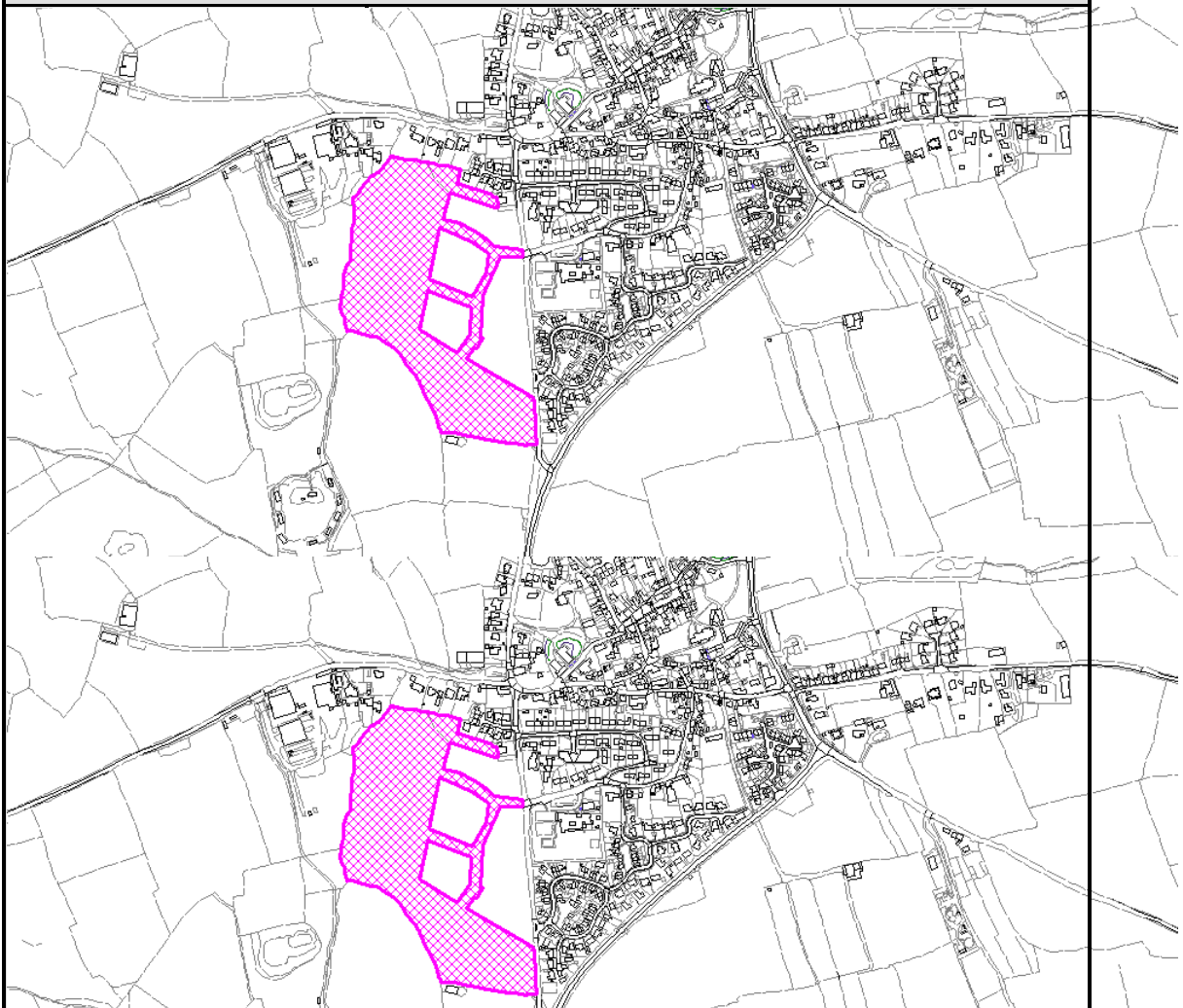


## Committee Report – 2<sup>nd</sup> March 2023

<b>Application Number:</b>	1/0556/2022/FULM
<b>Registration date:</b>	30 June 2022
<b>Expiry date:</b>	29 September 2022
<b>Applicant:</b>	David G Trenaman & Allison Homes
<b>Agent:</b>	MHB Planning Ltd
<b>Case Officer:</b>	Sarah Boyle
<b>Site Address:</b>	Land West of Townsend Hill, Winkleigh, Devon,
<b>Proposal:</b>	Residential development of 77 dwellings with associated infrastructure
<b>Recommendation:</b>	GRANT subject to a legal agreement



## Reason for referral:

Councillor Newton called in the application, if the officer was minded to approve, for the following reasons:

*'The land identified in this application for a further 78 dwellings on Townsend Hill is outside the Development Boundary as defined in the NDTLP Spatial Strategy for Winkleigh (WIN) and so is not available for development. The Development Boundary is not a cursory line drawn around the existing bounds of the village, rather it represents a considered, researched and calculated extent to which the village can viably expand whilst still maintaining the social, community and environmental cohesion essential to a defined rural village of this size. These requirements are well articulated in the Winkleigh Neighbourhood Plan 2018-2031. The (temporary) legal precedent (NDTLP 5-year Land Supply) nullifying the restrictions of Development Boundaries does not, in any way, remove the justification for such limits which remain just as viable in the case of Winkleigh.'*

*NDTLP Policies relating to the future development of Winkleigh as a Local Centre (ST07) identify a capacity for at least an additional 60 dwellings, of which up to 55 are already allocated (WIN02) within the Development Boundary on land North of Chumleigh Road. Since then, an additional 55 houses are being built on Townsend Hill and planning permission has been granted for a further 70 houses on the Western Barn site (formerly Kingsley Plastics). Although the NDTLP applied no upper limit on the number of future houses for Winkleigh, it is clear that the current approvals and allocation amounting to 180 units are already well in excess of policy expectations and intent – a further 78 units from this application, plus an additional 17-unit uplift to the 55 currently allocated as proposed would amount to 275 new units or a 45% increase in the number of houses in this historic village. Such an increase would be detrimental to the character of the village and the residents who are its community.'*

## Relevant History:

<b>Application No.</b>	<b>Description</b>	<b>Status</b>	<b>Closed</b>
1/0127/2017/OUTM	Outline application for residential development of up to 55 dwellings (use class C3) and associated infrastructure (Affecting a Public Right of Way)	PER	12.10.2017
1/0299/2021/REMM	Reserved matters application pursuant to 1/0127/2017/OUTM for (Appearance, Layout, Landscape and Scale) (Affecting a public right of way)	PER	17.08.2021
1/0324/2021/FUL	Proposed construction of attenuation basin, service road and Devon Bank in association with planning permission 1/0127/2017/OUTM (Affecting a public right of way)	PER	17.08.2021
1/0438/2021/REMM	Reserved matters application pursuant to 1/0127/2017/OUTM for (Appearance, Layout,	WDN	23.09.2021

	Landscape and Scale) (affecting a public right of Way)		
1/0834/2021/NMAT	Non material amendment to 1/0127/2017/OUTM - Amendment to wording of Conditions 5 and 11	PER	17.08.2021
1/0018/2021/DIS	Discharge of conditions 4, 6, 7, 12, 17 19, 20 and 22 of planning permission 1/0127/2017/OUTM (Drainage strategy addendum)	PER	23.02.2022
1/0015/2021/NMAT	Non material amendment to planning approval 1/0299/2021/REMM - Amendment to plans schedule	PER	22.09.2021
1/0034/2021/DIS	Discharge of conditions 8 and 21 of planning permission 1/0127/2017/OUTM	PER	12.11.2021
1/0036/2021/DIS	Discharge of condition 4 (construction of attenuation basin, service road and Devon Bank) of planning permission 1/0324/2021/FUL (drainage strategy addendum)	PER	16.11.2021
1/0037/2021/DIS	Discharge of conditions 4 (Ecology), 5 (Play area) & 7 (Open Space) of Planning Application 1/0299/2021/REMM	PER	12.11.2021
1/0082/2021/DIS	Discharge of condition 3 (facing and roofing material details) of Planning Permission 1/0299/2021/REMM	PER	13.05.2022
1/0013/2022/DIS	Discharge of condition 10 of Planning Approval 1/0127/2017/OUTM. (Road Details)	PER	04.05.2022
1/0044/2022/DIS	Discharge of condition 13 of Planning Approval 1/0127/2017/OUTM (Highway Details)	PARAPP	07.07.2022
1/0127/2017/OUTM	Outline application for residential development of up to 55 dwellings (use class C3) and associated infrastructure (Affecting a Public Right of Way)	PREPLA	

## Site Description & Proposal

### Site Description

The application site is located within the countryside and consists of a parcel of agricultural land. To the east of the site is a residential scheme currently under construction, which has permission for up to 55 dwellings under applications 1/0127/2017/OUTM and 1/0299/2021/REMM. Further to the east of this construction site is the development boundary for Winkleigh, which is designated as a 'Local Centre' in the adopted North Devon and Torridge Local Plan (NDTLP). To the west of the proposed development is also a residential scheme which has permission for up to 70 dwellings under applications 1/0346/2017/OUTM and 1/0613/2020/REMM, but this has not yet commenced on site.

The site is well-related to the main built form of Winkleigh which provides a *'good range of local services and facilities for the village and surrounding rural community'* (paragraph 12.253 of the NDTLP). In terms of topography, the site slopes from north to south and is visible in views from the wider landscape and highway network to the south. The site itself is neighboured by the existing built form of Winkleigh to the north and to the east and west are the permitted residential schemes with agricultural land to the south.

The site falls outside of the Conservation Area for Winkleigh and within a Zone 1 Flood Risk meaning it has a less than 1 in 1,000 annual probability of river flooding, which is considered low.

The site is bordered by the public highway (Class C) towards the east which currently provides vehicular access to the agricultural field and will be used for the site. The Public Right of Way 'Winkleigh Footpath 22' transects the site in the southeast corner.

### Proposed Development

The application is made in full and seeks permission for a housing development to consist of 77 dwellings, with landscaping, and associated infrastructure works including any required financial contributions.

The site would join into the permitted residential development which is currently under construction by the applicant and has an existing access to the east which connects into a classified highway. The proposed development would not be looking to alter the access which is subject to conditions and traffic calming measures through a Section 106 which was agreed under the outline and reserved matters applications 1/0127/2017/OUTM and 1/0299/2021/REMM.

A mix of one, two, three and four bedroom units have been provided on site and would be a mix of affordable and open market dwellings, flats and bungalows:

#### Affordable units

- 8x 1B/2P Units over three dwelling types in terms of footprint
- 9x 2B/4P Units over two dwelling types in terms of footprint
- 5x 3B/6P
- 1x 4B/8P

#### Open Market House types

- Plot 2 – 3 Bedroom
- Plot 3 – 3 Bedroom
- H59 Bungalow – 2x 2 Bedroom
- H62 Bungalow – 2x 2 Bedroom
- Bungalow B – 3x 3 Bedroom
- 2329 semi-detached – 6x 3 Bedroom
- 2318 semi-detached – 7x 3 Bedroom
- 2318 Detached 6x 3 Bedroom
- 2324 Dwellings 7x 3 Bedroom
- 2428 Dwellings 12x 4 Bedroom

- 2404 Dwellings 7x 4 Bedroom

The proposed layout of the development closely follows the principles established on the development to the east and incorporates a range of open space and landscaping, including natural green amenity space, a Local Area of Play (LAP) and an orchard.

### **Consultee representations:**

#### **Winkleigh Parish Council:**

##### First Response

Development Boundary infringement

Inadequate Land availability data on which to judge the Five-Year Land Supply

Lack of Respect for the Aspirations of Winkleigh Neighbourhood Plan

Traffic and Highways

Lack of Affordability and Community Need

Environmental

Community Liaison

Further Consideration for Torridge District Council Enforcement:

OBJECTION agreed at EPC on 17th August

Winkleigh Parish Council objects to this development and the chosen developers

##### Development Boundary:

Winkleigh Parish Council took the trouble to create a Neighbourhood Plan which received overwhelming support from those who voted in the referendum in June 21. Allison Homes has completely ignored the wishes of the village by creating a second phase which is outside the Development Boundary as defined in the North Devon and Torridge Local Plan (NDTLP), which means this land only available for development under specific circumstances. (H21)

The development boundary is not an arbitrary line drawn around the village but represents sustainable expansion which recognises Winkleigh as a local centre and not a town and is the result of hard work, research and consultation with the parishioners by the authors of Winkleigh Neighbourhood Plan 2018-2031.

NDTLP identifies Winkleigh as a local centre and has identified housing growth of an additional 60 houses, and land has already been allocated for a further 55 on land north of Chulmleigh Road and permission granted to a further 70 houses on the brown field site formerly known as Kingsley Plastics. These already granted permissions and allocations represent an increase of around 45% and is already urbanizing our community and reducing access to countryside. This growth will already have a detrimental effect on the historic village and its residents. Further growth should not even be considered and until stakeholders can see how the infra-structure: highways, transport, schools and medical services, environment both built and green and local economy can cope with such a large and sudden inundation of new build. South West water have already indicated that they cannot cope with more effluent due to the outdated pumping station still in use.

