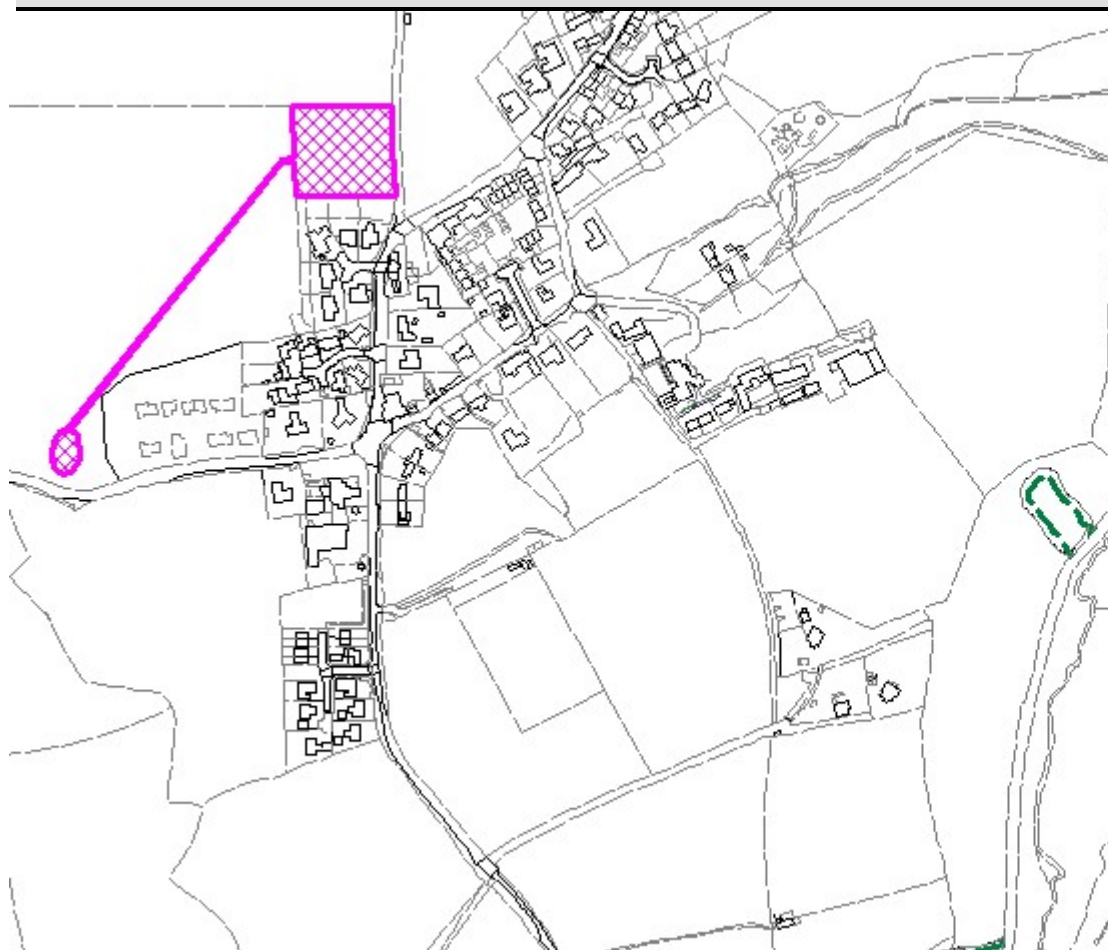


Committee Report – 4th November 2022

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



Reason for referral:

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

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

It is a departure from the local plan.

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

Relevant History:

None.

Site Description & Proposal

Site Description

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

Proposed Development

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

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

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

Consultee representations:

Parkham Parish Council:

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

Devon County Council (Highways):

Initial Comments dated 6th June 2022:

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

Further Comments dated 27th July 2022:

Observations:

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

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

Recommendation:

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

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

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

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

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

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

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

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

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

Environmental Protection Officer:

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

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

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

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

Conservation Officer:

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

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

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

There are no observations in relation to the heritage considerations.

Historic England - Southwest Casework:

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

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

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

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

Chief Education Officer:

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

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

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

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

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

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to these contributions should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Devon County Council - Flood Risk Management:

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

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

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

South West Water:

Thank you for the consultation request.

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

Representations:

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

Objections received can be summarised as follows:

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

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

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

Government Guidance:

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

Planning Considerations

Material Planning Considerations:

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

1. Principle of Development

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

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

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

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

As a result of the application site being located outside of the settlement boundary, the provisions of section (4) of Policy ST07 of the NDTLP are relevant which states that in the countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location. The accompanying text to Policy ST07, in relation to section (4) notes that in the countryside, the NDTLP seeks to control dispersed development, guarding against development in unsustainable locations.

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

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

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

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

Paragraph 11 (d) notes:

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

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

For the purposes of the Presumption, policies of the development plan are not considered to be automatically out-of-date by virtue of not being able to demonstrate a 5YHLS. Whether a policy of the development plan is out-of-date is a matter for the decision taker, in light of their substance and considering their conformity with the NPPF. As the NDTLP was adopted relatively recently, none of the policies are generally considered to be out-of-date for the application of the Presumption.

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

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

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

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

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

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

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

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

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

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

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

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

2. Impact on Landscape Character and Appearance

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

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

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

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

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

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

3. Impact on Historic Character

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

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

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

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

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

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

4. Design and Landscaping

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

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

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

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

5. Impact on Residential Amenities

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

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

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

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

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

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

6. Access and Parking

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

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

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

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

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

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

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

7. Drainage

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

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

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

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

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

8. Ecology

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

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

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

9. Section 106

Policy ST23 of the NDTLP states that developments will be expected to provide or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific and/or cumulative impact of those developments.

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

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

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

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

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

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

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

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

10. Planning Balance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

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

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

And the following conditions

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

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

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

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

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

Reason: To protect the amenities of neighbouring properties.

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

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

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

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

Reason: In the interests of biodiversity and landscaping.

Plans Schedule

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

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

Statement of Engagement

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

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

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