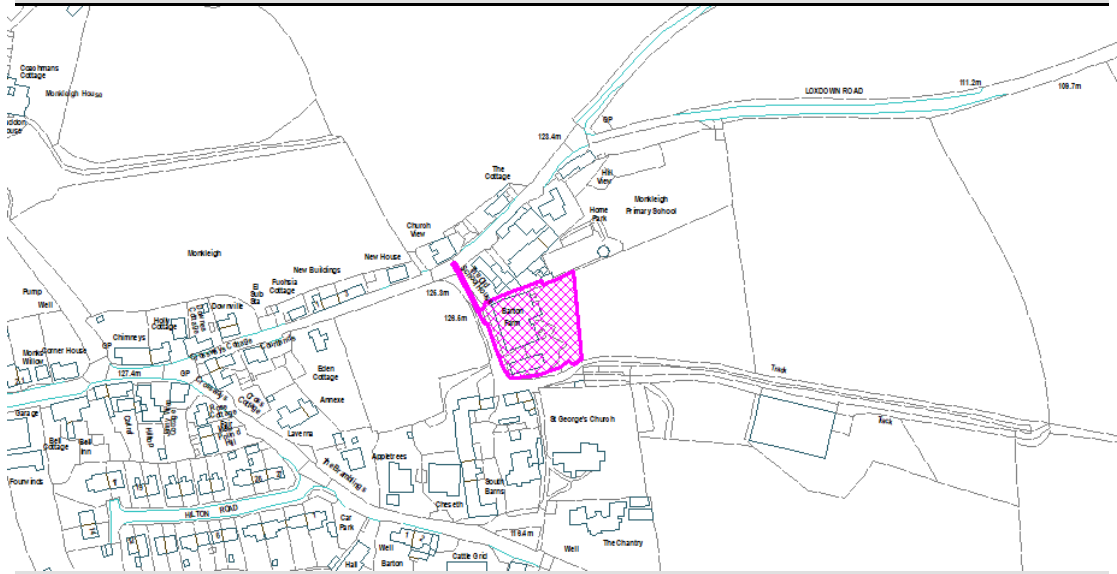


Committee Report – 25.07.2024

Application Number:	1/0403/2024/FUL
Registration date:	1 May 2024
Expiry date:	26 June 2024
Applicant:	Mr. Ian Cox
Agent:	Kost Architects Ltd
Case Officer:	Debbie Fuller
Site Address:	Building at Grid Reference 245721 120796, Monkleigh, Devon
Proposal:	Demolition of existing agricultural barns and erection of 1no. dwelling along with public pedestrian pathway
Recommendation:	Refuse



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Reason for referral:

Councillor Pennington (Ward Member for Monkleigh and Putford) has called the application in to Plans Committee, as *'The site is integral to the well-being of Monkleigh. It has a central location to the village. The danger from the present agricultural building has potential to do harm. I ask for an actual site visit be conducted by the Planning Committee to appreciate the significance of the application.'*

Relevant History:

Application No.	Description	Status	Closed
1/1105/2017/OUT	Outline application for three dwellings with all matters reserved (REVISED INFORMATION)	PER	25.10.2018
1/1269/2023/FUL	Demolition of existing agricultural barns and erection of 1no. dwelling along with public pedestrian pathway	WDN	20.03.2024
1/1105/2017/OUT	Outline application for three dwellings with all matters reserved	DCC	
DS/0008/2014	Flapping corrugated iron sheets	CLOSED	27.02.2014

Site Description & Proposal

Site Description

The application site is situated on the eastern edge of 'Monkleigh,' a settlement recognised as a 'village' within the North Devon and Torridge Local Plan (NDTLP) settlement hierarchy. 'Monkleigh' is located on high ground on the western side of the River Torridge valley; approximately four miles (6 kilometres) south of Bideford, and four miles (6 kilometres) west of Great Torrington. The village has a concentrated form within the serving road links. The village has a small range of services, including a church, village hall, primary school, and a public house. Public transport services link the village with larger settlements including Holsworthy, Bideford and Barnstaple.

The site fronts an unnamed village lane, which connects with the centre of the village. The site is currently largely occupied by two steel and timber framed sheds with corrugated iron cladding, with a section of field to the east. Immediately to the north of the site is a residential property, 'The Old School House,' and 'Monkleigh Primary School' to the north east. To the south west are barn conversions; to the south, is the Grade I Listed St Georges Church, to the east is open farm land, and to the west fronting the lane is a paddock. The paddock to the west has Outline planning permission for nine dwellings, (planning reference 1/0571/2020/OUT: - 'Outline application for nine dwellings with all matters reserved').

The application site and the Church are separated by a rough, single-track lane, with the graveyard being bound by a low level, stone wall and the application site being bound by native bushes typical of Devon banks / hedgerows in the area. The two existing barns on the site, are one large barn to the main portion of the site, and a small barn that forms part of the boundary to the lane that shares the pedestrian access to the Church. The smaller of the two is in a state of collapse.

The site is relatively level with a drop of around 500 mm across the site from North to South. There is a mature Oak tree that sits between the two existing barns, in the middle of the east of the site. This tree has a Tree Protection Order (TPO) (ref: 158/2006), on it.

The site boundary is heavily vegetated especially to the west side. The north side of site shares a boundary with the primary school as well as the adjacent dwelling. The boundaries to the north, south and west are bound by mature native hedge rows that provide screening to the site. There are long distance views to both the east and the south. The views to the east are open due to the lack of vegetation, although there was a hedgerow, with a Devon bank, with the TPO on this boundary, which can be seen due to the difference in ground height, and large surface roots running along the line of the old boundary feature. The eastern boundary is a stock fence that separates the site from the field to the east.

Proposed Development

The planning application seeks full planning permission for the demolition of the existing agricultural barns, and the erection of one dwelling, and the provision of a public, pedestrian pathway.

The proposed development is a two storey, (four bed) dwelling, with attached garage on the northern side.