##### Inadequate Land availability data on which to judge the Five-Year Land Supply:

Any planning decision should not in any way remove the necessity to limit growth to within the identified village boundary. Should this be the case then Policy HCLW4 requires that the sustainability of the proposals should be independently appraised both at the site level and within the wider community, bearing in mind that Allison homes are already constructing 55 houses on the site and further houses have already been allocated as indicated above.

WPC are concerned that the Planning Statement submitted by the applicant does not reference land availability data beyond April 2019 which is an inadequate basis on which to judge the adequacy of housing land supply. The developers seem unaware of the number of houses already allocated for this village. (H19)

#### Aspirations of Winkleigh Neighbourhood Plan:

The aspirations of WNP have been completely overlooked by Allison Homes, despite information being freely available.

The following policies in the WNP should apply to this proposal and be adhered to:

- Policies relating to Housing, Community, Life and wellbeing (H2,3&4)
- Policies relating to form and development design: (ENV1,3-5,7
- Transport, Travel and movement objectives T1-5

#### Traffic and Highways:

WNP Policy, T2, New Development and Traffic is key

...A design and access statement should set out the traffic volumes and flows generated by new development....

Where development may result in significant numbers of additional pupils attending the school, opportunities should be taken to work with the school and review the school traffic plan so that measures to improve safety for pedestrians and promote less car use are fully explored.

- Further new build adjacent to the primary school should not be considered until a proper appraisal of the additional traffic movement, speed and lack of pavement is independently assessed at times of the day when the school is busy.
- Developers should also consult the WPC commissioned Hamilton-bailie report on traffic and safety concerns through place making and lower speeds (April 2018)
- The entrance to phase 1 from Townsend Hill which will also serve as the entrance for phase 2 is a blind junction and is extremely busy at school opening and closure times. In addition, Townsend Hill is used as a "rat run" by drivers wishing to save .5miles on their way to and from their destination.
- There are many potholes awaiting attention in the village and the impact of these extra vehicles will increase the size and number of potholes causing damage to cars and injuries to pedestrians and cyclists.
- The lack of pavements to and from the village centre will continue to encourage people to drive their cars to the village where there is already pressure on parking places or conversely not use the local businesses at all driving more traffic towards Okehampton, Torrington or Crediton
- Bus services are already inadequate; a two hourly service to Exeter, and only one bus a week to Okehampton, our nearest town. There are no direct services to the main doctor's surgery at Chulmleigh, although we have a satellite surgery at Winkleigh many services such as physiotherapy and issuing of controlled drugs can only take place at Chulmleigh. The nearest railway station is 4 miles away and there is insufficient and unregulated parking

#### Lack of Affordability and Community Need:

There are not enough affordable or social rented properties to meet local need. The current and proposed build is already priced out of reach for most Torridge residents

Lack of well -paid jobs in the area mean we would become a commuter town for Exeter and other larger centres, having a detrimental impact on community life and cohesion

#### Environmental:

The proposed development does not comply with WNP/ENV1 in regard to our natural assets. Or ER13 relating to the traditional feel and design of houses or take cues from the current settlement or in the use of traditional materials.

#### WNP/ENV4 Appearance and style which recommends:

"Development in the Parish should be simple and plain in appearance, attention should be paid to the alignment of doors and windows and to local styles and detailing. Preference will be given to the use

of local materials or their equivalent, where this reflects the stone colour washed rendering, Devon thatch and slate typical in Winkleigh Parish. “

Allison homes have missed many opportunities to be green constructors and futureproof for climate change:

- Traffic biased build and lack of pedestrian safe routes will cause a detrimental increase in volume of traffic reducing air quality, increasing noise and reducing road safety (see earlier comment)
- No EV charging points
- No solar panels
- At the current stage of the application, it is unclear whether the developers intend to use carbon-based central heating. Our preference would be systems which design details such as high standards of insulation and air or ground sourced heat pumps.
- No plans to switch off street lights at night safeguarding light pollution and enhancing the environment for nocturnal creatures and reducing energy use.
- The approach from the south now spoiled by computer-aided design with houses identical to those built elsewhere by Allison homes and reminiscent of 1980's urban sprawl type construction not in keeping with thatch and painted render houses of this ancient village ER14
- Loss of agricultural land when we are net importers of grown food
- No means of harvesting rain and grey water recycling to reduce treated water use

Community Liaison:

- When Allison homes first contacted WPC regarding Phase One there was no mention of a possible Phase Two and Three. Indeed, we were misled as it was never called Phase One in the first instance!
- They would not hold a public meeting and were only willing to meet with WPC and the planning group
- It should be noted that all public consultation during Neighbourhood Plan making, have expressed a strong preference for small housing sites which do not 'urbanise' in the same way as large sites, such as this.
- Consultation with the community has expressed that developments should be in the context of this low wage economy where the current build does not favour local residents or their children.

Summary:

Winkleigh Parish cannot oppose this application strongly enough. The developers have paid no heed to aspirations of the Neighbourhood Plan and have not entered into any meaningful community liaison as described in our Plan.

Experiences of other councils in the country have exposed Larkfleet/Allison homes as shoddy, inadequate, builders of second-rate homes of a design that has been replicated in many other parts of the country showing no respect to the unique and ancient layout of our historic village (ENV1-3). The development is not environmentally sound, pays no heed to climate change and has not been tested for sustainability.

Allison Homes have already shown themselves to be inconsiderate constructors with Phase One and should not be allowed to further desecrate our village or impact further on the health and wellbeing of our community. This application should be rejected.

Further Consideration for Torridge District Council Enforcement:

Although the following observations are not material to the application, WPC want to bring to Torridge's attention our experience of this particular company during the building of Phase One. We find the company to be neither considerate or professional, for the following reasons:

Allison homes have not signed up to Considerate Constructors and proved themselves to be very inconsiderate constructors:

- There is no information outside the development to inform parishioners who is in charge, to whom complaints can be directed and no contact details
  - The lack of temporary traffic lights or banksmen to aid reversing lorries has caused traffic mayhem
  - Had temporary traffic lights been established the amount of ancient Devon hedgerow bank loss could have been reduced. The entrance is now significantly wider than proposed
  - There has been no attempt to cover the piles of top soil or dampen it down creating visible dust clouds across the village and severely impacting the properties and health of those nearest.
  - Noise has been excessive and outside the agreed times
  - Swearing and bad language is audible from construction workers in the street adjacent to the site including the primary school.
- In addition, Allison Homes used to be called Larkfleet and changed their name recently to avoid the bad publicity generated. Five-minute research revealed the following:

Massive problems in Kirkton in Lindsay, Lincolnshire where:

- they built 100 homes without planning permission from North Lincolnshire Council
- snagging issues now over four years long still being dealt with by Parish Council
- identical houses to those proposed in Winkleigh! (What is built in the Fens also suits the undulating hills of Devon apparently!)

At Withleigh near Tiverton, buyers complained of:

- Persistent damp in their new builds
- Radiators loose, poor plumbing, leaks
- Leaks in houses before sale and damp marks not even painted over
- Massive snagging issues: poor response or nil response from after sales team
- Emails and telephone calls unanswered
- Nails exposed in ceilings and walls
- Sagging joists
- Cracks in plaster
- Bathrooms so badly designed residents have to scramble over the toilet to get in the bath!

And elsewhere:

- Solar panels recalled because they were deemed unsafe on inspection because they were fitted incorrectly
- Houses built on flood plains
- Building work having to come to a halt due to safety issues

We respectfully urge Torrridge District council to be more exacting in their monitoring and enforcement of the current conditions and other environmental obligations and check the CEMB (Construction and Environment Management Plan) are being met.

### Second Response

Winkleigh Council continues to strenuously object to the development of phase two especially in the absence of any appraisal of how multiple previously agreed site developments will impact on our community let alone with the addition by Allison Homes of phases two and three. Policy HCLW4 Winkleigh Neighbourhood Plan (NP). This perfect storm of unchecked development is due to TDC's lack of identified five-year land supply. The consequences of this should not be met by a community that took the time and trouble to create a vision for their community by producing a Neighbourhood Plan. Examples below:

Policy HCLW3: Land to the south west of the village

If developed, should:

- i) Have a layout and design that recognises the potential for this area to be phased and planned comprehensively, especially with regard to the future road layout and pedestrian linkages. Consideration should be given to creating an alternative route from Hatherleigh Road to the A3124 through this area, avoiding Townsend Hill
- ii) Within the design, incorporate traffic calming measures and traffic calming/public realm improvements, both within any development and on the surrounding approach roads, that create a priority environment for pedestrians



- iii) Provide for safe and convenient car and bus parking facilities to serve the area and the primary school, including a priority crossing to the school site for pedestrians. Parking and associated hard surfacing should be well screened by planting. Provide for reinforced natural boundaries within the site and adjacent to open countryside with planting and the creation of new hedgerows.
- iv) Existing Rights of Way across the site and their amenity value, should be retained and new links created to these.
- v) Plan for a buffer between any business/employment use and residential properties to safeguard amenity for future residents.
- vi) Assess the need for improved community infrastructure to offset the impact of development.

Policy HCLW4: Development to meet the five-year land supply

If additional land release is required beyond the development boundary to address a deficit in the five-year housing land supply, the following principles should apply:

- i.) The sustainability of the proposals should be tested, at both a site level and for any cumulative impact on the community
- ii.) Development should adopt a “masterplan” approach wherever possible, linking together land parcels (or phases of development) and integrating them seamlessly into the pedestrian, cycle and road network of the village
- iii.) Development should deliver a range of services and infrastructure to meet additional demand caused by the proposal.

“The community wish to see more targeted, small-scale development to meet the needs of the parish”. (Policy H9,) not the large estates applied for.

Response to the Amended Plan:

We welcome the newly proposed tenure mix and the bias towards smaller units. Policies H7, H11, H13.

H7 a) Provide a mix of house types and tenures (including affordable housing) that meets the needs of the community and respects village character (as set out in the principles of the VDS)

H11. The price of housing in the area, combined with low wages intensifies demand for more affordable housing. The existing housing stock of the Parish has a higher proportion of detached, larger properties. If aspirant homeowners, particularly first-time buyers, are to gain access to the market then it is important to retain and provide smaller properties as well as to plan to increase the stock of affordable and entry level housing.

H13. As well as a need for affordable housing, there is demand for housing to meet the needs of low to middle income households. The composition of family units is also changing; there are more single households, families with single parents and, coupled with the rise in house prices this has led to many more people requiring assistance to buy property. There is growing interest in self-build housing.

However overall, Winkleigh Parish Council objects to the amended development on the following grounds. The developers have missed opportunities:

- The development remains outside the development boundary identified in the Neighbourhood Plan and has “failed to take cues from the traditional layout of the settlement, reflect building styles or promote easy walking routes between neighbourhoods”. Policy ER13.
- “In all new developments the opportunity should be taken to develop craftsmanship which enhances buildings and their settings. ....When the opportunity arises local vernacular, including new cob construction will be encouraged”. Policy ENV5. This computer aided generic development could be any where in the UK.

- Phase 2 has a design consistent with the current build which ignores all the aspirations of our Neighbourhood Plan HCLW 3, i-iv.
- Winkleigh Parish Council objects to the concentration of affordable homes to the northwest of the site. We support the enabling officer's comments regarding the need to pepperpot the affordable units across the whole site enabling diversity rather than ghettoisation.
- WPC objects to the relocation of the play area. It should be better placed in a central area with better pedestrian access.
- Site should pay more attention to the lack of permeability into the countryside.

#### Objectives for the natural environment

ER7. The NP objectives for the natural environment are:

- a) The safeguarding and protection of our environmental assets, particularly locally valued resources that may not be statutorily protected.
- b) To embed a principle of net environmental gain into proposals that come forward in the Parish.
- c) To safeguard the distinctive landscape of the Parish and the setting of Winkleigh and Hollocombe, enhancing it where opportunities arise.

- Developers have provided to 11% environmental net gain as opposed to 10% recommended. However this 1% differential does not come close to covering the environmental losses due to the removal of grass land habitats and Devon Bank.

ER9. Many types of development occur in the Parish and their impact on the natural environment will vary according to the scale and nature of the development proposed. Community consultation demonstrated concern about the loss of birds and mammals that are not statutorily protected but are part of the tapestry of country life. Even small-scale development, such as house extensions, may impact, for example, through loss of ground cover and drainage, and affect protected species such as bats. Alternative development solutions that are more environmentally friendly may be possible. Ideally, all development should contribute to a net gain in biodiversity.

#### Policy ENV1: Natural Capital

Future development proposals should have regard to the natural assets of the Parish and plan for their protection and enhancement. Proposals will be expected to show how the natural environment has been considered as part of the design process and will be expected to deliver an environmental net gain in biodiversity.

Development proposals will be supported where:

- i.) They respect the shape, slope and aspect of the site(s) in question. Where applicable, applications should also demonstrate the contribution development makes to landscape character, or the spatial relationship (both in visual and ecosystem terms) of the site to adjacent fields and the built-up areas of Winkleigh and Hollocombe.
- ii.) Existing trees and hedges and green infrastructure should be retained and enhanced, wherever possible, along with locally designated wildlife sites and sites supporting Biodiversity Action Plan habitats and species. Where loss is generally unavoidable, the value should be compensated for, on site wherever possible.
- iii.) On "greenfield sites" new boundaries are planted to complement existing field boundaries and patterns, with new hedges and banks being created wherever they are lost for example, to create access roads). Where loss is generally unavoidable, the value should be compensated for, on site. Native species typical of the area should be used.

