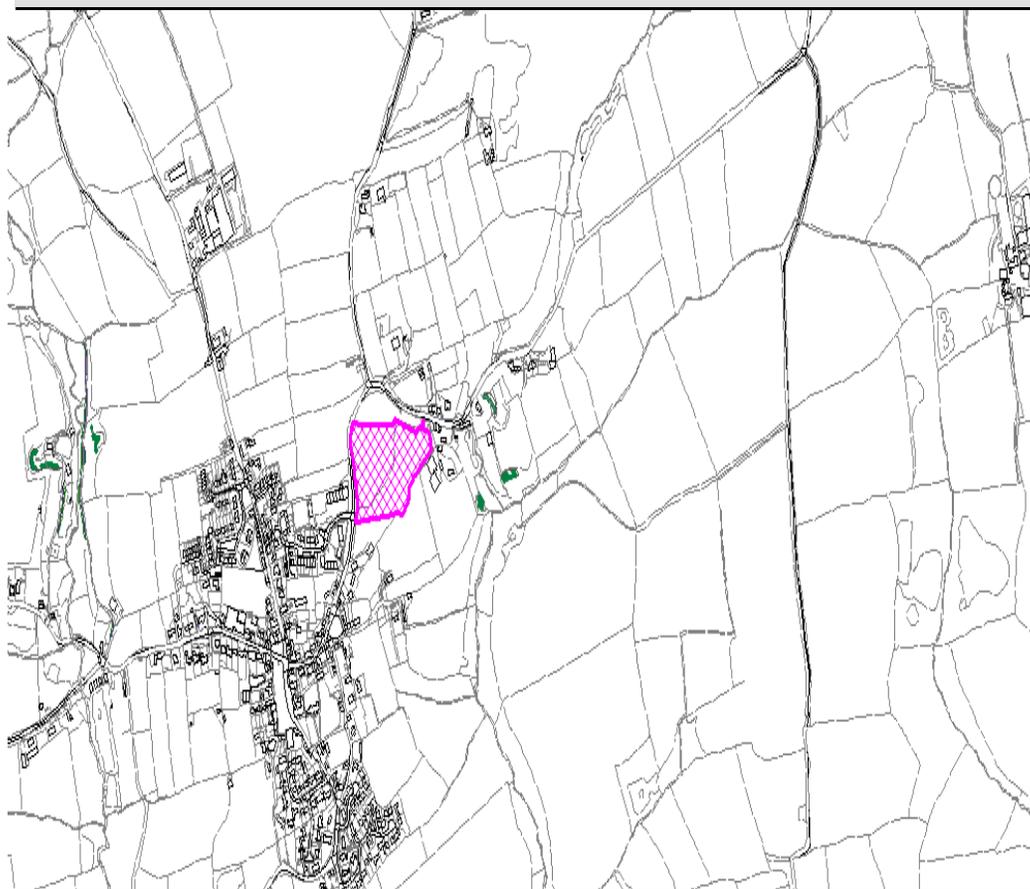


Committee Report – 10th March 2022 updated 28th July 2022

Application Number:	1/0128/2020/FULM
Registration date:	20 March 2020
Expiry date:	19 June 2020
Applicant:	Bromell
Agent:	Amity Planning
Case Officer:	Laura Davies
Site Address:	Land Opposite Landon Road Industrial Estate, Bradworthy, Devon,
Proposal:	Development of 38 dwellings together with access, car parking and associated works
Recommendation:	GRANT subject to a Section 106 agreement



Reason for referral:

This application has been called in for determination by the Plans Committee by Cllr Boughton if the Officer recommendation is for approval for the same reason as those outlined in the response from Bradworthy Parish Council.

Addendum:

This full application was considered by Plans Committee on 10th March 2022.

Members resolved to defer the application for clarification of the viability report, ward councillor involvement in the Section 106 Heads of Terms and discussions relating to the biodiversity offsetting contribution.

The District Valuer has undertaken a review of their previous conclusions on the development in light of the time which had elapsed since their initial report, to reflect market changes. The updated report (dated April 2022) confirms that a policy compliant scheme can be provided in terms of the number of on-site affordable dwellings and the other contributions required by the development (including the off-site biodiversity net gain) with a reduction in the off-site affordable housing contribution. The revised Heads of Terms for a Section 106 agreement are therefore as follows:

- 11 affordable dwellings on site with a mix of 8 social rent and 3 intermediate properties;
- £13,301 towards the cost of mitigating pressures on the local healthcare facility in Bradworthy;
- £14,877 towards the cost of transporting secondary school pupils associated with the development to Holsworthy Community College;
- £147,888 towards providing additional education infrastructure at Bradworthy Primary School;
- The onsite provision of at least 0.133ha (or 1,330.35m²) of public open space to include children's play space (58.57m² or 0.006ha), youth playspace (58.57m² or 0.006ha), a combined sports, park and recreation grounds provision (1,087.71m² or 0.109ha) and allotments (125.51m² or 0.013ha);
- £123,490 towards off-site biodiversity net gain for projects undertaken by the North Devon Biosphere at Abbotsham cliffs and/or Roborough to provide grassland, ditch and hedgerow habitats
- £1,315 towards off-site affordable housing provision.

A policy compliant scheme should provide an off-site affordable housing contribution of £56,000.

A copy of the update Viability Assessment from the District Valuer has been included as Appendix 1 to this report.

In relation to the discussions with local ward Councillors about the Section 106 Heads of Terms, it is confirmed that email correspondence has been sent to Members in relation to the above revised contributions on 12th July 2022 and a meeting was held in April between local ward Councillors, Officers and the agent for the applicant to discuss the various contributions and provisions.

The meeting between local ward Members, Officers and the agent also included the Chair of the Parish Council and discussed potential alternative projects for the biodiversity net gain contribution to be directed to. The agent confirmed that the land to the north of the application site, which is within the applicant's ownership, has been assessed by an ecologist and would only contribute a very small amount to the required biodiversity off-setting for the development.

Discussions related to the requirements for the provision of additional habitat units to meet the specific type to be lost on the site as well as the implications of long-term management and maintenance of these areas (at least 30 years). Local Ward Members and the Chair of the Parish Council were in agreement that this was not something which the Parish wish to or is able to take on at this stage. On this basis, it is considered that the North Devon Biosphere remains the preferred 'responsible body' to be able to take on the requirements for the off-site biodiversity net gain.

In addition, it was queried by Members at the previous Committee meeting whether the NHS contribution was to be used for the provision of infrastructure or for a review of healthcare in Bradworthy. This has been queried with the NHS and their response is as follows:

The Bradworthy surgery is a small surgery of some 166 square metres. The patient list size stands at 2,895 patients and the DoH capacity calculation shows that capacity is approximately 2,080 patients. Therefore the surgery is already over capacity by 815. The contribution asked for will be pooled together with a minor improvement grant that the practice has requested from the CCG to create a new GP consulting room to improve patient capacity at the surgery.

The Recommendation on the report below has been updated to reflect the alterations in this Addendum.

Relevant History:

Application No.	Description	Status	Closed
1/0013/2015/SCR	Proposed residential development for 28 dwellings	SCRP	11.08.2015
1/0100/2016/OUTM	Proposal for 28 dwellings including landscaping, footpaths and allotment space	PER	13.10.2017

Site Description & Proposal

Site Description:

The application site is located to the north-east of the settlement of Bradworthy and is currently an open field used for grazing. The highway leading out of Bradworthy to the east loop around the west, north and north-east of the application site. To the south of the application site are residential dwellings at Lowerway Farm and a recently constructed dwelling at Lower Meadow. To the north-east of the site is Lew Barn which fronts onto the highway to the north and Lew Farm which is located to the east of the application site. To the west of the application site is Landon Road Industrial Estate, which is located to the opposite side of the main highway into Bradworthy from the east. This includes a number of commercial premises.

The existing application site includes a field access to the eastern boundary with a hedgebank including mature trees to the main boundaries of the site. The existing site slopes very gradually from the north to the south and south-east.

Proposed Development:

This application seeks full planning permission for the development of the site to provide 38 dwellings together with a vehicular access to the eastern boundary, car parking and associated open space and drainage infrastructure.

The submitted site plan proposes the inclusion of an area of public open space and a play area to the south-western corner of the site. A surface water attenuation pond and foul water pumping station are proposed to the north-eastern corner of the site. The residential development would include the provision of a mix of flats, terraced, semi-detached and detached dwellings with off-street parking and amenity space provision for each. A total of 11 of the proposed dwellings are proposed as affordable dwellings. The proposal would include a mix of one, two, three and four bedroom dwellings.

Planning permission has previously been granted in outline for the development of the application site together with the area immediately to the north (also within the applicant's ownership) for residential purposes for 28 dwellings (application reference: 1/0100/2016/OUTM) and this remains extant with a decision date of 13th October 2017.

Consultee representations:

Bradworthy Parish/Town Council: Initial response dated 20th April 2020:

Bradworthy Parish Council request that this application is called in by its TDC councillors.