The proposed ground floor (footprint), (not internal floor area), (from measuring the submitted 'Proposed Ground Floor Plan), measures approximately 330 square metres. The following makes up the 330 sq. metres: -

Garage and utility room: - 7.2 metres by 9 metres (64.8 sq.m);
Snug and stair case: - 7 metres by 8 metres (56 sq.m);
Misc/Boot room/bathroom and plant: - 8 metres by 8 metres (64 sq.m);
Entrance and hall: - 13.5 metres by 2 metres (27 sq.m);
Pantry/Kitchen diner and lounge: - 16.2 metres by 6.8, plus 13 metres for the two southerly projections (123 sq.m).

The proposed first floor measures approximately 230 sq. metres, (the two elements measure approximately 7 metres by 17 metres, and 6.5 by 17 metres).

The proposed height of the dwelling is approximately 6.5 metres and has a flat roof.

A first-floor balcony is proposed on the southern elevation, which measures 5.5 metres in width, (with sliding doors from the master bedroom, which measure 4.3 in width). There are wide expanses of glazing, (more than other elevations), on the southern elevation, at ground floor. The proposed windows for the 'kitchen/diner' measure approximately 7.2 metres in width, and the area for a table, with sliding windows, measures approximately 4.2 metres in width. There is a roof lantern above the kitchen/diner at ground floor level.

There are also wide expanses of glazing on the ground floor, on the east elevation, for the proposed 'lounge,' (which measures approximately 6 metres in width), 'hall' (approximately 2 metres in width), and 'snug,' (approximately 6 metres in width). There are vertical louvres to windows on the east and west elevations at first floor.

The proposed materials are rough faced stone wall loosely coursed and dry bedded; black, vertical charred timber cladding with penny gap, (for the walls); aluminium windows and doors grey / black; and zinc, anthracite grey, above 'misc,' and 'hall' window.

A covered, outdoor kitchen area is also proposed to the south west corner of the site, and measures approximately 12 metres by 5 metres, and 3 metres in height. The proposed materials are also rough faced stone wall and black and vertical charred timber cladding for the walls, with stone tile/green roof.

The existing access to the site is to be filled and planted with native plant mix. A new access is to be created, to the north end of the site, which involves the removal of approximately 14 metres of existing hedge bank on the western site boundary. A raised bed and courtyard with tree; entrance roof canopy and a bin and recycling store are proposed at the new access.

There is a parking area for four cars and a turning area shown on the submitted 'Proposed Site Plan.' A four-metre wide, timber gate is proposed as part of the new access, into this area.

A soakaway drain is shown in the parking area. The proposed paving and patio areas (hard landscaped areas) will be permeable paving with gaps between tiles and suitable drainable substrates. There is a grass roof to the kitchen/dining area on the ground floor.

When heating is required, this will be powered by an Air Source Heat Pump (ASHP) and delivered via under floor heating. It is proposed to connect to the public sewer.

Bat boxes are proposed to the southern and western elevations, and bird boxes to the northern and eastern elevations.

A new hedge bank is proposed on the eastern boundary, and an area of 437 sq metres of meadow grass to the east of the proposed dwelling. The existing hedge bank is to be laid and thickened with native species.

The existing post and rail fence is to remain on the eastern boundary, and a footpath is proposed to be constructed to the east side of the site that can directly link the church to the back of the primary school. The agent has confirmed that the proposed footpath is within the red line of the application and is on land owned by the applicant.

The following documents have been submitted for consideration: -

- Location Plan
- Existing Site Plan
- Existing Elevations
- Proposed Site Plan
- Proposed Block Plan
- Proposed Ground Floor Plans
- Proposed First Floor Plans
- Proposed Roof Plans
- Proposed Elevations (south and west)
- Proposed Elevations (north and east)
- Proposed Sections (including Proposed Street Elevation)
- Proposed covered kitchen
- Planting Notes
- Proposed visibility splays
- Wildlife and Geology Trigger Table
- Preliminary Ecological Appraisal, (by North Devon Ecology, Date of Survey 24th August 2017)
- Letter re: updated walkover survey, (by orbis Ecology, dated 24/11/23)
- Biodiversity Net Gain Report, (by orbis Ecology, dated 13th December 2023)
- Arboricultural Survey, (by Arbmark Tree Care 2023)
- Heritage Statement
- Planning Statement
- Design and Access Statement

The application site had outline planning permission, (with all matters reserved), for three dwellings on 25th October 2018, (planning reference 1/1105/2017/OUT). This expired on 25th October 2021. No Reserved Matters application has been submitted. This had a legal agreement, which secured public amenity space and parking spaces for use by the public and off-street parking for the school.

A planning application for the application site was submitted in January 2023, (planning reference 1/1269/2023/FUL), but was later withdrawn after the planning officer made the agent aware, (despite the submitted documents suggesting), that the Outline permission had expired, (planning reference 1/1105/2017/OUT), and, that there is no in principle support for a dwelling on this site, as it is outside of the boundary for Monkleigh in the NDTLP, and the permission was given during the previous Local Plan, and at a time when the Local Planning Authority could not demonstrate a 5 year housing land supply.

Consultee representations:

Devon County Council (Highways):

Refer the officer to Standing Advice.

Monkleigh Parish/Town Council: (first comment received, 16th May 2024)

Monkleigh Parish Council would like to register their Support for the application listed above and make the following comments:

- *The proposal will be improving the visual amenity of the area as well as removing potentially dangerous agricultural buildings from the site which have on occasion in strong winds forced the local school to close due to safety concerns.*
- *The proposed public pedestrian pathway is greatly received by the Parish Council as it will provide a safe off-road route for the walking bus to and from the school.*
- *The internal hedge alongside the proposed footpath is an asset to the biodiversity on the site.*
- *The applicant has considered the surrounding buildings, including the church, and has incorporated aspects within the design of the proposed dwelling which the Council is very pleased with.*
- *The Council is also glad that the application is sensitive to the protection and retention of the existing Oak tree found on the site.*

In conclusion, Monkleigh Parish Council wholeheartedly Support this application and hope that the District Council are minded to approve the application.

