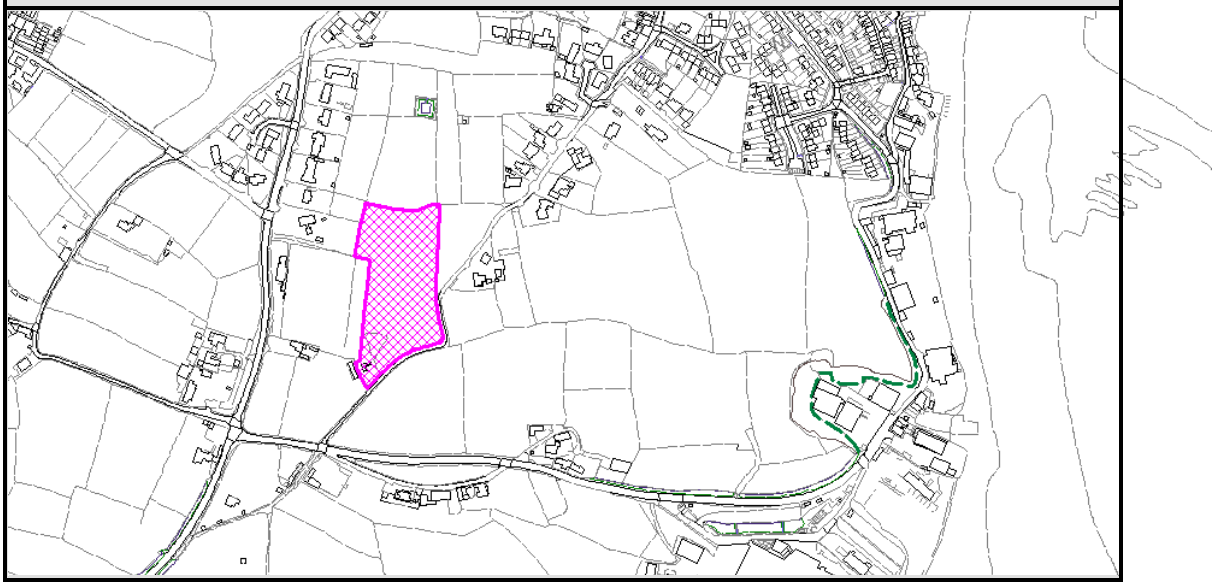
Committee Report – 30 March 2023

Application Number:	1/0652/2022/FULM
Registration date:	21 June 2022
Expiry date:	20 September 2022
Applicant:	Mr W Morris
Agent:	Red Planning LTD
Case Officer:	Angelo Massos
Site Address:	Land At Pitt Hill, Appledore, Devon,
Proposal:	Residential development comprising the construction of 27 dwellings with associated access, estate roads, infrastructure, open space and landscaping
Recommendation:	Grant subject to Section 106



Reason for referral:

The application has been called in by Councillor Hames as Ward Member, if the Case Officer is minded to approve, for the following reasons:

'1. Access arrangements and traffic impact on Pitt Lane.
2. Query whether safe and suitable pedestrian/cyclist connections have been provided to Appledore and Northam and also to public transport.

The following Local Plan policies apply: ST02 Mitigating Climate Change; ST10 Transport Strategy; DM05 Highways.'

Relevant History:

Application No.	Description	Status	Closed
1/0799/2018/FUL	Change of use of land from agricultural to residential including the construction of a sand-school with stable and two detached bungalows	REF	09.01.2019
1/0495/2019/FUL	Change of use of an agricultural field to residential use and to include two dwellings - resubmission of application 1/0799/2018/FUL	NPW	14.06.2019
1/0769/2020/OUTM	Outline application for 27 dwellings with all matters reserved except access (Amended Description) (amended access, LVIA Addendum, additional ecology details and building for life).	WDN	22.10.2021

Site Description & Proposal

Site Description:
The site is located to the south of Appledore and to the north east of Northam. It forms part of a wider residential allocation (Policy NOR07) in the adopted North Devon and Torridge Local Plan and is located within the development boundary for Appledore.

The site covers 1.408 hectares and is broadly rectangular in shape, sloping from north to south at a gradient of approximately 1 in 15. Currently the site is in agricultural use as grazing land and has a dilapidated timber stable building sited closed to the existing field access. It is currently greenfield enclosed by hedgerows and trees. The development site abuts Appledore Football Club to the west and the Baker Estates development currently under construction to the south (1/1343/2018/OUTM and 1/0717/2021/FULM), as well as a scheme for two dwellings to the east (1/0576/2021/FUL – subject to a committee resolution to grant) and residential dwellings towards the north east along Pitt Hill.

The site is located within walking distance to the established village centre of Appledore that provides

a range of facilities including a primary school, a variety of shops, places of worship, sports facilities and play areas.

Public transport routes run along Churchill Way with bus stops located close to the nearby football club which will be accessible via the Baker Estates development. The site is within Flood Zone 1 so has less than a 0.1% chance of fluvial or tidal flooding in any one year. It is not subject to any landscape or heritage designations. The site is, however, located within the Coast and Estuarine Zone, as identified by the North Devon and Torridge Local Plan Proposals Map and Policy ST09.

Proposed Development
The application is made in full and seeks permission for a housing development to consist of 27 dwellings with associated access, estate roads, infrastructure, open space and landscaping.

The site forms the northern part of allocation Policy NOR07: Site Adjoining Pitt Hill (Appledore). The proposed development will be accessed via the new vehicular connection from Wooda Road that runs through the Baker Estate's scheme onto Pitt Hill. To facilitate visibility splays for vehicular access into the site, the translocation of the existing eastern hedgerow boundary is required. The works to improve the splay will thus widen this aspect of Pitt Hill from the proposed access to the new access road at the Baker Estate site to the south.

The proposed development will provide a pedestrian/cycle route through the site starting in the south west corner thus providing a link into the Baker Estate site and the proposed pedestrian aspect of Pitt Hill. Furthermore, the pedestrian/cycle link will provide connectivity through the site to the north linking into the pedestrian/cycle link being provided by application 1/0576/2021/FUL, which will connect onto Pitt Hill. Additional information has been provided to amend the landscaping and site plan to ensure the proposed pedestrian/cycle link connects with the neighbouring site, following the initial public consultation response.

The development will provide a mix of housing types comprising of 1-bed apartments, 2-bed dwellings for 4 person, 3-bed homes for 5 and 6 persons and a variety of 4-bed house sizes. The scheme will deliver 30% affordable housing comprised of 75% social rent and 25% share ownership. Following the initial public consultation response from the Strategic Housing Enabling Officer, the proposed affordable dwelling house types were varied to provided 4 x 1 beds, 2 x 2 beds for 4 persons and 2 x 3 beds for 6 persons as well as ensuring the dwellings are delivered to maximum occupancies.

The dwellings will be constructed utilising a mixture of materials to include white render and natural stone for walls with slate roofs and sash windows to resemble traditional dwelling types of semi-rural appearance.

To the north of the site will be an area of public open space that will form an orchard with equipped play space. To the south west of the site is the proposed attenuation basin which will consist of native and ornamental planting to provide landscaping.

Consultee representations:

Northam Town Council:
First Response
Northam Town Council recommended the proposal for approval but would like the following comments noted by the Planning Authority:

'Whilst the Council welcomes the planned provision of 30% affordable homes, Local Plan policy NOR07 expects Pitt Hill, Appledore to be 'developed in a comprehensive manner to ensure the necessary highway improvements to Pitt Hill are secured as housing delivery is achieved' (Local Plan 2031, paragraph 10.383). The development had not been sufficiently integrated with the neighbouring developments, meaning the pedestrian and cycle routes were not clear, or integrated and there were more vehicle connections that the policy envisaged onto Pitt Hill. The layout and highway integration is also contrary to Local Plan policies DM05 (Highways).

This road connection would entail the removal of a significant portion of the hedgerow, contradictory to policy NOR07 of the Local Plan 2031, which required the protection of landscape and biodiversity. The inclusion of a short pavement and limited cycle connectivity with other proposals is contrary to policy NOR07 of the Local Plan 2031, which required proper provision for pedestrians and cyclists. This limits safe and effective access to public transport, which is contrary to policy ST10 (Transport Strategy).

The Council also notes that an application for the closure of Pitt Hill has been submitted in advance of any approval of this development plan, causing local residents concern.

In conclusion, the Council urges the planning authority to require the developers of the whole of the site covered by NOR07 to prepare an integrated transport strategy, thus providing the expected 'comprehensive' development prior to any approvals being granted.'

Second Response
Northam Town Council recommended that the proposal be granted permission but wished the planning authority to take the following comments into the account when considering the proposal.

'The width of the planned shared use cycle way and pavement to the northern end of the development was not clear. The path ends in a gate, it was not clear if the gate would be of a design that enabled cyclists or those with mobility issues to make full use of the path. Nor was it clear the path would be delivered as a route connecting to Pitt Hill as it entered land outside the ownership of the developer on its route to the Pitt Hill.

No low-level lighting was indicated, especially along the shared-use path, raising safety concerns for users.

The housing mix had been amended. There was no clearly detailed evidence provided to substantiate this change. The affordable housing had been concentrated at one end of the development, rather than scattering it throughout.

Finally, the council did not consider that the amendments addressed the concerns it raised in its previous comment.'

Environmental Protection Officer:
First Response
In relation to the above application, the Environmental Protection Team comments are outlined below.

The ground contamination assessments provided are comprehensive and undertaken in accordance with appropriate guidance. The assessments indicate low levels of ground contamination however, these are not considered to be harmful to human health and subsequently, no remediation measures are required. Although the Environmental Protection Team concurs with the findings of the assessments, given the sensitive end use it is essential that measures are in place should any unexpected contamination arise during development. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

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

Due to the proximity of existing and proposed neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Having regard for the scale of the development, the Environmental Protection Team considers a Construction Environment Management Plan is required that outlines measures to prevent or minimise disturbance during construction. 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, the Environmental Protection Team recommends the imposition of a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

The noise impact assessment submitted is very detailed and undertaken in accordance with relevant guidance. However, it is noted that the assessment was undertaken in 2020 at a time when the nearby shipyard was not fully operational. Since 2020, the shipyard is under new management, and it is envisaged that activities and operations are potentially more extensive. It would be useful to receive clarification from the applicant that the noise assessment remains relevant given the increase in activity at the shipyard.

Second Response
Further to reviewing the amended information submitted, the Environmental Protection Team refers to its consultation response dated 30 June. There appears to be no updated response with regards the environmental noise impact assessment having regard for the fact that the shipyard is now operational. The conditions recommended for imposition in the previous response remain relevant.

Designing Out Crime Officer - DC&D Police:
First Response
Thank you for this application, I have no objections in principle from a designing out crime and anti-social behaviour perspective to the proposal. The reference to principles and practices of Secure By Design within the Design & Access Statement and how these have been implemented across the site where practicable is welcomed. 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 is to inform the applicant:- All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2016 or equivalent. To assist with this requirement and to ensure compliance with 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. Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services which aims to improve the security of buildings and their immediate surroundings in order to provide safer places and sustainable communities. The proposed plot boundary and separation treatments, including existing hedges noted. Any hedge must be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in and must be of a type which does not undergo radical seasonal change which would affect its security function. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. The positioning of rear access gates is welcomed. Whilst gates to the rear gardens provide a barrier to the private space of the dwelling, their effectiveness can be enhanced by moving the gates forward (as close to the front elevation building line as is possible) to remove accessibility to sides of dwellings where surveillance opportunities are limited. The LEAP will be overlooked, however, I recommend it is enclosed with 1200mm fencing/railings and gates rather than the indicated hedge. Fencing and gates can discourage casual entry, provide a safe, clean (keeps dogs out) play area and help reduce damage to the equipment. Whilst the proposed parking provision would appear acceptable and offer good surveillance opportunities, 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. Failure to do so can lead to inconsiderate parking resulting in the potential for community conflict. Please do not hesitate to contact me if any clarification is sought or I can assist further.

South West Water:
First Response
Proposal: Residential development comprising the construction of 27 dwellings with associated access, estate roads, infrastructure, open space and landscaping.

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.

Asset Protection
Please find enclosed a plan titled “Pitt Hill Appledore Water Mains records” showing the approximate location of a public water main crossing the site. Please note that no development will be permitted within 3.5 metres of the water main, and ground cover should not be substantially altered. Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further. If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

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. Please note that the public foul and public combined sewer are not located in the immediate vicinity of the site, I have attached the sewer records plan for reference. 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

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 sewerage network system is acceptable and meets with the Run-off Destination Hierarchy, however please note that there are no public surface water sewers in the vicinity of the site.

Therefore, the surface water drainage strategy will require permission from the owner of the private surface water sewer system (adjacent site) to which it is proposed that the development's surface water runoff will discharge, and I further note that South West Water cannot adopt the drainage for the site unless the adjacent site sewers are adopted.

With regards the Construction Phase surface water disposal, the CEMP should ensure adequately sized storage for temporary construction site surface water flows, which, due to the level of pollutants during construction, should be tankered off site for disposal. Please note, it is not permitted to discharge the construction site surface water into a public sewer, which should be used for domestic flows only.

