now meets the requirements of Policy W4 of the Devon Waste Plan.

### Representations:

Number of neighbours consulted:	74	Number of letters of support:	0
Number of representations received:	48	Number of neutral representations:	2
Number of objection letters:	46		

Objections:

- Outline application should never have been approved
- Impact on highways safety
- Chircombe Lane unsuitable to accommodate additional cars (vans, etc)
- No pavements in Limers Lane
- Proximity of access to existing residential dwellings causes nuisance
- Proximity to muddy boots school makes the highways issue worse
- Distanced from any bus-stop
- Lack of on site parking
- Noise and disturbance of pedestrian paths on existing neighbours
- Overlooking into neighbouring dwellings and gardens
- Overshadowing to the rear of Honey Cottage
- Potential for drainage pipes to impede on existing drainage systems at Chircombe/Honey Cottage
- Overdevelopment of the site
- Too dense
- Negative visual appearance
- Loss of privacy
- Wildlife report is inaccurate (badgers)
- Loss of wildlife
- Cycle route is too steep

- There is an existing cycle path in Hanson Park so no need for this one.
- Overshadowing from tree planting.
- Attenuation ponds will cause smell nuisance and encourage flying insects.
- Inaccurate address (notes Chircombe Lane whereas access will be from Limers Lane)
- Insufficient infrastructure locally (doctors, schools etc)
- Insufficient sewerage
- Construction disturbance
- Need for dust suppression.
- Transport statement on the outline application incorrect
- No play facilities for children
- Objections ignored
- Reduction in affordable housing not consistent with plan or outline
- Unsustainable development
- Trees need protecting
- New dwellings unlikely to be affordable
- Play area next to A361

**Support:**

- The proposed strategic cycle link will provide an important piece of infrastructure which enables a safe cycling link under the Atlantic Highway.
- Avoids problems with Chircombe Lane/Lane ownership
- The new cycle path less dangerous than Chircombe Lane
- Cycle route may take cars off highway.

**Policy Context:**

**North Devon and Torridge Local Plan 2011-2031:**

ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST17 (A Balanced Local Housing Market); ST18 (Affordable Housing on Development Sites); ST23 (Infrastructure); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM10 (Green Infrastructure Provision); NOR (Northam Spatial Vision and Development Strategy);

**Government Guidance:**

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

## Planning Considerations

### 1. Introduction

1.1. This application is for Reserved Matters. Outline Planning Permission has already been granted for this proposal, under reference 1/0906/2015/OUTM, and thus the principle of development is not for consideration.

1.2. It is acknowledged that a significant number of objections have been received, which raise concerns regarding access and the suitability of the surrounding highways networks to take this development, however, this is considered to be a matter of access and is also not up for re-consideration at this reserved matters stage.

1.3. The main considerations for the determination of this application are:

- o Layout
- o Scale and external appearance
- o Landscaping

1.4. For clarity, this report is organised into the main considerations as set out above, however, it should be noted that these considerations are generally linked to each other, and as a result the relevant policies will be similar. To avoid duplicating policy summaries throughout the report, a brief summary of the most relevant policies is included below.

#### ST01 Principles of Sustainable Development -

Policy ST01 identifies that the Council will take a positive approach when determining development proposals, approving applications which accord with the plan unless material considerations indicate otherwise.

#### ST03 adapting to Climate Change -

Policy ST03 requires that development is designed to take account of the impacts of climate change. Measures such as reducing surface water run-off rates, integrating green infrastructure into urban areas and adopting water management including Sustainable Drainage Systems, are encouraged.

#### ST04 Improving the Quality of Development -

Policy ST04 encourages improved design quality, and notes: development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs will be based on a clear process that analyses 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

#### ST06 Development Strategy -

Policy ST06 recognises Bideford as a Strategic Centre, capable of supporting significant levels of growth.

#### ST14 Enhancing Environmental Assets -

Requires the protection and enhancement of northern Devon's natural environment.

#### ST17: A Balanced Local Housing Market -

Requiring development to provide a scale and mix of dwellings which is reflective of local housing need.

#### ST18: Affordable Housing on Development Sites

Relates to the delivery of affordable housing on allocation sites.