Monkleigh Parish/Town Council: (second comment received, 28th June 2024)

Monkleigh Parish Council would like to register their Support for the application listed above and make the following additional comments:

- *The Barns in question have not been used in 20 years and local farmers feel that there is very little value to them from an agricultural standpoint given the size of modern machinery.*
- *The Parish Council notes that the proposed development demonstrates approximately a 50% reduction in size and mass in relation to the existing buildings.*
- *Parish Councillors have tried to view the site from Torrington Common with binoculars and believe that any light or visual impact, if any, would be negligible, especially given the light mitigation measures which the applicant has implemented in the form of louvres to reduce light pollution.*
- *The Council noted that the school are in support of this application (see copy of supporting statement sent to the Parish Council from the Head Teacher of the School in Appendix A) as the existing site has caused safety issues for them, and the additional footpath through the site for the walking bus would ensure the safety of the Children on their way to and from School as well as other parishioners who would use the path to avoid having to weave between parked cars when out walking, thus improving connectivity within the village.*
- *The Parish Council would like to note that the images used by the Conservation officer show the Monkey Puzzle Tree which was removed in late 2018 early 2019 following application 1/1034/2018/TRE therefore the conservation officers' pictures showing the tree are misleading and inaccurate, leading the parish Council to question if they viewed the site from that aspect during their site visit?*

The Parish Council would like to reiterate the comments previously made as follows:

- *The proposal will be improving the visual amenity of the area as well as removing potentially dangerous agricultural buildings from the site which have on occasion in strong winds forced the local school to close due to safety concerns.*
- *The proposed public pedestrian pathway is greatly received by the Parish Council as it will provide a safe off-road route for the walking bus to and from the school.*
- *The internal hedge alongside the proposed footpath is an asset to the biodiversity on the site.*
- *The applicant has considered the surrounding buildings, including the church, and has incorporated aspects within the design of the proposed dwelling which the Council is very pleased with.*
- *The Council is also glad that the application is sensitive to the protection and retention of the existing Oak tree found on the site.*

In conclusion, Monkleigh Parish Council wholeheartedly Support this application and hope that the District Council are minded to approve the application and that the application can be heard at plans committee on the 25th of July to allow the applicant, if successful to begin clearing the site during the school holidays to minimise the risk and disruption to the School.

Conservation Officer:

A response was prepared for a previous scheme and so this is reused.

Churches were designed to be the most visible features within the landscape for spiritual and navigational reasons. The spiritual importance of churches within the landscape is largely lost to current generations and the use of towers as navigational aids is lessened with vehicle use.

The name of the settlement indicates a historic connection with the country's religious framework at the time with Frithelstock Priory being within line of sight.

This area of land has been clear of buildings not competing with the primacy of the church in the landscape until recent years when the School and School House was relocated and expanded on the land adjoining the road to Toll Road in the Torridge valley.

As such in heritage terms, there should be no development close to the church. However, the planning system has other considerations and processes besides heritage and Monkleigh has had a development boundary and some agricultural development agreed. (The latter attracting criticism from English Heritage).

At this point the site is in a dilapidated state and overgrown with the boundaries eroding. While this is not attractive it is a natural process until the site is brought back into agricultural use or other development is approved.

The current proposal seeks a new dwelling of modern form. The style of design is not opposed in principle, but the scale and complicated nature of the shapes lessens the architectural intent of the design. The supporting heritage statement addresses the viewpoints of concern from Torrington Commons and Frithelstock priory but while the building would sit behind the church the bulk and mass is reliant on the screening nature of the current trees on site and these are not permanent features, and their loss would reveal glimpses of a steel box behind the tower of the church.

The scale of the building and its footprint is commensurate with the church and church yard and Chantry rather than matching the typical domestic scale and grain of development in the main settlement. The scale of the proposal including the building plot is out of character with the more typical modest residential forms and footprints of the settlement at Monkleigh. The footprint of the dwelling together with the outdoor kitchen is out of and appears larger than the church and school.

The scale of the building with its large expanses of glazing would give rise to large amounts of light spill on this ridge of land. This would change the rural setting of the church and current conversions clustered alongside the site.

At this point the proposal is considered harmful to setting of the heritage asset and wider landscape views. The level of harm is less than substantial under the guidance set out in paragraph 208 of the NPPF which leaves the demonstration of any public benefit.

The public benefit proposed is the creation of a footpath link from the church to the school which is not considered sufficient to offset the level of harm.

The school is popular but the evolution of the site on the end of a ridge of land makes access by car very difficult and parents drop children on the minor road to Torrington and a walking bus operates from the village hall car park along the road, through the churchyard and by the minor county road which runs in front of the School and on to Weare Gifford. Vehicular access within Monkleigh is challenging and particularly so at school drop of and pick up. The creation of a path for approximately 10 children (at the time of my visit) using the walking bus route and the improvement is only over a short distance.

(The current route is 103 metres and the proposed footpath 82 metres measured from the top church gate.) The footpath created removes the need to walk along a road which is a dead end with a short section (21 metres) being a through road to the front of the school. This does not improve the section from the village hall to the bottom churchyard gate which is more used as a through route, nor will it make a significant impact on the school travel plan (which is not on their website) as any increase in the hope of an easier route will encourage parents to drive to the end of the footpath with limited turning and no parking available at that point.

Conclusion

The proposal is considered at odds with its surroundings in terms of plot size and dwelling layout and the benefit offered inadequate to offset the level of visual harm the new dwelling and its associated residential paraphernalia will cause the views of the church in the wider landscape.

The proposal is considered not to accord with the guidance as set out in paragraphs 205-208 of the NPPF nor does the proposal fulfil the requirements of paragraph 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where the new dwelling is considered not preserve the listed building or its setting, in this case St George's Church.

DCC Archaeology Section:

I refer to the above application and your recent consultation. The proposed development lies in an area of archaeological potential in proximity to the 15th century parish church, which is likely to have been the focus of early settlement here, and within the historic core of Monkleigh. The Historic Environment Record also indicates the presence of a prehistoric ring ditch in the field to the west, so there is potential for the site to contain evidence of prehistoric activity too. While the application area will have suffered some disturbance from the construction of the extant agricultural buildings there is still the potential for the survival of truncated archaeological deposits associated with the medieval settlement and putative prehistoric activity in the vicinity. These deposits may take the form of pits, gullies, ditches and foundation trenches. As such, groundworks for the construction of the proposed development - including the removal of the extant concrete slab - have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 211 of the National Planning Policy Framework (2023), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 2 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

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

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 211 of the NPPF (2023, 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.'