Second Response
With reference to the above planning application's amended plans and additional information, there appears to be no updated response with regards the proposed drainage strategy, and in particular how site surface water will be disposed of and that there is an existing public 200mm water main crossing the site. Therefore, the comments made previously on 12th July 2022 still apply.

Chief Education Officer:
Devon County Council has considered the application above and would like to provide an education response.

An assessment of education requirements directly related to the proposed development has been undertaken using the standard methodology set out in the County Council Education Section 106 Policy, this policy has been used to calculate the number of primary and secondary aged pupils likely to be generated by the development.

Regarding the above planning application, Devon County Council has identified that a development up to 27 family type dwellings will generate an additional 6.75 primary pupils and 4.05 secondary pupils. This application which would have a direct impact on St George's Church of England VA Infant and Nursery School, St Margaret's Junior School, Appledore School and Bideford Community College.

Primary Provision:
When factoring in both approved but unimplemented housing developments we have forecast that the local primary schools have enough capacity for 42% of pupils expected to be generated from development in the area. Therefore, Devon County Council will request primary contributions against 58% of pupils expected to be generated by development in Northam. The contribution would be used towards additional education infrastructure to serve the address of the proposed development. The Local Plan identifies that new primary provision is required to serve Bideford and Northam allocations.

DCC will seek a contribution towards the primary pupils expected to be generated from this development. The primary contribution sought would be £79,494 (based on the DfE New Build Rate rate of £20,305 per pupil x 58%). This equates to a per dwelling rate of £2,944. The contributions will be used towards the expansion and/or enhancements of primary provision.

DCC would also need to request a proportionate land contribution of 10sqm per family-type dwelling. Based upon a land value of £440,000 per hectare (£440 per dwelling), this land contribution would equate to £6,890 and would be used to assist in the procurement of the new school site. This is calculated as £440 x 27 dwellings x 58%.

Early Years Provision:
A contribution towards Early Years provision is requested to ensure delivery of provision for 2, 3 and 4 year olds. The Early Years rate is £250 per dwelling, or a total of £6,750 to mitigate 27 dwellings. This contribution will be used to provide statutory early years places in the area.

Secondary Provision:
When factoring in approved but unimplemented housing developments we have forecast that the local secondary school has sufficient capacity for the number of pupils likely to be generated by the proposed development. Therefore, a contribution towards secondary education infrastructure would not be sought.

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 contributions requested 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.

The Environment Agency:
No representations received.

AONB Team:
No representations received.

Historic England - Southwest Casework:
First Response
It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Second Response
Thank you for your letter of 24 February 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

North Devon Conservation Officer:
I write with regard to the effect of the proposal on the significance of the heritage asset, which is the registered parkland at Tapeley Park. As I've said before in relation to other applications in this area,

the parkland at Tapeley was evidently designed to take advantage of the picturesque views over the river Torridge to the west. Originally this would have been mostly farmland, presenting an open agricultural setting. Gradually, housing developments have spread, the large buildings at the shipyard constructed, and this has changed the character of this wider landscape setting. When applications to build new houses along the slopes of the western banks of the River Torridge are permitted, this in general changes the character of the setting, having a cumulative effect on the significance of the heritage asset. This development at Pitt Lane will form part of that gradual erosion, but it is hard to say that the development in isolation would, in itself, cause such a degree of harm as to sustain a reason for refusal.

DCC Archaeology Section:
First Response
My ref: Arch/DM/TO/37808a
The Written Scheme of Investigation submitted in support of this application sets out the scope of the archaeological work to be undertaken in mitigation for the impact of the proposed development upon the archaeological resource and is acceptable to the Devon County Council's Historic Environment Team.
I would therefore advise that any consent that may be granted by the Planning Authority should be conditional upon the following worded condition:

'The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD2334/1/0, dated 9th February 2022) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason
'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'
Reason
'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

The Historic Environment Team will be happy to discuss this further with you, the applicant or their agent.

Second Response
I refer to the above planning application and your recent re-consultation. I have no additional comments to make to those already made.

Conservation Officer:
No representations received.

Devon County Council - Flood Risk Management:
First Response
Recommendation:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, 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 Flood Risk Assessment, Drainage & Maintenance Strategy, Pitt Hill, Appledore, Report Ref 1690-C300-Rev A and the results of the information submitted in relation to (a) and (b) above
(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.
(e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
(f) Evidence there is agreement in principle from SWW for the sewer requisition on Wooda Road

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) 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:
We are pleased to see that infiltration testing has been carried out at the site in line with the surface water management hierarchy. We are pleased to see a basin included within the surface water management network. The applicant has proposed a feasible surface water drainage strategy which meets the requirements of our SuDS for Devon Guidance (2017) as well as requirements for long term storage and urban creep.

Second Response
Recommendation: We have no in-principle objections to the above planning application, from a surface water drainage perspective. Observations: The net impermeable area (net developable area) remained unchanged at 9,872m2 (2.39 acres). Should this is the case, then there is no impact on the previous approved drainage strategy. Our previous consultation response remains unchanged.

Devon County Council (Highways):
First Response
Observations:
This proposal for 27 dwellings is supported by a transport statement and transport statement addendum. These documents provide considerable technical analysis of the proposal, including that the proposal would be likely to generate 13 new vehicle trips in the AM peak hour and 12 in the PM peak hour. I have no evidence to suggest alternative levels of vehicle generation would occur.

The proposal would create a new vehicle access onto Pitt Hill, 4.8m with 2.0m wide footways. Pitt Hill itself would be widened to 5.5m from the site entrance to the south to the new road on the Baker Estates site which runs to Wooda Road at 5.5m. Pitt Hill to the north would remain unchanged as a single track road.

Vehicle access as proposed with visibility splays of at least 43m in both directions to the nearside carriageway edge from 2.4m back from the access is considered safe and suitable. The splay to the

south would be over a newly created footway, joining the Baker Estates footway network and through that site will be connected to the wider footway network on the A386. This provides a safe walking route for all people to bus stops on the A386 and services and facilities in Appledore and Northam within walking distance, without walking along Pitt Hill/Lane. Walking along Pitt Hill/Lane is also a possibility for those wishing to use it despite its gradient, lack of footway and lighting. These inadequacies are not a reason to the refuse the application as an alternative route for pedestrians is available. This is backed up by appeal APP/X1118/W/15/3021708 in Landkey, North Devon, which considered a similar situation.

In regard to vehicle access, the proposal would generate a small amount of vehicle traffic as stated above. I have no evidence to suggest that this would result in a severe cumulative impact not an unacceptable impact on highway safety.

Devon County Council is working to produce a Local Cycle and Walking Infrastructure Plan (LCWIP) funded in part by Torridge District Council and Northam Town Council. The emerging work identifies a high priority route between Appledore and Bideford at a cost of £4,295,415.12. This would work towards the Government's aim to produce a world class walking and cycling network in England by 2040. Based on the policies listed below, a contribution towards this is considered necessary for the development to proceed. The cost is considerable, and beyond the ability of this scheme to pay entirely. A reasonable amount to me would be a £1,500 contribution per open market rate dwelling on the site. If 30% affordable house are provided, then 19 would be open market and therefore this contribution should be £28,500.

In conclusion, I have no evidence or policy basis to support a reason for refusal on highway grounds subject to a contribution of £1,500 per open market rate house. Relevant polices related to walking and cycling with important parts in bold.

NPPF 2021
104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
a) the potential impacts of development on transport networks can be addressed;
b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised– for example in relation to the scale, location or density of development that can be accommodated;
c) opportunities to promote walking, cycling and public transport use are identified and pursued;
d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

105.The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

110.In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of
associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Devon and Torbay Local Transport Plan 3 (2011-2026) Market and Coastal Town Policies
Make Devon 'the place to be naturally active' through investment in the leisure network
• Use development contributions to provide more opportunities for, and encourage, walking, cycling, and other outdoor leisure and recreation, to increase levels of physical activity and improve health In some cases, some low cost highway and public transport improvements would help to increase the capacity and safety of the roads serving towns. Transport infrastructure and improvements identified in the LDF will need to be met by developer's contributions and by working with the transport operators.

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

   REASON: To provide adequate visibility from and of emerging vehicles.

2. 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

3. Prior to the occupation of any dwelling on the site the footway within the through the site shall connect to the footway on Pitt Hill / Estuary View to the south of the site.

   REASON: To ensure safe and suitable access for pedestrians.

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

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

5. No other part of the development hereby approved shall be commenced until:
   A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first ten metres back from its junction with the public highway
   B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
   C) The footway on the public highway frontage required by this permission has been constructed up to base course level
   D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

6. 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

Second Response
Further to previous responses on this application I have carried out a review of required contributions with particular regard to the impact of the proposal on the highway network and the cumulative effect of this development along with other development in the Bideford and Northam area on the Heywood Road Roundabout (junction of the A39 with the A386).

This junction along with two other junctions on the A39 – Buckleigh Junction and Westleigh Junction, have been identified as needing improvement in terms of capacity and delay as a result of extensive traffic modelling that supported the Local Plan. Devon County Council is to deliver improvements along the A39/A361 including at the junctions mentioned above to accommodate future housing and employment growth, with the A39 Buckleigh Junction and Westleigh Junctions having both been constructed already.

Due to recent increases in costs due to many things including hyper-inflation, at up to 75% in the construction sector, it has become necessary to request contributions from this proposed development to mitigate the cumulative traffic impact at the Heywood road Roundabout. It is not expected that any one single development be made to build the improvement, nor for it to wait for the improvement to be made, but a contribution is required so that cumulatively amongst all development, the cumulative impact is mitigated.

Previous cost estimates for these junction improvements as agreed with the Department for Transport as part of wider highway scheme along the A39 and A361 were £3,370,000.

Factoring in actual spend costs, a figure of 26% for inflation for the year 2022/23 and a modest expected increase of 5% in 2023/24 when the scheme is aimed to be built – the new estimated cost amounts to £4,016,033.

This is an increase of £646,033 to be needed which should be met cumulatively by developments in the area.

Depending on the outcome of the appeal at Badgershill Wood, Abbotsham Road, that site and the recently approved NG properties site on Cornborough Road for 400 properties could reduce this required figure to £181,869.40.

With the sum of undetermined housing applications in the area being 241, this gives a pro-rata contribution of £754.64 per dwelling being necessary towards improvement of the Heywood Road Roundabout.

Therefore, I request that in addition to previous consultation response, this site shall be required to pay an additional £20,375.41 on top of requests made previously towards improvement of the A39 Junction with the A386 Heywood Road (Heywood Road Roundabout) to mitigate the traffic impact of the proposal. If the site is subject to viability issues and a viability appraisal has been carried out, then priorities for which contributions are secured or lost are for the LPA to decide. If not all highway/transport contributions are secured due to viability issues, providing flexibility for the Highway Authority to spend these contributions to any or all of the requested improvements would be useful.

Third Response
The Highway Authority has no further comments to make regarding this application at this time.

Minerals And Waste Planning:
First Response
Within the Site Waste Management Plan submitted, the applicant has made a good attempt to consider the targets for the reuse, recycling and recovery of waste, providing information on the type and amount of construction waste that will arise during the construction phase as well as demonstrating the management of waste in accordance with the waste hierarchy.

However, the following information needs to be provided:

 The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
 Identify the main types of waste generated when development is occupied (If possible);

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

Second Response
Thank you for consulting us on the submission of revised documents for the above application. We note that a waste audit statement has not been submitted as part of the revised documents. Therefore, our previous comments still stand (dated 19/07/2022).

Natural England:
First Response
Thank you for your consultation on the above proposal dated and received by Natural England on 28th June 2022. Based on the information provided we have the following comment

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES
Taw Torridge Estuary Site of Special Scientific Interest (SSSI)

No objection subject to mitigation. Details are provided below.

Natural England's advice on additional environmental matters is provided below.

Designated sites The Taw Torridge Estuary Site of Special Scientific Interest (SSSI) The development site is within 1km of the Taw Torridge Estuary SSSI and has triggered Natural England's Impact Risk Zones2 (IRZ). The SSSI is notified for its overwintering bird interest and intertidal habitats. Further information on the SSSI and its special interest features can be found at www.magic.gov.uk

Based on the information provided, the development site is unlikely to support significant numbers of wildfowl or waders associated with the SSSI.

Data gathered through the Taw Torridge Estuary High Tide Roost and Recreational Impacts study1 , of which your Authority is a partner, provides evidence of recreational disturbance impacts on important SSSI high tide roosts and on birds feeding through all states of the tide. The estuary birds are particularly sensitive during the winter and during stopovers on annual migrations, throughout which time they must build up energy reserves. Any disturbance that causes them to take flight, especially repeatedly, reduces foraging time and causes additional energy expenditure. This can result in a reduction in fitness making it a challenge to survive the winter. Housing development has the potential to affect the SSSI by virtue of the associated recreational activity on and around the estuary contributing cumulatively to disturbance and displacement effects on the overwintering water birds on the estuary.