Bradworthy Parish Council strongly objects to this application on the following grounds:

Bradworthy Parish Council objected to the original application for 28 houses on this site. Since that permission was granted there has been no evidence of developer interest or development. We conclude this new application with the additional 10 units is simply to allow the site to become more commercially appealing.

It is understood that Torridge District Council recently lost a planning appeal and as a result can no longer demonstrate a 5-year housing land supply. This is in spite of the Local Plan being in place and after spending huge amounts of time and resources finding suitable sites to accommodate the numbers needed. This site originally being one that made up the housing numbers in that proof. The Parish Council would not want to see this new application easing through planning and being allowed because of that lost appeal.

The Parish Council believe that as a 'local centre' within the hierarchy of the rural area, Bradworthy would rightly be expected to provide some housing including affordable for the Parish and surrounding area. However we have far exceeded the minimum of 44 houses that the Parish was expected to accommodate. We believe that there is enough housing either being developed or extant to fulfil the needs of residents for generations to come. This development for 38 houses is not needed and we should not be looking at accommodating the extra 10 houses for commercial viability.

Parish data collected by the Neighbourhood Plan Steering Group showed that 62% of those who responded (50% of house holders in the Parish) did not want estates of more that 10 houses, and a staggering 82% felt that the 44 houses Bradworthy needed to accommodate was enough.

The density of the site raises the following issues:

The Parish Council has serious concerns about the surface and foul water drainage. The Council believes that these potential issues need further investigation. As presented they are contrary to policy DM02 and DM04. Policy ST03 requires that all developments should take account of climate change to minimise the flooding risks and that they should be designed and constructed to minimise any risk to vulnerable property, land, infrastructure and people. Due to the density and site layout we are not convinced that this is the case here.

We would expect to see the protection of any water courses enhanced and not exposed to pollution. We do not believe that having a sewage pump station beside an attenuation pond is a sensible solution and would state again that the site is being compromised by the geological structure, culm grassland and density of houses.

The site is bounded on the east by a working farm. Policy DM01 of the Local Plan states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or the future occupiers of the proposed development. There is a danger here that the future activities of the farm could have a detrimental effect on the units that are right next to it. Under normal consideration there would be a buffer of 300 meters between agricultural buildings and privately owned residences.

The data provided within the transport statement seems biased. The numbers of vehicle movements shown are over a 7am to 7pm time frame. Are no movements expected after or before those hours? Highways management would expect each unit to generate between 6 ' 8 vehicle movements over a 24-hour period in a development of this type and rural location. That is potentially 304 vehicles movements a day not 186 as predicted in the statement.

The only entrance/exit to the development is actually on a main road in terms of the rural network. Policies ST10 and DM05 of the NDTLP is to ensure that a development does not adversely affect the local highway network and that vehicle accesses are safe and well designed. Safety consideration should be given to all highway users including pedestrians and cyclist. There are no walkways to all the facilities highlighted in the transport statement. It may be easy to access the local school as it is within 480 meters but that is irrelevant if the journey is dangerous because of the extra traffic that this estate will create.

Further response received 30th March 2021:

Although Bradworthy Parish Council was not asked to give comment on the Financial Viability Assessment for the above application we have the following points to make:

The Parish Council does not support this application and did not support the original application 1/0100/2016/OUTM for the 28 houses on this site.

The Parish Council finds the Financial Viability Report unacceptable – being produced hastily and substantiated by the wrong drivers. We recognise that when the application for this site grew from 28 units to 38 units last year it was to obtain financial viability. Obviously, the agent did not check the status of the number of children at Bradworthy Primary Academy and was not expecting the substantial increase in requested educational contributions.

We are, as a Parish Council, now more committed in trying to ensure that all the services in Bradworthy receive all contributions that are due to them. This is because we recognise the pressure that all housing is putting on these local services. We would remind Torridge that we are a ‘Local Centre’ not a ‘town’ and securing and protecting the services we have is vital but we must equally not overload them, as they will not attract the financial support that large towns and populated areas do.

We reluctantly accepted that the original application was approved only because TDC needed to prove a 5YHLS when its Local Plan was being made. We were effectively reminded that TDC needed to prove housing numbers and in essence the application was essential to the Planning Officers and there was nothing we could do about it. The Affordable Housing element was a small sweetener to us as a Parish Council. We are shocked to read that the applicant would now like to remove any Affordable Housing and also reduce the contributions to the local Primary Academy. This is **Not** acceptable.

We are sorry that the site has been made unviable by these contributions but put plainly if that is the case then the owner should simply reduce the amount that it is being marketed for. Other landowners have had to make reductions when marketing their plots and the same should apply here.

We understand that each application is judged on its own merits so fail to see that what was decided for the applicant’s other site at Buckland Brewer, which also grew by 10 houses for viability, is relevant to our Parish. Nor are we concerned by the fact that the developer/builder for that site went into liquidation. This is completely irrelevant in this case.

What we will say is that if the Affordable Housing is allowed to be removed from this application then we will expect TDC to rewrite its rural affordable housing contributions just for Bradworthy. We will want higher levels of Affordable Housing with every new application in our Parish, or a much larger amount of commuted sum requested to make up for the loss of Affordable Housing here. Bradworthy has only had 2 Affordable Dwellings out of the 74 units which have come forward since the adoption of the Local Plan. When we carry out the next Housing Survey, we are confident that required numbers of Affordable Housing will be high.

Please take these comments into consideration.

Devon County Council (Highways):

Initial comments dated 23rd April 2020:

While I have no objection in principle to development of this site subject to safe access being provided I do have specific concerns regarding some details of the proposal which must be resolved before I can recommend conditions for the application if it is to be approved.

Firstly, the plans show a pedestrian path linking the site to the 'main' road at the north of the site. No detailed plans of this are presented and I do not consider such a link likely to be able to be built in a safe way, with pedestrians accessing onto this road which is subject to the national speed limit with likely limited visibility from and of passing traffic. This link should be removed altogether.

Secondly, the proposed vehicle access is shown on the drainage plan to be constructed over a ditch using a culvert. No details of this culvert have been provided, which is not necessary, there will however need to be a commuted sum for the future maintenance of this culvert.

Without detailed plans of the culvert this sum will be based on a worst case scenario. Providing details of the culvert will allow the sum to be calculated more specifically.

Thirdly, no plans showing the visibility splay have been provided, although it is clear that adequate splays, of at least 43m in both directions to the nearside carriageway edge from 2.4m behind the carriageway edge, can be provided, the Bradworthy village sign and speed limit sign are likely to impinge on this visibility and require moving. Moving the speed limit would also be necessary to ensure that vehicles entering the village at this point are travelling at or below 30mph in order for the site access visibility splays to be considered adequate. At the present time I estimate that vehicle speeds in this location are closer to 40mph than 30mph.

Plans should be amended to resolve the above issues, after which I would likely be in the position to provide recommended planning conditions and no objection to the proposal. My comments from the previous application on the site remain relevant. Regarding pedestrian access, it remains that people could travel along the main road with a footway, but a safer route is available on a path through the 'industrial estate' onto North Road.

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.

Further comments dated 20th July 2020:

Observations:

Further to previous comments I am satisfied that the issues raised have been addressed and can be dealt with by the imposition of planning conditions.

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 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 70 metres in a northerly direction and at least 43 in the other direction.

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

2. 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 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.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

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

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

4. 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.

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

5. The occupation of any dwelling in an agreed phase of the development shall not take place until the footway works shown on the approved plans link the site to the footway on the other side of the main road have been completed.

REASON: To provide safe and suitable access for pedestrians.

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

Devon County Council - Flood Risk Management:

Initial comments dated 20th April 2020:

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:

It is noted that the application site has previously submitted an OUTLINE planning permission application (Reference Number 1/0100/2016). The applicant has mistakenly referenced the proposed development to 28 residential dwellings under Section 1 Introduction of the Langdon Road, Bradworthy Drainage Strategy (Report Ref CDGA-9739-REP01-R0, Rev. R0, dated 28th November 2019). It is assumed that 28 dwellings were previously proposed under the OUTLINE planning application and this FULL planning application is proposing 38 dwellings.

As this is FULL planning application, the applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices. It is advisable that the applicant refers to Devon County Council's Sustainable Drainage Guidance regarding this requirement for a FULL planning application.

The attenuation based surface water management option will only be considered upon the confirmation of the suitability of the infiltration in managing the surface water drainage.

Further comments received on 10th March 2021:

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Langdon Road, Bradworthy Drainage Strategy (Report Ref. CDGA-9739-REP01-R1, Rev. R1, dated January 2021).

(b) Detailed proposals for the management of surface water and silt runoff 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.

No building hereby permitted shall 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. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

It is proposed that Long Term Storage will be provided within the development site and discharged at a maximum of 2l/s/ha. It is proposed that the attenuation pond will have a storage volume of 640m³ and restricted to 5.7l/s before discharging into South Brook. An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

Strategic Enabling Officer:

Local Plan Policy ST18 is applicable to this application with this policy requiring 30% of the overall number of units to be provided as Affordable Housing.