#### Policy ENV2: The setting of new development in the Parish

Development proposals will be expected to respect and respond to the built and landscape character of the Parish, as set out in the VDS and this NP.

New developments should:

- i.) Have regard to the views across open countryside both into and out of Winkleigh and Hollocombe. Existing distance views to Dartmoor from elevated positions on the south side of Winkleigh should be retained, and new vistas from the development site should be created where possible.

- ii.) Ensure that the location, scale, massing, height, and design of new development in Winkleigh enables the church to remain the dominant building in distance view, particularly from the A3124, B3220 and Bude Hill approach roads.
- iii.) Ensure that any new development on the south side of Winkleigh creates a varied alignment of buildings and rooftops, to avoid reinforcing the horizontal alignment of Southernhay and the road to the south of the village.
- iv.) Use materials that maintain the overall impression of light-coloured buildings when viewed from a distance.
- v.) Minimise external lighting and light spillage, to maintain the dark night skies of the Parish.

Policy ENV3: The conservation area and traditional village core of Winkleigh

Development in the conservation area and traditional village core of Winkleigh should respect and have regard to the established settlement form. Development proposals will be supported where they:

- i.) Seek to maintain a continuous frontage in the Square and along the feeder roads
- ii.) Ensure that the frontage of replacement buildings or infill development follows the existing building line
- iii.) Ensure that any access to the rear of buildings is provided through passageways designed as an integral part of the building
- iv.) Recognise that generally, new development in the older part of Winkleigh will be of a higher density than elsewhere
- v.) Respect the setting and character of the conservation area and any nearby listed buildings

Policy ENV4: Appearance and style

Development in the Parish should generally be simple and plain in appearance; proposals should reflect the character and context of surrounding development. Attention should be paid to the alignment and proportion of windows and doors, and to local style and detailing. Preference will be given to the use of local materials or their equivalent, where this reflects the stone, colour washed rendering, Devon thatch and slate typical of Winkleigh. Proposals should seek to replicate aspects of traditional design that support the area's existing biodiversity, such as eaves suitable for swallows, boundaries permeable to hedgehogs and dormice. Pattern book, standardised design should be avoided. Where larger developments are proposed, there should be an emphasis on neighbourhood creation. All planning applications should be accompanied by a Design and Access Statement. In principle, the use of innovative and creative design is supported in appropriate locations, where it respects the scale, mass and distinctiveness of its location and the natural and built environment.

Policy ENV5: Craftsmanship

Features of heritage value and craftsmanship in the Parish should be protected wherever possible. In all new development the opportunity should be taken to introduce craftsmanship which enhances buildings and their setting. This could be through detailing on the buildings, landscaping or boundary treatments, or through appropriate artwork and street furniture. When the opportunity arises, local vernacular, including new cob construction will be encouraged, for example in small buildings such as shelters, and in walling. The VDS will be used by the Parish Council as its guidance document when assessing the craftsmanship element of planning applications.

- The developers continue to ignore the ambitions of the Winkleigh Neighbourhood Plan. Whilst we accept they were at liberty to do so with Phase one, any new proposals must consider the Neighbourhood Plan and not just ignore local people's aspirations for their community, especially in the light of our petition indicating that two thirds of the voting resident population signed the petition to say No this is excessive building. All previous objections remain.
- TDC and WPC have both declared a climate emergency. The current proposals will contribute to climate change rather than alleviate the effects. On these grounds alone Phase two should be abandoned.

ER 22 Objectives for sustainable use of energy

The objectives of the NP are:

- a) To promote the generation of renewable energy and heat where it supports the community
- b) To improve the energy efficiency of existing buildings

- c) To promote the take-up of measures to generate energy at the individual building level, and save energy in buildings
- d) To promote low carbon transport

#### EN7: Electric vehicle charging

Developers will be encouraged to provide private electric vehicle charging points within all housing developments and make provision for at least one charging point which is publicly assessable.

This amendment continues to ignore the local people's aspirations for the future of their community therefore Winkleigh Parish Council continues object to Phase Two and its amendment. We call on Torridge District Council to uphold the recommendations of Winkleigh Neighbourhood Plan which will signal to our community and potential developers that they must take local plans into account. Failure to do so will send a clear message to Developers that they can ignore the aspirations of Plans which have been years in the making and indicate to other communities that a Neighbourhood Plan is not worth all the time effort but it just a paper exercise.

Angela Findlay Chair of WPC planning Group.

November 22

Agreed by WPC at EPC November 30th 22

#### Third Response

WPC continues to object strenuously to phase two and its amendments for the following reasons:

**OBJECTION – Development lies outside development boundary:**

Agreed unanimously by Winkleigh Parish Council 18.01.23

The proposed development lies outside the development boundary and is contrary to the Neighbourhood Plan. There are other identified sites within the boundary. Torridge and North Devon have not been able to demonstrate it has met the requirement for a five-year housing land supply and unless TDC uses its authority and insist that developers pay heed to the aspirations of their communities as expressed in these plans then, estates and developments which ignore local plans will proliferate to our cost not least to those who need affordable homes. This inability to meet its statutory requirement with regard to the audit, may have a catastrophic impact on Winkleigh. "Neighbourhood Plans are important in giving local people the opportunity to develop a shared vision for their neighbourhood, shaping the development growth of the local area in line with community needs and priorities by being taken into consideration alongside the Local Plan and other material considerations when assessing planning applications. I hope the Plan will become an important influence on future change in the Parish."

The Rt.Hon. Geoffrey Cox MP.2020 Forward Winkleigh Neighbourhood Plan

**OBJECTION - Flood Prevention:**

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 MUST be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system and the impact on the environment have been met. We support DCC comments regarding surface water; the developers MUST present the plans to TDC and WPC so that councillors can read and understand the detail of what has changed.

Prior to commencement of works: Further development should not be permitted until TDC are in receipt of a detailed permanent drainage design and flood risk assessment. Ensuring the surface water drainage system will operate effectively and eliminate the likelihood of flooding on the site, adjacent land or downstream is essential.

Detailed proposals for the management of surface water and silt runoff from the site during construction of the development should also be submitted.

**OBJECTION - Affordable Homes:**

Drawing number P2064:02 C shows minor amendments in the pepper-potting of the affordable units from the previous site plan; however, these are still clustered in the north and east of the site divided by a road. This is not proper integration and should not be allowed.

The proposed increase in one bed residences has resulted in more apartments/flats. There are no bin stores which means that bins, recycling boxes and bags are likely to be left unsecured in the street. Developers should ensure adequate, secure storage to encourage recycling and reduce environmental impact of loose bins on the street. Policy: HCLW2

Even the smallest residence should have guaranteed off street parking to reduce on road/pavement/marginal parking. Policy TTM4, ENV7.

OBJECTION - Environment:

We object to the proposed development as it does little to satisfy the environmental aspirations of our Neighbourhood Plan, and make minor attempts to enhance the environment for residents. Net environmental gain Objective ER. 7 c

There are no swift or bat boxes ER4

The impermeability of some boundaries mean that movement of hedgehogs, a protected species, will be impeded ER4

The removal of the house on plot 1, is an ideal opportunity for the developers to extend the landscaping proposals for that plot and extend the footway and cycle way northwards and eastwards. TDC must confirm with developers that the path which runs north south between phases one and two (as well as any path created through former plot one) will have dual use. TTM1, TTM3

The mix of building materials should ensure the provisions of Policy ENV4 are met.

Phase Two should seek to meet the aspirations of Winkleigh Neighbourhood Plan and any render used should be of adequate quality to ensure the colour does not seep over time and algae growth is eliminated. Policy ER14(b),(c)

The attenuation basin should be better screened by planting as previously placed on record.

There are no proposals for how the open spaces and on-site landscaping is to be managed and resourced in the future. TDC need to ensure that safeguards are in place for good management of the open spaces guaranteeing ongoing future viability and good environmental gain.

OBJECTION – Lack of Connectivity:

WPC objects to proposals for pedestrian and cycle routes in the development and support comments by Community Engagement Officer, as there are opportunities to improve the links to the rest of the village by improving the permeability of the cycle and pedestrian routes from phase one to two. POLICY CLW2.

“The connectivity and permeability of new development within or adjoining the Development Boundary should be maximised to give ready pedestrian access to the square and other key village facilities and to encourage non-motorised movement between neighbourhoods.” POLICY TTM3.

The footpath which goes out to the southwest corner of the site near the attenuation basin should link to countryside beyond in order to link with remaining existing footpath. Policies CLW2: TTM1:TTM3.

OBJECTION - Energy Efficiency and Sustainability:

The developers should ensure all properties have the facility to recharge electric vehicles from their curtilage. A public charging point should be provided in accordance with POLICY: EN7 NP

There is no evidence in the re-consultation proposals that Allison homes has any intention of considering the impact of climate change or reducing the carbon footprint of which 14% of emissions are linked the domestic residences.

The government's new Future Homes Standard is to ensure that all new homes built from 2025 will be zero carbon ready and will produce 75-80% less carbon emissions than homes delivered under current regulations. Building Regulations changed 15th June 2022 to ensure that homes built from 2022 onwards produce 31% less carbon emissions and are more efficient. These should include new regulations about minimum insulation requirements and proposals to ban homes being built with fossil fuel heating such as gas boilers. TDC should ensure that these standards are met by the developers and in case have the option to insist these standards are exceeded should their commitment to net zero by 2050 be more than just a slogan. Evidence should be presented to TDC and WPC to demonstrate conformity with the new standards.

**Community Projects Officer - Adrian Avery:**

In relation to the above application, please see the following comments:

Under GI policy DM10, 78 dwellings should provide:

- Considerable off-site contributions towards Sport, Recreation Grounds, allotments and built facilities. We know there are specific projects related to these typologies already identified in this area including improvements at the recreation fields for football and providing for recreational kick around space, tennis court improvements, skate park area improvements and improvements to additional activity space such as yoga, Pilates, dance/fitness classes and also linking these areas with quiet reflection and nature space/trails.
- Play space both onsite and in the village should be considered when discussing contributions, for both child and youth age groups. For any detail regarding LAP's/LEAPs on this site we would like to see guidance from the Fields In Trust followed for these.
- Communications with the Parish council to discover any requirements they may have in the village
- Active travel needs to also be considered i.e suitable width and standard of cycle paths linking the rest of the village, especially recreational facilities. This I currently lacking and there is a need to improve.

**Devon County Council (Highways):**First Response

## Observations:

I appreciate that the intention of the proposed development is to utilise the access that is being constructed to facilitate the Phase 1 scheme. The works offered as part of that scheme met the visibility requirements I would normally expect. The Phase 1 scheme is also in the process of providing its commitments for improved pedestrian safety in the area as well as a traffic calming scheme. As a result, I have no issue with this access being used for the additional dwellings in Phase 2.

I note the contents of the submitted Transport Statement, with particular regard to the trip generation figures that have been offered. I accept this evidence base as a fair reflection of likely movements attracted to and from the site. Furthermore, I also note the evidence base that has been offered in terms of the 'traffic assignment' figures; again, this offers a reasonable methodology given the information available.

With regards to pedestrian permeability, I see that there is an intention to secure a link to the neighbouring proposed Kingsley Plastics site; this would be an intuitive link in making pedestrian journeys more attractive to certain destinations such as the school. Beyond this, I am satisfied that there are suitable walking links between the proposed development and the wider community and village centre. I do appreciate that the proposed development will increase the potential number of pedestrians movements between these destinations; bearing in mind the existing local highway network combined with these additional movements, I believe a sum of £10,000 is required through the Section 106 process to review and, where necessary, to reduce the speed limits in the village, particularly to 20mph where appropriate for safer walking routes. This figure will cover the legal work required, including changes to the Traffic Regulation Order (TRO), as well as signage works. I am satisfied with the car parking levels offered.

Noting that the application is in 'full', I have no particular objections with the internal layout of the estate. However, I would add that any private drives and 'green' areas would not be adopted by the Highway Authority and private arrangements would be required for ongoing future maintenance. Beyond this, I would expect the applicant to enter into a Section 278

agreement to ensure the adoption of the Phase 2 spine roads and adjacent footways.

As a result of the above comments, which includes the Section 278 contribution, I am satisfied that the proposed development offers 'safe and suitable' access and that the cumulative impact of the development would not be 'severe', as are the tests of the National Planning Policy Framework (NPPF).