I would envisage the programme of archaeological work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Historic England - Southwest Casework:

The significance of the heritage asset(s)

St George's Church, Monkleigh is listed Grade I and lies immediately to the south of the proposed development site. The Church is 15th century with several important features including the 15th century Annery Chapel and the 16th century parclose screen, identified as one of the finest examples in Devon. The quality of the building, the internal monuments, the font, stained glass and other features all indicate the particularly high status and importance of this church.

The church is located at a high point topographically and is easily identifiable from a variety of locations as the dominant structure in the local landscape. This dominant character, and the greater setting of the church including views to and from it, are a part of the church's significance.

The grade I designation identifies the church's exceptional architectural and historic interest. The conservation of the building's significance (including where a part of that significance stems from its setting) should be given very great weight in your decision making (National Planning Policy Framework (NPPF), paragraph 205).

The church is at risk of closure and is likely to be added to the national Heritage at Risk register this year. There is a need therefore, to consider how the building could integrate better with activities within the community. Thinking about the community and its needs holistically would therefore be beneficial.

The impact of the proposals on the heritage asset(s) Historic

England provided comments on two previous applications for this site (1/1105/2017/OUT and 1/1269/2023/FUL). Our first letter expressed concerns about the ability of your authority to assess impacts on the church given the outline nature of the application. Our second letter expressed concerns that a professional Heritage Impact Assessment (using appropriate methodologies and published guidance) had not been provided to assess and explain the impacts of the proposal on the church.

The current application does include a Heritage Statement; however, it does not appear to follow the published guidance and methodologies, it dwells almost exclusively on setting as views, and is not as developed as we would consider appropriate for assessing impacts on a grade I listed building.

A Landscape and Visual Impact Assessment (LVIA) utilising views that have been agreed with your authority may help clarify whether harm is caused from changes to views towards the church – both across the wider landscape and more locally.

Notwithstanding the above, the design of the house has now been amended. The largest parts of the house (height, scale and massing) are located to the north of the site - furthest from the church. The highest element is not dissimilar to other properties in Monkleigh in the vicinity.

The materiality and shape of the property will be distinctly different from the traditional buildings in the village and from the church, but some mitigation will be formed from the natural boundaries to the south and west, the scale of the dwelling and its location within the plot. It is for your authority to consider if this difference represents reasonable new design / change, or an addition that is contextually inappropriate / harmful.

We note the clarifications on public benefits associated with this proposal (in combination with the planning permission to the west). Your authority may wish to also consider whether additional benefits can be gained from the development to support local heritage such as the church.

Recommendation

Historic England has no objection to the application on heritage grounds. We consider that it is for your authority to decide if the application has sufficient information to demonstrate that no harm will be caused to the Church of St George, and that if there is a degree of harm that this is counter-balanced by any demonstrable public benefits.

In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Environmental Protection Officer:

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

Having regard for the application site, the Environmental Protection Team considers there to be no conflicting neighbouring land use and as such, the proposed development accords with Policy DM01. However, due to the presence and proximity of existing dwellings, there is the potential for residential amenity to be adversely affected on a temporary basis from the construction works if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

Construction works and site deliveries shall be carried out Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours only with no works permitted on Sundays and Bank Holidays

Reason: To protect neighbouring residential amenity

The application contains no detailed information on the historic use and subsequent land quality of the application site. Agricultural use and activity can result in ground contamination and ground conditions that are potentially harmful to human health or unsuitable for occupation without remediation. Given the sensitive end use, it is essential that the application site is appropriately assessed for any potential contamination that may impact future occupants and, where identified, remediated accordingly. Should

planning consent be granted, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.

South West Water:

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.

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. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. 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 the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Representations:

Number of neighbours consulted:	7	Number of letters of support:	18
Number of representations received:	18	Number of neutral representations:	0
Number of objection letters:	0		

18 representations have been received, all in support, and raise the following: -

- Beneficial to locality/environment / better option than the current state / no detriment to the local area;
- The site in question has been derelict for some 20 years with the barns becoming more dilapidated and dangerous as time goes on.
- The existing barns on the site are an eyesore and dangerous, particularly on windy days - the school children cannot be outside;
- The existing barn structures are clearly failing and unsafe, with the school having to close during high winds for the sake of the children's safety;
- Removes a dangerous structure that is next to the school playground;
- The existing barns attract young people who play on the site, which is unsafe;
- The proposed house will greatly improve the site / a beautiful property;
- The proposed new home will massively improve the aesthetics of the area;
- Behind our beautiful School we are looking at derelict, overgrown and a dangerous mess;
- The proposed public pathway will be hugely beneficial to the school; children will be able to safely access the school and avoid the busy road at the front of the school;
- The planned pathway will reduce the risk of harm from vehicles to children and parents, as it will provide a safe walking route to the parking area during school drop offs and pick ups;
- The demolition of the existing agricultural barns, and erection of this dwelling, along with public pedestrian pathway will be hugely positive to the school and village;
- Provide a new home / a family home / for a local family / a young local family, who have strong links to the school and the area;
- Enhance the village / positive for the village in particular the School and Church;

- *The plans take into consideration how the overall landscape is affected from every angle, how the proposed family dwelling would sit alongside the listed church and neighbouring buildings, and has incorporated recommendations within the ecological report to support, and even enhance, local wildlife and flora;*
- *The development could support local employment during its transformation.*

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); MON (Monkleigh Spatial Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character) and DM27 (Re-use of Rural Buildings);

Government Guidance:

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

Planning Considerations

The main issues for consideration are: -

1. Principle of Development
2. Character and Appearance
3. Landscape Impact
4. Impact on a Listed Building
5. Archaeology
6. Trees
7. Access, Parking and Highway safety
8. Residential Amenity
9. Flood risk and drainage
10. Ecology

1. Principle of Development

Paragraph 2 of the National Planning Policy Framework (NPPF), states that '*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*' The National Planning Policy Framework must be considered in preparing the development plan and is a material consideration in planning decisions.