For a scheme of 38 dwellings, this equates to 11.8 Affordable Housing units with the required tenure split of 75% to be provided at a Social Rent level and 25% at an 'intermediate' level - the associated definitions being detailed in the National Planning Policy Framework. In the interest of affordability, it is

imperative the rented units are provided at a Social Rent level and not at an 'Affordable' Rent level - the associated definitions being detailed in the National Planning Policy Framework.

For the Intermediate provision, it is acceptable for this to be provided in the form of shared ownership, intermediate rent or low cost housing. Where low cost housing is proposed, the percentage discount must be set as follows. and such housing will need to be secured in perpetuity.

Bedroom
Percentage of Open Market Value
1 bed
65%
2 bed
55%
3 bed
43%
4 bed
51%

For the eleven on site units the applicant has detailed the following Affordable Housing provision as part of this submitted planning application:-

Bedroom
Number of AH units
Size
1b2p
2
55 sqm
2b4p
6
76 sqm
3b5p
2
97 sqm
4b6p
1
115.6 sqm

Three of the two bedroom units should be secured at an Intermediate tenure level with the remainder provided as Social Rent.

For the off-site commuted sum, TDC's adopted method for calculating commuted sums for AH is the difference between the open market value of units that reflect the size and type of unit(s) which would address identified housing need, and the Registered Provider offer (without grant funding). In this case the commuted sum should be based on the provision of a 3 bed semi-detached shared ownership unit with the commuted sum value calculated as follows:-

Finally, I can confirm the location of the affordable housing within the site as detailed on the submitted drawing entitled 'Planning Layout' with reference PL01E is deemed acceptable.

A
3 bed Open Market Value
£200,000
B
3 bed Shared Ownership Value
£130,000
C
Commuted Sum (A-B)
£70,000
D
0.8 Commuted Sum

£56,000

Designing Out Crime Officer - DC&D Police:

Thank you for this application.

Police have no objections in principle to the proposal. I note the reference within the DAS to the "development attempting to achieve a high quality residential environment with a high level of community safety through the use of principles set out by Secured By Design. I would therefore recommend the applicant applies for Secured By Design Silver accreditation as a way of ensuring these principles are suitably identified and implemented. 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. Therefore please note the following comments from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

Residential - Building Regulations - Approved Document Q - Security.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouse 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 (2016) or equivalent.

To assist the process in ensuring compliance with the requirements of ADQ it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member company. SBD requires 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 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 crime prevention initiative Police Crime Prevention Initiatives (PCPI) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as follows, in conjunction with appropriate physical security measures.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout the physical security is now a consideration.

- o Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.

- o Structure: Places that are structured so that different uses do not cause conflict

- o Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.

- o Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community

- o Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016

- o Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

- o Management and maintenance: Places that are designed with management and maintenance in mind, to discourage crime and ASB.

The proposed boundary treatments are noted. I welcome the intention to suitably define private front gardens. Open frontage, particularly but not exclusively, on corner plots, can for many reasons

frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

An early point to consider is that if existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may 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.

Plots adjacent to open space, for example 12, 36 & 38 will require additional defensive planting against the boundary to offer further protection against crime, nuisance and anti-social behaviour. Parking provision for plots 21 & 22 requires clarification as one space appears to be shared between the two. Failure to clearly define the space is likely to conflict between residents and thus impact on nearby residents.

Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings. consideration should be given to a single dedicated entry and exit point to enable parental/guardian control and supervision. Fencing at a minimum height of 1200mm can often discourage casual entry, provide a safe clean play area and reduce damage to the equipment.

Please do not hesitate to contact me if any clarification is sought or I can assist further,

South West Water:

I refer to the above application and would advise that South West Water has no objection.

As detailed in the planning application documents no building will be permitted within 3m of the public sewer on the southern site boundary.

**Environmental Protection Officer:
Initial Comments dated 23rd April 2020:**

In relation to the above application, the Environmental Protection Team comments as follows:

Noise Impact Assessment

The Noise Impact Assessment correctly identifies the use of BS4142 (para 4.0) as the appropriate method to assess the impact of noise on the proposed development due to the presence of the neighbouring industrial estate to the west of the application site. However, a BS4142 assessment has not been undertaken and the emphasis appears to have been placed on a BS8233 assessment. BS8233 provides guidance on internal noise levels from 'anonymous' sources without a specific character. Industrial or commercial noise would not be applicable, a point made within the Noise Impact Assessment. It is worth mentioning that the BS4142 guidance was revised in 2019 but the Noise Impact Assessment refers to the former 2014 version.

The Noise Impact Assessment provides noise measurements taken in November 2019 with short term noise levels measured at LAeq 50dB and LAeq 47dB at the two measurement locations, labelled Location A and Location B (para 5.4). The Assessment states that the 'measured levels are very low with no industrial noise present'. Having regard for the measured levels, these would be considered significant given the locality which is likely to experience low background levels in the absence of industrial or commercial noise. If the levels do not relate to industrial noise, the identity of this noise should be provided to gain an understanding of the noise environment. The long term noise levels presented clearly show noise levels consistently in excess of LAeq 50dB from 0700 to 1800 hours and noise levels ranging from LAeq 30dB to LAeq 50dB during the noise sensitive evening and night time

period (para 5.5). The source of this noise needs to be established as there appears to be the potential for an adverse impact on the residential amenity of the proposed development.

The noise models provided are based on hypothetical situations which can be useful for understanding a noise environment. However, an important method for verifying the reliability of a model is to compare results against real measurements. The model is based on one noise source location and provides no information on input factors such as topography, climate and ground conditions. Furthermore, the model has used a very broad range for noise levels, below 50dB and below 65dB for daytime and below 45dB and below 60dB for night-time (para 6.3). It is assumed these levels are based on BS8233.

The Noise Impact Assessment refers to the use of mechanical ventilation and closing openable windows as means of noise mitigation (para 7.3 and 7.4). The use of mechanical ventilation would be considered a least favourable option in the hierarchy of noise mitigation measures and it is questionable whether dwellings located in a rural environment should have non-opening windows. However, this would be a planning decision. Using fixed unopenable windows for sound insulation purposes is considered unsatisfactory and should be avoided as occupants generally prefer the ability to have control over the internal environment using openable windows. The expectation of closing windows to control external noise would not be acceptable in nuisance legislation. The Noise Impact Assessment very much relies heavily on the sound insulation of the proposed dwellings to achieve acceptable acoustic conditions which, according to the ProPG: Noise and Planning guidance, is not regarded as good acoustic design.

The Environmental Protection Team does not consider an appropriate noise impact assessment has been presented and it has not been demonstrated that the proposed development is acceptable in terms of BS4142 as stated (para 8.3). The Environmental Protection Team would require a full BS4142:2019 assessment to be undertaken with suitable noise mitigation measures, where necessary, based on the assessment. The Environmental Protection Team would be happy to provide further comments upon receipt of the aforementioned assessment.

Air Quality Assessment

The Air Quality Assessment focusses predominantly on air emissions and pollution from traffic. The Environmental Protection Team concurs that the impact from traffic in the locality would be negligible and the increase in traffic resulting from the proposed development is unlikely to have a significant impact on air quality.

The Assessment mentions the close proximity of Lew Barn to the east of the application site being used for existing agricultural use (para 7.7). The Environmental Protection Team has no confirmation whether the building has current use restrictions however, its close proximity to proposed dwellings would raise concerns both from a potential odour and noise impact whether used for lambing or another livestock housing. A separation distance of 33 metres would not be considered sufficient to negate an adverse impact on the residential amenity of the proposed development. The Environmental Protection Team previously suggested a minimum separation distance of 50 metres should be applied and would recommend this minimum distance is imposed as a planning condition.

Land Quality

There appears to be no information provided on the land quality and historic use of the application site. Although the site appears to be undeveloped, its agricultural use has the potential to result in ground conditions that may be harmful to human health. Having regard for the sensitive end use, it is essential that any potential contamination of the site is appropriately assessed and identified. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.

Residential Amenity

The application site is located in relatively close proximity to existing dwellings such that their residential amenity may be adversely affected by construction works during development. Should planning consent be granted, in order to protect existing residential amenity the Environmental Protection Team recommends the imposition of the following condition:

Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, 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) impact assessments and associated mitigation measures in relation to noise, vibration, dust and lighting. (Assessments must be carried out by suitably qualified persons and the plan should demonstrate the adoption and use of best practice to reduce impacts)
- 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 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.

In addition to the above, the operating hours (including deliveries to site) should be restricted to Monday to Friday 0700 to 1900 hours and Saturday 0800 to 1300 hours with no works permitted on Sundays or Bank Holidays.

Further comments dated 16th July 2020:

In relation to the above application, the Environmental Protection Team has reviewed the additional information provided by the applicant pertaining to noise and odour.

The noise assessment and subsequent addendum clarifies that there is no measured adverse noise impact resulting from the industrial estate to the west of the application site. Although it would appear that the industrial estate is restricted in operating times, a superficial 'worse case' scenario has been presented in the noise assessment which indicates some potential noise disturbance arising from the premises during the night time period. However, appropriate noise attenuation measures pertaining to the dwelling design have been recommended that will provide suitable noise mitigation should this situation arise.