#### ST23: Infrastructure

Requires the delivery of infrastructure to meet with the impact of development.

DM01 Amenity Considerations -  
Policy DM01 seeks to protect existing and intended occupier's amenity.

DM02 - Environmental Protection -  
Seeks to ensure developments are acceptable regarding hazards, pollution and nuisance.

DM04 Design Principles -  
Policy DM04 details 14 design principles which should be taken into consideration within any new development. The crux of DM04 requires new developments to be of high quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.

DM05 Highways -  
Development must ensure safe and designed vehicular access and egress, and adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.

Improvements to connections should be provided where practical.

DM06 Parking -  
Policy DM06 requires development to provide suitable parking provision.

DM08 Biodiversity -  
DM08 notes that development should conserve, protect and where possible, enhance biodiversity and geodiversity.

DM08A Landscape Character -  
Policy DM08A relates to landscape impacts, and seeks to ensure that proposals do not cause undue landscape harm.

DM10 Green infrastructure Provision -  
DM10 requires development to provide acceptable levels of accessible green infrastructure and public open space.

Policy NOR: Spatial Strategy South of Clovelly Road-  
Policy NOR details the spatial vision for Northam, Appledore and Westward Ho! The policy enables significant levels of growth, including a minimum of 1916 dwellings, including affordable housing.

In addition to the main considerations detailed above, this report will also cover the following points, most of which are linked to the main considerations, but it was considered reasonable to separate them for clarity purposes:

- Neighbouring Amenity
- Drainage
- Ecology
- Other considerations (heritage, objections, etc)

## 2. Layout

2.1. As previously mentioned, this site is in the shape of a 'T', which somewhat dictates the layout. The roadway links into the approved entrance and includes the 3metre cycleway as agreed within the Outline and Section106. Dwellings are logically located either side of the road as it travels north-south and are to the north of the road as it goes east-west which will provide some separation from the A39. In the opinion of the planning officer, the layout is logical when taking into consideration of the sites constraints.

2.2. DCC highways raise no objections to the scheme. There is a generous amount of parking proposed which is welcomed. The viability assessment detailed E.V charging points as a cost, and these are detailed in the plans. These will be conditioned as a result. Overall, the proposal is deemed compliant with DM05 and DM06 of the NDTLP having regards to parking and highways.

2.3. Following consultation Police Designing Out Crime Officer raises no objections to the scheme (amendments were required in terms of boundary treatments etc).

2.4. Ecology and Drainage are both heavily influenced by the layout of the site; however these are considered in detail in sections 6 and 7. Sections 6 and 7 conclude that the proposal is acceptable in regards to drainage and ecology.

2.5. No play facilities were secured within the outline or section 106, however, the applicants have agreed to provide these on site which will ensure compliance with DM10. The details show the play facilities being central within the site adjacent to the cycleway. The positioning is logical, bearing in mind the need for separation distance between play facilities and dwellinghouses. 3rd party representation object to the play facilities due to the proximity to the A39, however, this would not be a justifiable reason to refuse the scheme (especially when the outline secured no play facilities).

2.6. The affordable housing on the site is well spread out, and the Strategic Enabling Officer raises no objection. The proposal is considered acceptable in this regard.

2.7. Taking into consideration of the above points, the planning officer considers that in terms of layout, the proposal complies with following policies in the NDTLP, NOR, ST01, ST03, ST04, ST14, ST22, DM01, DM02, DM04, DM05, DM06, DM08, DM08A and DM10, as well as the relevant national policies within the NPPF and PPG

### 3. Scale and external appearance of the buildings

3.1. 3rd party representations raise concerns regarding the quantum/density of development; however, this was accepted at outline stage when the Planning Officer granted planning permission for 40 dwellings on the site (see section 4 of the Outline report). In addition, it should be noted that the Council cannot demonstrate a five-year housing land supply, whilst national policy encourages the efficient and effective use of land. The surrounding estates were built in a different era and would no longer be acceptable in terms of density. Thus, the quantum of development is acceptable.

3.2. The identified local need/required housing mix is set out within the published Housing and Economic Needs Assessment (HEDNA) 2016. This sets out the proportion of 1 bed, 2 bed, 3 bed and 4+ bed houses necessary in order to meet the district's housing needs as a whole.