Monkleigh is a Village in the NDTLP's settlement hierarchy, listed in Policy ST07, '*Schedule B: Villages*'. Policy ST07 (2) states, '*(2) Development in Villages, defined in Schedule B, will be enabled in accordance with the local spatial strategy to meet local needs and growth aspirations.*'

Policy MON: 'Monkleigh Spatial Strategy,' states, 'The community's vision for the village is to support limited growth in response to local needs having regard to the long-standing limitations of the local road network.'

The vision will be delivered through:

- (a) provision of a minimum of 10 dwellings to meet the range of housing needs in the local community; the supply of housing will be delivered through a single site allocation;*
- (b) identifying a site for additional housing at land north of Barton Farm within the development boundary;*
- (c) retain the character of the village and its relationship with the countryside;*
- (d) a new open space/children's play area; and*

(e) support for the retention of village facilities and services to meet the needs of the local community.'

However, the application site is located outside of the settlement boundary of 'Monkleigh,' village, in the NDTLP, (see Policies Map 59 Monkleigh), and therefore Policy ST07 Part (4) is the relevant part of the policy, because as stated above, planning law requires *'applications for planning permission be determined in accordance with the development plan.'*

Part (4) of Policy ST07 states *'(4) In the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.'*

The NDTLP Glossary defines 'Countryside' as:

'The area beyond:

(a) development boundaries, as identified on the Policies Map; and

(b) the principal built form and sites allocated for development in defined Settlements without development boundaries and Rural Settlements.'

The proposal is for an open market dwelling, which is not for a rural worker, and this is not a planning use which is supported in the 'Countryside.'

The proposal is not to re-use the existing buildings on the site, and the Local Planning Authority (LPA) are of the view that the existing barns are too dilapidated to be converted and would require works which would take it beyond a level of reasonable works. A proposal to re-use and/or convert the existing buildings would therefore be contrary to Policy DM27 of the NDTLP, and not meet the requirements of Class Q (permitted development). The LPA is of the view that there isn't a fall-back position.

In terms of removing the dangerous structures on the site, as soon as possible, (i.e. the Summer when the children are not at school), the structures could be removed without an application that includes a dwelling. Because the structures are, (according to the applicant and representors), dangerous, it would involve a notification application to the LPA notifying of demolition. These applications have a shorter timescale than a full planning application and involve a 28-day notification of demolition.

The spatial strategy *'Policy MON (Monkleigh Spatial Strategy)'* states that any residential development will be delivered through a single site allocation, and this allocation is shown within the settlement boundary on the 'Policies Map 59: Monkleigh.'

Taking the above into account it is considered that as the site falls outside the development boundary of Monkleigh the proposed development would be contrary to policy ST07 which is considered the principle of development for the site. It is acknowledged that a footpath is being proposed for the community however, this benefit would not substantially outweigh the harm of the principle of residential development being located on this site outside of the development boundary.

Notwithstanding the above, the other material considerations are covered below.

2. Character and Appearance

Policy DM04 outlines the key design principles for development proposals, including scale, density, massing, height, landscape, layout, materials, access and appearance as well as the need for development proposals to be appropriate and sympathetic to their setting.

Policy ST04: *'Improving the Quality of Development,'* states, *'Development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.'*

Part 12 of the NPPF seeks to achieve well-designed and beautiful places. The *'National Design Guide'* sets out ten characteristics for a well-designed place and illustrates how well-designed places can be achieved in practice. One characteristic is 'Context,' and Para. 41 explains, *'Well-designed new*

development responds positively to the features of the site itself and the surrounding context beyond the site boundary.'

Para 21 states, *'A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout (or masterplan); the form and scale of buildings; their appearance; landscape; materials; and their detailing.'*

The proposed dwelling responds to the surrounding area in terms of the material palette of stone, timber and dark metal material, (the nearby barn conversions have similar materials). The proposed design being innovative and modern is also not opposed. It is also recognised that landscaping can be added and enhanced, and this would help to screen the ground floor and the light spill.

However, there are other considerations. 'Context' is *'to understand and relate well to the site, its local and wider context,'* and para 43 expands: - *'Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed and is demonstrably based on an understanding of the existing situation, including patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale.'*

Para 48 states, *'Well-designed places and buildings are influenced positively by: the history and heritage of the site, its surroundings and the wider area, including cultural influences; the significance and setting of heritage assets and any other specific features that merit conserving and enhancing; and the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.'*

Responding to the existing local character and identity, means also considering, *'the scale and proportions of buildings.'*

Para 24 of 'The Design Guide' explains: - *'Form is the three-dimensional shape and modelling of buildings and the spaces they define. Buildings and spaces can take many forms, depending upon their: size and shape in plan; height; bulk - their volume; massing - how bulk is shaped into a form; building lines - the alignment of building frontages along a street; and relationship to the plot boundary - and whether they share party walls or not. In the case of spaces, their form is influenced by the buildings around them.'*

Para 26 explains, *'Scale is the height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts.'*

The proposed dwelling has a footprint of approximately 330 square metres. This is without including the footprint of the 'outdoor kitchen building' on the south west corner of the Proposed Site Plan. The adjacent dwelling 'The Old School House,' measures approximately 216 square metres with attached garage and various 'lean to' additions. The school itself measures approximately 335 square metres. A barn conversion to the south west is a similar footprint at 350 sq. metres, but part of it is single storey, and lower profile.

The applicant/agent refer to a previous and now lapsed outline planning permission, (planning reference 1/1105/2017/OUT). However, in contrast to the current proposal, the indicative site layout plans show three dwellings, public amenity space and public parking for the school and has a legal agreement.

This application was also approved during a time when the Council could not demonstrate a five-year supply of housing, when the 'restriction' of development boundaries falls away and the application site could be considered for residential development. The planning officer at that time concluded that the social, environmental and economic benefits from three dwellings outweighed the harm.

It is acknowledged that the height has been reduced from a recently withdrawn application, (planning reference 1/1269/2023/FUL), and the height is more sympathetic to the neighbouring properties.