The agricultural buildings to the east of the application site appear to be used for the storage of agricultural machinery as well as livestock accommodation although there is no evidence of intensive livestock farming, particularly given their size. Furthermore, the agricultural buildings are orientated so that openings face eastwards and not towards the application site which, to a degree, is a mitigating factor for noise and odour. It is noted that a landscaped buffer will be introduced on the eastern boundary between the buildings and the nearest proposed dwellings which will remove the line of sight. Although an increased separation distance between the agricultural buildings and the nearest proposed dwellings would be preferable, having regard for the above mentioned factors, the Environmental Protection Team does not consider that there will be significant detriment to the residential amenity of the proposed dwellings from the neighbouring agricultural buildings.

The Environmental Protection Team is satisfied that the issues previously raised in its consultation response dated 23 April have been addressed. However, it may seem prudent to impose a condition to ensure the appropriate dwelling design measures, as recommended, are implemented to prevent or minimise potential noise disturbance. The Environmental Protection Team reiterates its previous comments regarding land quality and the requirement of a Construction Environmental Management Plan. The conditions recommended for imposition remain applicable.

Chief Education Officer:

Initial comments dated 6th April 2020:

Regarding the above planning application, Devon County Council (DCC) has identified that the proposed 36 family type (2+ bedroom) dwellings will generate an additional 9.00 primary pupils and 5.40 secondary pupils which would have a direct impact on Bradworthy Primary School and Holsworthy Community College. We note that the site already has an extant planning permission for 28 dwellings (1/0100/2016/OUTM) with education contributions already secured within the Section 106 Agreement dated 09/10/2017.

On the understanding that these contributions remain secured, DCCs amended position is detailed below:

In order to make the development acceptable in planning terms, DCC need to seek additional education contribution to mitigate the impact of the 8 additional family type dwellings proposed. 8 family-type dwellings can expect to produce an additional 2 primary pupils and 1.2 secondary pupils.

The nearest primary school from this development is Bradworthy primary school which has a current NET Capacity of 210. When factoring in approved but not yet implemented developments in the area we have forecast that in Spring 2023 the number of pupils expected to be attending the school is 218.

Therefore, our forecasts shows a shortfall of 8.00 pupils. Devon County Council will seek a contribution directly towards additional education infrastructure at the local primary school that serves the address of the proposed development. The contribution sought towards primary is £32,864 (based on the DfE extension rate of £16,432 per pupil). This will relate directly to providing primary education facilities for those living in the development.

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

We would also however require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Holsworthy Community College. The costs required are as follows: -

1.2 secondary pupils

£2.90 per day x 1.2 pupils x 190 academic days x 5 years = £3,306

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 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) and the costs of transporting children from Bradworthy to Holsworthy Community College. 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. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution.

However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Further comments dated 24th April 2020:

Regarding the above planning application, Devon County Council (DCC) has identified that the proposed 36 family type (2+ bedroom) dwellings will generate an additional 9.00 primary pupils and 5.40 secondary pupils which would have a direct impact on Bradworthy Primary School and Holsworthy

Community College. We note that the site already has an extant planning permission for 28 dwellings (1/0100/2016/OUTM) with education contributions already secured within the Section 106 Agreement dated 09/10/2017.

On the understanding that these contributions remain secured, DCC's amended position is detailed below:

In order to make the development acceptable in planning terms, DCC need to seek additional education contribution to mitigate the impact of the 8 additional family type dwellings proposed. 8 family-type dwellings can expect to produce an additional 2 primary pupils and 1.2 secondary pupils. The nearest primary school from this development is Bradworthy primary school which has a current NET Capacity of 210. When factoring in approved but not yet implemented developments in the area we have forecast that in Spring 2023 the number of pupils expected to be attending the school is 218.

Therefore, our forecasts shows a shortfall of 8.00 pupils. Devon County Council will seek a contribution directly towards additional education infrastructure at the local primary school that serves the address of the proposed development. The contribution sought towards primary is £32,864 (based on the DfE extension rate of £16,432 per pupil). This will relate directly to providing primary education facilities for those living in the development.

We have forecast that the nearest secondary school has currently got capacity for the number of pupils likely to be generated by the proposed development and therefore a contribution towards secondary education would not be sought. We would also however require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Holsworthy Community College. The costs required are as follows: -

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£2.90 per day x 1.2 pupils x 190 academic days x 5 years = £3,306

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The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children from Bradworthy to Holsworthy Community College. 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. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution.

However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Final comments received 11th May 2020:

Having spoken to the team we agree that we should use the original comments made on April 6th. I have attached our response for clarity.

DCC Archaeology Section:

I refer to the above application. The consent granted for application 1/0100/2016/OUTM was conditional upon a programme of archaeological work being undertaken - Condition 4. As such, the Historic Environment Team would advise that any consent granted for this current application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon

and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking 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.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

NHS Devon S106 Department:

The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon Clinical Commissioning Group as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared by NHS England and Devon County Council. In preparing this response, it is noted that Aim 4: of the North Devon and Torridge Local Plan identifies that:

An objective would be an the investment inmodern healthcare, social, sports, recreational, leisure and cultural services and facilities fulfils the requirements of our growing and changing population;

Additionally, under Section 3 of The Local Plan, entitled Sustainable Development it is quoted that the Local Planning Authorities Social Role will be to:

Creating a high-quality built environment, with accessible local services and facilities that reflect the community's needs and support its health, social and cultural well-being.

In the preparation questionnaire for the Bradworthy Neighbourhood Plan, residents when asked what other amenities & facilities people would want to see engendered the following responses in order of priority:- more healthcare

The CCG's concern is that the GP surgery in the Bradworthy area is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The Surgery is home to two GPs that already have 2,869 patients registered between them and this new development will increase the village's population by a further 70-80 persons.

Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document " drawn up by the NHS CCG and Devon County Council, the following calculation has been made:

Methodology for Application 1/0128/2020FULM

Development of 38 dwellings together with access, car parking and associated works. Land Opposite Landon Road Industrial Estate, Bradworthy Devon in the catchment of the Bradworthy GP Surgery which has a capacity of 2,080 patients with current patient list size of 2,869 and is already over capacity by 789 patients or at 138% of capability:

Number of dwellings * Average occupancy rate = population increase $38 * 2.26 = 72$

Current GP patient list + Population increase = Expected patient list size $2869 + 72 = 2,941$ (861 over capacity)

**If expected patient list size is within the existing capacity, a contribution is not required*

Using expected patient list size, select appropriate space requirement per patient from Table 2

= 0.08m² per patient.

Population increase * space requirement per patient = total space (m²) required $72 * 0.08 = 5.79$ m²

Total space (m²) required * premises cost = final contribution calculation 5.79 m² * £2299 = £13,301 (£416 per dwelling).

Could you please acknowledge the CCG's request for an S106 contribution towards the cost mitigation of the pressures on the local healthcare facility and it will form part of any future s106 Agreement with the Developers.

Representations:

Number of neighbours consulted:	28	Number of letters of support:	0
Number of representations received:	9	Number of neutral representations:	5
Number of objection letters:	4		

Objections received can be summarised as:

- Footpaths and street lighting would be required;
- Flood Risk Assessment is incorrect;
- Streams running through site link to neighbouring lake which flood as existing;
- Need for detailed drainage proposals with percolation tests;
- Density of development out of keeping with village;
- Adverse impact on character and appearance;
- Working farm adjacent to development.

Comments received in relation to the application can be summarised as follows:

- Increased number of dwellings from previous plan;
- Need to confirm suitability of building on this wet and environmentally sensitive site;
- Site outside of the village boundaries;
- Lack of public transport;
- Local primary school is full and development will put additional pressure on school;
- Existing wildlife including slow worms on application site and surrounding properties;
- Further investigation should be undertaken with respect to bats & hedgehogs;
- Exit on to main road on a blind bend with visibility concerns;
- Who will maintain the proposed play area?.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST05 (Sustainable Construction and Buildings); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); BRD (Bradworthy Spatial Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM07 (Historic Environment);

Government Guidance:

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

Planning Considerations

Main Planning Considerations:

1. Principle of Development
2. Affordable Housing
3. Housing Mix
4. Impact on Landscape Character and Appearance
5. Design
6. Impact on Heritage Assets
7. Impact on Residential Amenities
8. Access and Parking
9. Drainage
10. Ecology
11. Section 106
12. Representations.

1. Principle of Development:

The application site is located within the settlement boundary of Bradworthy as identified on the Proposals Maps to the North Devon and Torridge Local Plan. Bradworthy is identified as a Local Centre within the Local Plan and therefore the provisions of Policy ST07 are relevant which supports development in principle to achieve economically resilient and active rural areas, within the development boundaries of settlements. Part (1) of Policy ST07 notes that Local Centres, such as Bradworthy, will be the primary focus for development in the rural area with development supported in accordance with local spatial strategies to enhance the sustainability of locally important service centres and to enable wider than local needs to be met.