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 proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

2. 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

3. When once constructed and provided in accordance with condition 2 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

4. Within twelve months of the first occupation of the first dwelling in an agreed phase of the

development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

REASON: To ensure the safety of all road users in the area

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

### Second Response

Thank you for your email. I note the objection comments that that have been included in the attached documents. The points raised are similar to those submitted by other objectors in the previous stage of development, as well as being raised again with the more recent application. Indeed, I have recently met with a number of objectors from the local community where these matters were discussed. I can also confirm that I gave these matters consideration when submitting my recommendations for both developments. Previously, we were able to mitigate against the impact of the development with requests through the S106 process that included school parking within the development, a footpath link within the site to take pedestrians off of Townsend Hill for the majority of the length and the traffic calming scheme that would be built to a 20mph limit standard. The latter point included a raised table-top that doubled as a crossing point between Farmer Franks Lane and the development site. By reducing speed of traffic, this will also benefit motorists pulling out of the side roads as approach speeds are reduced.



I would again mention that the applicant was able to demonstrate an evidence base in the submitted Transport Statement that addressed issues of severity of impact, and safety and suitability of access, which I have accepted as reasonable. Whilst I am always prepared to consider any evidence base or analysis that challenges this, as it stands, I believe my earlier recommendation was correct.

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

#### First Response

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:

The applicant should submit the existing runoff rate calculation for the site. It is acknowledged that model outputs have been provided but the section on pre-development discharge rates appear blank (page 3 of the model outputs).

The outputs also indicate flooding at one of the pipes for the design event so this flood volume should be eliminated from the model.

We are pleased to see that basins are proposed to manage the runoff. The applicant should investigate whether the side slopes of the basins could be varied with no greater than 1 in 3 side slopes to help achieve greater amenity value.

We would be happy to provide a further response if additional information is submitted to the local planning authority.

#### Second Response

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 Land at Winkleigh, Phase 2 Flood Risk Assessment & Drainage Strategy (Report Ref. 19494-R03-01, Rev. First Issue, dated 10th May 2022).
- (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) - (e) 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:

The applicant is proposed to restrict the surface water runoff from the proposed development to the Qbar runoff rate at 13.75l/s via swales and two detention basins.

The applicant shall refine the model to eliminate any flooding for the design event during detailed design.

### Third Response

#### 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:

The applicant has revised the proposed development site layout. However, no information was submitted to demonstrate the difference of the impermeable areas created and hence the potential impact on the proposed drainage strategy. The applicant therefore is required to submit this information for our consideration.

### Fourth Response

#### 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 Land at Winkleigh, Phase 2 Flood Risk Assessment & Drainage Strategy (Report Ref. 19494-R03-02, Rev. 1, dated 09th January 2023).

(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:

The applicant have amended the layout of the proposed development site and have changed the impermeable area from 1.647ha to 1.601ha. As a result of the changes, the Qbar runoff rate is changed from 13.75l/s to 13.37l/s.

The applicant is proposed to restrict the surface water runoff from the proposed development to the Qbar runoff rate via swales and two detention basins.

### **DCC Rights Of Way:**

No response received

### **South West Water:**

#### First Response

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

### Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network. South West Water has no objection subject to the foul drainage being managed in accordance with the submitted drainage strategy.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website: [www.southwestwater.co.uk/developers](http://www.southwestwater.co.uk/developers)

### Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body, via a surface water sewerage network then SuDS is acceptable and meets with the Run-off Destination Hierarchy.

I further note that, given the high groundwater tables encountered, the applicant should ensure the foul- and surface water drainage (including sewers) are lined to prevent ingress of groundwater, as the flows should be domestic in nature and not include land drainage. Sewers should be designed to the DCG Appendix C and the SuDS features to the Ciria SuDS manual 2015.

Should ditches be connected to the sewer network, these should also be lined to exclude groundwater flows, as I note the surface water runoff calculations are based on rainfall-runoff only (correctly, and as such, they do not make any allowance for the addition of groundwater flows.)

### Second Response

I refer to the above application and would advise that South West Water has no objection, and no further comments at this time. Should the drainage strategy alter as a result of the revised layout, we will be happy to comment on any revised drainage strategy drawings, where applicable.

### Third Response

Thank you for your consultation request. South West Water has no objection or further comment at this time. We will be happy to review site drainage strategy plans when they become available.

### **The Environment Agency:**

No response received.

### **Environmental Protection Officer:**

#### First Response

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

It is noted that residential properties are located in close proximity to the north and east of the proposed development. These properties may experience disturbance during the development, for example noise and dust, if control measures are not introduced. As a result, the Environmental

Protection Team considers it appropriate for a Construction Environmental Management Plan to be submitted that outlines measures to prevent or minimise disturbance during development. Subsequently, should planning consent be granted, 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 wheelwashing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) mitigation measures in relation to noise, vibration, dust and lighting;
- i) details of any site construction office, compound and ancillary facility buildings;
- j) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

The details so approved and any subsequent amendments as shall be 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 Environmental Protection Team recommends the imposition of a condition restricting working hours and deliveries to site to Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours with no works or deliveries permitted on Sundays and Bank Holidays in order to protect residential amenity.

Although historical maps have been provided, there appears to be no detailed information provided on the historic use and subsequent land quality of the application site. The Environmental Protection Team would expect a phase 1 land contamination survey to have been provided as a minimum requirement. Agricultural use and activity can result in ground contamination and ground conditions that are potentially harmful to human health or unsuitable for occupation without remediation. Given the sensitive end use, it is essential that the application site is appropriately assessed for any potential contamination that may impact future occupants and, where identified, remediated accordingly. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.

#### Second Response

Having reviewed the additional information, the Environmental Protection Team has no objections and refers to its previous consultation response dated 14 July recommending the imposition of conditions pertaining to a construction environmental management plan and ground contamination.

#### Third Response

The Environmental Protection Team has reviewed the amended information pertaining to the above application and has no objections. The Environmental Protection Team refers to its previous consultation responses dated 14 July and 17 November recommending the imposition of conditions regarding a construction environmental management plan and ground contamination.

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

##### First Response

Thank you for this application, I have no objections in principle to the scheme, the proposed layout will on the whole provide both active frontages and good overlooking to the new internal streets and open

space. The reference to Crime & Disorder and the principles, practices and recommended standards of Secured By Design within the Design & Access Statement is noted.

Please find the following information, advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

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

It states 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 ensure 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 managed by Police Crime Prevention Initiatives Ltd (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.

- Access and movement: places with well-defined and well used routes with spaces and entrances that provide for convenient movement without compromising security
- Structure: places that are structured so that different uses do not cause conflict
- Surveillance: places where all publicly accessible spaces are overlooked
- Ownership: places that promote a sense of ownership, respect, territorial responsibility and community
- Physical protection: places that include necessary, well-designed security features
- 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
- Management and maintenance: places that are designed with management and maintenance in mind, to discourage crime and disorder in the present and the future

The proposed site wide boundary and plot separation treatments, including those for the indicated LAP, open space and active travel link are noted and the intention to define private front gardens, is supported. If the intention is for the active travel link to be used 24 hours a day, it should be lit in accordance with BS 5489- 1:2020.

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

### Second Response

Thank you for this application, the amended details is noted, I have no additional comments from a designing out crime and ASB perspective.

### Third Response

Thank you for this application, having reviewed the resided details I have no additional comments from a designing out crime and ASB perspective.

### **Chief Education Officer:**

#### First Response

Regarding the above application, Devon County Council has identified that the proposed 78 dwellings will generate an additional 19.50 primary pupils and 11.70 secondary pupils which would have a direct impact on Winkleigh Primary School and Chulmleigh Community College.

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

When factoring in approved but not yet implemented developments in the area and proposed development allocated in the North Devon & Torridge local plan based upon current pupil data we have forecast that there is enough spare capacity to accommodate 77% of primary pupils expected to be generated from development in the area. Therefore, Devon County Council would seek a contribution against the remaining 23% of pupils expected to be generated directly towards additional education infrastructure at the local primary school that serves the address of the proposed development. This would equate to £76,680 (based on the DfE extension rate of £17,097 per pupil) and will relate directly to providing education facilities for those living in the development.

We have forecast that the nearest secondary school currently has capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council would not seek a contribution towards additional secondary education infrastructure against this development.

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

11.70 secondary pupils

£5.28 per day x 11.70 pupils x 190 academic days x 5 years = £58,687

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.

### Second Response

Thank you for the email. Updated education request below;

Regarding the above application, Devon County Council has identified that the proposed 77 dwellings will generate an additional 19.25 primary pupils and 11.55 secondary pupils which would have a direct impact on Winkleigh Primary School and Chulmleigh Community College.

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

When factoring in approved but not yet implemented developments in the area and proposed development allocated in the North Devon & Torridge local plan based upon current pupil data we have forecast that there is enough spare capacity to accommodate 77% of primary pupils expected to be generated from development in the area. Therefore, Devon County Council would seek a contribution against the remaining 23% of pupils expected to be generated directly towards additional education infrastructure at the local primary school that serves the address of the proposed development. This would equate to £75,696 (based on the DfE extension rate of £17,097 per pupil), and will relate directly to providing education facilities for those living in the development.

We have forecast that the nearest secondary school currently has capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council would not seek a contribution towards additional secondary education infrastructure against this development.

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

11.55 secondary pupils

£5.28 per day x 11.55 pupils x 190 academic days x 5 years = £57,934

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.

### **Strategic Enabling Officer:**

#### First Response

With the adoption of the North Devon and Torridge District Local Plan 2011-2031 in October 2018, 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. The required tenure split is for 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. This equates to 23.4 dwellings and an off-site contribution equating to 0.4 of a dwelling (commuted sum to be calculated at a later stage).

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.

The tenure mix would need to be at least 75% social rent (in accordance with policy) and the remainder intermediate. For the Intermediate provision, it is acceptable for this to be provided in the form of shared ownership, intermediate/affordable rent or low cost housing. The Affordable Housing Statement states that the intermediate provision is to be provided as Shared Ownership.

Shared Ownership dwellings are to be capped at 80% of the leasehold or freehold equity for the purpose of retaining the Affordable Housing in perpetuity in rural areas.

Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards – nationally described space standard". The table below shows the requirement for dwelling mix & occupancy levels. Registered providers require housing to be built to National Space Standards; these are indicated on the table. The Affordable Housing statement para 3.6 states that the homes are to be provided in accordance with the Technical Housing Standards – NDSS, however the maximum occupancy for 3-bedroom dwellings will need to be adjusted for 6 persons to accommodate for local needs. Devon Home Choice data provided on the 12<sup>th</sup> May 2022 advised that - *"in the last 5 years only 3 of the 110 three bedroom homes advertised in Torridge have been 6 person homes"*.

The following details the mix of affordable housing required in terms of size:-

Bed size & dwelling type	Occupancy	TDC dwelling mix requirement	Dwelling type	National Space Standards (m2)
4 bedroom house	8 person	5-10%	<ul style="list-style-type: none"> <li>• House (2 storey)</li> <li>• Bungalow</li> </ul>	<ul style="list-style-type: none"> <li>• 124</li> <li>• 117</li> </ul>
3 bedroom house	6 person	20-25%	<ul style="list-style-type: none"> <li>• House (2 storey)</li> <li>• Bungalow</li> </ul>	<ul style="list-style-type: none"> <li>• 102</li> <li>• 95</li> </ul>
2 bedroom house	4 person	35-40%	<ul style="list-style-type: none"> <li>• House (2 storey)</li> <li>• Bungalow</li> </ul>	<ul style="list-style-type: none"> <li>• 79</li> <li>• 70</li> </ul>
1 bedroom house	2 person	30-35%	<ul style="list-style-type: none"> <li>• House (2 storey)</li> <li>• Bungalow / flat</li> </ul>	<ul style="list-style-type: none"> <li>• 58</li> <li>• 50</li> </ul>

The Housing Economic Needs Assessment (HENA) evidence supports the above table for the required housing mix, yet I note from the Affordable Housing Statement that no 1-bed properties will be available as Affordable Housing with an over provision of 3-bedroom dwellings. The adjoining site (Planning ref: 1/0299/2021/REMM) only benefits from 3 1-bed units and an over-provision of 3-bedroom units, therefore I am minded that the proposed site is not in keeping with the need for the local area.

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

The affordable housing provision is required to be 'pepper-potted' throughout the development in clusters of no more than 6-10 units. Consideration of any grouping of affordable housing in the overall scheme will include how the provision relates to the wider development including where there is a degree of separation provided by open market housing, roads, open space or landscape features. A Section 106 agreement is required to secure the Affordable Housing provision. I note on site layout: 2064 02 A1 that 14 units are clustered together in an area of the site, this is against our policy for pepper-potting, and will therefore need to be redistributed across the site.

When reviewing the site layout: 2064 02 A1, I see three very large dwellings across the northern edge of the site. Upon review, these three dwellings are not in keeping with the existing settlement. The Design and Access statement references these dwellings and I have discussed this concern with the planning officer. I would query whether the scale of these dwellings and their associated grounds as set out in the site plan is a reasonable use of the land at the northern part of this development.

With those considerations in mind, I would not be able to support the application at this time without further adjustments to the current application.

Housing Need data for reference:

Devon Home Choice (DHC) shows there are 27 households living in the parish of Winkleigh, registered as being in need of affordable housing for rent as of February 2022.

There are 14 households in the adjoining rural parishes of Ashreigney, Dolton and Dowland registered as being in need of affordable housing for rent as of February 2022. But please note, that Winkleigh adjoins two other Districts; West Devon and Mid Devon – the housing need data for these adjoining parishes I don't have access to.

Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable



home ownership options (shared ownership/discounted sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.

Those who are allocated or buy the housing would need a local connection to the Parish of Winkleigh in the first instance, then;

- adjoining Rural Parish's, then;
- Torridge District Council administrative area

Socially rented new build dwellings will be advertised for a period of 4 weeks inclusive of all cascades as listed above, then for re-let, they shall be advertised for 3 weeks. For the cascades of Shared Ownership dwellings, new builds will be advertised for 12 weeks inclusive of all cascades and re-sale will be for 8 weeks.

Paras 7.35 and 7.36 of the Local Plan sets out the local connection qualifications that are applicable to affordable housing coming forward on the basis of Policy ST18 and ST19. The supporting text to Policy ST18 provides that priority will be given to households with a local connection within designated rural areas and that a cascade can be applied if no household in housing need meets the local connection qualification.

For ease of reference, I provide the below:

Para 7.35 - The occupation of affordable housing will be restricted to households in need of affordable housing. Additionally, within designated rural areas, affordable housing will be subject to provisions that afford priority to households with a local connection. For the purpose of Policy ST18: Affordable Housing on Development Sites and Policy ST19: Affordable Housing on Exception Sites, a household with a local connection to the parish, adjoining rural parish(es), or other relevant grouping of parishes, as the case may be, is defined as those where:

- (a) at least one adult in the household was resident continuously in the qualifying area for a minimum of five years immediately prior to occupation; or
- (b) at least one adult of the household was resident in the qualifying area for five years within the previous ten years immediately prior to occupation; or
- (c) at least one parent, guardian, child or sibling of at least one adult in the household, has been resident in the qualifying area for a minimum of 5 years immediately prior to occupation; or
- (d) at least one adult in the household has been in continuous employment for at least 16 hours a week in the qualifying area for at least five years immediately prior to occupation.

Para 7.36 - For the purpose of defining a household with a local connection, a rural parish is taken as one designated as a rural area under Section 157(1) of the Housing Act 1985. Affordable housing need is sometimes assessed across an area wider than the host parish of a proposal, such as adjoining rural parishes or a relevant grouping of parishes formally recognised by the local planning authority, such as the Rural Alliance. Where that cumulative affordable housing need is to be met by a proposal on one site, then the above local connection criteria for a household will relate equally to any parish from which that need has arisen. Such dwellings will be available to households with a local connection to any qualifying parish before being cascaded across a wider spatial area. Where no household with a local connection qualifies for occupancy under these criteria, the scope for occupation will cascade to households with a local connection to an adjoining parish, or to the relevant grouping of parishes formally recognised by the local planning authority, as the case may be. Ultimately, where no household qualifies for occupancy within these areas, the scope for occupation will cascade to the wider local planning authority area.

### Second Response

Following from my initial consultation on the 20th July 2022 I have been reconsulted and asked to review the most recent submission of documentation.

I note from the drawing: 2064 02 A1 Layout MASTER that the dwellings have been amended to reflect the occupancy needs and reflect the HEDNA data submitted in my previous consultation response. This plan shows 17 Socially Rented Dwellings and 8 Shared Ownership units.

I can also confirm that the square footage of the units equates to the correct measurements under NDSS guidance (Nationally Described Space Standards). In respect of the above detail, I am happy with what I have reviewed and I am happy to support these changes.

However, my only query remains with the pepper-potting of the Affordable Housing units. The new master plan submission shows that the arrangement of the Affordable Units remains unchanged from the original plan. As this is a policy requirement under Para (8) of Policy ST18, I must insist that this is revisited.

“(8) Affordable housing provision should be provided broadly in-step with market housing as development delivery progresses, be visually indistinguishable from market housing and be intermixed with it across the site. Any proposed departure from these requirements will need to be robustly justified”

Please see below extract from my original consultation for reference:

“The affordable housing provision is required to be ‘pepper-potted’ throughout the development in clusters of no more than 6-10 units. Consideration of any grouping of affordable housing in the overall scheme will include how the provision relates to the wider development including where there is a degree of separation provided by open market housing, roads, open space or landscape features. A Section 106 agreement is required to secure the Affordable Housing provision...”

### Third Response

Following from my initial consultation on the 20th July 2022, this is my third consultation having been asked to review the most recent submission of documentation for the pepper-potting of the affordable housing units.

Drawing number P2064:02 C shows slight amendments in the pepper-potting of the affordable units from the previous site plan. Although amendments have been made, I still note that there are very few affordable housing units across the south and south-west of the site.

I must note that these amendments do make the pepper-potting acceptable in policy terms, however, I must advise that there is a cluster of units only separated by a road on the east side of the site which does seem to push what should be considered a separation of these units.

### **NHS S106:**

Please find our submission in respect of the following application on behalf of NHS Devon 1/0556/2022/FULM| Land West Of Townsend Hill, Winkleigh, Devon | Residential development of 78 dwellings with associated infrastructure (Affecting a public right of way)

The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/othercounty-policy-and-guidance>) which was jointly prepared with NHS England.

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, please be advised that this response from NHS Devon is a snapshot of capacity assessment at the date of this letter and should there be any change to this position as a result of any current planning applications that may or may not affect the capacity at Winkleigh Surgery being approved prior to a final decision on this particular development, then the NHS position could change.

Therefore, whilst at this time there would be no need for a Section 106 contribution towards NHS Primary Care from this development, we would advise that the estimated sum of £580 per dwelling towards NHS Primary Care is factored in to any viability assessments.

Accordingly, the NHS reserve the right to review and respond again when any future planning applications are received by the Council. The NHS cannot guarantee that the response will be the same once all the factors surrounding any future application are considered.

## Representations:

Number of neighbours consulted:	77	Number of letters of support:	0
Number of representations received:	40	Number of neutral representations:	3
Number of objection letters:	37		

37 objection comments, 3 general comments and 1 petition have been submitted for the application. Provided below is a summary of the reasons detailed within the representations, and those which concern relevant planning matters will be discussed in the relevant sections of the planning considerations below:

### General

- Planting scheme on Phase 1 being omitted
- Need for 1 bed affordable rents- can this be considered
- Environmental
- Local needs requirement
- Policy reasons
- Residential Amenity
- Traffic/Highways
- Money required for Winkleigh Recreational Trust

### Objection

- Outside the development boundary
- Traffic/Highways
- Unsustainable Development
- Plots 1,2 and 3 are too close to existing properties.
- No local demand for local properties
- Loose that village feeling – Impact on Character, Village not a Town
- Environmental
- Local needs requirement
- Traffic or Highways – increased volume of traffic, extremely dangerous, rubbish collection, road capacity inadequate, bus service limited, rat run Townsend Hill
- Loss of space/ vegetation for all the local wildlife
- Current building on site negative impact
- Effect on landscape and existing properties
- Business requirement
- Residential Amenity
- Noise – from existing development and the proposed
- Policy Reasons – against NDTLP and Winkleigh Neighbourhood Plan
- Overdevelopment of the site
- Sewers capacity/flooding
- Infrastructure capacity – Education, NHS, and Dentist
- Change character of the area
- Dust impact
- Wildlife impact/ Nature Conservation
- Should 5YHLS be the driver for development in these locations.
- Scheme should be looked at not on its own merits but in terms of the bigger picture.
- Climate Change
- Privacy – Loss of

- Overbearing Impact
- House Value
- Not benefiting the Community
- Pollution – light
- Overlooking
- Visual Amenity
- Energy Efficiency and Sustainability

**Petition (signed by 587 people)**

- Unsustainable housing development
- Threaten wildlife
- Lack of safety on the road
- Unacceptable burden on the existing infrastructure and already limited local and public services
- Permanently change the character of this historic village leading towards it becoming more of a town without appropriate associated planned infrastructure and services.

**Policy Context:**

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

ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST17 (A Balanced Local Housing Market); ST18 (Affordable Housing on Development Sites); ST21 (Managing the Delivery of Housing); ST23 (Infrastructure); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); DM10 (Green Infrastructure Provision); WIN (Winkleigh Spatial Strategy);

**Winkleigh Neighbourhood Plan 2018 – 2031 (Adopted):**

ENV1 (Natural Capital); ENV2 (The setting of new development in the Parish); ENV4 (Appearance and style); ENV5 (Craftsmanship); ENV7 (Electric vehicle charging); HCLW2 (Storage); HCLW3 (Land to the south west of the Village); HCLW4 (Development to meet the five-year land supply); CLW2 (Access to the countryside for leisure); TTM1 (Design and Traffic Management); TTM2 (New development and traffic); TTM3 (Creating links between neighbourhoods); TTM4 (Parking).

**Government Guidance:**

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

**Planning Considerations**

The main planning considerations if a planning application was to be submitted for the proposed development are:

1. Principle of Development
2. Design, Layout and Impact on Character & Appearance
3. Impact on Amenity
4. Access and Parking
5. Drainage
6. Ecology
7. Infrastructure and Planning Obligations
8. 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 proposed application site is well related to Winkleigh, which is designated as a Local Centre in the North Devon and Torridge Local Plan (NDTLP), and directly adjoins the settlement's southern development boundary. Policy ST07 of the NDTLP provides the spatial strategy for rural Northern Devon and part (1) states: *'Local Centres, defined in Schedule A, will be the primary focus for development in the rural area; development will be supported in accordance with the local spatial strategies, to enhance the sustainability of the locally important service centres and to enable wider than local needs to be met.'*

Policy WIN states the Spatial Strategy for Winkleigh with a vision that includes for the village to become a more sustainable community, building on the existing variety of employment with all development contributing to a sense of place and quality of life, respecting the character of the area and providing an appropriate range of housing. The Strategy seeks provision of a minimum of 60 dwellings, including affordable homes to meet the range of housing needs in the community with accommodation for elderly and retired persons and a variety of tenure. The supply of dwellings will be delivered through extant planning permissions and one additional site with a capacity for approximately 55 dwellings; a single allocation, Policy WIN02 (land North of Chulmleigh Road), provides for this and is subject to a currently undetermined full application reference 1/0482/2022/FULM.

Although the site adjoins the development boundary along its northern edge together with permitted residential development to the east and west, it is not within the development boundary and therefore any development proposed would need to be assessed as being in the countryside. Policy ST07(4) is therefore of relevance and states that in the countryside, 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. There is no substantive evidence before the Council to justify the development as being required to meet local economic and social needs and, therefore, the proposal is contrary to Policy ST07 and in principle unacceptable.

Notwithstanding the above, it should be noted the Council cannot currently demonstrate a five-year housing land supply (5YHLS), following a previous appeal finding that the supply equates to 4.23 years. The NPPF at Paragraph 11 and Footnote 8 applies a presumption in favour of sustainable development, including the so-called tilted balance that, where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, permission is to be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. In this instance, there is no clear reason to refuse based on a protected area or asset and therefore an assessment of the NPPF's requirement to approve unless the adverse impacts of doing so would significantly or demonstrably outweigh the benefits, through the application of a 'tilted balance' should be undertaken. This would include an assessment of the policies within both the NPPF and the NDTLP.

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

Dealing with each of these points in turn:

(a) The deficit of housing within Northern Devon is clearly substantial as a 5YHLS supply cannot be proven. This proposal is for 77 dwellings so could assist greatly in the contribution towards the 5YHLS.

(b) The application has been submitted as a full application so can be implemented sooner than an outline needing to seek a reserved matters application. Furthermore, the applicant is already developing the site immediately to the east so would, in theory, be in a position to move straight on to this site.

(c) The proposal is located in the countryside but is adjoined by the development boundary of Winkleigh, which is a Local Centre. The Winkleigh Spatial Strategy notes: *'The local community has a vision for the village to become a more sustainable community, building on the existing variety of employment with all development contributing to a sense of place and quality of life, respecting the character of the area and providing an appropriate range of housing.'* Policy WIN seeks for a 'minimum' housing delivery of 60 dwellings and whilst the concerns over the scale of new housing development in Winkleigh are noted, this must be considered in the context of the wide range of services that exist, including: *'employment within the village, including at Hatherleigh Road, and on nearby sites at Seckington Cross and Winkleigh Airfield, shops, post office, a primary school, community hall and a variety of recreation facilities.'* (Paragraph 12.256 of the NDTLP). Given the status of Winkleigh as a Local Centre, the NDTLP intends for it to meet wider than local needs and the increased residential population will support the sustainability of existing facilities in line with the Strategy. As indicated below, subject to planning conditions and/or financial contributions being secured, there are no objections being raised by statutory consultees in terms of the impact of the development on existing infrastructure capacity.

(d) The remaining planning considerations will be discussed in the next section of this agenda report.

#### Winkleigh Neighbourhood Plan

The application site falls within the Winkleigh Neighbourhood Area, designated in accordance with Section 61G of the Town and Country Planning Act 1990 (as amended) on 6th March 2017; with Winkleigh Parish Council identified as the Relevant Body for Neighbourhood Planning purposes. The Parish Council submitted the Winkleigh Neighbourhood Plan (WNP) proposal, which relates to the identified Neighbourhood Area, to Torridge District Council in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in February 2020 and it was subject to formal examination during the period June to August 2020, with the examiner's report received on 3rd August 2020. Torridge District Council made a decision at a meeting on 5th October 2020 that the WNP meets all statutory requirements and may proceed to referendum; with the outcome formally recorded on a Decision Statement.