In the absence of a strategic approach to mitigating recreational disturbance impacts, if your authority is minded to grant permission, suitable mitigation measures should be agreed and secured via condition to reduce disturbance to over wintering birds, such as interpretation packs for all households.

Landscape
The proposed development is for a site within 2km of the North Devon Area of Outstanding Natural Beauty (AONB) which is a nationally designated landscape.
Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.
The statutory purpose of the AONB is to conserve and enhance the area's natural beauty.

You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species
We have not assessed this application and associated documents for impacts on protected species. It is the LPA's responsibility to ensure that protected species, as a material consideration, are fully considered and that ecological surveys have been carried out where appropriate.

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species and we refer you to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

The Institute of Lighting Professionals has partnered with the Bat Conservation Trust and ecological consultants to provide practical guidance on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats Guidance Note 8 Bats and Artificial Lighting and we recommend this is considered when designing lighting schemes.

Biodiversity Net Gain
Development provides opportunities to secure a net gain for nature as outlined in paragraphs 174, 179 and 180 of the NPPF, the Defra 25 year Environment Plan and the Environment Act. Policy ST14 of the Joint Torridge and North Devon Local Plan also expects all development to provide a net gain in biodiversity.

Biodiversity net gain does not change existing legal protections for important habitats and wildlife species. We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced.

An evidence-based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions4 (under Section 40 NERC Act, 2006). Biodiversity metrics are available to assist developers and local authorities in quantifying and securing biodiversity net gain. Local Authorities can set their own net gain thresholds, but the Environment Act sets a minimum 10% threshold. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Biodiversity Action Plans, Green Infrastructure Strategies or Local Nature Recovery Strategies where they are being developed.

Opportunities for further enhancement on site might include:

- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Designing lighting to avoid disturbing wildlife.
- managing public spaces to be more wildlife friendly e.g. by sowing wild flower strips
- Incorporating swallow, house martin and house sparrow nest sites, swift boxes or bat boxes into the design of new buildings. The RSPB recommends 1 box per dwelling.
- Incorporating bee bricks into buildings https://greenandblue.co.uk/product/bee-brick/
- Permeable boundary fencing to allow movement of species such as hedgehogs.

The detail of mitigation and enhancements, including that of the SuDS, should be secured in a landscape and ecological management plan via suitably worded conditions. The management and maintenance of SuDS features is key to a properly functioning system.

Green Infrastructure
All new development should create high quality locally distinctive places where people want to live and work. Green infrastructure (GI) is increasingly recognised as an essential component of any truly sustainable development and the most effective means of providing a wide range of ecosystem services for quality of life and health benefits.

Multi-functional green infrastructure can perform a range of functions including climate change adaptation and biodiversity enhancement, reinforcing and enhancing local landscape character, improved flood risk management, improving air quality and provision of accessible green space with its associated wellbeing benefits of contact with nature.

Natural England has drawn together evidence and case studies about GI and the Town and Country Planning Association's publication 'Biodiversity By Design' provides further information on this issue.

Examples of green infrastructure that can be widely incorporated into development proposals include:

- Green/brown roofs - The use of alternative roofing (turf, aggregate, brown and green roofs) can make a significant contribution to biodiversity, attenuation of rainfall, and energy efficiency as they can provide a high degree of insulation. Green walls can provide insulation or shading and cooling.
- Street trees to help improve air quality and reduce flooding, provide wildlife habitat and an urban greening function, or a shading and cooling function in adapting to climate change.
- The use of SuDS to manage surface water run-off can also contribute towards green infrastructure by increasing biodiversity and amenity value with careful design to manage risk (CIRIA). The RSPB/WWT5 has produced a guide on designing and managing SuDS for wildlife.

Soils and Land Quality
From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).

The site is approximately 1.4ha and available Agricultural Land Surveys (ALC) indicate that it is Grade 3a agricultural land. ALC surveys are now available through Natural England's public geographic data at https://www.gov.uk/guidance/how-to-access-natural-englandsmaps-and-data

For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils except to advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

Further guidance is available in The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development.

If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.

Following submission of this advice to the LPA we are able to consider offering advice to the developer through our Discretionary Advice Service

Second Response
Natural England has previously commented on this proposal and made comments to the authority in our response dated 20 July 2022 Reference number 398994 (attached).

The advice provided in our previous response applies equally to this amendment The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Strategic Enabling Officer:
First Response
This site is an allocated site identified in the Local Plan under Policy NOR07: Site adjoining Pitt Hill (Appledore). 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 8 dwellings and an off-site contribution equating to 0.1 of a dwelling. (The commuted sum will be calculated once the provision is determined)

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 Affordable Housing (AH) statement supports the Policy compliant tenure mix of at least 75% social rent (in accordance with policy) and the remainder intermediate. The AH Statement references that the intermediate tenure will usually be for Shared Ownership units, and I support this tenure type for this area. Any variation to this provision will require re-consultation.

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.

Bed size & dwelling type	**Occupancy**	**TDC dwelling mix requirement**	**Dwelling type**	**National Space Standards (m2)**
4 bedroom house	8 person	5-10%	• House (2 storey) • Bungalow	• 124 • 117
3 bedroom house	6 person	20-25%	• House (2 storey) • Bungalow	• 102 • 95
2 bedroom house	4 person	35-40%	• House (2 storey) • Bungalow	• 79 • 70
1 bedroom house	2 person	30-35%	• House (2 storey) • Bungalow / flat	• 58 • 50

I note in the Affordable Housing statement that the affordable units will comply with NDSS, however I must insist that all affordable dwellings are designed for maximum occupancy. The AH Statement also suggests that providing 4 x 3 bed is acceptable in this case due to the number of 2-bedroom dwellings provided on the adjoining site with Baker Estates, I require confirmation of the provision of 1 bed and 2 bed dwellings before I can comment. Once I have received this, I am happy to reconsult and confirm the commuted sum.

The supply and demand for 4 bed 8 person units and challenges around the use and allocation of 4 bed 6 person units has been reflected in our consultation responses in which we state a requirement for four bed eight person dwellings at 124 square metres.

The affordable homes should be designed and of the same material and construction as the open market dwellings including car parking which has been noted in the Affordable Housing Statement.

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.

Devon Home Choice (DHC) shows there are 221 households living in the parish of Northam, registered as being in need of affordable housing for rent as of February 2022.

There are 629 households in the adjoining parishes of Abbotsham and Bideford registered as being in need of affordable housing for rent as of February 2022. The adjoining parishes within the North Devon District I do not hold the data for.

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.

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

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

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

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.

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Second Response
I write in response to an email received on the 12th October 2022 in respect of the tenure mix and bedroom sizing for the above application. I have been asked by Angelo Massos to complete my response formally for the avoidance of doubt in any matter.

I refer first to the Pre-Application (pre-app) under reference FPEM/0394/2021 in which we have been advised by Bunny Homes that, at pre-app stage Bunny Homes were not advised that there were concerns in respect of the provided dwelling sizes and mix at the time of submission, I can however confirm that both the original plan submitted under the pre-app have been since withdrawn and re-issued, and that the occupancy levels were not disclosed at the time of pre-app.

With this in mind, it is my opinion that the pre-app advice given in this instance does not relate to the current full application (reference 1/0652/2022/FULM) of which I was consulted on and provided a response to on the 19th July 2022 (attached to this letter for reference).

I verbally agreed with Bunny Homes to compromise on the dwelling mix from the original proposal of 4 x 1-Bed and 4 x 3-Bed to 4 x 1-Bed homes, 2 x 2-Bed homes & 2 x 3-Bed homes. The overprovision of 1-bedroom dwellings against our policy position as set out in the HEDNA has been agreed due to the fact that these dwellings are flats and are constructed in pairs.

However, Bunny Homes have queried the maximum occupancy requirement for the 3-bedroom dwelling.

Policy ST17 of the North Devon and Torridge Local Plan advises the below:

Affordable Housing
7.23 It is recognised that providing the scale of affordable housing provision required to meet identified needs over the plan period poses a significant challenge. The mix of affordable housing provided will be optimised and prioritised to respond to identified housing need at the time of the proposal. On occasion development proposals may not be able to deliver a scale of development to fully meet affordable housing needs; the policy therefore seeks to enable the mix of affordable housing to be prioritised to meet the most essential housing need. Development proposals should reflect on and respond to up-to-date evidence of local housing need. Appropriate evidence to support affordable housing proposals could be that presented through settlement housing needs surveys, comprehensive parish plans, community consultation or analysis of local authority needs data.

7.24 Consequently, it is essential that the Local Plan maximises the range of opportunities to deliver affordable homes to improve the balance of the housing market and meet the needs of communities. The Councils will work positively with partners such as government organisations, Registered Providers and Parish Councils along with communities to support initiatives that seek to secure the delivery of affordable housing. The Councils will also work positively with Parish Councils and other local community organisations to support the delivery of neighbourhood plans or neighbourhood development orders where these would positively support the provision of additional affordable housing to meet community needs.

7.25 The Local Plan supports a range of mechanisms that are intended to increase the availability and range of affordable housing including:

(a) securing an appropriate mix of dwelling types, sizes and tenures;

(b) securing an element of affordable housing on qualifying open market residential proposals; and

(c) allowing affordable housing on sites that would not otherwise allow development.

Devon Home Choice have provided me with data in respect of Torridge's 3-bedroom 6-person provision across the district within the last 5-years and it shows a clear under-provision of desperately needed maximum occupancy 3-bedroom 6-person dwellings:

"We are often hearing that there is a severe lack of 3-bedroom 6 person homes – in the last 5 years only 3 of the 110 three-bedroom homes advertised in Torridge have been 6-person homes."

Number of bedspaces

	4	**5**	**6**	**Grand Total**
3 bedrooms	6	101	3	110

In April 2022, North Devon and Torridge's Affordable Housing Supplementary Document was submitted for public consultation and Registered Providers were invited to comment. The basis of the document reflects the feedback received by stakeholders, RP's and the general public including extracts from the NDTLP, the Altair financial report and the HEDNA. The SPD refers to occupancy by stating:

"5.41 Additionally, to make the dwellings as flexible as possible for allocation and to future-proof dwellings to allow families to grow or downsize, the Registered Providers will generally require the dwellings to be constructed to maximum occupancy. This means the highest number of bed-spaces per room (double bedrooms) will be sought:

1-bed 2-person
2-bed 4-person
3-bed 6-person
4-bed 8-person

5.42 Accordingly, the Councils will seek affordable housing to be constructed to the maximum bed-space requirements for the size of dwelling (number of bedrooms) and to accord with the associated nationally described space standards for those bedspaces.

5.43 The Councils recognise that there cannot always be one approach that is appropriate to all circumstances. The provision to seek maximum bedspaces is intended to provide maximum flexibility of occupation, ensuring that it can accommodate the widest range of needs and future proof-housing to some extent when families grow."

Where NDSS is currently not within our local plan in order to push for this requirement, the occupancy of each dwelling in order to provide adequate housing for the local need is still a policy position for us at Torridge.

Therefore, my proposal is the following:

4 x 1-Bed 2-person, 2 x 2-Bed 4-person & 2 x 3-Bed 6-person as per my original advice.

Failing to deliver the 3-bedroom dwellings at maximum occupancy will be required to be evidenced via a robust viability appraisal. The mix will then be revisited and reviewed upon receipt of this appraisal.

Should further detail or comment on this matter be required, please contact me immediately.

Community Projects Officer - Adrian Avery:
First Response
Under GI policy DM10, 27 dwellings should provide:

- Contributions towards Sport, Recreation, allotments and potentially built facilities. Details of costs will be provided by the planning officer.
- I would prefer if the play space was a little more central to the development. I haven't seen the policy that states this should be at the North of the site. The document for the LEAP is unavailable to see online. We would like all developers to follow the Fields In Trust guidance for play spaces.
- Communications with the Parish council to discover any requirements they may have in the village
- It's good to see active travel has been considered. We would like to make sure these are to a suitable width and standard of cycle paths linking the rest of the village and employment opportunities (LTN1/20).

Please feel free to contact me for more information regarding community projects in this area.

NHS S106 primary care:
The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon ICB as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance) which was jointly prepared by NHS England and Devon County Council.

In preparing this response, it is noted that the North Devon and Torridge Local Plan 2011- 2031 states that:

"ST08: Scale and Distribution of New Development in Northern Devon: Development will be focused at the Sub-regional, Strategic and Main Centres to increase self-containment through sustainable growth that provides balanced housing markets within environmental limits and increases access to jobs, health, education, leisure, culture and community facilities.
ST23: Infrastructure:
… (3) Developments that increase the demand for off-site services and infrastructure will only be allowed where sufficient capacity exists or where the extra capacity can be provided, if necessary through developer-funded contributions."

The ICB's concern is that Northam Surgery is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgery already has 12,694 patients registered and this new development will increase the local population by a further 60 persons.

Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document" which was agreed by NHS England and Devon County Council, the following calculation has been made:

Methodology for Application 1/0652/2022/FULM
1. Residential development of 27 dwellings
2. This development is in the catchment of Northam Surgery which has a total capacity for 10,449 patients.
3. The current patient list size is 12,694 which is already over capacity by 2,245 patients or at 121% of capacity.
4. The increased population from this development = 60
a. No of dwellings x Average occupancy rate = population increase
b. 27 x 2.24 = 60
5. The new GP List size will be 12,754 which is over capacity by 2,305
a. Current GP patient list + Population increase = Expected patient list size
b. 12,694 + 60 = 12,754 (2,305 over capacity)

c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6
6. Additional space required = 4.23 m2
a. The expected m2
per patient, for this size practice = 0.07m2
b. Population increase x space requirement per patient = total space (m2) required
c. 60 x 0.07 = 4.23m2
7. Total contribution required = £13,548
a. Total space (m2) required x premises cost = final contribution calculation
b. 4.23m2 x £3,200 = £13,548 (£502 per dwelling).

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

NHS S106 acute care:
INTRODUCTION
1. This document provides a summary of the impacts of new housing developments on Royal Devon University Healthcare NHS Foundation Trust's (the RDUH) capacity to provide health services, as well as a calculation of the contribution sought to mitigate the impact of the development on the Trust. It provides a sense of the operating scope and environment of the RDUH. It explains: The impact and consequences of increasing demand upon the Trust. The context of the Trust and the services it provides.
 How funding flows within the NHS to show how the Trust is paid for the care it provides to the people in its catchment area
 How the impact on the capacity to provide health services can be mitigated by way of developer contribution.

A glossary of terms can be found in Appendix 1.

EVIDENCE
Background
2. Royal Devon University Healthcare NHS Foundation Trust, ("the Trust") is now a merged healthcare entity (formerly the Royal Devon and Exeter and Northern Devon NHS trusts). (Appendix 2)

3. It has an obligation to provide healthcare services. Although run independently, NHS Foundation Trusts remain fully part of the NHS. They have been set up in law under the Health and Social Care (Community Health and Standards) Act 2003 as legally independent organisations called Public Benefit Corporations, with the primary obligation to provide NHS services to NHS patients and users according to NHS principles and standards - free care, based on need and not ability to pay. NHS Foundation Trusts were established as an important part of the government's programme to create a "patient- led" NHS. Their stated purpose is to devolve decision-making from a centralised NHS to local communities in an effort to be more responsive to their needs and wishes. However, they cannot work in isolation; they are bound in law to work closely with partner organisations in their local area.

4. NHS Foundation Trusts are part of the NHS and subject to NHS standards, performance ratings and systems of inspection. They have a duty to provide NHS services to NHS patients according to NHS quality standards, principles and the NHS Constitution. Like all other NHS bodies, NHS Trusts are inspected against national standards by the Care Quality Commission, NHS Improvement and other regulators/accrediting bodies.

5. The Trust is a public sector NHS body and is directly accountable to the Secretary of State for the effective use of public funds. The Trust is funded from the social security contributions and other State funding, providing services free of charge to affiliated persons of universal coverage. The Trust is commissioned to provide acute healthcare and community health care services for a core population of around 615,000. This population grows, particularly in the summer months.

6. The Trust's urgent and emergency care services saw over 183,000 patients which equates to over 500 patients a day.

7. The combined Trust has an estimated turnover of around £865 million and employs over 15,000 staff.

THE SHORT AND LONG TERM IMPACT ON THE TRUST'S CAPACITY TO PROVIDE SERVICES
Impact of Increasing Demand – Operational Services arising from the proposed development

8. Across England, the number of acute beds is one-third less than it was 25 years ago, but in contrast to this the number of emergency admissions has seen a 37% increase in the last 10 years2. The number of emergency admissions is currently at an all-time high.

9. The Trusts' hospital is operating at nearly full capacity and there are limited opportunities for it to improve the use of its bed base. Whilst the Trust is currently managing to provide the services in a manner that complies with the Quality Requirements of the NHS, there are not sufficient resources within the existing services to accommodate population growth created by the development (individually and cumulatively) without the quality of the service as monitored under the standards set out in the Quality Requirements dropping, and ultimately the Trust facing sanctions for external factors which it is unable to control.

10. In order to maintain adequate standards of care as set out in the NHS Standard Contract quality requirements, it is well evidenced in the Dr Foster Hospital Guide that a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. The key level of bed provision should support a maximum bed occupancy of 85%. The 85% occupancy rate is evidenced to result in better care for patients and better outcomes3 . This enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay (see Appendix 3). Where the right capacity is not available in the right wards for treatment of his/her particular ailment, the patient will be admitted and treated in the best possible alternative location and transferred as space becomes available, but each ward move increases the length of stay for the patient and is known to have a detrimental impact on the quality of care. It also increases the recovery time which in turn will have detrimental socio economic impact. Consequently, when hospitals run at occupancy rates higher than 85%, patients are at more risk of delays to their treatment, and sub-optimal care and being put at significant risk.

Impact of Increasing Demand – Workforce

11. Provision of safe hospital-based services relies on sufficient capacity within a suitably sized and skilled clinical workforce and within appropriate physical assets. The Trust provides the majority of healthcare services through employed staff but has sub-contracted agency and/or locum staff for services because of operational pressures that result from the impact of increased demand. Locums are employed at a premium cost. The supply of our clinical professional workforce is nationally determined and there is limited opportunity for the Trust to influence local supply, other than through recruitment and retention. Nationally, many health professions are suffering chronic shortages. The Trust has addressed these workforce shortages by having to use locum and agency staff. In turn, their shortage has driven up prices to a premium within a national labour market where prices are maintained by annual increases in NHS service demand.

Impact of increasing demand – Quality & Safety Issues

12. The Trust understands that the existing population, future population growth and an increased ageing population will require additional healthcare infrastructure to enable it to continue to meet the increasing demands and complexity of the hospital healthcare needs of the local population.

13. It is not possible for the Trust to predict when planning applications are made and delivered and, therefore, it cannot plan for additional development occupants as a result. The Trust has considered strategies to address population growth across its area and looked at the overall impact of the known

increased population to develop a service delivery strategy to serve the future healthcare needs of the growing population. This strategy takes into account the trend for the increased delivery of healthcare out of hospital and into the community. However, the commissioning operates based on previous year's performance and does not take into account potential increase in population created by a prospective developments, housing projections or housing land supply.

14. Despite recent capacity increases, the Trust's hospitals are operating at full capacity and there are limited opportunities to improve this further. NHS provider the Trusts are contractually required to comply with NHS Standard Contract quality requirements. However, at the Trust, there is insufficient operational capacity to accommodate population growth created by the development without reduction in the quality of the service (as outlined by the standards set out in the NHS Standard Contract). Ultimately, the Trust will be sanctioned financially for external factors which it is unable to control.

15. In order to maintain adequate standards of care, a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. 85% bed occupancy represents the benchmark for patient safety, and it is inadvisable for bed occupancy to regularly exceed that figure4. NHS Improvement states that bed occupancy above 92% leads to accelerated deterioration in A&E performance. A sub 85% bed occupancy rate results in better care for patients and better outcomes because it enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay. Where the right capacity is not available in the right ward for the treatment of a particular condition, the patient will be admitted and treated in an alternative ward or department and transferred as a more appropriate bed space becomes available. Multiple bed/ward moves increases the length of stay for the patient and is known to have a detrimental impact on the quality of care and recovery time. Consequently, when hospitals run at occupancy rates higher than 85%, patients are more at risk of delays to their treatment, of receiving sub-optimal care and have a poor experience during their hospital stay.

16.Appendix 3 shows monthly details of the Trust's utilisation of acute bed capacity for the last 12 months over both acute sites. This shows that the Trusts regularly exceeded the optimal 85% occupancy rate. This demonstrates that current occupancy levels are highly unsatisfactory, and the problem will be compounded by an increase in need created by the development which does not coincide with an increase in the number of bed spaces available at the Hospital. This is the inevitable result where clinical facilities are forced to operate at over-capacity. Any new residential development will add a further pressure on the current acute healthcare system.

The Direct Impact on the Provision of Planned and Acute Healthcare Caused by the Proposed Development

17. The existing service delivery infrastructure for acute and planned health care is unable to meet the additional demand generated as a result of the proposed development for 36 dwellings (individually and cumulatively). The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase.

18. During 2021/22, 56,027 residents of Northern Devon and 129,647 residents of Exeter and East and Mid Devon attended the Trust's A&E Departments. In addition to this, the equivalent of more than every resident attended an outpatient appointment.

19. There is no mechanism to reclaim any additional cost for un-planned activity within Devon. The only option that the Trust can maintain the "on time" service delivery without delay and comply with NHS quality, constitutional and regulatory requirements is through developer funding to provide the required capacity to meet the gap directly created by the development population. The health infrastructure capacity cannot afford to be costed on speculation i.e. when the developer intends to start the development or when the developer will complete its development. The funding mechanism to increase capacity for healthcare services is not designed for, and cannot rely upon such speculation. This is because it is directly linked to the actual increase(s) in population being served by

the relevant CCG and NHS Trust areas and not upon what development proposals might be built in the future (whether allocated development proposals or windfall schemes).

20. Without securing such contributions, the Trust will have no funding to meet healthcare demand arising from the development during the first year of occupation. Without the contribution, the health care provided by the Trust would be significantly impacted and likely to be compromised, putting the residents and other local people at increased risk.

Performance Trajectory

21. Operational Pressures Escalation Levels are a way for Trusts nationally to report levels of pressure consistently. Under OPEL, there are 4 escalation levels, where Level 1 shows the Trust is maintaining patient flow and able to meet anticipated demand. In contrast, escalation to Level 4 shows the Trust is unable to deliver comprehensive care and there is a greater risk on patient care and safety being compromised.

22. Please see Appendix 6 which demonstrates the Trust's performance in relation to the national standard described above. It can be clearly seen that the Trust is frequently experiencing major pressures and its inability to cope with the increasing patient demand. New development within the regions will inevitably add to the already over- burdened NHS and will put the Trust at a serious operational risk if this increased demand cannot be mitigated by increasing capacity.

MITIGATING THE IMPACT- ASSESSMENT FORMULA

General

23. In any given year, the level of NHS funding is set by central Government through Comprehensive Spending Review process. The process estimates how much funding the NHS will receive from central sources. The monies are then allocated to NHS England Estate and Improvement, which in turn allocate the funds to the Integrated Care Systems (ICS's) .

24. NHS Devon Integrated Care System (ICS) (formerly the Devon Clinical Commissioning Group (CCG) and NHS England commission the Trust to provide acute healthcare services to the local population.

25. The ICS then commissions most services from NHS provider through NHS standard contract and using nationally determined formula. The ICS commissions planned and emergency acute healthcare from the Trust and agree a contract, including activity volumes and values on an annual basis. The ICS has no responsibility for providing direct healthcare services to the public.

26. The commissioning does not take into consideration the local housing need, housing projections or existing planning permissions. The Trust cannot change or influence this fact in the same way that the Local Authority cannot influence the funding mechanism received from the Government.

27. The Trust is required to provide appropriate health services to all people that present or who are referred to the Trust. There is no option for the Trust to refuse to admit or treat a patient on the grounds of a lack of capacity to provide the service/s. This obligation extends to all services from emergency treatment at A&E to routine/non-urgent referrals. Whilst patients are able in some cases to exercise choice over where they access NHS services, in the case of an emergency they are taken to their nearest appropriate A&E Department by the ambulance service or where directed by out of hours' service.

28. The most effective way of dealing with the impact is to make sure that Acute health services can be carried out without interruption as explained in this consultation response. Without mitigation, the additional demand created by the development will have a deleterious effect on the provision of health services. Mitigation for this increased demand will enable the Trust to maintain required service levels without deterioration in the quality of care provided and patient experience, maintaining clinical capacity/space to the maximum by contributing to staffing that keeps patients flowing through the Trust's services. This, in turn, will also produce better outcomes for patients.

Payment System

29. Predominately, the Trust uses the National Tariff system for billing commissioners for services. This tariff is derived from the mandated national cost collection, which all NHS trusts and foundation trusts submit.

30. Those areas where the impact is felt the most are contracted at a fixed cost block contract regardless of the volume of activity seen by the Trust.

31. The planning assumptions undertaken by both the Trust and the commissioners uses the previous years' activity as a basis and reflects changes in demographics using a national growth metric known as IHAMS. These are not amended in-year to reflect any changes in demographics. This means that only those 8 residents currently residing in the area will be taken into consideration. Those prospective residents who will arrive because of a new planning permission are not part of the commissioning process.

32. An outpatient block contract has been mandated nationally for all hospitals for 2021/22 in accordance with Government Guidance.

33. The Trust has to achieve 52-week wait standards for elective care. This means that each patient referred to the Trust for elective care should not wait over 52 weeks to commence treatment. If a patient waits for longer than 52 weeks the Trust will be subject to financial sanctions, which is commensurate to the number of breaches.

34. Any new development has the potential to affect the Trust's ability to achieve its performance targets.

Other Possible Funding of Income

35. The Department of Health dictates the costs they think NHS health services should be priced at. The tariff (Appendix 4) is broken down across a number of areas (e.g. 12% for ward stays, medical staffing costs 9%, 21% other operational costs, 11% for drugs).