Policy BRD sets out the spatial strategy for Bradworthy noting that it should provide the range of facilities and services required by local people including accommodation and that growth should be gradual and supported by appropriate infrastructure. In particular, Policy BRD notes that the provision of a minimum of 44 dwellings will be sought over the plan period, including affordable homes to meet the range of housing needs of the local community. This notes that these dwellings will be provided partly through site allocations and partly through extant consents.

The inclusion of the application site within the development boundary is a reflection of the previous planning permission which was granted for the development of the application site together with the parcel of land immediately to the north (also within the applicant's ownership) for residential purposes. This permission was in outline for 28 dwellings however has now expired and has not been commenced on site.

Taking into consideration the provisions of Policy ST07 which supports the principle of development within the boundaries of Local Centres and the spatial strategy set out in Policy BRD, the principle of the proposed development is considered to be acceptable.

2. Affordable Housing:

Policy ST18 of the Local Plan relates to affordable housing and states that developments of more than 11 dwellings will be expected to provide on site affordable housing equal to 30% of the gross number of dwellings on the site. Part (3) of Policy ST18 further notes that where a fraction of an affordable dwelling is required by policy, such provision will be collected through a financial contribution of broadly equivalent value to that which would have been required on site.

The submitted plans propose the provision of 11 dwellings as on site affordable dwellings. Of these two would be provided as 1 bed flats, six as 2 bedroom houses, two as 3 bed houses and one as a 4 bedroom house. The submitted site layout plan indicates the proposed siting of the affordable dwellings 'pepper-potted' across the development. An Affordable Housing Statement has been submitted in support of the application which confirms that 6 of the proposed 11 units of affordable accommodation would be provided for social rent with the remaining 5 units being for intermediate tenure. The applicant also confirms within their Affordable Housing Statement that they consider that an affordable housing contribution will be required to be equivalent to 0.4 of a unit.

The Council's Strategic Enabling Officer has reviewed the submitted plans and documents and raises no objection to the proposed development although notes that for a development of 38 units the proportion of affordable housing sought would be equivalent to 11.8 units in accordance with the requirements of Policy ST18. Therefore 11 units of on site affordable accommodation should be provided with a further 0.8 of a unit provided by way of a financial contribution towards off-site affordable units. The Strategic Enabling Officer makes clear that the proposed development should provide 75% of the affordable units as social rent and the remaining 25% as intermediate units and these units should be secured in perpetuity. The Strategic Enabling Officer further notes that the mix and tenure of dwellings proposed by the applicant should be amended to meet local requirements with three of the 2 bedroom units to be provided as intermediate dwellings with the remainder of the affordable housing allocation being as social rent. This amendment together with the details for the affordable housing units would be secured via a Section 106 agreement as part of any planning permission granted.

The remaining 0.8 of a unit would be sought as a financial contribution and the details of this have been confirmed by the Strategic Enabling Officer. This contribution would also be secured as part of the Section 106 agreement as part of any planning permission granted.

The applicant has subsequently submitted a viability assessment in relation to the proposed development seeking to remove the need for any on site affordable housing and no commuted sum for off-site affordable housing provision. This viability assessment was independently reviewed by the District Valuer and concluded that a policy compliant scheme would not be financially viable although identified a number of discrepancies with the assumptions made in the applicant's assessment. Further discussions have been undertaken between the District Valuer and the applicant's consultant in an effort to overcome the discrepancies in some of the costings and assumptions within the viability appraisal.

The District Valuer's conclusion within their updated report (dated 19th July 2021) which confirms that a policy compliant scheme in relation to affordable housing provision would not be viable when all the required Section 106 contributions are made. The District Valuer has undertaken sensitivity testing to identify the level of affordable housing which would be viable to be made alongside the Section 106 contributions sought. This confirms that the provision of 18% of the units as affordable units (7 units) would be financially viable together with the provision of all of the other Section 106 contributions sought.

This position has been informally agreed by the applicant pending the completion and signing of a Section 106 agreement to this effect.

3. Housing Mix:

Policy ST17 of the Local Plan notes that the scale and mix of dwellings, in terms of dwelling numbers, type, size and tenure, provided through development proposals should reflect identified local housing needs as well as taking into consideration the site character and context and development viability.

The Council's Housing and Economic Needs Assessment (HEDNA), which forms part of the evidence base for the Local Plan, identified that the long term demographic for Torridge District would require the provision of 5-10% of market dwellings as 1 bed units, 30-35% as 2 bed units, 40-45% as 3 bed units and 15-20% as 4+ bedroom units.

The submitted plans propose the provision of a total of 2 one bed flats, 15 two bedroom houses, 13 three bedroom houses and 8 four bedroom dwellings. This includes both affordable and open market units. In accordance with the proportions set out in the HEDNA only reflecting open market dwellings, the proposed development would include 5% as one bedroom units, 40% as two bedroom dwellings, 34% as three bedroom dwellings and 21% as four bedroom units. Therefore the proposed development would provide a suitable provision of 1 and 3 bedroom units to meet the proportions set out in the HEDNA. The proposed development would however include a greater proportion of 2 bedroom units and a reduced provision of 3 bedroom units than those sought in the HEDNA.

The applicant has provided a statement prepared by a local agent seeking to justify the proposed housing mix. This emphasises the need for properties to meet the needs of first time buyers, families moving around in the local area and retired/semi-retired persons within this immediately local area. The local agent notes that this results in an increased demand for 2 bedroom houses which are the most popular within the identified groups of potential buyers. The applicant has sought to reduce the number of 3 bedroom dwellings on the scheme in response to this and allow the 'over-provision' of two bedroom properties in relation to the HEDNA proportions.

The accompanying text to Policy ST17 of the Local Plan notes that major residential developments should provide a balanced and proportionate mix of dwelling sizes and types to reflect the identified housing needs and demands of the locality, subject to consideration of site character and context and development viability. The proposed housing mix would not include a significant difference in the housing mix to that sought in the HEDNA and is considered to respond to local needs. The proposed development would therefore be in keeping with the provisions of Policy ST17 of the Local Plan in this respect.

4. Impact on Landscape Character and Appearance:

Policy ST14 of the Local Plan seeks to protect and enhance the local landscape and seascape character, taking into account key characteristics. Policy DM08A of the Local Plan relates specifically to landscape character and notes that development proposals should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes. Further it states that development should avoid adverse landscape and seascape impacts and seeks to enhance these assets wherever possible.

The Joint Landscape Character Assessment (JLCA) for North Devon and Torridge Districts identifies the application site as being within Landscape Character Type 5A (Inland Elevated Undulating Land) which is characterised by long views from elevated ridgelines, a working rural landscape, a patchwork of fields and hedges with valued Culm grassland at wetland habitats. The JLCA report notes that the key forces for change in this area include development pressure in and around the main settlements responding to a rise in the resident population.

The application site is an open, grazed field as existing and the main public highway into Bradworthy from the east extends around the east and north of the application site. Notwithstanding this, the site is reasonably well screened from views from the highway due to the existing mature hedgebanks and trees to the main boundaries of the site to this side. There is an existing post and wire fence to the southern boundary. The application site and much of the immediately surrounding landscape is gently sloping in nature and therefore there are limited long distance views of the application site other than to the south.

The proposed development would be set away from the northern boundary of the existing field with the highway to the north which would further reduce views of the proposed development from the public realm. In addition, the proposed development seeks to retain the existing hedgebank and mature trees to the main boundaries of the site. Landon Road and the adjacent commercial and industrial buildings

to the east are set above the height of the application site, although views from this direction of the site are partially screened due to the existing hedgebank and trees, particularly during the summer months.

The submitted Tree Protection Plan confirms that tree protection fencing will be installed on the site to retain the existing mature trees and the immediately associated areas of hedgebank to the main boundaries as well as mature trees within the application site. The submitted Arboricultural Impact Assessment (AIA) confirms that the only tree to be removed is located to the north-eastern most corner of the site (identified as T23 on the Tree Protection Plan) which is considered to be of a low quality with a limited remaining life expectancy. The AIA further comments on the proximity of the proposed development to the existing mature trees to the boundaries and within the site and notes that these are sufficiently distant so as to reduce the pressure for future pruning or removal from future residents. The submitted arboricultural information also identifies one further tree to the northern boundary of the site which is already dead and will therefore be removed as part of the development (T16 as identified on the Tree Protection Plan).

No proposed levels details have been provided for consideration at this stage in relation to either the proposed dwellings or their amenity spaces. As a result, it is considered reasonable to include a condition requiring the submission of these details to ensure that the development would not result in an adverse impact on the surrounding landscape.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the proposed development however this is dated 2016 and relates to the impacts of the previous outline scheme on the surrounding landscape. In addition, no photographs or map indicating the precise location of the viewpoints described in the LVIA report have been provided to allow a full assessment of its content.