3.3. This site includes the following mix

- 3 X 1 bedroom
- 4 x 2 bed
- 22 x 3 bed
- 11 x 4 bed

The proposed housing mix on this site is weighted differently to the HEDNA, which requires a greater proportion of 1 and 2 bed roomed dwellings, however, for the following reasons detailed in 3.4 the planning officer considered this mix acceptable.

3.4. ST17 (which relates to a balanced housing market), allows for a consideration of:

- (a) site character and context; and
- (b) development viability.

This site has been scrutinised in terms of viability (1/0143/2022/SEC106), and whilst the scheme is delivering slightly less than 30% affordable housing, the percentage is still high (27.5%). The viability

review detailed a similar mix to the one detailed in 3.3 when considering 27.5% as deliverable. A housing mix more similar to the HEDNA would be very likely to result in less affordable housing. Taking into consideration of the 'housing crisis', and affordability problems locally, the Planning Officer has attributed great weight to the delivery of affordable units on the site, rather than a greater number of smaller units. In addition, when taking into consideration of the sites context, the site is generally surrounded by grand or larger dwellings, thus, the scheme would not be out of context in this regard. Finally, some of the 3 bedroom units are smaller in nature (a small 3rd room), and may act as a two bed with office.

Thus, there is some conflict with the HEDNA (which identifies the local housing need in terms of mix), however, the officer considers the scheme compliant with ST17.

3.5. 3rd party representation raises concerns over the introduction of some three storey units on site, however, there are existing 3 storey units in proximity including the old Riversford Hotel and Durant Hotel, whilst there are also large 2 and a half storey buildings including Cheverells Care Home, Tanglewood, and The Old Kiln. In addition, the large majority of the site will be 2 storey, with 3 storey units being sited in the southwest. The southwestern section of the site is away from any neighbours and will be visually contained when comparing to Limers Lane or Chircombe Lane. Overall, the planning officer considers that the scale of development in terms of building heights and massing is acceptable.

3.6. Representation also notes the scheme will cause harm to the character and appearance of the area, however, views into the site are somewhat limited, and will remain so (unless travelling through the site on the cycleway etc). As a result, the scheme will cause limited impact to the street scenes of Limers Lane or Chircombe Lane. The field itself will change character, which is an inevitable by-product of granting planning permission for 40 dwellings on a field, however, this was also accepted when 40 dwellings were granted and in the opinion of the current Planning Officer the harm the scheme causes to the character of the area is not significant enough to warrant refusal.

3.7. There are a variety of dwelling types in proximity to the site, and in general the scheme is locally distinctive in this regard. The three storey units are acceptable in scale, and whilst not necessary 'locally distinctive' in design terms, they are a design solution to tackle the steep nature of the southwest corner whilst causing limited harm to the character of the area (as discussed above). In the opinion of your Planning Officer, the proposal is acceptable in terms of scale, height, density, design, materials and relationship to surrounding streets, and is thus acceptable.

#### 4. Landscaping

4.1. This application proposes to retain existing landscaping features surrounding the site, such as trees and hedge banks (where possible). This is a good practice principle and will help the development to assimilate into the area more easily by retaining the rural character of the boundaries. A Tree Protection Plan and Arboricultural Method Statement were submitted with this application as required by condition 3 of the Outline consent, which supports the retention of existing features.

4.2. The proposal landscaping includes a mixture of soft and hard landscaping, whilst will help soften the appearance of the development whilst providing secure site boundaries respectively. The scheme is acceptable in this regard. The Outline/Section106 did not include a condition regarding the management of the landscaping, thus this will be conditioned.

4.3. Considered together, the landscaping, layout, and appearance of the scheme, are considered to be acceptable, and compliant with the above policies detailed in section 1 of this report.

#### 5. Impact on Residential Amenities

5.1. Policy DM01 of the NDTLP relates to amenity considerations and notes, development 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.

5.2. Policy DM04 (i) seeks for development to 'ensure the amenities of existing and future neighbouring occupiers are safeguarded.'