36. As a Foundation Trust, there is no routine eligibility for capital allocations from either the Department of Health or local commissioners to provide new capacity to meet additional healthcare demands. The main source of funding for re-investment in maintaining local services is the annual surplus generated by the Trust.

37. As a Foundation Trust, there is eligibility to request a loan from the Department of Health's Independent Trust Financing Facility to fund capital development proposals.

38. Loan applications would be subject to existing borrowing limits with existing loan providers and would have to be paid back with interest.

39. Charitable Donations are managed in line with the provisions of the Charities Act. The Charity Trustee oversees the use of any donated funds and in doing so fulfils its responsibility to ensure that all expenditure demonstrates 'Additionality', i.e. that charitable funds are not used to pay for items of equipment or facilities which are needed to deliver day-to-day services.

40. In its modest but effective mitigation, the Trust has carefully considered its funding from the ICS and is requesting only the amount that it cannot obtain through its contracts with ICS or recover retrospectively. The ICS and the Trust are unable to change the existing funding mechanism regardless whether it is a known allocated site or not or subject to planning permission.

41. The calculation will take into consideration, once agreed with the Council, the existing population in the Trust's catchment area, so only the new population which is not already in the Trust's catchment area is taken into consideration in the methodology making the contribution fairly and reasonably related in scale and kind of the development.

42. Further, the Trust holds statistics on all patients and activity generated from specific LSOA area and GP practices and is therefore able to estimate the potential level of activity arising from the proposed development making the methodology directly related to this development.

43. This proposed development comprises of 27 dwellings and based on the 2011 Census average household size per dwelling, the Trust has calculated that this development will accommodate a new population of60 residents.

44. As detailed in the calculations in Appendix 5, 60 residents are currently generating an average of 218.88 acute interventions each per year.

Formula Development contribution = [(Total development population –affordable housing population) x average activity (based on an average activity rate in the development area for each activity type) x average tariff (based on audited reference costs)]

The final figure is then subject to an agreed local council migration factor.

45. The costs consequences of the number of interventions and the costs of them arising from this proposed development are set out in detail in Appendix 5.

46. Due to the payment mechanisms and that the proposed development will create a gap in the funding, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will only receive a proportion of commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.

47. Therefore, the contribution requested for this proposed development of 27 dwellings is £19,345.00. This contribution will be used directly to provide additional services to meet patient demand as indicated in Appendix 4

48. The Trust is happy to negotiate appropriate timing for the payment of the contribution. It is essential however, that the contribution is in place prior to the occupants residing in the development.

49. The Trust is happy to work with the Council and provide any further information it requires. It is happy to negotiate a suitable abatement in relation to the provision of affordable housing on site.

Policy support

50. The Council does not have a specific policy that directly relates to health infrastructure services and facilities. However, Section 70(2) of the TCPA 1990 provides that in determining an application for planning permission, the LPA; "shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration".

51. Paragraph 2 of the NPPF states: The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (emphasis added).

The health of communities has been a key element of Government policy for many years. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include 'b) a social objective – to support strong, vibrant and healthy communities … by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:"(paragraph 8 of NNPF).

Further, the Trust is delivering NHS health care services at the point of demand under the statutory requirement. Paragraph 2 contains an imperative upon the decision makers to reflect statutory obligations.

In addition, the health of communities has been a key element of Government policy for many years and is as stated above reflected in adopted development plan. Please see NPPF Section 2 paragraph 8, Section 8 paragraphs 92 -93 and 96.

52. Notwithstanding above the Local Plan Policy ensures that the developer adequately mitigates the impact it creates.

53. North Devon and Torridge Local Plan (adopted October 2018)
Policy ST23: Infrastructure
(1) Developments will be expected to provide, or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific and/or cumulative impact of those developments.
(2) Where on-site infrastructure provision is either not feasible or not desirable, then off-site provision or developer contributions will be sought to secure delivery of the necessary infrastructure, through methods such as planning obligations or the Community Infrastructure Levy.
(3) Developments that increase the demand for off-site services and infrastructure will only be allowed where sufficient capacity exists or where the extra capacity can be provided, if necessary through developer-funded contributions.

Summary
54. As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought to provide health infrastructure services and facilities needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

55. Without contributions to maintain the capacity by delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will place increased pressure on the said health infrastructure, putting patients at increased risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable as it will have a detrimental socio economic impact.

56. The Trust acknowledges that housing developments are constructed and occupied in phases and therefore is willing to negotiate staged payments of the total sum claimed. The money will be spent to meet the marginal costs of increasing the capacity by direct delivery of healthcare for the additional population. As the calculation is directly linked to the patient address, it is also easily verified. This will include the cost of medical, nursing and other health professional staff, which may be incurred at a premium rate. The money will also meet increases in other direct costs associated with healthcare delivery, for example, diagnostic examinations, consumables, equipment and maintenance.

57. In the circumstances, without the requested contributions to support the increasing the capacity the planning permission should not be granted

Representations:

Number of neighbours consulted:	36	Number of letters of support:	0
Number of representations received:	5	Number of neutral representations:	1
Number of objection letters:	3		

A number of third-party objections and a general representation were received their comments are summarised as follows:

First consultation responses

- Proposed vehicle access onto Pitt Hill
- Highway safety for pedestrian and cyclist users of Pitt Hill
- Highway safety from junction at Churchill Way onto Wooda Road
- Highway capacity along Churchill Way
- Cumulative adverse highway impact from additional traffic generated
- Visual landscape harm
- Monterey Cypress Trees provide screening of the site to the west and amenity value
- Useability of public open space and attenuation basin
- Removal of hedgerow and need for hedgerow removal notice
- Design is piecemeal development

Second consultation responses

- Felling of monetary cypress trees without adequate replacement trees planting
- Need for the use of renewables within the design
- Restriction to prohibit holiday use
- Useability of public open space and attenuation basin
- Highway safety for pedestrian and cyclist users of Pitt Hill
- Proposed vehicle access onto Pitt Hill loss of hedgerows
- Energy saving measure including renewables
- Restriction on dwelling being used as holiday lets

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); ST05 (Sustainable Construction and Buildings); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST08 (Scale and Distribution of New Development in Northern Devon); ST09 (Coast and Estuary Strategy); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST16 (Delivering Renewable Energy); ST17 (A Balanced Local Housing Market); ST18 (Affordable Housing on Development Sites); ST23 (Infrastructure); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); DM10 (Green Infrastructure Provision); NOR (Northam Spatial Vision and Development Strategy); NOR07 (Site Adjoining Pitt Hill (Appledore));

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

Planning Considerations

The main planning considerations of relevance to this proposal are:

1. **Principle of Development**
2. **Design, Character, Appearance and Landscape**
3. **Impact on Residential Amenities**
4. **Access and Parking**
5. **Heritage**
6. **Surface Water and Foul Drainage**
7. **Environmental Impact**

8. **Ecology**
9. **Infrastructure & Planning Obligations**
10. **Planning Balance & Conclusion**

1. Principle of Development;

1.1 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.

1.2 In policy terms, the entire site is located within the development boundary for Appledore (Proposals Map 8B). Policy ST06 of the North Devon and Torridge Local Plan 2018 (NDTLP) identifies Appledore as forming part of the Main Centre of Northam, where appropriate levels of growth that will increase the towns' capacities to increase self-containment, to meet their own needs and those of surrounding communities where such is sought through the local vision, will be supported. Policy ST06 is clear that development will be supported within the development boundaries of the Main Centres.

1.3 NDTLP Policy NOR (Northam Spatial Strategy) states: *'The three centres will continue to provide a range of services and facilities to meet locally generated needs and to accommodate the expanded needs of visitors to the area. Across Appledore, Northam and Westward Ho! a range of housing appropriate to local needs will be provided. Development will be supported by necessary infrastructure that will be delivered in a manner to minimise deficiencies against service capacity'.*

1.4 Policy NOR further advises that the spatial vision will be delivered through: (a) '*provision of a minimum of 1,916 dwellings to meet all the communities housing needs, including affordable and supported homes together with an expanded supply to meet the increasing needs of the area's ageing population, which will be supported with associated development and infrastructure on a continuous basis'.*

1.5 Paragraph 10.358 of the NDTLP reiterates the delivery of a minimum of 1,916 dwellings and clarifies that this will be delivered through a mixture of development completed since April 2011, existing commitments, identified housing allocations and non-strategic housing sites as set out in Table 10.14. Table 10.14 indicates that 1,735 dwellings will be delivered through allocations. Policy ST08 reiterates and confirms this housing provision for Northam.

1.6 The application site forms a significant part of an allocation for housing development, as prescribed by NDTLP Policy NOR07. This policy states:

'Policy NOR07: Site Adjoining Pitt Hill (Appledore)
(1) Land adjoining Pitt Hill, extending to about 6 hectares and as defined on Policies Map 8B, is allocated for housing development that includes:

(a) approximately 130 dwellings, providing a mix of housing type and size to reflect local need, including affordable housing; and

(b) as necessary the relocation of a Public Right of Way to support its contained presence through the site.

(2) The site will be developed in accordance with the following site-specific development principles:

(a) Development located and of a form that minimises any loss of landscape character of the surrounding area;

(b) Areas of green infrastructure providing opportunities for biodiversity enhancement and informal recreation focused to the south of the site within the coastal and estuarine zone;

(c) Vehicular access achieved from Wooda Road, by improvement to Pitt Hill and an access from Pitt Hill Road and the provision of a right-hand turn from Churchill Way into Wooda; and
(d) Safeguarding an appropriate vehicular access extending to the northern boundary, to enable the future delivery of the adjoining site on land east of Churchill Way'.

1.7 The principle of the residential development of the site is supported through the Policy NOR07 allocation.

1.8 A third-party representation raised concerns regarding the potential use of the dwellings as holiday lets. However, it is considered unreasonable to restrict the occupation and use of the proposed dwellings as second homes/holiday lets. To restrict the use of the development would go beyond the scope of the adopted policy within the local plan.

Housing Mix & Affordable Housing

1.9 Policy ST17 of the NDTLP seeks to ensure that the scale and mix of dwellings reflects identified local housing needs.

1.10 The following table details the proposed mix compared with the local planning authority's Housing and Economic Needs Assessment (HEDNA) requirement and demonstrates that whilst there is some deviation from the HEDNA in respect of 1-bedroom and 4-bedroom plus properties, the proposal will deliver a broad range of housing options for future occupiers of the site.

Type	HEDNA Quantity (%)	Proposed Quantity (%)
1 bedroom	5 (15%)	2 (6%)
2 bedroom	11 (35%)	11 (34%)
3 bedroom	11 (35%)	12 (38%)
4+ bedroom	5 (15%)	7 (22%)
Total	**(100%)**	**(100%)**

1.11 Additional information was requested to demonstrate the suitability of the proposed housing mix at the site due to concerns regarding the over delivery of 3- and 4-bedroom dwellings. A housing mix report was submitted and was subject to further public consultation that demonstrates when reviewing the NOR07 allocation as a whole, (a combination of the Bakers Estates development in conjunction with the proposal) the housing mix broadly conforms with the HEDNA as shown below in the table submitted by the applicants. Therefore, the propose housing mix is considered to accord with Policy ST17 in this instance.

Beds	Baker Estates	Bunnyhomes	Total	Percentage	HMA Overall Target
1	0	4	4	**3.44**	15%
2	45	0	45	**38.79**	35%
3	35	12	47	**40.52**	35%
4	9	11	20	**17.24**	15%
TOTAL	**89**	**27**	**116**	**100% (99.9% rounded)**	**100%**

1.12 Furthermore, as required by policy NOR07, affordable housing is required to be delivered. Policy ST18 of the NDTLP relates to affordable housing on development sites noting that affordable housing will be required on residential development proposals in accordance with the

prescribed thresholds. Policy ST18 requires 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 NPPF. This equates to 8 dwellings and an off-site contribution equating to 0.1 of a dwelling.

1.13 The Strategic Enabling Officer provided comments stating '*I note in the Affordable Housing statement that the affordable units will comply with NDSS, however I must insist that all affordable dwellings are designed for maximum occupancy. The AH Statement also suggests that providing 4 x 3 bed is acceptable in this case due to the number of 2-bedroom dwellings provided on the adjoining site with Baker Estates, I require confirmation of the provision of 1 bed and 2 bed dwellings before I can comment'.*

1.14 The Strategic Enabling Officer provided further comments to enable the affordable housing mix is appropriate and to maximum occupancies. Therefore, the proposed affordable housing mix has been amended to provide the dwelling mix from the original proposal of 4 x 1-Bed and 4 x 3-Bed to 4 x 1-bed homes, 2 x 2-bed homes & 2 x 3-bed homes. The affordable dwellings will be to maximum occupancies for 1 bed 2 persons, 2 bed 4 persons and 3 bed 6 persons. Northam Town Council raised concerns regarding the grouping of the affordable dwelling. Nonetheless, the proposed mix of affordable dwellings is considered appropriate for the housing need and are appropriately pepper potted and tenure blind through the proposed design and materials, thus in accordance with Policy ST18.