The proposed development would include a mix of single and two storey dwellinghouses of a traditional design and these would be located across the site, with an open area retained to the south-western corner as public open space. There are existing two storey dwellings along with commercial scale buildings located in close proximity to the site to the north-east and two storey dwellings located to the south of the site, with the recently completed dwelling at no. 1 Lower Meadow located closest to the southern boundary of the site. Due to the proximity of surrounding buildings and dwellings which are of a similar or larger scale, the proposed development would be likely to be seen within longer distance views to the south within the context of this existing built form and the rest of the settlement of Bradworthy which is located to the south-east.

A condition could be included as part of any planning permission granted to ensure that a detailed landscaping plan is submitted at a later stage, particularly in relation to the southern boundary of the site adjacent to the public open space and play area. It is noted in the submitted LVIA that significant semi-mature planting was recommended to this boundary of the site to help mitigate the landscape impacts of the proposed development on the immediately adjacent site. As existing, this boundary to the site is identified as being a 1 metre high chain link fence.

Taking into consideration the character and nature of the application site and the scale of the proposed dwellings, the development is not considered to result in an adverse impact on the character of the surrounding landscape and would be in keeping with the provisions of Policies ST14 and DM08A in this regard. This conclusion is reached mindful of the two conditions recommended above in relation to site levels and the boundary treatment to the southern boundary of the site.

5. Design

Policy DM04 of the Local Plan states that development proposals should be appropriate and sympathetic to their setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood. Further, Policy DM04 further notes that development proposals should reinforce the key characteristics and special qualities of the area in which they are proposed.

The submitted plans for the new dwellings propose a traditional design approach with the inclusion of dual pitched rooflines to all dwellings together with the use of gable features and entrance features to

the main elevations. The surrounding dwellings and design of neighbouring properties are all of a traditional design with dual pitched rooflines, similar to the proposed dwellings.

The submitted External Finishes Schedule proposes the use of render to the elevations of the new dwellings (in various colours including light cream or light grey), with a brick plinth at the base, and Marley Eternit concrete tiles in a smooth grey to the roofslopes. It should be noted that light coloured render and dark roof tiles, including slate roofing are traditional within this area and the surrounding properties within Bradworthy reflect this. The proposed materials are therefore considered to be in keeping with the character of the surrounding area.

Comments raised by the Police Designing Out Crime Officer are noted, particularly in relation to the division of public and private spaces. The amended Planning Layout Plan proposes the addition of a low (0.45m high) timber fence to clearly demarcate the areas of public open space from the dwellings immediately adjacent. The Police comments do however specifically note that additional defensive planting would also be required and it is considered reasonable that a landscaping condition to ensure that details of proposed landscaping and planting across the entire site, to include these areas of public open space as well as the landscaping buffer adjacent to the attenuation pond are submitted and approved. In addition, such a condition would be able to secure the ongoing maintenance of such areas.

Section (2) of Policy DM04 notes that all major residential proposals will be expected to be supported by a Building for Life 12 (BfL12) (or successor) assessment and that high quality design should be demonstrated through the minimisation of 'amber' and the avoidance of 'red' scores.

The applicant has submitted a Building for Life Assessment in which they have identified that of the 12 categories they consider all the scores to be 'green' with only two sub-sections identified as 'amber', in relation to section 8 with no landmarks provided or required within the development and Section 2 in relation to the amount of facilities and services in the local area being sufficient to support the development.

Having reviewed the criteria for the 12 categories of the Building for Life Assessment, it is considered that the development, it is considered that an 'amber' score in relation to whether there are sufficient facilities and services in the local area to support the development is reasonable given the need for contributions towards additional primary school infrastructure within the village as well as towards the local GP surgery. It is considered that an 'amber' score should be included (rather than the green proposed) in section 4 due to the reduction in the proportion of affordable housing to be provided as part of the viability appraisal. The proposed dwellings are of a traditional design and would include materials such as render with a red brick plinth and a dark coloured roofing tile which would be similar to surrounding residential developments to this part of Bradworthy. It is considered reasonable therefore that Section 5 should received a 'green' score. On this basis, it is considered that the development would avoid 'red' scores and include a minimum amount of 'amber' scores. The proposed development is considered to be in keeping with the provisions of Section (2) of Policy DM04 of the Local Plan.

6. Heritage Assets

Policy DM07 of the Local Plan relates to the historic environment and states that 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 national policy tests.

The application site is located at some distance to the nearest listed buildings which are within the central part of Bradworthy to the south-west and the Bradworthy conservation area is also located to the south-west, at some distance to the boundaries of the site.

The County Council's Archaeology Officer has commented on the submitted plans which notes that the previous outline planning permission on the site was conditional upon a programme of archaeological works taking place and therefore a similar condition requiring the submission of a Written Scheme of

Investigation should be included as part of any planning permission granted. Further guidance is provided by the Archaeology Officer in relation to the details required within the Written Scheme of Investigation noting that a stage programme of works are likely to be required.

Subject to the inclusion of the proposed condition ensuring the provision of a scheme of archaeological investigation prior to the commencement of works on site, it is not considered that the proposed development would result in a harmful impact on heritage assets and would be in keeping with the provisions of Policy DM07 of the Local Plan.

7. Impact on Residential Amenities

Policy DM01 of the Local Plan states that development will be supported where it would not significantly harm the amenities of any neighbouring or future occupants or uses. Policy DM02 relates to environmental protection and notes at section (2) that development will be supported where it does not result in unacceptable impacts to atmospheric pollution by gas or particulates, pollution of surface or ground water, noise or vibration and light pollution.

The submitted Planning Layout has been amended by the applicant during the application process to alter the relationship of some dwellings in relation to one another within the application site. This includes ensuring that there is sufficient space between facing properties across roads and sufficient rear garden spaces provided as private and usable amenity space. Having assessed the relationship of the proposed dwellings to one another there are some instances of bathroom or landing windows facing directly towards neighbouring properties in close proximity at the first floor level. As a result of this relationship and taking into consideration the nature of the rooms the windows would serve, it is considered reasonable to include a condition as part of any planning permission granted to ensure that these are obscure glazed and retained as such thereafter.

In relation to surrounding, existing properties, the nearest neighbouring residential properties are located to the south at Lower Meadow and to Lew Barn to the north-east of the site. The recently constructed dwelling to the south of the application site at Lower Meadow would be located closest to the proposed public open space to the south-west corner of the site. The nearest proposed dwelling to this neighbouring property would be Plot 37 which would be located some 33 metres from the boundary of the site. Whilst Plot 36 would be located closer to the side boundary, it is located at a greater distance to 1 Lower Meadow which is to the south-west of the application site.

Lew Barn to the north-eastern corner of the site is located approximately 55 metres from the nearest proposed dwelling at Plot 27. To the east of the site is Lew Farm and the dwelling associated with this site would be located a considerable distance from the boundary of the site, with agricultural buildings associated with the holding located between the two.

The Council's Environmental Protection Officer has commented on the submitted scheme and initially raised concerns with respect to noise and odour from neighbouring site uses.

In relation to noise, the Environmental Protection Officer noted the content of the submitted Noise Assessment however initially commented that an appropriate noise assessment had not been carried out, noting the adjacent industrial uses at Landon Road in close proximity to the site. In addition, suitable noise mitigation measures were requested.

The Environmental Protection Officer also provided initial comments on the Air Quality Assessment which was submitted with the application, however noted that further information was required with respect to the use of the barns at Lew Farm and sufficient distance should be provided to ensure that an adverse impact would not result on future occupants of the development.

The Environmental Protection Officer further requested the inclusion of conditions relating to contaminated land due to its previous and current agricultural uses and a condition requiring the submission of a Construction Environmental Management Plan to ensure that the construction phase of the works would not result in a harmful impact on existing neighbouring occupiers and a restriction on construction working hours.

The applicant has submitted additional information with respect to the noise and air quality issues and further comments have been received from the Council's Environmental Protection Officer in response. These note that the noise assessment and addendum provided confirms that there is no measured adverse noise impact from the industrial estate uses to the west of the application site and a 'worst case scenario' has been provided which indicated that there would be some potential noise disturbance arising from the premises at night time. Given the nature of the nearby industrial uses, it is unlikely that these would continue during the night time period.

The submitted addendum to the Noise Assessment recommends some noise mitigation measures to Plots 37 and 38 only due to their proximity to the adjacent industrial estate. These measures include alternative means of ventilation to habitable rooms on the first floor of these two properties to avoid the need for opening windows for ventilation purposes. A condition to ensure that these design elements are included within the constructed development could be secured as part of any planning permission granted.

Taking into consideration the proposed planning layout, the internal arrangements of the proposed dwellings and the conditions recommended above, a harmful impact on the amenities of neighbouring or future occupants is not considered to result. The proposed development would therefore accord with the provisions of Policies DM01 and DM02 of the Local Plan in this regard.

8. Access and Parking

Policy DM05 of the Local Plan states that 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. 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 proposed development includes the formation of a new access to the western boundary, to the north of the existing junction of Landon Road with the main highway. This entrance would provide both pedestrian and vehicular access into the site. The Planning Layout drawing proposes the inclusion of off-street parking spaces for each of the dwellings (at least two) together with garages for some of the dwellings.