However, the proposed development is still considered too large, (in terms of the 'bulk - volume' and 'massing - how bulk is shaped into a form'). The scale of the building and its footprint does not follow the grain - the existing pattern of development, and the form and scale are out of character with the more typical modest residential forms and footprints of the settlement at Monkleigh. The proposed development is therefore considered to be a poor layout, form and scale.

It is considered that the proposed development is not appropriate and/or sympathetic to its setting, and is therefore not 'good design,' and is contrary to Policies ST04 and DM04 of the NDTLP and the National Planning Policy Framework (NPPF).

3. Landscape Impact

NDTLP Policy DM08A, expects development to be of an appropriate scale, mass and design that respects landscape character of both designated and undesignated landscapes. The site is not within a designated landscape.

More detail is covered under 'Impact on a Listed Building,' below, as the application site is visually prominent within the landscape being close to the church, and the church at Monkleigh is very visible from distant viewpoints such as Torrington Commons and the priory at Frithelstock.

The Conservation Officer commented on the previous approval for three dwellings, (planning reference 1/1105/2017/OUT), that, *'To maintain the visual prominence of the church in views the rear boundary of the site should be pulled back to the former field boundary which runs close to the tree on site. The remains of the hedge banks remain in part as stumps in the field and these are important as part of the historic landscape and should be restored.'* From aerial maps, the eastern boundary has expanded into the adjacent field. The TPO tree, (ref 158/2006), can be seen outside of the site boundary, and the historic field boundary used to run south east to north west.

This site sits on the Torridge Valley side of the A388 ridgeline and therefore can be potentially seen in far ranging views from the far side of the valley around Greater Torrington. The proposed development will be mainly screened due to the presence of the oak tree and other vegetation and the slightly raised profile of the field to the east. The TPO tree will provide some screening from wider views, (Torrington Commons and Frithelstock), along with the trees to the east of the Church.

On a previous application, (planning reference 1/1105/2017/OUT), the proposal was amended to site the dwellings to the northern half of the site, further away from the church, and proposed new hedgerow for the gardens of the three dwellings, and native trees all along the eastern boundary.

The planning officer at that time stated, *'To ensure there is no impact on the wider landscape it will be important that the boundaries of the development are reinforced and improved. The new eastern garden boundary will require a new mixed native hedgerow and Devon bank, preferably with standard trees placed along this feature. The southern boundary is currently a poor out grown hedgerow, this will require new planting, and management works, perhaps retaining some of the better standard trees. This would help reduce the impact on the views from the church and help integrate the development into this rural environment.'*

In contrast, the current proposal is further south than the location of the three dwellings, (planning reference 1/1105/2017/OUT); the site is more open to the fields on the east side and there is significantly more glazing. With the light spill from the southern and eastern elevations, (including a lantern to the south), in combination with the lack of screening on the east, it is considered there will be landscape harm.

The application site provides a backdrop to the Church, which is an important feature in the landscape, and it is considered that this proposal when lit will create a beacon behind the church, and not be sympathetic to the Church and its setting. In terms of landscape impact, it is not an appropriate scale, mass and design that respects landscape character, and is contrary to Policy DM08A of the NDTLP.

4. Impact upon a Listed Building

Policy ST15: 'Conserving Heritage Assets,' of the NDTLP states, '*Great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by: (a) conserving the historic dimension of the landscape; (b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated; (c) identifying and protecting locally important buildings that contribute to the area's local character and identity.*'

Policy DM07: 'Historic Environment' of the NDTLP is relevant, and states, '*(1) All proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. As part of such an assessment, consideration should be given, in order of preference, for avoiding any harm, providing enhancement, then minimising and mitigating any harm. (2) Proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.*'

Part 16 of the NPPF is also relevant: - '*Heritage assets range from sites and buildings of local historic value to those of the highest significance...These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*'

Monkleigh lies outside any designated landscape area and there is no Conservation Area. The Grade I listed Church of St George lies on the south east edge of the village and is a significant built feature.

There is approximately 9 metres between the boundaries of the application site and the Church boundary. The edge of the southern elevation of the proposed building is approximately 25 metres to the boundary of the Church yard, but the outdoor kitchen area is closer. The application site does not directly adjoin the curtilage of the Listed Building. It is separated from it by an established road leading to farm buildings. The curtilage of the church falls away from the road resulting in the church building being at a lower level than the application site.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the LPA to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Historic England have been consulted. They state, '*St George's Church, Monkleigh is listed Grade I and lies immediately to the south of the proposed development site. The Church is 15th century with several important features including the 15th century Annery Chapel and the 16th century parclose screen, identified as one of the finest examples in Devon. The quality of the building, the internal monuments, the font, stained glass and other features all indicate the particularly high status and importance of this church.*'

The planning application does include a 'Heritage Statement,' and the agent was requested to provide details of views on the withdrawn application, (planning reference 1/1269/2023/FUL).

Historic England, have stated, '*it does not appear to follow the published guidance and methodologies, it dwells almost exclusively on setting as views, and is not as developed as we would consider appropriate for assessing impacts on a grade, I listed building.*' It is the proximity of the site to the Church of St George (Grade I Listed) and the impact that the proposed development has on the setting and character of the church that needs to be considered.

NPPF Paragraph 205 states: '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*'

Historic England have no objections to the application on heritage grounds: - *'We consider that it is for your authority to decide if the application has sufficient information to demonstrate that no harm will be caused to the Church of St George, and that if there is a degree of harm that this is counter-balanced by any demonstrable public benefits.'*

The LPA's Conservation Officer has been consulted, and highlights concerns about the scale and footprint and not matching the typical domestic scale and grain of development in the main settlement, and the reliance on screening from the trees on the site, (and in the winter months without leaves, there would be more glimpses of the dwelling and increased light spill).

On the previous application, (planning reference 1/1105/2017/OUT), the Conservation Officer emphasised the importance of *'The retention of the green ridge of land to the north of the church which emphasises its importance as a spiritual beacon in the wider landscape,'* and that *'height of the dwellings needs to be controlled to avoid any competition in distant views with the dominance of the church tower.'*

With the large expanses of glazing, there would also be large amounts of light spill. The Conservation Officer states, *'This would change the rural setting of the church and current conversions clustered alongside the site. At this point the proposal is considered harmful to setting of the heritage asset and wider landscape views. The level of harm is less than substantial under the guidance set out in paragraph 208 of the NPPF which leaves the demonstration of any public benefit.'*

Para 208 of the NPPF states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

The public benefit proposed is the creation of a footpath link from the Church to the School.