Subsequently, a referendum was held on the 17<sup>th</sup> June 2021, with the result concluding that Torridge District Council should use the WNP to help it decide planning applications in the neighbourhood area. The WNP was made by the Council on 26th July 2021 and therefore forms part of the statutory development plan for Torridge District Council when determining planning applications.

The WNP Policies of relevance to the application proposal are set out under the Policy Context Section above and will be considered under the relevant planning considerations below.

During the application process it was questioned whether the protection of Paragraph 14, of the NPPF would be relevant to the proposed site. Paragraph 14 effectively enables the presumption in favour of sustainable development (the so-called tilted balance) to be 'reversed' for applications involving the provision of housing in certain circumstances where there is a made neighbourhood plan in place; transposing to a position whereby *the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits*. In order for an application to be considered with this *adverse tilted balance*, the provisions of national planning policy require compliance with four criteria:

- a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made
- b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement
- c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.

For the avoidance of doubt, to benefit from the adverse tilted balance all four criteria are required to be met. In terms of Winkleigh the following position is reached in regard to each criterion, whilst having regard to the relevant provisions of national planning practice guidance:

- a. *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made* **PASS**
- b. *the neighbourhood plan contains policies and allocations to meet its identified housing requirement* **FAILS**
- c. *the local planning authority has at least a three year supply of deliverable housing sites* **UNCERTAIN**  
The last published position (as per the Burwood Appeal) demonstrated a 4.23 year supply, however this is now based on dated evidence.
- d. *the local planning authority's housing delivery was at least 45% of that required over the previous three years.* **PASS**

It is therefore concluded that applications for housing within the Parish of Winkleigh are not able to benefit from the 'adverse tilted balance' as per paragraph 14 of the NPPF, by virtue of the WNP not containing policies and allocations to meet its identified housing requirements.

WNP Policy HCLW4 concerns 'development to meet the five-year housing land supply.' It sets out 3 principles to which any additional land release should apply:

- i) the sustainability of the proposals should be tested, at both a site level and for any cumulative impact on the community;
- ii) development should adopt a masterplan approach wherever possible, linking together land parcels (or phases of development) and integrating them seamlessly into the pedestrian, cycle and road network of the village;
- iii) development should deliver a range of services and infrastructure to meet the additional demand caused by the proposal.

Paragraph 105 of the NPPF makes clear that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It further notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision taking. This is further reinforced through Policy DM05 of the NDTLP. As detailed the site is in close proximity to Winkleigh and its services thereby considered a relatively sustainable site, albeit future residents would need to travel outside the Local Centre to access higher order services and facilities such as secondary schools, supermarkets and hospital healthcare.

The requirements of Policy HCLW4 are further considered under the relevant sections below.

## **2. Design, Layout and Impact on Landscape Character**

The NDTLP encourages good design, which reflects guidance contained within national policy. Policy ST04 notes:

*"Development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04."*

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

Policy DM08A of the NDTLP relates to landscape character and notes that developments should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes. Policy ST14 (g) seeks to protect and enhance local landscape character.

WNP Policy ENV2 expects development proposals to respect and respond to the built and landscape character of the Parish. Policy ENV4 seeks to guide the design and appearance of new development proposals, to ensure they reflect the character and context of the surrounding development. The policy directs design to be simple and plain in appearance and encourages the use of local materials or their equivalent, where this reflects the stone, colour washed rendering, Devon thatch and slate typical in Winkleigh Parish and Policy ENV5 encourages that all new development should take the opportunity to introduce craftsmanship which enhances buildings and their setting. This could be detailing on the buildings, landscaping or boundary treatments. Policy HCLW2 states all new residential development should make adequate provision for the storage of day-to-day items, such as bicycles, recycling and refuse bins. Storage should be designed in as part of the development, either within the building itself or in appropriate external storage facilities.

WNP Policy HCLW3 relates specifically to 'land to the south west of the village', which is considered to include the application site. The policy sets out the guiding principles for the residential development, which include:

- i. Having a layout and design that recognises the potential for this area to be phased and planned comprehensively, especially the future road layout and pedestrian linkages. Consideration should be given to creating an alternative route from Hatherleigh Road to the A3124 through this area, avoiding Townsend Hill.*
- ii. Within the design, incorporate traffic calming measures and traffic calming/public realm improvement, both within any development and on the surrounding approach roads, that create a priority environment for pedestrians.*
- iii. Provide for safe and convenient car and bus parking facilities to serve the area and the primary school, including a priority crossing to the school site for pedestrians. Parking and associated hard surfacing should be well screened by planting. Provide for reinforced natural boundaries within the site and adjacent to the open countryside with planting and the creation of new hedgerows.*
- iv. Existing Rights of Way across the site and their amenity value, should be retained and new links created to these.'*

The NPPF also supports the creation of well-designed places through Part 12 (Achieving well designed places), which lists 6 design principles to ensure that developments achieve well designed places. Additionally, Paragraph 126 and 132 of the NPPF states that development should respect local character, history and reflect the identity of local surroundings.

In addition to this, the National Design Guide is the most up to date national guidance in relation to design. The design guide addresses the question of how we recognise well-designed places and outline and illustrate the priorities for well-designed places and provides ten characteristics that should be considered in any forthcoming design and decision making.

#### Impact on Landscape Character:

The application site is not located within any special designated landscapes and falls, within Landscape Type 3A (Upper Farmed and Wooded Valley Slopes) and 1F (Framed Lowland Moorland



and Culm Grassland), as identified within the Joint Landscape Character Assessment for North Devon and Torridge Districts.

The landscape character types are noted as including: Strong pattern of medium-scale fields of medieval and post-medieval origin enclosed by species-rich Devon hedges with flower-rich banks; Dispersed historic villages and hamlets clustered on hilltops with farmsteads distributed throughout, linked by a network of winding rural roads and steep sunken lanes crossing watercourses over stone bridges; Strong local vernacular of whitewash and white/cream rendered cottages with painted window and door frames and slate roofs. Some buildings constructed of exposed stone with red brick detailing; and Square church towers form strong local landmark features peeping through the rolling hills, many of which are Grade II\* Listed.

The main forces for change are identified as being hedgerow removal on more elevated land and the 20<sup>th</sup> Century expansion of some ridgeline settlements, with white/cream dwellings standing out in a linear form on the skyline.

It is noted that the topography of the land on the site is a factor when considering the layout of the scheme and therefore the design and layout has to be designed to work with the levels and make sure that the development flows and is not contrived due to the challenges of the sloping land. It is noted the site contains many characteristics of the LCT, but its closeness to the built form of Winkleigh, and now being surrounding by consented residential development on the eastern and western boundaries, brings into question the impact that the development of the site would have on the wider landscape character of the local area.

The proposed layout has been carefully developed within the context of the identified site constraints, as well as the proposed scheme to the east and the existing built form and wider characteristics of Winkleigh as a settlement. The site layout has been informed to create a smooth transition from the scheme to the east through to this site but also making sure that there are specific identified individual buildings with enhanced elevations and/or boundary treatment to aid this. The site reflects the same characteristics as the scheme to the east in terms of material palette and building style. There are two larger plots to the north, but this successfully transitions the proposed scheme from the existing dwellings to the north which are primarily larger plots with detached houses down to the rest of the scheme which then sits in line with the scheme to the east at a similar density.

The site currently has well established trees and hedgebanks on the outer boundaries and it is detailed that these will be retained on site, which will be a benefit in the overall visual impact of the development from the countryside. For this reason, landscaping is a priority for a site like this and the layout has enhanced existing vegetation and green space on site especially to the north and west and has enhanced and developed this throughout the site to create an open form which reflects the existing development within this localised area. A detailed landscaping strategy has been put forward for the proposal. In terms of maintaining the strengthened and established boundaries and areas, gaps have been formed and in certain areas access gates are included to make sure that the correct management of the vegetation is in place for the future of the development. In addition to the retention of hedgerows and Devon banks, there will be 1.8-metre-high close boarded fences (1.5m with trellis to provide overlooking) and 1.8-metre-high walls. However, the public-facing front boundaries will be a mixture of low brick or stone walls, estate railings or hedges. No fences are used on the primary interfaces with the public realm. Any walls on site will be made of matching brick or stone with a simple brick capping detail.

Whilst it is recognised that there is an extensive use of boarded fences for the rear gardens, it is reasonable to expect this on a residential development site of this scale and nature to provide such a boundary treatment between plots as the uses of hedges and planting in the early occupation of the properties would not provide an appropriate level of private amenity/security. Boarded fences are present in the landscape surrounding the site and therefore the use of boarded fences at the rear of the properties is not considered to be out of character when considering the wider area.

## Design and Layout

The proposed layout includes a Local Area for Play (LAP) which is located centrally within the scheme and with the surrounding area goes beyond the quantum required through Policy DM10. It is acknowledged that the submission does not include technical details, in relation to the design of the proposed LAP, timing of implementation and full details of the arrangement for the maintenance and management thereof. Consequently, it is recommended a requirement for an open space scheme through a legal agreement is included in the granting of any planning permission to make sure the right mix of equipment for the intended user is installed on site.

Another key design for this scheme is the use of key buildings to give natural surveillance and to allow a natural flow and link from the residential site to the east into this proposed site. This has been developed throughout the iterations of the proposed scheme and as such your Officer is satisfied that this has been achieved and will create a clear orientation around the proposed development and through connectivity to adjoining sites. The proposal is considered to meet the requirements of WNP Policy HCLW3 in this regard.

The proposed layout allows for appropriate plot sizes, which can accommodate adequate parking for cars and space for the storage of day-to-day items such as bicycles, recycling and refuse bins as required by WNP Policy HCLW2.

The Police Designing Out Crime Officer was consulted on the proposed development and concluded that the *'there are no objections in principle to the scheme, the proposed layout will on the whole provide both active frontages and good overlooking to the new internal streets and open space. The reference to Crime and Disorder and the principles, practices and recommended standards of secured By Design within the Design and Access Statement is noted.'* Recommendations were put forward from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective.

A number of public representations have been received by the Council, which raised concerns in relation to the design and impact on the wider character of Winkleigh. The Parish Council have strongly objected to the proposed scheme highlighting that the design shows no respect to the unique and ancient layout of the historic village in line with WNP Policies ENV1-3. Whilst these concerns are noted, the application site would be seen in the context of the residential schemes that have been permitted around it and the existing built form of Winkleigh to the north. The application has been accompanied with supporting statements detailing design and referring to the Winkleigh Village Design Statement and the WNP.

The submitted plans and documents propose a traditional design approach apart from the larger plots to the north and the proposed materials have been selected to create a simple palette of grey/blue and brown roofing tiles along with a mix of stone, red brick and fully and partially rendered buildings. Features such as chimneys and varied rooflines have informed the design, with individual detailing around window openings. There will be some simple front door canopies included which have been used to create a restrained palette. The materials are proposed to be used throughout the site irrespective of the home's tenure or size. A condition to ensure that samples of the materials proposed are provided prior to their installation is recommended, together with a requirement for the agreed materials to be used and retained thereafter.

A Building for a Healthy Life Assessment has been submitted by the applicant in support of the development which indicates they consider the development would predominantly have a green score with one amber consideration. In general, the Council would agree with this assessment. The amber score relates to Healthy Streets which seeks to ensure *'streets are places where the need to accommodate the movement of motor vehicles is balance alongside the need for people to move along and cross streets with ease.'*

Policy ST17 of the NDTLP relates to 'A Balanced Housing Market'. The crux of ST17 is to ensure that the scale and mix of dwellings are appropriate for the site and the proposed housing mix would need to be addressed to fall in line with the core evidence document - Housing and Economic Needs Assessment (HEDNA).

The HEDNA report, produced in May of 2016, assessed the housing and economic development needs for the area of Torridge and North Devon. More specifically, the table which can be found on page 180 identifies the proportion of 1 bed, 2 bed, 3 bed and 4+ bed houses necessary in order to meet the district's housing needs as a whole (please see table below). This evidence is considered to be a material planning consideration, and therefore housing sites will have to adhere to the proportions identified below, unless suitably and robustly justified otherwise.

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	30-35%	40-45%	15-20%
Affordable	30-35%	35-40%	20-25%	5-10%
All dwellings	15%	35%	35%	15%

*Core Evidence Document 21, P.180, Housing and Economic Needs Assessment prepared by GL Hearn, May2016 –*

The proposed development has come forward with a HEDNA compliant scheme and the affordable units also reflect the requirement of the Council. The scheme will provide one-, two-, three- and four-bedroom units all meeting the square footage of the units equates to the correct measurements under NDSS guidance (Nationally Described Space Standards). The Strategic Enabling Officer has been consulted on the application throughout the process and has commented that she is happy with the scheme that has been proposed.

Any proposed affordable housing should be pepper potted through the site, amongst the open market and not clustered in one location. During the process of the application amendments have been made to the layout to make sure that the affordable housing is pepper potted throughout the site as initially there were clusters which were picked up on through consultation with the Strategic Enabling Officer.