5.3. 3rd party representations claim the proposals would result in a loss of privacy to neighbouring dwellings. As a rule of thumb, 21 metres rear wall-to-rear wall is considered an acceptable distance to avoid any severe privacy impacts. All units exceed this threshold (in the case of rear-to-rear).

5.4. Honey Cottage is the closest dwelling to any new-build. From wall (side) to wall (rear) the dwellings will be 20 meters apart. The existing resident considers they will be overlooked, however, the plans indicate that this would be very limited. In particular, there are no side windows which would overlook Honey Cottage. The only window likely to be a vantage point would be 'bedroom 4', and whilst there may be a view of a small portion of the existing neighbours garden, to achieve more than this a future resident would have to stick their head out of the window. Likewise, other existing gardens will become more overlooked than existing, however, this is not considered to result in any 'severe' amenity impacts which would warrant a reason for refusal.

5.5. Due to the distance to any neighbours, there any not considered to be any significantly overbearing impacts or substantial loss of light which would arise (some minor overshadowing may occur in neighbouring gardens at limited times in the day, however, this would not be severe).

5.6. As mentioned previously, the proposed dwellings are reasonably well spaced/distanced from each other, and each dwelling includes an adequate level of private amenity space. In addition, internal layouts and sizes are sufficient. Therefore, the intended occupants of the dwellings will have sufficient amenity. DM01 is satisfied.

5.7. Policy DM02 relates to Environmental Protection and seeks to ensure developments are acceptable in terms of hazards and pollution.

A wall has been requested at the site entrance to limit disruption arising from vehicles passing between dwellings. This will be conditioned to be constructed at an early stage to limit the impacts on neighbours. In addition, there was no construction management plan required by the Outline consent, however in the Planning Officers opinion this would be necessary based on the plans and the level of engineering works required. Subject to these being provided, the scheme is acceptable with regards to DM02.

## 6. Ecology

6.1. 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 NDTLP through policies ST14 and DM08, which require development to maintain or where possible enhance biodiversity and mitigate against the potential loss of habitats.

6.2. The Outline application associated with this application was accompanied by an Ecological Survey, and the previous Planning Officer considered the scheme acceptable with regards to this (see section 5 of the outline report). This application includes an 'addendum report', which concludes that the site is of low ecological value, and, that the principles agreed as part of the outline have been adhered to as part of the reserved matters.

6.3. During the processing of this application representations raised concerns regarding the presence of Badgers on site. The Planning Officer raised this with the agent, who confirmed that there is the potential for two outlier sets on site (which may be used transiently), however, these were not active at the time of survey. An additional condition is recommended as follows:

*"No development or works of site preparation or groundworks shall take place on any phase of the development hereby approved, unless and until a further survey for the possible presence of badgers has been carried out. If any evidence of an active badger sett is recorded, a Natural England licence must be applied for and approved before any works that could impact the active badger sett occurs, and a copy of the licence supplied to the Local Planning Authority prior to works commencing that could impact the badger sett. The development shall be implemented and maintained in accordance with the approved Natural England Badger Licence."*

6.4. Subject to condition the proposal is acceptable regarding ecology.

## 7. Foul Water/Drainage

7.1. Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainages Systems, water quality improvements, water efficiency measures and the use of rainwater'. In addition, policy DM04 notes development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

7.2. The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchal approach being used. The PPG notes new development should aim to discharge foul water into the public sewer; however, if this is not possible then a package treatment plant may be used. It proceeds to note if a package treatment plant is not possible to use, then a septic tank will be considered. Justification for the use of alternative drainage systems other than mains drainage is required.

7.3. The drainage strategy identifies the proposed surface water will be attenuated, and then discharged a controlled rate into the combined sewer. Foul Drainage will be discharged direct to the public sewer. South West Water raise no objections, nor does the Lead Local Flood Authority (DCC). Overall the scheme is acceptable regarding drainage.

7.4. A neighbour adjacent to the proposed attenuation system notes that they have a covenant to discharge their septic tank into the field, and it is likely the soakaway is in this location. Ultimately this is a civil matter, however, the planning agent has included a maintenance corridor for assumed existing services. In addition, it has been advised that if this system is uncovered it will either be re-directed where feasible, or connected into the combined sewer. This is acceptable for the purposes of this application.