1.15 NOR07 Part 2 (d) requires the safeguarding of access to the north of the site to enable the option for future development which has thus been detailed indicatively within a specific plan and thus will be secured via the way of a section 106 legal agreement. NOR07 Parts 2 (a-c) are considered under the relevant sections below.

1.16 Given the above, it is clear that the principle of development is acceptable in this location given the sites position within the development boundary for Appledore and it forms part of an allocation for residential development, whilst providing an appropriate housing mix and 30% affordable dwellings. Therefore, the development accords with Policies ST06, NOR07 1a, ST17 and ST18.

<u>Five Year Housing Land Supply</u>

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

1.18 Paragraph 11 (d) notes: 'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, Local Planning Authorities should grant planning permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance (National Parks, AONB, SSSI, Heritage Assets, Habitat Sites) provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

2. Design, Character, Appearance and Landscape

2.1 Policy ST04: Improving the Quality of Development, Policy DM04: Design Principles and Policy DM08A of the NDTLP requires development to achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Development must be part of clear process that responds to a site. Development must be appropriate and sympathetic to its setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the locality and reinforce the key characteristics and special qualities of the area in which the development is proposed, contribute positively to local distinctiveness and sense of place and retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area.

2.2 The site is located within the Coast and Estuary Zone (Policy ST09) where the NDTLP distinguishes between 'developed' and 'undeveloped coast', with stricter development controls being applied within the latter. The application site falls to be within the 'developed coast', due to it being within the development boundary for Appledore.

2.3 Policy DM04 (2) requires all major residential proposals to be supported by a Building for Life 12 (BfL12) assessment. High quality design should be demonstrated through the minimisation of "amber" and the avoidance of "red" scores. The applicant has provided an assessment that generates a scoring of 11 green and 1 amber. The assessment has informed and steered the design to aid the integration with the surrounding aesthetics and access routes and to provide a layout which has been designed to account for the access, arboriculture and ecological constraints, accessibility requirements, existing footpaths, cycle routes, and vegetation; as well as giving the local community an appropriate mix of accommodation and associated private space, as well as parking solutions and open spaces.

2.4 Policy NOR07 2(b) specifically requires 'areas of green infrastructure providing opportunities for biodiversity enhancement and informal recreation focused to the north the site within the coastal and estuarine zone'. The application site forms the northern part of the allocation and therefore NOR07 requires informal recreation to be provided as a key element of any proposal.

2.5 NDTLP Paragraph 10.385 requires a high-quality design throughout the development, which provides a reflection of the area's historic character with an emphasis on green infrastructure delivery. It further requires the layout of development within the site to minimise any consequent landscape impact, particularly in respect of the area to the north of Wooda Road.

2.6 Paragraph 10.385, as quoted above, seeks a sensitive approach to development to the north of Wooda Road and this area has been identified as sensitive to development by the Local Planning Authority's independent Landscape Consultant in his consideration of the Baker Estates scheme to the south.

2.7 The proposal seeks to provide its green infrastructure requirement on site. This will be in the form of 0.2601 ha of Amenity and Natural greenspace and 0.036 ha of Child & Youth playspace (combined), in total of 0.296 hectares. This green infrastructure will create public open space with equipment play facilities and an orchard to the north of the site. There is a requirement for off-site outdoor sport contribution as the site does not lend itself to provide this topology provision. It is proposed for the green infrastructure requirements to be secured as part of a Section 106 Agreement (see below further commentary on the requirements of Policy DM10).

2.8 In light of the above, the proposed layout, design, scale & form of the dwelling types proposed, and their siting is considered to be well informed and appropriate to the surrounding context. The

design seeks to future-proof the dwellings by installing air source heat pumps and electric charging points to thus aid the adaptation and mitigate the challenges from climate change. The proposed materials are considered to be in keeping with the surrounding built forms that will utilise a mixture of locally distinctive materials such white render, slate and natural stone. The detail of the specific materials has been provided within the submitted material layout plan. The scale and form of the dwellings are considered acceptable within the immediate and wider context of the site.

2.9 The scheme seeks to utilise existing landscape features such as the mature hedgerow boundaries to the east, north and south which provide rural landscape character. The scheme will require the translocation of the eastern boundary hedgerow to create a vehicle access to the site and to improve the visibility. The proposed access will connect to the access road to the Baker Estates development to the south. Objection comments have been received that raise concern for the need for hedgerow removal to create access given the site has an existing access to the south eastern corner. Nonetheless, to provide the coordinated design to tie in with the under construction Baker Estates development, the proposed vehicular access is required in the form proposed to ensure it is safe and suitable for both vehicles and pedestrians.

2.10 The Landscape Character Type of the site is 5B (Coastal Undulating Farmland). Key Characteristics of this landscape character type include:

- *Strongly rolling landscape with prominent ridges and hilltops, influenced by the close proximity of the sea.*
- *Underlying geology of mudstones and siltstones with bands of more resistant sandstone creating the undulating landform.*
- *Pervading maritime influence with long coastal views, including westwards towards Clovelly and eastwards to development at Bideford, Westward Ho! and the north-west peninsula (including Baggy Point).*
- *Linear bands of broadleaved woodland, occasional small mixed woods and blocks of conifer plantation combined with a strong network of hedges resulting in a well-treed appearance.*
- *Strong pattern of regular medium-large fields of post-medieval and modern origin, interspersed with significant areas of smaller curving or medieval strip fields (e.g. around Cranford, Woolsery, Horns Cross and Rickard's Down).*
- *Fields bounded by mixed species Devon hedges with flower-rich banks and some sections of stone facing. The use of hawthorn, hazel, elm and/or beech is locally characteristic. Patches of gorse reinforce a sense of exposure.*
- *Predominantly pastoral land use, with occasional arable fields and patches of rough grazing land.*
- *Nature conservation interest mainly provided by the area's network of woodlands and hedges, with isolated sites of Culm grassland, unimproved species-rich grassland and scrub interspersed within the farmland. Coastal locations include patches of maritime grassland, wet flushes and bracken scrub.*
- *Historic features include prehistoric defensive sites at Godborough Castle, Clovelly Dykes and on the eastern slopes above Buck's Mill, as well as medieval defences and an 18th century castle at Kenwith.*
- *Traditional built vernacular of whitewashed and cream cob/render cottages, with some buildings of exposed local stone with red brick detailing. Recent housing, including cream/white bungalows, is a feature of some villages.*
- *Dispersed settlement pattern of scattered farmsteads and nucleated villages/hamlets at road crossing points.*
- *Settlement and farms linked by a network of rural roads enclosed by high hedgebanks. The main A39 cuts through the area.*
- *The urban areas of Bideford, Northam and Westward Ho! have a significant influence in the east, including urban fringe land uses such as horse keeping and a heliport. Holiday parks and caravan sites feature in the landscape, though these are largely well screened by woodland and topography.*

2.11 The application is supported by a Landscape and Visual Impact Assessment (LVIA) and addendum. The Local Planning Authority instructed an independent Landscape Consultant to review and provide guidance on landscape matters. The Landscape Consultant's advice concluded:

The site is in the highest and most prominent part of allocation NOR07. Development of the site will inevitably lead to adverse landscape and visual effects. There are several changes between the current proposal and the previous scheme. Of those with the potential to affect the landscape and visual resource, removing the existing conifer tree line would be detrimental (compared to the previous scheme), while the rearrangement of the open space area and the relocation of the SUDS area would be beneficial. Other changes would not have an appreciable impact on landscape or visual character.

The resultant landscape effects on the site and in the surrounding landscape are assessed in the LVIA. DWP have carried out their own assessment for these areas. There is a general, but not complete, consistency between our assessment of effects and the LVIA. The levels of effect we predict are:

- *Moderate Adverse on site.*
- *Moderate – Minor adverse on the host landscape.*
- *Moderate – Minor adverse on the neighbouring Estuary landscape.*
- *Moderate – Minor adverse on landscape receptors on the east bank of the Torridge.*
- *Moderate adverse on the registered parkland at Tapeley (treated as a landscape receptor).*

There is widespread visibility of the site, particularly from the east valley side of the Torridge estuary. Visual effects are broadly in line with those predicted in the LVIA, with a few minor differences (detailed in the tables). Effects greater than Moderate Adverse are not predicted for visual receptors.

The proposal as amended is within the landscape and visual impacts that could be predicted by development of the site within the allocation.

2.12 The comments of the Landscape Consultant are noted in that the site is in the highest and most prominent part of allocation NOR07 and the development of the site will inevitably lead to adverse landscape and visual effects that have been accepted through the allocation of the site for development. The principle of harm to the landscape has been accepted, including any harm attributed to external lighting. The effects to visual receptors are not deemed to result in effects greater than moderate adverse.

2.13 It is to be noted, the Landscape Consultant raised concerns which are shared by third-party objectors regarding the removing the existing conifer tree line to the western boundary, which provides a screening of the site from the western boundary. The application is also accompanied by an Arboricultural Impact Assessment produced by JP Associates. The report provided appraised the Monterey Cypress trees and concluded *they are not in good condition and have been scheduled as C category specimens of limited arboricultural merit.* The report further concluded no objection to the removal of these trees as a part of the development. It is to be noted the felling of these trees has been undertaken prior to the nesting bird season and in advance of any planning permission being granted. The felling of these trees during the consideration of the application is not best practise nonetheless, the trees did not represent significant value to warrant qualifying for a Tree Preservation Order and they have been sufficiently assessment and determined to have limited merit for retention and incorporation in the development. In this instance the felling of the trees is deemed acceptable subject to the replacement details within the landscaping management plan scheme.

2.14 The scheme will deliver a comprehensive native species hedgebank and tree planting within the site along the southern, eastern and particularly the western boundary to replace the line of conifer trees. The native species to be planted at the site will thus provide multifunctional benefits in terms of landscaping and habitat creation.

2.15 During the initial consultation concerns were raised by the Designing Out Crime Officer with respect to crime prevention measures. However, amendments to features have been provided and thus overcome the concerns raised except for the request for a 1.2 metres boundary fence to enclose the equipped play area. Therefore, details of the boundary treatment for the play area should be provided prior to installation through the Open Space Scheme required via the legal agreement to ensure public safety and mitigate crime.

2.16 In light of the above the proposed development's design, layout and landscaping is considered to accord with the above relevant policies.

3. Impact on Residential Amenities

3.1 Policies DM01 and DM02 of the NDTLP states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or the future occupiers of the proposed development. Policy DM04 (i) requires development to ensure the amenities of existing and future neighbouring occupiers are safeguarded.

3.2 Northam Town Council were consulted and have provided no representations regarding amenity concerns. Furthermore, no interested third parties raised amenity as a concern.

3.3 The Council's Environmental Protection Officer was consulted and provided the following comments, recommending a restriction on the hours of construction works and delivery times to be restricted in order to protect residential amenity. The Environmental Protection Officer commented on the noise impact assessment submitted, '*stating it is very detailed and undertaken in accordance with relevant guidance. However, it is noted that the assessment was undertaken in 2020 at a time when the nearby shipyard was not fully operational. Since 2020, the shipyard is under new management and it is envisaged that activities and operations are potentially more extensive. It would be useful to receive clarification from the applicant that the noise assessment remains relevant given the increase in activity at the shipyard'.*

3.4 The applicant's consultant provided a further response highlighting a section of their report which states, *Other industrial or commercial sources are at greater distance and at more than 400m to the east of the site and include the Appledore Shipyard (currently dormant), garage and MOT workshops, and a cardboard recycling centre. The consultant is familiar with the site, including the operations of the shipyard, and the adjoining businesses and it is considered that the natural topography, which offers an elevated location of the development site, assists in ensuring that these industrial sources are of good separation distance but also more than 30m below the proposal site. Other residential locations are also closer to the existing industrial and commercial areas offering additional context that should be considered as part of this application.*

We would also consider that the activities of the shipyard are, at 400m, unlikely to affect this site and there is significantly more recent and closer development to this site than these proposed dwellings. Where context is considered, we would conclude that any homes built at this site would be less affected than those already being constructed closer to the site and those dwellings that are longstanding and in closer proximity to the site.

3.5 In light of the justification provided, it is considered the proposed development will not result in significant amenity harm in terms of noise upon future occupiers of the site.

3.6 In terms of the proposed scale and locations of the development it is considered the development would not cause significant adverse impact on the amenities of occupiers of nearby dwellings in terms of overlooking, loss of privacy, dominance, overshadowing, loss of daylight or sunlight.

3.7 Therefore, the application accords with Policies DM01, DM02 and DM04.

4. Highway and Parking

4.1 Policies ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and

well designed. Policy DM06 seeks to ensure that proposed parking provision is acceptable and that proposals encourage the use of sustainable modes of transport.