The School drop off was observed by the Case Officer, (with the Head Teacher and a parent), on the morning of Tuesday 11th June 2024.

The School is popular. There is no parking for the School. Access by car is very difficult and parents drop children at the front of the School, and queue back towards the west. The section of minor road in front of the School, past houses and towards the centre of the village has a small section of pavement but the carriageway itself is narrow. The restricted width makes it difficult for two vehicles to pass in places, and turning to the east end is not impossible, but difficult, as it is the junction of two single track country lanes. Cars park at this point also.

A walking bus operates from the Village Hall Car Park, (which is to the south of the Church), through the churchyard from the southern gate, along the lane in front of the application site, and then by the minor county road, which runs in front of the School, where queues and parked cars/mini buses were evident. Vehicular access within Monkleigh is challenging and particularly so at school drop of and pick up.

The proposed new footpath from the top Church gate removes the need to walk along a road, (which is a dead end) to the front of the school, (where the queues of traffic were evident at drop off). However, (as the Conservation Officer has also relayed), the proposed new footpath does not improve the section between the Village Hall and the bottom Churchyard gate, where children cross the road, and it may increase parents to drop off at the end of the footpath with limited turning at this point.

The proposed footpath may be a safer route than dropping off at the front of the school. However, the planning application cannot require parents to use it. And, overall, it is considered, that the public benefit is not considered sufficient to offset the level of harm.

In terms of whether the building will be seen from wider views, Historic England has highlighted that the Church is located on a high point of topography and is easily identifiable as a focal point in the near and wider landscape from several locations. The Agent has provided views, to show either the tree or the

Church's main Nave will screen the site, although it is also acknowledged in the submitted documents that the site is open to the east.

Given the amount of glazing on the southern elevation, first floor, and in combination with the other large windows on the east, ground floor, it is considered that the proposed dwelling will create light spill and impact on the setting of the Church.

The Applicant/Agent makes the argument that there will be an improvement to the setting of the Church with the removal of the barns, but this could be achieved without planning permission for a dwelling, and, despite being dilapidated, they are of a type and material which are common in countryside areas. They could also be repaired without planning permission to 'make good,' and not be dangerous.

In conclusion, the proposed development is a poor layout, form and scale, because it is of a bulk and mass which is not in keeping with the other development in the settlement, and there will be light spill from the proposed building, which would impact on the setting of the Grade I Church and wider landscape of which the Church is a prominent feature.

It is considered that the proposed development will cause harm to the setting of the heritage asset and wider landscape views, (of which the Church is a feature), and the public benefit does not outweigh the level of harm. The proposed development is therefore contrary to Policies DM07 and ST15 of the NDTLP, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF. If approved, a condition requesting details of the materials to be submitted to the LPA is recommended.

5. Archaeology

DCC Historic Environment Team have been consulted and state, that the proposed development lies in an area of archaeological potential and have requested two conditions be added in the event planning consent is granted. One of them is a pre-commencement condition, and the Applicant's Agent has agreed to condition the archaeology method statement (WSI) in a pre-commencement condition as requested by the DCC archaeologist.

6. Trees

The application is accompanied by an, 'Arboricultural Survey,' (date of inspection 03.11.23). The trees have been surveyed and assigned a category relating to condition, value and suitability for retention. The report contains a Tree Constraints Plan yielding RPA's (Root Protection Areas) around trees being retained to maintain root system health and structure.

The report explains that the site is open to the east with little sheltering from this side, albeit not the usual direction of significant winds, and that, *'The site has visibility from the rough lane leading to the Church. The site could be remotely visible from some distance from the East.'*

A TPO, (ref: 158/2006), protects the large Oak tree on the site. The tree sits on the original eastern boundary of the Stack Yard, (as shown in the Tithe plan), and aerial images show the site boundary was here when the site was in agricultural use. The tree has significant arboricultural and (some) landscape value. It is a broad spreading tree that has adapted to its exposed environs. It is possible it is 150 years old. There is a significant amount of concrete hardstanding close to the tree. The report comments that this tree does merit retention due to age and value and recommends Crown lift to 3 metres for pedestrian access.

The report specifies tree protection measures, which includes 'Construction Exclusion Zone (CEZ) defined and constructed before any works or materials delivered/take place on the site; that all demolition and construction work within the Root Protection Area (RPA) must be performed with hand tools only; Pile or pad foundations are to be incorporated into the design of the snug, and methods to reduce soil compaction where access is required. There is 12 square metres of the building within the RPA to accommodate the Snug. This has been discussed and hand-dug pad or pile foundations are to be used.

This is an important landscape tree, which has been part of the local landscape for hundreds of years. The tree acts as a backdrop to the neighbouring Church and forms part of the mature tree backdrop seen in long distance views from Frithelstock and Torrington from where the Church and Village are clearly seen on the extensive ridgeline that the A388 follows.

If approved, there should be a condition added requiring compliance with the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), along with a detailed landscape specification.

7. Access, Parking and Highway safety

Policy DM05 of the NDTLP states that all development must ensure safe and well-designed vehicular access and egress with adequate parking and layouts to meet the needs of all highway users. Policy DM06 relates to parking provision and notes that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs. Policy ST10: Transport Strategy is also relevant.

Devon County Council (DCC) as the Highway authority were consulted and refer the planning officer to Standing Advice.

The application site includes at least two off-site parking spaces., and space for turning so the site can be exited forward.

A new access is proposed, and visibility splays for this have been provided. The road is a single lane with slow speeds.

At the site visit with the School's Headteacher it was noted that the staff park opposite the application site.

DCC were consulted on the proposal for three dwellings, (planning reference 1/1105/2017/OUT), and a Highways officer visited the site both during the 'school run' period and a time outside this, and responded, *'During the school run, I noted that the area is relatively congested. This includes car movements where 'give and take' is required to pass, as well as pedestrians mixing in what is effectively a shared surface. As a result of the above conditions, vehicle movements were slow...For other periods of the day traffic volumes were observed as being light and traffic speeds were within the posted limit and reasonable for the conditions. I appreciate that the proposed development will increase traffic movements in the area, as well as pedestrian movements.'* They considered however the public parking spaces and footway across the site frontage that was proposed, which is not on the current application, as mitigation measures being offered.