A Transport Assessment together with detailed plans have been submitted in support of the proposed development. The Transport Assessment confirms the access and turning spaces for a normal car to access each of the proposed dwelling plots, as well as a refuse lorry to be able to service the development. The Transport Assessment concludes that the proposed development will have a minimal impact on the surrounding transport network and considers that the proposals can be accommodated within the existing highway network in terms of safety and capacity terms.

The County Council's Highways Officer has commented on the submitted plans. Initial comments provided did not raise an in principle objection to the proposed development in highway terms, however raised concerns with respect to the proposed provision of a pedestrian footpath to the north-eastern corner of the development which would encourage future occupants of the development to leave the site by this route where there is no footpath along the public highway and it is subject to the national speed limit. Further, concerns were raised in relation to the proposed construction of the vehicular access over the existing ditch which is adjacent to the public highway, with the need to provide a culvert. In addition, the Highway Officer sought confirmation of the visibility splays from the access, noting the location of the existing 30mph zone as well as the siting of the village sign within the visibility splay.

The applicant has sought to address these queries with amendments to the proposed Planning Layout drawing to remove the pedestrian footpath to the north-eastern corner of the application site and provide greater clarification of the visibility splays to either side of the proposed access point.

A further response has been received from the County Council's Highways Officer which confirms that the previously raised issues have now been addressed and can be dealt with via the imposition of planning conditions. These include conditions recommended to secure the provision of a suitable

visibility splay, the provision and approval of highway details, ensuring a suitable access is provided at the start of construction works and the phasing of the works to provide a footway.

Subject to the inclusion of the recommended conditions and taking account of the amendments submitted, it is considered that the proposed development would include acceptable access arrangements and provision for a suitable level of parking provision. On this basis, the proposed development would be in keeping with the provisions of Policies DM05 and DM06 of the Local Plan.

9. Drainage

Policy DM02 relates to environmental protection and states that development proposals will be supported where they do not result in unacceptable impacts on the pollution of surface or ground water. Section (n) of Policy DM04 notes 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 surface water run-off from the development will be discharged via a sustainable drainage system and foul drainage discharged to the mains sewer. A new foul drainage pumping station is proposed to be located to the north-eastern corner of the site and then discharged to the existing foul sewer to the south-western corner of the site. The submitted Planning Layout proposes to retain an easement of 6 metres is also proposed to either side of an existing South West Water sewer which extends across the south-western part of the site. A Drainage Strategy has also been provided in support of the application

Comments have been received from South West Water in relation to the proposed foul drainage arrangements which confirms that they have no objection however reiterate that no buildings will be permitted within 3 metres of the public sewer to the southern part of the site.

In relation to surface water drainage, the proposed development would include an attenuation pond to the north-eastern part of the site and would include the construction of culverts over existing watercourses both adjacent to the access point into the site and within the site itself. The proposed attenuation pond would include sufficient storage for a 1 in 100 year event plus a 40% allowance for climate change and would allow the discharge rate of surface water from the development to the existing watercourse (South Brook) to the north-east of the site to be restricted to a peak flow of 5.7l/s. The submitted Drainage Strategy sets out the calculations for the capacity required for attenuation and the existing greenfield run off rate. The submitted Flood Risk Assessment also confirms that the application site is located in Flood Zone 1 and there are no records of any flood issues associated with the site.

The County Council's Flood Risk Engineers have comments on the submitted plans and initially raised objections as additional information was required. Specifically additional information confirming whether infiltration is a viable means of surface water management on the site would be needed to meet the requirements of the drainage hierarchy.

The applicant has subsequently provided an updated Drainage Strategy which confirms that the ground conditions on site in three testing locations are not suitable for infiltration, with the test results provided. In addition, it is not considered that the collection of rainwater for use within the site would not be adequate to deal with the site wide runoff generated and would not take account of highway runoff. As a result, the discharge to an existing watercourse, with flow rates attenuated is considered the preferred option.

The County's Flood Risk Engineers have commented further in light of this additional information and removed their earlier objection. A pre-commencement condition seeking the detailed design of the proposed drainage system is recommended to be included as part of any planning permission granted. On this basis, no objections are raised to the proposed drainage arrangements and the proposed development is considered to be in keeping with the provisions of Policies DM02 and DM04 (n) in this regard.

10. 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 the North Devon and Torridge District Local Plan through 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'.

The applicant has submitted an Ecological Appraisal in support of the proposed development which is dated 2018 and provides an update to the 2015 Phase I Habitat Survey undertaken on the site in 2015 in relation to the previous outline application. This confirms that the existing site includes a mixture of improved and species-poor marshy grassland separated by native hedgerows. Two of the trees within the hedgebanks are identified as having a moderate potential for supporting roosting bats along with several trees which are of low potential. The Appraisal confirms that the hedgerow network within and at the boundaries of the site is likely to support foraging/commuting bats and nesting birds, along with an area of scrub/grassland to the north of the site providing some limited potential for reptiles and common amphibians. The Appraisal makes a number of recommendations in relation to the development, including the clear demarcation of retained habitat features prior to the commencement of construction works on site and the minimising of external lighting within the development to minimise impacts on bats. Further recommendations include the use of native species or those with benefit to wildlife within the landscaping of the site and the inclusion of bat and bird boxes within the development. A management plan for the retained hedgerows is also recommended to ensure that these can be retained as wildlife corridors.

It is noted that the proposed development would retain the existing hedgebanks to the northern, western and eastern boundaries, as well as existing areas of hedgebank and mature trees within the site. A section of the existing hedgebank to the eastern boundary would need to be removed to provide the new access into the site. It is further noted from the Planning Layout drawing that the proposed development would include an additional landscape buffer to the north-eastern corner of the site and the provision of a surface water attenuation feature above ground which would provide an additional wildlife habitat as well as including grassland seeding to this part of the site.

In relation to Biodiversity Net Gain, the applicant has submitted a detailed letter from their ecologist and completed DEFRA Metric which sets out the types of habitats to be lost, retained and needing to be off-set and for which net gain needs to be secured. This concludes that the site currently includes rush pasture fields (both semi-improved grassland and marshy grassland) as well as species rich hedgerows, Devon banks and existing wet and dry ditches.

The proposed development would largely retain the existing hedgerows with the exception of the proposed access and associated visibility splays. The majority of ditches would also be lost along with the existing grassland areas. The proposed development would seek to include a small area of species-rich grassland around the proposed SuDS attenuation pond however this would not provide a sufficient off-set for the proposed development or to meet the required biodiversity net gain sought by the provisions of part (8) of Policy DM08.

The applicant has identified that in order to mitigate the habitats lost from the application site as well as providing a 10% biodiversity net gain additional off-site biodiversity net gain would need to be secured. This relates to the grassland areas of the existing site, along with the hedgerow and ditches to be lost from the site.

Discussions have been undertaken with the North Devon Biosphere to identify whether an off-site contribution would be suitable to address the on-site shortfall in this instance, and if so, the level of contribution which would be required and an indication of the likely project(s) to which it could be attributed. The North Devon Biosphere have confirmed that there are projects at Abbotsham cliffs to accommodate opportunities to improve rush/wetland pasture and hedgerows to offset the loss of these habitats from the application site. It is also understood that works to improve existing ditch habitats are also proposed to Abbotsham cliffs for which an off-site contribution could be sought.

The North Devon Biosphere have confirmed that an off-site contribution could be provided sufficient to provide a suitable level of biodiversity net gain relevant to the proposed development within the District. This could be secured as part of a Section 106 agreement 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 in relation to protected species and their habitats as well as securing biodiversity net gain.

11. Section 106

Policy ST23 relates to infrastructure provision and notes 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. Policy ST23 further notes that developments that increase the demand for off-site services and infrastructure will only be allowed where sufficient capacity exists or where the extra capacity can be provided, if necessary through developer-funded contributions.

Consultation responses from the County Council's Education Officer have confirmed that contributions would be required towards additional primary school infrastructure at Bradworthy Primary School to meet the additional demand generated by future residents of the proposed development. It is noted that the existing primary school, taking account of other developments in the surrounding area would result in a shortfall in capacity and therefore a contribution towards additional education infrastructure would be required.

In addition, the County Council's Education Officer has noted that there is sufficient capacity for the additional secondary school pupils generated by the development at Holsworthy Community College however as the development is located over 2.25 miles from the school, a contribution towards secondary school transport costs would also be sought for the number of pupils expected to be generated by the development.

Comments have been received from the NHS Devon Section 106 Department noting that the GP surgery in Bradworthy is already over capacity within its existing footprint and therefore that the whole local healthcare provision will require review. A contribution towards this has been calculated taking account of the likely number of additional patients generated by the development, the space required per patient and the likely costs associated with this expansion.

The proposed development is therefore considered to be in keeping with the provisions of Policy ST23 in relation to infrastructure provision subject to it being secured via a Section 106 agreement.