4.2 Paragraph 110 of the NPPF states, in assessing sites for development applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.3 Paragraph 111 of the NPPF state, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.4 A number of letters of objection and comments from the Town Council raise highway capacity and safety concerns for the junction of Churchill Way onto Wooda Road and safety concerns for pedestrian and cyclist users of Pitt Hill. DCC Highway Authority were consulted and provided the following comments,

This proposal for 27 dwellings is supported by a transport statement and transport statement addendum. These documents provide considerable technical analysis of the proposal, including that the proposal would be likely to generate 13 new vehicle trips in the AM peak hour and 12 in the PM peak hour. I have no evidence to suggest alternative levels of vehicle generation would occur.

The proposal would create a new vehicle access onto Pitt Hill, 4.8m with 2.0m wide footways. Pitt Hill itself would be widened to 5.5m from the site entrance to the south to the new road on the Baker Estates site which runs to Wooda Road at 5.5m. Pitt Hill to the north would remain unchanged as a single track road.

Vehicle access as proposed with visibility splays of at least 43m in both directions to the nearside carriageway edge from 2.4m back from the access is considered safe and suitable. The splay to the south would be over a newly created footway, joining the Baker Estates footway network and through that site will be connected to the wider footway network on the A386. This provides a safe walking route for all people to bus stops on the A386 and services and facilities in Appledore and Northam within walking distance, without walking along Pitt Hill/Lane. Walking along Pitt Hill/Lane is also a possibility for those wishing to use it despite its gradient, lack of footway and lighting. These inadequacies are not a reason to the refuse the application as an alternative route for pedestrians is available. This is backed up by appeal APP/X1118/W/15/3021708 in Landkey, North Devon, which considered a similar situation.

In regard to vehicle access, the proposal would generate a small amount of vehicle traffic as stated above. I have no evidence to suggest that this would result in a severe cumulative impact not an unacceptable impact on highway safety.

Devon County Council is working to produce a Local Cycle and Walking Infrastructure Plan (LCWIP) funded in part by Torridge District Council and Northam Town Council. The emerging work identifies a high priority route between Appledore and Bideford at a cost of £4,295,415.12. This would work towards the Government's aim to produce a world class walking and cycling network in England by 2040. Contribution towards this is considered necessary for the development to proceed. The cost is considerable, and beyond the ability of this scheme to pay entirely. A reasonable amount to me would be a £1,500 contribution per open market rate dwelling

on the site. If 30% affordable house are provided, then 19 would be open market and therefore this contribution should be £28,500.

In conclusion, I have no evidence or policy basis to support a reason for refusal on highway grounds subject to a contribution of £1,500 per open market rate house.

4.5 A further consultation response was received from the Highway Authority seeking contributions toward junction improvements to Heywood Road, requiring an addition £20,375.41 to be contributed. This contribution is sought as a result of the costs for delivering the highway infrastructure to mitigate the traffic impact of developments in the area having significantly increased due to inflation.

4.6 DCC Highway Authority considers, there is no evidence to show that there would be a severe residual cumulative impact to refuse the application as is the test set out in NPPF paragraph 111. Given this view, it does not seem necessary or reasonable to require the right-hand junction to be constructed. Whilst this would be contrary to Policy NOR07 2(c), the views of the Highway Authority in consideration of the Bakers Estate aspect of the allocation together with evidence put forward within the Transport Statement Addendum, are considered sufficient to justify this policy conflict.

4.7 The proposal will provide the opportunity for sustainable modes of transport to connect the site into the Baker Estates development to the south as well as link through the site to the pedestrian link the north of the site (associated with the two dwellings to the east). Thus, the proposal provides safe and suitable options for sustainable modes of transport.

4.8 Northam Town Council raised concerns regarding the need for details for the lighting along the footpath to the north of the site. Details for low-level sensitive lighting will be secured via the Open Space Scheme to be secured through the required Section 106 legal agreement for the development associated with application 1/0576/2021/FUL and any such requirement within the application site can be achieved in the same way being mindful of the need for this provision to tie in across both sites.

4.9 The scheme will deliver a suitable provision for parking and turning within the development that accounts for emergency and refuse vehicles. The development also seeks to deliver EV charging to dwellings.

4.10 In light of the above, the proposed development is considered acceptable in terms of highway matters and in accordance with the above referenced policies.

5. Heritage Impacts

5.1 Policies ST15 and DM07 of the NDTLP note that development proposals which conserve and enhance heritage assets and their settings will be supported and where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible and an acceptable balance between harm and benefit can be achieved, giving great weight to the conservation of heritage assets.

5.2 Historic England were consulted and provided comments to delegate any statutory response to local specialist conservation and archaeological advisers.

5.3 DCC Historic Environment were consulted and provided the following comments stating *'the Written Scheme of Investigation submitted in support of this application sets out the scope of the archaeological work to be undertaken in mitigation for the impact of the proposed development upon the archaeological resource and is acceptable to the Devon County Council's Historic Environment Team'.* Following the comments received DCC recommended the following considerations:

'The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD2334/1/0, dated 9th February 2022) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason 'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe: 'The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason 'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

5.4 In light of the above the proposal is considered acceptable with respect to archaeological assets.

5.5 North Devon Council's Conservation Officer was consulted to appraise potential harm to the setting on the significance of the heritage asset, which is the registered parkland at Tapeley Park. She advised: '*the parkland at Tapeley was evidently designed to take advantage of the picturesque views over the river Torridge to the west. Originally this would have been mostly farmland, presenting an open agricultural setting. Gradually, housing developments have spread, the large buildings at the shipyard constructed, and this has changed the character of this wider landscape setting. When applications to build new houses along the slopes of the western banks of the River Torridge are permitted, this in general changes the character of the setting, having a cumulative effect on the significance of the heritage asset. This development at Pitt Lane will form part of that gradual erosion, but it is hard to say that the development in isolation would, in itself, cause such a degree of harm as to sustain a reason for refusal'.*

5.6 Furthermore, the Torridge District Council Conservation Officer was consulted however, did not provide any representations. In light of the comments received it is considered the proposed development will not result in significant harm to heritage assets in isolation however there is the potential for cumulative harm from the change in the landscape nonetheless this has been accounted for through the allocation process of the site for development.

5.7 The proposal is considered to raise no objection when assessed against Policies ST15 and DM07.

6. Foul and Surface Water Drainage

6.1 A Flood Risk Assessment (FRA) has been submitted in support of the proposed development and confirms that the site is located within Flood Zone 1 and that the Council's Strategic Flood Risk Assessment (SFRA) does not identify any flooding issues associated with the site. The proposed surface water drainage from the site is intended to be achieved via infiltration with run off into the ground. An area for a surface water attenuation pond to the southern part of the site has been identified on the indicative site layout plan, with surface water run-off from the development directed towards this feature via piped routes or swales through the site.

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

6.3 The proposed means for treatment of foul drainage will connect to mains provision and thus SWW raised no objection to the proposal providing surface water is mitigated.

6.4 DCC Lead Local Flood Authority were consulted and provided comments raising no in principle objection subject to the following condition,

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

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(a) A detailed drainage design based upon the approved Flood Risk Assessment, Drainage & Maintenance Strategy, Pitt Hill, Appledore, Report Ref 1690-C300-Rev A and the results of the information submitted in relation to (a) and (b) above
(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.
(e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and
commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
(f) Evidence there is agreement in principle from SWW for the sewer requisition on Wooda Road

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

6.5 A third-party objection raised concerns for the need for the proposed attenuation basin to provide a greater multifunctional benefits and to incorporate seating areas etc. The primary purpose of the attenuation basin is to provide a means for reducing surface water flood risk from the development proposed combined with improving water quality and providing amenity value. In this instance the proposal will deliver an appropriate planting and landscaping to provide amenity value to equate to an acceptable provision of multifunctional benefits.

6.6 In light of the above the application accords with Policies ST03, DM02 and DM04.

7. Environmental Impact

7.1 Policy DM02 requires that development does not result in unacceptable impacts from contaminated land, pollution to water from surface or ground and the atmosphere. Policy DM03: Construction and Environmental Management required development to reduce and mitigate generated from the development.

7.2 The Environmental Agency were consulted but did not provide any representations. The Council's Environmental Protection Officer was consulted and considered *the ground contamination assessments provided are comprehensive and undertaken in accordance with appropriate guidance. The assessments indicate low levels of ground contamination however, these are not considered to be harmful to human health and subsequently, no remediation measures are required.* In light of the comments received the Officer recommended the following condition,

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

Reason: To ensure that there is no risk to human health and the environment and thus ensuring the development accords with Policy DM02 of the North Devon and Torridge Local Plan 2011-2031.

7.3 The Officer also recommended a construction environmental management plan is submitted and agreed prior to the commencement of any development in order to safeguard residential amenity, the environment and highway safety.

7.4 DCC Waste were consulted and requested additional information is required to support the site waste management plan. Following this information being outstanding it is recommended to be secured via a condition and prior the commencement of development.

7.5 In light of the above, the proposal is considered to accord with Policies DM02 and DM03 in this instance.

8 Ecology

8.1 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010).

8.2 This is further reinforced within the NDTLP through Policies ST14 and DM08, which require development to maintain or where possible enhance biodiversity and mitigate the potential loss of habitats. Policy ST14 promotes the addition of providing net gain where possible through management, expanded network of designated sites and green infrastructure.

8.3 Natural England has been consulted in respect of the proposals and has confirmed that it has no objection to the application.

8.4 A wildlife trigger list, Ecological Impact Assessment and an updated Ecology Survey was submitted in support of the application. The survey concluded the in 2022, t*he site was in a similar condition, i.e., consisting of a poor semi-improved grassland field, bounded by species-poor hedges with small areas of scrub, a line of trees and a stable. The field had not been grazed prior to the survey with fewer areas of bare ground present compared to 2020. However, the field still showed signs of heavy gazing with areas of bare/poached ground, localised patches of ruderals. No evidence of bat use was found inside the stables.*

8.5 In mitigation and compensation for the loss of habitats through the development, it is proposed to landscape the site to include an area (~0.2 ha) of orchard planting with Devon heritage apple trees and wildflower grassland in the north part of the site, an attenuation basin planted with a mixture of wildflower planting and shrub planting in the south-west corner of the site, areas of ornamental and native shrub planting over the site, and provision of 192 trees over the site (including the orchard planting) to screen the development and provide additional habitat for wildlife. In addition, there would be 193m of new hedgerow planting, and other ecological enhancement features, such as bird and bat boxes provided. Utilising the Biodiversity Metric 3.1, the proposal would result in a gain of 1.07 habitat units (a 37.98 % net gain), and a gain of 0.26 hedgerow units (4.16 % net gain) which are to be delivered and retain in perpetuity at the site. The mitigation and biodiversity net gain measures are recommended to be secured via condition and to be managed and maintained in the longer term through a LEMP.

8.6 It is agreed that the proposed measures are sufficient to ensure the protection and enhancement of the biodiversity value of the site and wider area. As such, it is concluded that the proposal accords with policies DM08 and ST14 of the NDTLP, as well as the various legislation referred to above.

9 Infrastructure & Planning Obligations

9.4 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.

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

Affordable Housing

9.6 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.

9.7 A policy compliant scheme would be 30% affordable housing which for the proposed scheme of 27 dwellings would be required to provide 8.1 units. The scheme is proposing 8 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

9.8 The NHS have been consulted on the application and they have commented that at sum of is £19,345 required to contribution towards acute care at the NHS Primary Care from this development.

9.9 A sum of £13,548 is required to contribution towards GP surgeries.

Education

9.7 Regarding the above planning application, Devon County Council has identified that a development up to 27 family type dwellings will generate an additional 6.75 primary pupils and 4.05 secondary pupils. This application which would have a direct impact on St George's Church of England VA Infant and Nursery School, St Margaret's Junior School, Appledore School and Bideford Community College.

Primary Provision:

9.8 When factoring in both approved but unimplemented housing developments we have forecast that the local primary schools have enough capacity for 42% of pupils expected to be generated from development in the area. Therefore, Devon County Council will request primary contributions against 58% of pupils expected to be generated by development in Northam. The contribution would be used towards additional education infrastructure to serve the address of the proposed development. The Local Plan identifies that new primary provision is required to serve Bideford and Northam allocations.

9.9 DCC will seek a contribution towards the primary pupils expected to be generated from this development. The primary contribution sought would be £79,494 (based on the DfE New Build Rate of £20,305 per pupil x 58%). This equates to a per dwelling rate of £2,944. The contributions will be used towards the expansion and/or enhancements of primary provision.

9.10 DCC would also need to request a proportionate land contribution of 10sqm per family-type dwelling. Based upon a land value of £440,000 per hectare (£440 per dwelling), this land contribution would equate to £6,890 and would be used to assist in the procurement of the new school site. This is calculated as £440 x 27 dwellings x 58%. The Local Planning Authority has however questioned the justification for a land contribution when the land for a new primary school has already been secured through the granting of outline planning permission at Daddon Hill. The LEA has explained that they are still seeking the requested land contribution in case the Daddon site does not come forward. However, there is no evidence to suggest that the Daddon Hill development will not come forward and it is not considered reasonable or appropriate, in this instance, to seek the requested land contribution.