7.5. Conditions 10, 11 and 15 of the outline consent relate to drainage and will require further discharge. At this reserved matter stage, the scheme is acceptable with regards to drainage.

## 8. Other

8.1. Parish Council - The Planning Officer acknowledges the Parish Council/s have raised objections to this scheme. It is considered the point raised are dealt with in the above report:

8.2. Waste Audit Statement - A waste audit statement was submitted with this reserved matters (amended November 2021), DCC were consulted and raise no objections, the application is acceptable in this regard.

8.3. The nearest listed buildings to the site are Wellesborne (Grade II) and Chircombe House (Grade II). Due to separation and screening there are not considered to be any harm to the setting of these buildings which arises from the development. Subject to the archaeological works being carried out (as required by the outline consent), the scheme is compliant with ST15 and DM07 regarding heritage.

8.4. Plans detail solar panels on the roof. Usually it would not be possible to condition these, however, as they were included as a cost for viability purposes they will be secured via condition.

8.5. The cycle route was secured at outline stage via legal agreement and condition. For the purposes of this reserved matters application, it is considered to be acceptable.

9. Conclusion:

9.1. Access and principle are not for re-consideration, however, it should be noted that the Council cannot demonstrate a five-year housing land supply and therefore the 'tilted balance' is relevant. This site is within the settlement boundary of Northam and is considered sustainable. The development provides significant benefits in the form of 40 dwellings (11 affordable), and an important piece of cycle infrastructure which enables cyclists to travel safely under the link road rather than crossing at Heywood Road Roundabout. The scheme provides adequate landscaping including a play area, whilst the design causes limited impacts to the wider character of the surrounding area and neighbouring amenity. The scheme is acceptable regarding drainage and ecology (subject to condition). As such, approval is recommended (subject to conditions).

## Human rights

Consideration has been given to the Human Rights Act 1998.

## 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 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.

- 2 Prior to commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) and including the play facilities, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping management shall be carried out as approved in accordance with the agreed details in perpetuity.

Reason: To ensure the proposal assimilates well into the surrounding areas and is managed appropriately.

- 3 The landscaping hereby approved shall be implemented in accordance with the agreed details. The time of planting shall be agreed as part of the landscape management plan required by condition 2 of this reserved matters application and implemented as such. If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective another tree 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 ensure that the development is carried out in accordance with the agreed details.

- 4 Prior to the occupation of the 28th dwelling on site, the play facilities identified on plans 'POS-01C' and 'Play Area Proposal - LAP' shall be provided on site and made available to the public

for use. The play facilities shall be managed thereafter in accordance with the landscape management plan required by condition 2 of this reserved matters application.

Reason: To ensure the timely delivery of infrastructure

- 5 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include mitigation measures in line with the Environment Agency's Pollution Prevention Guidelines, including air quality and noise and vibrations, as well as including wheel washing facilities, construction compounds and delivery/working hours amongst other things.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To protect neighbouring amenity in accordance with DM01 and DM02 of the NDTLP.

- 6 No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with a management and maintenance plan to be submitted and agreed as required by condition 15 of application 1/0906/2015/OUTM.

Reason: To ensure that the drainage is acceptable and remains efficient in accordance with the submitted details, and ST03/DM04 of the NDTLP.

- 7 If 3rd party drainage is uncovered or compromised during the excavation of the attenuation systems, the applicants/developers shall ensure this is effectively redirected (compliant with building regulations) or connected to mains.

Reason: To ensure 3rd party drainage is protected.

- 8 Prior to the construction of the 1st dwelling, the boundary wall and fencing at the site entrance, detailed on drawing numbers BD-02 and BD-03 shall have been constructed and completed in accordance with the approved plans.

Reason: To protect neighbouring amenity during the construction phase of development and thereafter.

- 9 The turning area between the designated parking of plots 17 and 18 (identified by brick pavier) shall remain free of obstruction and available for the turning of vehicles at all times.

Reason: To ensure the proposal is compliant with DM05 of the NDTLP and reduce highways danger.

\*Informative: This area should be identified and kept within the management scheme as required by condition 2, and not conveyed to either plots 17 or 18.