Policy DM10 relates specifically to green infrastructure provision and notes that development will provide new accessible green infrastructure, including public open space and built facilities to meet at least the green infrastructure quantitative and accessibility standards to meet the needs of intended occupants. The Council's Green Infrastructure Calculator has identified that the proposed development in this location would require the total provision of 0.133ha (or 1,330.35m²) of public open space on site. This is broken down into the provision of a children's play space (58.57m² or 0.006ha), youth playspace (58.57m² or 0.006ha), a combined sports, park and recreation grounds provision (1,087.71m² or 0.109ha) and allotments (125.51m² or 0.013ha).

The submitted Planning Layout plan indicates two areas of public open space within the site with a total area of over 3,000m². On this basis, the required on-site provision of public open space is considered to be met by the development, in accordance with Policy DM10, subject to its provision and ongoing maintenance being secured via a Section 106 agreement.

As noted above, the development would seek to provide 7 of the dwellings onsite as affordable units, with a mix of social rent and intermediate dwellings. This would be secured via a Section 106 agreement. In addition, an off-site contribution would be sought towards the provision of biodiversity net gain in relation to specific projects within the District.

12. Representations

A number of objections and comments have been received in response to the application, as summarised above. Many of the concerns or queries raised have been addressed in the above report. In relation to queries as to who would be responsible for the maintenance of the play area, this would be secured via the Section 106 agreement and is likely to be the developer initially, with a management company for the site subsequently being set up to maintain all the areas of public open space on the site.

Concerns raised with respect to the lack of capacity at the local primary school are noted and the County Council's Education Officer also identifies that there is forecast to be a surplus of primary school pupils in due course, when taking account of the number of unimplemented but valid planning permissions in and around Bradworthy. Notwithstanding this, the advice from the Education Officer is to seek a contribution towards the provision of additional primary school infrastructure and no objection is raised in principle by the Education Officer to the proposal for additional dwellings which are likely to generate additional pupil numbers. On this basis, the contribution requested will be secured via a Section 106 agreement as part of any planning permission granted.

Conclusion:

The proposed development is not considered to result in an adverse landscape impact and the character and appearance of the proposed dwellings would be in keeping with the surrounding area. In addition, the proposed development would not result in an adverse impact on the amenities of neighbouring or future occupants or protected species and a suitable provision would be made in terms of access, parking and drainage.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to a Section 106 agreement to secure the following:

- 11 affordable dwellings on site with a mix of 8 social rent and 3 intermediate properties;
- £13,301 towards the cost of mitigating pressures on the local healthcare facility in Bradworthy;
- £14,877 towards the cost of transporting secondary school pupils associated with the development to Holsworthy Community College;
- £147,888 towards providing additional education infrastructure at Bradworthy Primary School;
- The onsite provision of at least 0.133ha (or 1,330.35m²) of public open space to include children's play space (58.57m² or 0.006ha), youth playspace (58.57m² or 0.006ha), a combined sports, park and recreation grounds provision (1,087.71m² or 0.109ha) and allotments (125.51m² or 0.013ha);
- £123,490 towards off-site biodiversity net gain for projects undertaken by the North Devon Biosphere at Abbotsham cliffs and/or Roborough to provide grassland, ditch and hedgerow habitats
- £1,315 towards off-site affordable housing provision.

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

Reason: To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

4. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Langdon Road, Bradworthy Drainage Strategy (Report Ref. CDGA-9739-REP01-R1, Rev. R1, dated January 2021).
 - (b) Detailed proposals for the management of surface water and silt runoff 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.No building hereby permitted shall 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. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

5. Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, 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) impact assessments and associated mitigation measures in relation to noise, vibration, dust and lighting. (Assessments must be carried out by suitably qualified persons and the plan should demonstrate the adoption and use of best practice to reduce impacts)
 - 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 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.

Reason: To ensure that a harmful impact on the amenities of neighbouring occupiers or the surrounding highway network does not result.

This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of the arrangements for the construction works prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk an adverse impact on neighbouring occupiers and the surrounding highway network.

6. 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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, 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 (common to all): 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.

This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of the ground conditions of the site prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of land contamination and an adverse impact on human health.

7. Prior to commencement of the development hereby permitted a plan identifying the finished floor levels of all proposed dwellings together with the finished levels of the surrounding amenity areas of the site, including amenity spaces to the proposed dwellings in relation to an identifiable datum point shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of the levels of the development relative to surrounding sites prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of the development being a dominant feature, out of keeping with the surrounding landscape and neighbouring sites.

8. No works or development shall take place until full details (including species, type and size at the time of planting) of all proposed tree planting and landscaping and the proposed times of planting, have been approved in writing by the Local Planning Authority. These shall include the landscaping buffer adjacent to the proposed attenuation pond and additional defensive planting between private gardens/dwellings and the adjacent areas of public open space. The agreed details shall be implemented in accordance with the agreed scheme and at those times specified. 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: This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of the landscape impacts of the proposed planting across the site prior to work commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of the development being out of keeping with the surrounding landscape and edge of settlement location and an adverse impact on neighbouring sites.

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

Reason: This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority (in consultation with the Highways Authority) is satisfied of the highway details prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of an adverse impact on highway safety, insufficient facilities being available on site for all traffic attracted to the site during the construction works and an adverse impact on the amenities of adjoining residents.

10. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) to details how retained and proposed habitats will be managed in the long term, will be submitted to and approved in writing by the Local Planning Authority. This shall include the landscaping buffer adjacent to the proposed attenuation pond and additional defensive planting between private gardens/dwellings and the adjacent areas of public open space. The required management plan shall include consideration audit and monitoring provisions to measure the success or otherwise of their implementation. Thereafter, the habitats shall be managed and maintained in accordance with the agreed LEMP.

Reason: This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied that the retained and proposed habitats can be provided on site and managed in the long term prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of the loss of existing habitats during the construction works and insufficient provision being made on site for proposed habitats. In accordance with the provisions of Policies ST14 and DM08 of the North Devon and Torridge Local Plan (2018).

11. 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 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 70 metres in a northerly direction and at least 43 in the other direction.

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

- 12 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 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.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 13 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.

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

- 14 The occupation of any dwelling in an agreed phase of the development shall not take place until the footway works shown on the approved plans link the site to the footway on the other side of the main road have been completed.

Reason: To provide safe and suitable access for pedestrians.

- 15 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

- 16 The proposed dwelling mix shall be in broad accordance with the following; 1 bed – 5%, 2 bed - 40%; 3 bed - 34%; 4 bed - 21% unless otherwise agreed in writing with the Local Planning Authority. Any deviation from this mix shall be justified in accordance with Policy ST17(a).

Reason: To ensure that the development provides an appropriate mix of housing types to address local needs. In accordance with the provisions of Policy ST17 of the North Devon and Torridge Local Plan (2018).

- 17 The development hereby permitted shall be carried out in accordance with the Conclusions and Recommendations set out in the Preliminary Ecological Appraisal dated October 2018 prepared by Soltly Brewster Ecology

Reason: In the interests of the protection and enhancement of the existing biodiversity value at the site.

- 18 The development hereby approved shall be implemented in accordance with the design measures to the dwellings on Plot nos.37 & 38 as identified within the submitted Noise Impact Assessment prepared by Acoustic Consultants Ltd. (Version 2.0 dated July 2020).

Reason: To ensure that a detrimental impact from noise disturbance for future occupiers from existing neighbouring uses does not result. In accordance with the provisions of Policy DM02 of the North Devon and Torridge Local Plan (2018).

- 19 Construction works 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.

- 20 The following windows, as identified on the approved plans, shall be obscure glazed prior to the occupation of the dwelling and shall thereafter be retained as such:

- first floor side window to plot 8;
- first floor side window to plot 10;
- first floor east side window to plot 11;
- first floor west side window to plot 25;
- first floor south side window to plot 33;
- first floor south facing window to plot 16.

Reason: in the interests of the amenities of future occupiers.

Plans Schedule

Reference	Received
1 OF 5	18.03.2020
2 OF 5	18.03.2020
3 OF 5	18.03.2020
4 OF 5	18.03.2020
5 OF 5	18.03.2020
CDGA-9739-103-P2	18.03.2020
CDGA-9739-104-P2	18.03.2020
CDGA-9739-105-P2	18.03.2020
GA01B	18.03.2020
GA02B	18.03.2020
GA03B	18.03.2020
HTA01B	18.03.2020
HTC01B	18.03.2020
HTD01B	18.03.2020
HTE01B	18.03.2020
HTEW01B	18.03.2020
HTG02B	18.03.2020
HTG03B	18.03.2020

HTH01A	18.03.2020
HTH02A	18.03.2020
HTH03B	18.03.2020
HTJ01B	18.03.2020
SCR01	19.02.2020
SCR02A	18.03.2020
19 1191 1 TPP REV. 1	20.03.2020
LOC01 B	14.06.2021
PL01 J	14.06.2021
HT F 01 C	16.07.2020
HT F 02	16.07.2020
HT G 01 C	16.07.2020
HT B 01 C	16.07.2020
SE 01 A	16.07.2020
SE 02 A	16.07.2020

Informatives

01. The comments from South West Water should be noted which confirm that no building will be permitted within 3 metres of the public sewer on the southern site boundary.

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.