Early Years Provision:

9.11 A contribution towards Early Years provision is requested to ensure delivery of provision for 2-, 3- and 4-year-olds. The Early Years rate is £250 per dwelling, or a total of £6,750 to mitigate 27 dwellings. This contribution will be used to provide statutory early years places in the area.

Secondary Provision:

9.12 When factoring in approved but unimplemented housing developments we have forecast that the local secondary school has sufficient capacity for the number of pupils likely to be generated by the proposed development. Therefore, a contribution towards secondary education infrastructure would not be sought.

Green Infrastructure

9.13 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.

9.14 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. The topologies and area requirements of Policy DM10 are as follows,

0.128ha Combined Amenity and Natural Green Space
0.003ha Plays Space (Child)
0.001ha Play Space (Youth)
0.028ha Park and Garden
0.056ha Outdoor Sports Space
0.010ha Allotments
Total 0.226ha

The following topologies will be provided on site which have been grouped together and provide an overall over provision in this instance:
0.2601 ha of Amenity and Natural greenspace
0.036 ha of Child & Youth playspace (combined)

9.15 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 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, boundary treatments, means of access etc, shall be secured via the submission of an Open Space Scheme through the Section 106 Agreement. The management and maintenance arrangements for the public open space, including any publicly accessible landscaping/hedgerows and boundary treatments, together with the required biodiversity net gain, will also be confirmed via the Section 106 with options being either for a management company to be established or for the land to be transferred to another party, e.g. the Town Council in which case an appropriate maintenance sum (to be calculated via Policy DM10) would be secured.

9.16 In this instance an off-site provision can be made towards outdoor sports space. The Parish of Northam benefits from a well-established community sports facility with pitches and a sports hall and there are proposals for enhancements and improvements. Engagement has been undertaken with the Town Council, Ward Councillors and Community Engagement Officer to identify suitable projects. Therefore, a financial contribution, including maintenance sum, will be sought for this element of £62,307.61.

9.17 In addition to this, a contribution towards strategic built facilities improvements (capital and maintenance combined sums) is triggered by the development as follows:
Swimming Pool £17,288.25 (Northam or Bideford)

Artificial Grass Pitch £ £4,017.20 (Northam or Bideford)

9.18 Both the on and off-site green infrastructure and built facilities provisions will be secured via a Section 106 Agreement which will also set out phasing requirements.

9.19 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.

Highway

9.20 DCC Highway Authority require contributions towards the provision of Local Cycle and Walking Infrastructure Plan seeking a contribution of £28,500.

9.21 DCC Highway Authority required a contribution of £20,375.41 towards improvement to Heywood Road.

10 Planning Balance & Conclusion

10.1 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.

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

10.3 The application site forms the final northern element of residential allocation NOR07 and therefore the principle of residential development is acceptable in this location. The proposed development would make a significant contribution to the District's housing needs and it is understood that the Applicant would be looking to commence on site in 2023 meaning the proposal would support the Council's five-year housing delivery. The site is considered to be in a sustainable location, as reflected in its allocation for residential development. Future residents will be able to access a range of facilities and services, as well as sustainable travel options; this would be a moderate benefit of the proposal. It would also provide a benefit to the local economy in respect of the construction of the development and improve the sustainability of Appledore in respect of the viability of local services and facilities.

10.4 The scheme will deliver an acceptable development in terms of the proposed housing mix when considered in conjunction with the wider site allocation and thus accord with the HEDNA and Policy ST17. The scheme will deliver a policy compliant affordable housing scheme comprised of 4 x 1-bed homes, 2 x 2-bed homes (social rented) & 2 x 3-bed homes (shared ownership); this is considered to be a significant benefit of the proposal.

10.5 The dwellings, layout and landscaping areas are considered to be well-designed drawing upon the local vernacular and informed by Build for Life 12 Assessment to deliver an acceptable scheme that is well integrated into the site surroundings. There is an element of harm to the landscape that equates to moderate adverse from the felling of conifer trees along the western boundary and the change of the site from a green field to housing. However, the harm associated from the development of the site is inevitable and thus has previously been accepted through the allocation of the site for development and as such the proposed scheme does not result in significant landscape harm. The proposed heritage considerations of the scheme are not considered to amount to substantial harm to wider landscape views to and from Tapley Park nor upon archaeology potential within the site (subject to recommended conditions being included on any decision).

10.6 The proposed means for management of surface water to mitigate flood risk and environmental impact in terms of noise, foul drainage, land contamination and ecology are acceptable and there are no technical objections. The development will deliver a biodiversity net gain on site for both hedgerow and habitat units, which is a significant benefit.

10.7 Highway impact is considered to not result in serve highway safety harm in terms of traffic generated from the site. Furthermore, it has been evidenced the need for junction improvements to Churchill Way are not required in this instance. The proposed footpath will deliver a safe suitable means for pedestrians and cyclists which will connect to a footpath secured by the legal agreement for the neighbouring site for two dwellings. It is to be noted a section of land within the open space needs to be safeguarded to retain future access to land to the north. The future access will be secured within the Section 106 Legal Agreement in order to accord with NOR07 (d). This connectivity is considered a benefit of this proposal.

10.8 The development will deliver all required planning obligations: 30% affordable housing, education, NHS and highway contributions and green infrastructure (on and off site provisions).

10.9 It is acknowledged that whilst the proposed dwellings would be of a high-quality design, there would be a minor to moderate adverse long term landscape impact once the landscape mitigation has established. In addition, there would be some localised harm to Pitt Hill through the loss and translocation of hedgerow to create a new vehicular access.

10.10 Against this background, it is considered that the benefits of the proposal to provide a policy-compliant (in respect of planning obligations) residential development at a high design quality and in a sustainable location, together with the delivery of public open space, ecological enhancements and a publicly accessible footpath connection and safeguarded vehicular access to the north, outweigh the identified landscape harm and therefore approval is recommended.

10.11 The comments of the Town Council and third parties are noted, however for the reasons set out above there is no technical reason to refuse the application and, on balance, the development of 27 dwellings on this allocated site is supported.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to the following conditions and prior satisfactory completion of a legal agreement to secure the planning obligations set out in Section 9 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. For the avoidance of doubt the site layout shall be as per the details within the site plan reference SL.01 B date received 24.02.2023.

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

3 Prior to the commencement of development, a detailed phasing plan for the whole site shall be submitted to the Local Planning Authority for approval in writing. The phasing plan shall include details of:

a) intended number of market and affordable dwellings for each phase; and
b) phasing of key infrastructure including, surface water drainage, green infrastructure, biodiversity enhancements/net gain, landscaping, boundary treatments, tree and hedgerow protection measures and access for pedestrians, cyclist, and vehicles;

The development shall be carried out in accordance with the approved phasing plan.

Reason: To enable the development to be delivered in controlled phases and to ensure the proper development of the site.

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

(a) A detailed drainage design based upon the approved Flood Risk Assessment, Drainage & Maintenance Strategy, Pitt Hill, Appledore, Report Ref 1690-C300-Rev A and the results of the information submitted in relation to (a) and (b) above
(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.
(e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and
commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
(f) Evidence there is agreement in principle from SWW for the sewer requisition on Wooda Road

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

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

5 The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD2334/1/0, dated 9th February 2022) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason
'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.

6 The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

‘To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

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

Reason: To provide adequate visibility from and of emerging vehicles.

8 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

9 Prior to the occupation of any dwelling on the site the footway within the through the site shall connect to the footway on Pitt Hill / Estuary View to the south of the site.

Reason: To ensure safe and suitable access for pedestrians.

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

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

11 No other part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first ten metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

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

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

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 The proposed boundary treatments, as shown on approved plan reference ML.01 B date received 21.03.2023, shall be implemented in accordance with the Phasing Plan to be secured via Condition 3. The implemented boundary treatments shall not at any time be removed, either in whole or in part other than through direct replacement. For the avoidance of doubt, no new points of pedestrian or vehicular access shall be created directly onto Pitt Hill.

Reason: In the interests of the character and appearance of the development.

14 Notwithstanding the details shown in the application hereby permitted, prior to their installation, a representative sample of the roof material and facing materials to be used in the construction of the stone boundary wall / external walls of identified dwellings, as shown on approved plan reference ML.01 B date received 21.03.2023, shall be submitted to and agreed in writing by the Local Planning Authority. The stone sample shall take the form of a panel of at least a square metre showing the proposed: stone type and typical size range together with the colour of pointing mortar mix, joint thickness and finish profile.

Confirmation of the materials and methods shall be approved in writing by the Local Planning Authority and the agreed details shall be implemented prior to the associated dwelling coming into use.

The approved stone sample panel(s) shall be retained on site until the work is completed.

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

15 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.

16 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.

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

Reason: To ensure that there is no risk to human health and the environment and thus ensuring the development accords with Policy DM02 of the North Devon and Torridge Local Plan 2011-2031.

18 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.

19 The landscaping scheme hereby approved on the plan reference GE.LPHPP-02 I date received 24.02.2023 shall be implemented in full in relation to any phase of development no later than the end of the first planting season following the completion of the relevant phase of development. Any trees, shrubs or other plants that are removed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced with the same or similar species in the same location.

Reason: In the interests of the character and appearance of the development and the surrounding area, in accordance with Policies ST04, DM04 and DM08A of the adopted North Devon and Torridge Local Plan 2011-2031.

20 Recommendations within the Arboricultural Impact Assessment Plan and Letter from produced by JP Associates dated March 2022 shall be implemented prior to the commencement and followed during the construction of the development hereby approved.

Reason: To ensure the development does not result in harm to trees within and adjoining the site to thus accord with Policies DM08A and ST14 of the North Devon Torridge Local Plan 2018.

21 The proposed development must be carried out in full accordance with Landscape and Ecological Management Plan prepared by Greenearth Landscape dated April 2022 and the UPDATED ECOLOGICAL SURVEY dated 25th April 2022 and the Ecological Impact Assessment dated December 2020 which includes:

- *A sensitive lighting plan should be developed and implemented for the site whereby any lighting within the new development avoids illumination of retained and created bat foraging/commuting habitats. Lighting should be designed in accordance with BCT/ILP and Devon County Council guidance (BCT/ILP, 2018 and DCC, 2022) and avoid features such as the proposed attenuation basin, hedgerows, orchard planting/wildflower meadow. Lighting should be avoided wherever possible on Pitt Hill Lane. The required lighting plan shall be submitted for approval prior to occupation of any dwelling and the approved details shall be implemented and thereafter retained in perpetuity.*
- *Provision of integrated bat tubes within each new dwelling, and provision of a bat loft or bat roosting features, e.g., bat slates on detached garages. Any bat loft or building with bat slates must be lined with bituminous type 1f felt and have a traditionally mortared ridge.*
- *Any hedgerow and scrub removal should be undertaken between October and February (outside of nesting season), or if this is not possible, a thorough inspection for any active nests should be undertaken immediately before removal.*
- *Provision of integrated bird nesting provision in each new dwelling.*
- *Translocation of the east boundary hedgerow to form the visibility spay to the site and removal of hedgerow to create access to the site undertaken under the supervision of an Ecological Clerk of Works (ECoW).*
- *Provision of three reptile hibernacula.*
- *Provision of permeable garden fencing for hedgehogs and other wildlife.*
- *Biodiversity negation of 1.07 habitat units (37.98% net gain) and a gain of 0.26 hedgerow units (4.16% net gain)*

The trigger points for delivery of the above requirements will be set out within the phasing plan to be secured via condition 3.

Reason: To mitigate against the loss of potential wildlife habitats to accord with Policies DM08 and ST14 in North Devon and Torridge Local Plan 2011-2031

Plans Schedule

Reference	Received
LP.01 A	21.06.2022
HT.18.PE A	21.06.2022
HT.GRA.PE1 A	21.06.2022
HT.GRA.PE2 A	21.06.2022
HT.HH.PE1 A	21.06.2022

HT.HH_A.PE1 A	21.06.2022
HT.HH_A.PE2 A	21.06.2022
HT.IVY.PE1 A	21.06.2022
HT.IVY.PE2 A	21.06.2022
HT.OL.PE P4	21.06.2022
HT.OP.E A	21.06.2022
HT.OP.P A	21.06.2022
HT.RC.PE A	21.06.2022
OP195780LD17089	21.06.2022
RFA.01 A	21.06.2022
RS.01 A	21.06.2022
SE.01 A	21.06.2022
GE-LPHPP-04	21.06.2022
GAR.01.PE A	21.06.2022
GAR.02.PE A	21.06.2022
GAR.03.PE A	21.06.2022
D14 447 01 P2	21.06.2022
D14 447 01 P3	21.06.2022
C-GA-100 P4	21.06.2022
C-GA-101 P4	21.06.2022
GE.LPHGA-01 I	24.02.2023
GE.LPHPP-02 I	24.02.2023
GE.LPHPP-03 I	24.02.2023
SL.01 B	24.02.2023
HT.R2B41.PE.R	24.02.2023
HT.S3B61.PE.R	24.02.2023
C-GA-105 P5	21.03.2023
ML.01 B	21.03.2023
HSP.01 B	21.03.2023
AHL.01 B	21.03.2023

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.