The final consultation response detailed:

*'Drawing number P2064:02 C shows slight amendments in the pepper-potting of the affordable units from the previous site plan. Although amendments have been made, I still note that there are very few affordable housing units across the south and south-west of the site.*

*I must note that these amendments do make the pepper-potting acceptable in policy terms, however, I must advise that there is a cluster of units only separated by a road on the east side of the site which does seem to push what should be considered a separation of these units.'*

Taking the above into account the scheme will provide a policy compliant scheme which gives an acceptable housing mix on site and 30% affordable which will be pepper potted in line with policy requirements.

Taking account of the above, the proposed design approach for the development of 77 dwellings on is considered to be in keeping with the design permitted to the east and the backdrop of Winkleigh to the north. It would create a development that visually will bring a variation to the site which reflects the topography and existing setting of the wider area and therefore is compliant with the policies detailed above in the NDTLP and WNP.

### **3. Impact on Amenity**

Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:

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

One of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The development seeks the provision of residential development in an area which is characterised by residential dwellings. The proposed development is located in close proximity to the existing residential properties to the north of the site and will sit between the permitted residential schemes to the west and east.

37 objectors have written representations (with some objectors writing on multiple occasions), 3 general comments and one petition have been submitted for the application. A number of representations were received by the Council which have raised concerns with regards to the impacts on residential amenity; loss of views; loss of house value; overbearing impact of development; noise during construction and the impact the current development is having on their properties, through dust, noise and conduct of the workers.

In terms of some of the points raised unfortunately these are matters that are not material planning considerations and they are not able to be considered during the determination of the application. In terms of noise and construction management, the Environmental Protection Officers has been consulted on the proposed scheme and raises no objections subject to conditions being included on any decision. After reviewing the site and the original plans, recommendations were put forward to the Agent in relation to the plots to the north of the scheme and the relationship with the existing properties. Amended plans were submitted which removed Plot 1 from the north so that the landscaping agreed under the permitted scheme could be implemented and the boundary to the north of the other plots has been strengthened and dwellings re-located to give adequate distance in terms of impact on amenity.

In relation to the rest of the scheme, the residential properties have been designed and positioned to take account of the impact on residential amenity and the topography of the site to make sure that all dwellings have adequate private amenity space and the relationship between the dwellings and public open space. It is considered that the council are satisfied that through the amendments that the scheme would not result in a significant adverse impact on the residential amenities of either existing or future occupants. As a result, the proposed development would be in accordance with the provisions of the NDTLP and WNP.

#### **4. Access and Parking**

Paragraph 110 of the NPPF indicates that access should be safe and suitable for all users. Paragraph 111 proceeds to advise that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles.

Policy DM05 of the NDTLP relates to highways, and notes:

- (1) All development must ensure safe and designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.
- (2) All development shall protect and enhance existing public rights of way, footpaths, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

In addition, policy DM06 of the NDTLP relates to parking provision, and notes that developments will be expected to provide adequate parking depending on the needs of the scheme.

WNP Policy TTM1 encourages the design and layouts of new developments to follow the transport hierarchy which prioritises pedestrians, cyclists and other sustainable transport. Policy TTM2 seeks to ensure that new developments do not cause an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe and Policy TTM4 expects new development to address the parking needs of residents and visitors.

The application will utilise the existing access to the east which was permitted under the proposed outline scheme for the site 1/0127/2017/OUTM and subsequent reserved matters application 1/0299/2021/REMM. The approval was subject to condition and a traffic calming scheme which was agreed through a Section 106 Agreement. The proposed scheme will bring forward 2 allocated car parking spaces per dwelling, and around 40 garage spaces for the larger 3 bedroom and 4 bedroom homes, providing them with 3 spaces per dwelling. The layout also provides 19 unallocated visitor/on-street spaces. The street network also provides the potential for further on-street visitor parking. In total there will be around 215 parking spaces provided on site. In conjunction with parking space provision, the transport statement details that access to 13amp charging will be provided to all resident parking spaces which are within the curtilage of the property which is encouraged by policy ENV7 of the WNP.

There are a significant number of public representations received by the Council along with the Parish Council comments which raise concerns in relation to the potential highway impact and highway safety, the points of vehicular access and the impact on the highway network in terms of the accumulation of both schemes on the one access point.

Devon County Council Highways have been consulted on the application and have stated the following:

***‘Observations:***

*I appreciate that the intention of the proposed development is to utilise the access that is being constructed to facilitate the Phase 1 scheme. The works offered as part of that scheme met the visibility requirements I would normally expect. The Phase 1 scheme is also in the process of providing its commitments for improved pedestrian safety in the area as well as a traffic calming scheme. As a result, I have no issue with this access being used for the additional dwellings in Phase 2.*

*I note the contents of the submitted Transport Statement, with particular regard to the trip generation figures that have been offered. I accept this evidence base as a fair reflection of likely movements attracted to and from the site. Furthermore, I also note the evidence base that has been offered in terms of the ‘traffic assignment’ figures; again, this offers a reasonable methodology given the information available.*

*With regards to pedestrian permeability, I see that there is an intention to secure a link to the neighbouring proposed Kingsley Plastics site; this would be an intuitive link in making pedestrian journeys more attractive to certain destinations such as the school. Beyond this, I am satisfied that there are suitable walking links between the proposed development and the wider community and village centre. I do appreciate that the proposed development will increase the potential number of pedestrians movements between these destinations; bearing in mind the existing local highway network combined with these additional movements, I believe a sum of £10,000 is required through the Section 106 process to review and, where necessary, to reduce the speed limits in the village, particularly to 20mph where appropriate for safer walking routes. This figure will cover the legal work required, including changes to the Traffic Regulation Order (TRO), as well as signage works.*

*I am satisfied with the car parking levels offered.*

*Noting that the application is in ‘full’, I have no particular objections with the internal layout of the estate. However, I would add that any private drives and ‘green’ areas would not be adopted by the Highway Authority and private arrangements would be required for ongoing future maintenance. Beyond this, I would expect the applicant to enter into a Section 278 agreement to ensure the adoption of the Phase 2 spine roads and adjacent footways.*

*As a result of the above comments, which includes the Section 278 contribution, I am satisfied that the proposed development offers ‘safe and suitable’ access and that the cumulative impact of the development would not be ‘severe’, as are the tests of the National Planning Policy Framework (NPPF).’*

Following the initial response, a traffic report was submitted by third parties for the Highways Officer to assess and consider. The Highways Officer reviewed the report and responded with the following:

*'Thank you for your email. I note the objection comments that that have been included in the attached documents. The points raised are similar to those submitted by other objectors in the previous stage of development, as well as being raised again with the more recent application. Indeed, I have recently met with a number of objectors from the local community where these matters were discussed. I can also confirm that I gave these matters consideration when submitting my recommendations for both developments. Previously, we were able to mitigate against the impact of the development with requests through the S106 process that included school parking within the development, a footpath link within the site to take pedestrians off of Townsend Hill for the majority of the length and the traffic calming scheme that would be built to a 20mph limit standard. The latter point included a raised table-top that doubled as a crossing point between Farmer Franks Lane and the development site. By reducing speed of traffic, this will also benefit motorists pulling out of the side roads as approach speeds are reduced.*

*I would again mention that the applicant was able to demonstrate an evidence base in the submitted Transport Statement that addressed issues of severity of impact, and safety and suitability of access, which I have accepted as reasonable. Whilst I am always prepared to consider any evidence base or analysis that challenges this, as it stands, I believe my earlier recommendation was correct.'*

Winkleigh Footpath 22, which is a designated Public Right of Way (PRoW), is located to the south of the site and connects into the development scheme to the east and continues to the south west corner of this site and beyond. Devon County Public Rights of Way were consulted on the proposed development however no response was received. The PRoW will not be adversely affected by the development so there is no conflict with WNP Policy CLW2, which seeks to ensure that existing Public Rights of Way are protected and where possible enhanced. The site does benefit from active travel links to the east but there is also a potential travel link to the west, however this would only be implemented if there is an agreement with the adjoining landowner.

In the opinion of the Highway Officer, the proposed layout is considered to provide safe and desirable pedestrian routes throughout the site, which benefit from natural surveillance and improve the access to the countryside and adjoining schemes.

The objection comments have been considered and the proposed highway scheme has been assessed by Devon County Council Highways with the outcome that they have recommended six conditions if the application is approved and it is therefore considered that the conditions meet the relevant tests and in terms of highways the scheme is compliant with the policies outlined in the NDTLP and WNP, including Policies HCLW3 and HCLW4.

## **5. Drainage**

NDTLP Policy ST03 notes that development should '*adopt effective water management including Sustainable Drainages Systems, water quality improvements, water efficiency measures and the use of rainwater*'. Policy DM02 states that development will be supported where it does not result in unacceptable impacts to pollution of surface or ground water. Policy DM04 requires development to '*provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rain water*'.

The application form details that surface water will be disposed of through a sustainable drainage system and mains sewer for foul sewage. In light of the proposed uses of disposal South West Water and DCC Flood Risk Management have been consulted on the application and they have commented the following:

South West Water:

There initial response detailed that '*South West Water has no objection subject to the foul drainage being managed in accordance with the submitted drainage strategy. In relation to the proposed*

*surface water disposal for its development they note that the method proposed to discharge into a surface water body, via a surface water sewerage network then SUDS is acceptable and meets with the Run-off Destination Hierarchy.'*

Further recommendations and advice have been put forward with the requirements of their expectations for the development but they had no objection to the scheme. No further comments were noted during the re-consultation of the scheme as the main changes were to layout that did not have an impact on drainage.

Devon County Council Flood Risk Management:

*The initial response from the officer was to object to the application as they concluded that the development proposed did not satisfactorily conform to policy and further information needed to be submitted.*

*On the submission of further information the objection was withdrawn and no in-principle objection was submitted assuming that the following pre-commencement planning conditions are imposed on any approved permission. A further layout change was submitted of which an objection came forward but after discussions which evidenced that the layout has not changed the drainage strategy the officer referred back to no in-principle objection with the imposition of the conditions.*

Taking account of the responses from statutory consultees your Officer is satisfied that the proposed scheme has a drainage strategy that offers sufficient drainage capacity site and therefore is compliant with the policies outlined in the NDTLP and WNP.

## **6. 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). Policies ST14 and DM08 of the NDTLP require that development ensures the protection and enhancement of biodiversity. WNP Policy ENV1 seeks to ensure that future development proposals protect and enhance the natural assets of the Parish and proposals are expected to demonstrate an environmental net gain in biodiversity.

Objection comments and the Parish Council have raised concerns regarding the ecology on site.

An Ecological Impact Assessment has been submitted as part of the application and has detailed that the site forms part of a single large, grazed paddock with mature hedgerow boundaries located to the west of Winkleigh. This survey provides an update to that carried out by a 3<sup>rd</sup> party in 2017 which included details of species surveys for bats, dormouse, reptiles, badger and otter and Water Voles. No such updates to protected species surveys are deemed necessary or proportionate as part of this resubmission, however precautionary measures secured under a Construction Ecological Management Plan are recommended for the ecological receptors at this site.

Taking into account the impact of the proposed scheme on the environment and wildlife a scheme should look at providing a Biodiversity Net Gain whether that be on site or as an off-site contribution. The scheme has submitted a Biodiversity Metric which calculates that the scheme will provide an overall on-site net % change plus off-site surplus of 11.78% in terms of habitat units and a 70.74% in terms of hedgerow units. The habitats will all be accounted for on site and will create a mix of habitat group which is reflective of what is currently on site. Your Officer is satisfied with the proposed landscaping and biodiversity net gain calculations for the site and believes that the layout has been heavily influenced by the existing and proposed landscaping being put forward for the site. As such it is concluded that with the imposition of the conditions the ecological status of the site is compliant with policy as detailed in the NDTLP and WNP and all other relevant legislation.

## **7. Infrastructure & Planning Obligations**

Any shortfall in infrastructure for the proposed development should be funded by developer contributions in accordance with Policy ST23 (Infrastructure) of the NDTLP, which requires

development to provide or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific or cumulative impact of these developments. WNP Policy HCLW4 requires development to deliver a range of services and infrastructure to meet the additional demand caused by the proposal.

The application generates the following infrastructure payment requirements which would need to be secured via a legal agreement:

#### Affordable Housing

Policy ST18 states that where Affordable Housing is required it should be delivered at 30% of the overall provision. Any provision below the Section 106 requirements generated by the scheme would need to be justified by the submission of a viability assessment. The required tenure split for the proposed scheme is for 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.

A policy compliant scheme would be 30% affordable housing which for the proposed scheme of 77 dwellings would be required to provide 23.1 units. The scheme is proposing 23 units on site and then a contribution for the 0.1 offsite would be required through a commuted sum which would be secured and calculated via a Section 106 and therefore the scheme would be seen to be policy compliant in terms of the number of affordable units on site.

#### NHS - healthcare

The NHS have been consulted on the application and they have commented that at this time there would be no need for a Section 106 contribution towards NHS Primary Care from this development as the GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

#### Education

Regarding the above application, Devon County Council has identified that the proposed 77 dwellings will generate an additional 19.25 primary pupils and 11.55 secondary pupils which would have a direct impact on Winkleigh Primary School and Chulmleigh Community College.