- 10 The solar panels identified on drawing number STR-LIM-500 B, and EV infrastructure identified on drawing NRTHM-1400 C3 shall be installed prior to the occupation of any of the respective dwellings to which the panels/EV infrastructure relates.

Reason: To ensure the proposal is consistent with the submitted viability assessment.

- 11 The development shall take place in compliance with the submitted and agreed waste audit.

Reason: To ensure the proposal is acceptable in terms of construction and operational waste.

- 12 No development or works of site preparation or groundworks shall take place on any phase of the development hereby approved, unless and until a further survey for the possible presence of badgers has been carried out. If any evidence of an active badger sett is recorded, a Natural England licence must be applied for and approved before any works that could impact the active badger sett occurs, and a copy of the licence supplied to the Local Planning Authority prior to works commencing that could impact the badger sett. The development shall be implemented and maintained in accordance with the approved Natural England Badger Licence.

Reason: To ensure the provision of habitats are protected, retained, created and enhanced to support protected species in order to be in accordance with the Policies ST14 and DM08 of the North Devon and Torridge Local Plan 2011-2031.

- 13 The proposal development must be carried out in full accordance with the submitted ecological assessment and funding's of the additional Badger Survey work required by condition 12 of this reserved matters.

Reason: To ensure the provision of habitats are protected, retained, created and enhanced to support protected species in order to be in accordance with the Policies ST14 and DM08 of the North Devon and Torridge Local Plan 2011-2031.

- 14 No works or development (including works to the hedgerow/trees) shall take place until the tree protection barrier as shown on the agreed tree protection fencing plan, has been installed on site. The tree protection barrier shall be retained until the substantial completion of the relevant sections of the site. Once removed, the trees and hedgerow within the site will be retained and maintained thereafter.

Reason: To protect any trees/hedgerow of value.

## Plans Schedule

Reference	Received
05678 TPP Rev A	16.11.2021
2101 P04	29.03.2022
2102 P04	29.03.2022
2103 P04	29.03.2022
2104 P04	29.03.2022
2105 P04	29.03.2022
2106 P04	29.03.2022
2401 P04	29.03.2021
2402 P04	29.03.2021
2403 P04	29.03.2021
2501 P04	29.03.2021
2502 P04	29.03.2021
2503 P06	29.03.2021
2504 P05	29.03.2021
2506 P04	29.03.2021
BD-02	
32844 HT-SUB-01	04.02.2022
POS-01 C	29.03.2021
32844 RS-01 E	29.03.2021
32844 SS-01 D	06.04.2022

1100 P04	16.11.2021
2505 P03	25.02.2022
BRL PL200 C	29.03.2021
BRL-PL201 C	29.03.2021
BT-01 E	27.08.2021
HT-SGAR-01 A	25.02.2022
PL-04 F	29.03.2021
HT-APT-01 B	29.03.2021
HT-APT-02 B	29.03.2021
HT-BIN-01	27.08.2021
HT-BLENEIM-01.1	27.08.2021
HT-BLENEIM-01.2	27.08.2021
HT-BLENEIM-02.1	27.08.2021
HT-CAMDEN-01	27.08.2021
HT-CPORT-01	27.08.2021
HT-DGAR-01	27.08.2021
HT-HELDFORD-01	27.08.2021
HT-HELDFORD-02	27.08.2021
HT-KNOWLE-01.1	27.08.2021
HT-KNOWLE-01.2	27.08.2021
HT-TOWN-04 A	29.03.2021
HT-TOWN-02 C	29.03.2021
HT-WESSEX-01 A	29.03.2021
HT-WESSEX-02 B	29.03.2021
HT-WESSEX-03 A	29.03.2021
BD-03	
PL-03 L	20.04.2022
STR-LIM-500-PV B	20.04.2022
AP-01 B	20.04.2022
HT-2BH-01	29.03.2021
HT-3BH-01	29.03.2021
NRTHM-1400 C3	29.03.2021
Play Area Proposal - LAP	25.02.2022
PL-01	27.08.2021
SE-01	
BD-01	

## Informatives

01. Please note that a separate discharge of conditions application is required to discharge the conditions set out within the outline application.

## 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.