In order to make the development acceptable in planning terms, an education contribution has been requested to mitigate its impact as set out below:

*'When factoring in approved but not yet implemented developments in the area and proposed development allocated in the North Devon & Torridge local plan based upon current pupil data we have forecast that there is enough spare capacity to accommodate 77% of primary pupils expected to be generated from development in the area. Therefore, Devon County Council would seek a contribution against the remaining 23% of pupils expected to be generated directly towards additional education infrastructure at the local primary school that serves the address of the proposed development. This would equate to £75,696 (based on the DfE extension rate of £17,097 per pupil), and will relate directly to providing education facilities for those living in the development.'*

*We have forecast that the nearest secondary school currently has capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council would not seek a contribution towards additional secondary education infrastructure against this development.*

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

*11.55 secondary pupils*

*£5.28 per day x 11.55 pupils x 190 academic days x 5 years = £57,934*



*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.'*

### Green Infrastructure

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 77 new dwellings in this rural location, an on-site provision of the following is required:

0.012ha Plays Space (Child)  
0.012ha Play Space (Youth)  
0.230ha Combined Parks, Sport and Recreation Grounds  
0.027ha Allotments

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. The site does benefit from 45% of the scheme being formal and informal open space with the inclusion of a LAP and Orchard. This onsite provision is considered to meet the required typologies for play space child and youth and allotments (the orchard). The detailed specification of the areas of public open space, to include details of play equipment, benches, bins, boundary treatments, means of access etc, shall be secured via the submission of an Open Space Scheme which should be a requirement of the required Section 106 Agreement.

In this instance, an off-site provision can be made towards a more comprehensive planned provision elsewhere, where it best serves wider community needs, would be appropriate for the required Combined Parks, Sport and Recreation Grounds provision. Winkleigh benefits from a well-established community sports facility with pitches and a sports hall and there are proposals for enhancements and improvements. Therefore, a financial contribution, including maintenance sum, will be sought for this element of £286,429.95.

In addition to this, a contribution towards built facilities improvements (capital and maintenance combined sums) is triggered by the development as follows:

Swimming Pool £50,865.54 (Great Torrington)  
Sports Hall £36,244.02 (Winkleigh)  
Artificial Grass Pitch £11,819.42 (Winkleigh or Great Torrington)

Both the on and off-site green infrastructure and built facilities provisions will be secured via a Section 106 Agreement.

The Ward Member and Parish Council have been informed of the proposed Section 106 package.

Subject to the above infrastructure requirements being secured, the application proposal is considered to comply with NDTLP Policy ST23 and WNP Policy HCLW4.

## **8. Planning Balance**

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

As discussed above, the Council 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 impact of the proposal would significantly and demonstrably outweigh the benefits (the tilted balance).

In this instance, the proposal would provide a significant contribution of 77 dwellings towards local housing supply on a site which is well related to an identified Local Centre. The proposal therefore comprises sustainable development that would provide a significant contribution towards the Council's five-year housing land supply. In addition, 30% of the dwellings would be secured as affordable and the overall proposed mix of housing meets the requirements of the Housing and Economic Development Needs Assessment. These are significant benefits of the development that should be afforded significant weight.

The development would provide community facilities both on site through the provision of public open space and offsite through contributions towards education, sports and recreation and built facilities. Whilst the scale of these facilities and contributions are to meet the needs of the development, their significance is such that there would be wider benefits to the communities beyond the application site. There would also be significant economic benefits during the construction phase of the development and post-construction through an increased population to support existing business and facilities within Winkleigh. The proposed development would therefore be considered to be reasonably sustainable given the surrounding context and services and facilities that are provided within Winkleigh. It is however recognised that future residents would be likely to have some reliance on the private car to access secondary school provision, employment, supermarkets and hospital level healthcare.

The highway impacts of the development are considered acceptable, both in respect of traffic generation and the proposed access and parking arrangements; the Local Highway Authority is raising no objection to the proposal. Vehicular, cycling and pedestrian links from within the site to neighbouring areas would be secured via condition.

The site can appropriately deal with surface water run-off in accordance with DCCFRM flood risk advice and national requirements over the lifetime of the scheme. No objections are raised in regard to foul drainage provisions. Through conditions the proposal will secure the protection of protected species and deliver biodiversity enhancements at the site in excess of 10%, which is a significant benefit of the scheme. It is considered that the amenities of existing and future residents can be protected via conditions.

Turning to the adverse impacts, the proposed development will change the character of the site and the impact of development would be adverse in landscape terms in so far as what is currently a green field would be developed. However, this harm would be relatively minor as the proposed development would form an extension of the built form of Winkleigh to the south but would be seen in the context of two consented developments to the immediate east and west. Furthermore, the site is not subject to any protected landscape designations. The proposed development would also 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 moderate weight, however, as identified above, the proposed development would be broadly in keeping with the various criteria set out in NDTLP Policy ST21, which allows for development to come forward outside of development boundaries.

Finally, it is noted that objections have been received in respect of the application along with concerns raised by Winkleigh Parish Council. Whilst the issues raised have been given due consideration, it is considered, on balance, that they should not preclude the granting of outline planning permission.

The proposed development would make a significant contribution to the District's housing needs and it is expected that the Applicant, who is already on site and developing the land immediately to the east, would be looking to deliver this site in a timely manner, meaning the proposal would support the Council's five- year housing delivery.

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 WNP, the NDTLP and the NPPF as a whole and having considered all the planning issues, on balance, a recommendation for approval is made.

## Human rights

Consideration has been given to the Human Rights Act 1998.

## Recommendation

GRANT - subject to the following conditions and the Applicant entering into a legal agreement covering the matters set out under Section 7 above:

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 Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours with no works or deliveries permitted on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

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

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

5. Notwithstanding the details shown in the application hereby permitted, prior to their installation, details (and/or representative samples) of the colour and texture of the facing and roofing materials to be used in the construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented before the development hereby permitted is brought into use and shall thereafter be retained as such.

Reason: To enable the Local Planning Authority to consider the suitability of the materials to be used for the development.

6. No development shall take place until the developer has secured the implementation of a programme of archaeological recording 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 as 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 205 of the National Planning Policy Framework (2021), that an appropriate record is made of heritage assets that may be affected by the development.

7. The development shall not be occupied until the archaeological post investigation assessment has been completed in accordance with the approved written scheme of investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 205 of the National Planning Policy Framework (2021) which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

8. A Waste Audit Statement shall be submitted to the Local Planning Authority for approval prior to the commencement of development. This statement should include all information outlined in the waste audit template provided in the Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods for waste management in accordance with Policy W4 of the Devon Waste Management Plan and the Waste Management and Infrastructure Supplementary Planning Document.

9. 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 number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - c) the times within which traffic can enter and leave the site and the timetable of the works;
  - d) the importation of spoil and soil on site;
  - e) the removal/disposal of materials from site, including soil and vegetation;
  - f) the location and covering of stockpiles;
  - g) details of measures to prevent mud from vehicles leaving the site and must include wheelwashing facilities;
  - h) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
  - i) mitigation measures in relation to noise, vibration, dust and lighting;
  - i) details of any site construction office, compound and ancillary facility buildings and where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - k) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;
  - l) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

m) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.

n) the means of enclosure of the site during construction works;

o) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

p) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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: In the interests of residential amenity and highway safety.

10. Unless otherwise agreed by the Local Planning Authority, no development within a phase, other than that required to be carried out as part of an approved scheme of remediation, must commence until sub-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 sub-condition D has been complied with in relation to that contamination.

#### A. Site Characterisation

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

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • 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 sub-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 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 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 sub-condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of sub-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 sub-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.

11. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

12. 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.

13. When once constructed and provided in accordance with condition 12 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that these highway provisions remain available

14. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.

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. 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 Land at Winkleigh, Phase 2 Flood Risk Assessment & Drainage Strategy (Report Ref. 19494-R03-02, Rev. 1, dated 09th January 2023).
  - (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.

17. Notwithstanding the details hereby permitted, no works or development shall take place until full details (including species, type and size at 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. 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: Insufficient information has been submitted in respect of the landscaping proposals.

18. In the interest of the protection of any protected species present, the Recommendations and Enhancements set out within Sections 6 and 7 of the Ecological Impact Assessment (reference RSE\_4926\_R1\_V1\_EcIA) prepared by RammSanderson, dated 29th April 2021, must be adhered to.

For the avoidance of doubt, the required Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and must include the following:

- Precautionary methods and best practise with regards to reptiles, badgers and nesting birds;
- Safeguarding for the retained habitats during construction (including trees with roost potential).

The development shall be carried out in accordance with the approved Construction Environmental Management Plan at all times.

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

19. Prior to commencement of the development hereby approved, a Biodiversity Enhancement Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, the mitigation measures shall be permanently maintained and retained and monitored in accordance with the approved details.

For the avoidance of doubt, the Biodiversity Enhancement Management Plan shall include

- Confirmation of the programme for delivery of the biodiversity net gain measures set out in the submitted Biodiversity Metric 3.1 – Calculation Tool dated 07/11/2022 and Sections 6 and 7 of the Ecological Impact Assessment (reference RSE\_4926\_R1\_V1\_EcIA) prepared by RammSanderson, dated 29th April 2021, including evidence to demonstrate that a minimum 10% biodiversity net gain is achieved;
- Confirmation of methods for managing these newly created habitats to maximise their benefit for the ecological receptors on site;
- Confirmation of ongoing monitoring and reporting arrangements.

Reason: To ensure the development enhances habitat for protected species in line with the requirements of Policy DM08 of the NDTLP, the objectives of the NPPF and the requirements of 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 a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of mitigation measures prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of loss of biodiversity or protected species and their habitat in contravention of the above legislation.



20. The development shall be carried out in accordance with the protective mitigation measures set out in the Arboricultural Impact Assessment and Method Statement referenced 1620-AMS-MU and dated June 2022 and prepared by 'ge consulting'. Any specified protective measures shall be erected prior to the commencement of the development hereby permitted and shall be maintained until the development within that phase has been completed and all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interest of the character and appearance of the area and the protection of retained trees and hedgerows.

## Plans Schedule

Reference	Received
220103 HT 01 01	25.05.2022
220103 HT 02 01	25.05.2022
874/01 REV A	25.05.2022
874/02 REV A	25.05.2022
874/03 REV A	25.05.2022
874/05 REV A	25.05.2022
874/06 REV A	25.05.2022
BD1964 01	25.05.2022
P2064:05	25.05.2022
P2064:15	25.05.2022
P2064:16	25.05.2022
P2061:17	25.05.2022
PDL-01	25.05.2022
PEL-01D	25.05.2022
PEL-02 B	25.05.2022
PHL-01	25.05.2022
SPA-01	25.05.2022
874/04 REV A	26.05.2022
BS3301/01.2021/01/SG A	22.06.2022
BS3301/01.2021/02/SG A	22.06.2022
BS3301/01.2021/03/SG A	22.06.2022
BS3301/01.2021/04/SG A	22.06.2022
BS3301/01.2021/05/SG A	22.06.2022
BS3301/01.2021/06/SG A	22.06.2022
BS3301/01.2021/07/SG A	22.06.2022
1620-TRP-MU	30.06.2022
1620-TTP-MU	30.06.2022
1620-BNG-F1	16.11.2022
1620-BNG-F2	16.11.2022
2064:PAP	16.11.2022
P2064:04 A	22.12.2022
P2064:01 A	22.12.2022
P2064:02 C	22.12.2022
P2064:03 A	22.12.2022
P2064:18 A	22.12.2022
P2064:20 A	22.12.2022
P2064:21 A	22.12.2022
P2064:22 A	22.12.2022
P2064:24 A	22.12.2022

P2064:25 A	22.12.2022
P2064:26 A	22.12.2022
P2064:27 A	22.12.2022
P2064:28 A	22.12.2022
P2064:29 A	22.12.2022
P2064:30 A	22.12.2022
P2064:31 A	22.12.2022
P2064:32 A	22.12.2022
P2064:33 A	22.12.2022
P2064:34 A	22.12.2022
P2064:35 A	22.12.2022
P2064:36 A	22.12.2022
P2064:37 A	22.12.2022
P2064:43 A	22.12.2022
P2064:38 A	22.12.2022
P2064:39 A	22.12.2022
P2064:42 A	22.12.2022
P2064:44 A	22.12.2022
P2064:45 A	22.12.2022
P2064:48 A	22.12.2022
P2064:49 A	22.12.2022
P2064:50 A	22.12.2022
P2064:51 A	22.12.2022
P2064:52 A	22.12.2022
P2064:53 A	22.12.2022
P2064:54 A	22.12.2022
P2064:55	25.05.2022
P2064:56	25.05.2022
P2064:57	25.05.2022
P2064:58	25.05.2022
P2064:59	25.05.2022
P2064:60	25.05.2022
P2064:61	25.05.2022
P2064:62	25.05.2022
P2064:63	25.05.2022
P2064:64	25.05.2022
P2064:65 A	22.12.2022
P2064:66 A	22.12.2022
P2064:67 A	22.12.2022

## 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.