The planning officer for this previous application however concluded that *'residential development of three dwellings on the site would have a negligible cumulative impact upon both existing and future highway users and would therefore be acceptable.'* It would be unreasonable therefore to refuse this proposal on highway impact as it is only one dwelling and not three.

The proposed footpath link from the Church to the School would need to be secured with a legal agreement, if approved.

Therefore, the proposal meets policies ST10, DM05 and DM06 of the NDTLP.

8. Residential Amenity

Policy DM01 of the NDTLP relates to amenities and notes that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses, and the intended occupants of the proposed development would not be harmed. Policy DM02 considers environmental issues such as noise, dust etc.

The proposed dwelling has more than enough internal space to comply with the National Space Standards. There is adequate garden area.

The proposed balcony at first floor level faces south and there are no properties on this side. Therefore, the proposed balcony is not considered to result in overlooking.

It is unclear what the boundary treatment is on the northern boundary. There is adequate distance between the application site and the neighbouring property, who has a lean-to garage on this side, but as the proposal is two storeys, some landscaping would be required. If approved, a landscape condition should be added.

The Council's Environmental Protection (EP) Team have been consulted and recommend, if approved, a condition restricting hours of work and deliveries. However, given the school traffic issues, it may be better to restrict the hours of works and deliveries out of school pick up and drop off hours.

The EP Team also recommends the imposition of the Authority's full standard contaminated land condition, and the Applicant's Agent has agreed to this.

The proposed development, with the conditions attached, is in keeping with the provisions of policies DM01 and DM02 of the NDTLP and would not result in an adverse impact on the amenities of the occupiers and/or neighbouring occupiers. With the landscaping condition attached, the proposal complies with the NDTLP and national guidance with regards residential amenity.

9. Flood risk and drainage

Policy ST03 of the NDTLP relates to drainage.

The supporting text of Policy ST03 states that 'all developments will seek to minimise flood risk using Sustainable Drainage Systems and appropriate integration with green infrastructure. Controls to manage surface water runoff should be located as close as possible to where the rainwater drains, providing varying degrees of treatment for surface water through natural processes of sedimentation, filtration and biological degradation.

The application site is located within Flood Zone 1 which is a low risk of flooding. The site is also not within a Critical Drainage Area (CDA). There is provision for surface water drainage shown on the plans, (and green roofs), and foul drainage is proposed to use the existing sewer.

10. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, and The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced by Policies ST14 and DM08 of the NDTLP which require that development ensures the protection and enhancement of biodiversity.

A completed 'Wildlife Trigger and Geology Trigger Table' has been submitted and triggers the need for a wildlife report as the proposed works involve demolition, will illuminate / cause light spill and removes more than 10 metres of native hedge.

A 'Preliminary Ecological Appraisal' by North Devon Ecology, was carried out August 2017, and a letter from Orbis Ecology has been submitted which explains that a walkover survey was carried out on the 15th of November 2023, *'to assess whether there had been any significant changes to the site in the interim in terms of the presence or potential presence of protected and priority habitats and species.'* The letter states, *'There have been no significant changes to the site since 2017, and the findings and recommendations of the 2017 report are still valid.'*

The recommendations in the report are *'that no further surveys are needed; 'Site clearance should take place outside of the bird nesting season unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before works commence and provided written confirmation that no birds will be harmed or that there are appropriate measures in place to protect nesting bird interest on site; 'To achieve no net loss of hedgerow a new length of hedge should be formed across the eastern boundary. Biodiversity gains can be made by creating a native species rich*

hedge that will enhance the value of the site to wildlife,' and 'The Oak tree in the centre of the site is to be retained.'

The hedgerow along the western boundary is species poor, and contains Hawthorn, Sycamore and Bramble which becomes scrub to the south and nettles and brambles to the south east corner. The eastern area is Thistle, Common Nettle and docks. The Oak tree was lacking any potential roost features for bats but will support a good deal of biodiversity. The report states, *'Oak trees support more species than any other British tree, and the tree at the centre of the site will be a good source of biodiversity on the site.'*

The western hedgerow does not qualify as 'important' under the ecological criteria in the Hedgerow Regulations 1997 and does not fall within the Devon Biodiversity Action Plan for species rich hedges. It does however fall within the national hedgerow Biodiversity Action Plan definition, which is now represented as a Priority Habitat type on the Section 41 list of the NERC Act 2006. The general aim for hedgerows in Devon should be no net loss and an improvement in the condition of existing hedges. The hedgerow along the western boundary will be removed once the new access points are formed. Although the hedge is not of ecological significance, the report recommends that to achieve no net loss a new length of hedge should be formed across the eastern boundary.

If the application were approved, a condition should be added to ensure the recommendations of the report are followed, and an informative should be added that there is a precautionary approach for bats. As above, if the application were approved, a landscape condition should be added to ensure details are submitted to the LPA and ensure no net loss of hedgerow.

Ecological enhancement in the form of bat and bird boxes are on the plans. A condition to require these is recommended.

In terms of Biodiversity Net Gain (BNG) a BNG report has been submitted, but the spreadsheet has not, despite the report stating, *'The spreadsheet containing the calculations is provided separately.'* Therefore, insufficient detail has been provided for the Local Authority to assess whether a Biodiversity Net Gain Plan is required.

Conclusion

There is no harm to the amenities of neighbouring occupiers, and the proposed development is acceptable in terms of access, parking and highway safety, impact on protected species, drainage and flood risk. However, the proposed development is contrary to the Council's Spatial Strategy in that it is located outside of a defined settlement boundary and is considered to not be in keeping with the character and appearance of the settlement, and surrounding area, and would result in a 'less than substantial' harmful impact on the Grade I Listed Church. The proposed public footpath would not deliver public benefit to such an extent to outweigh the harm identified. Given this, the Officer recommendation is one of refusal.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reasons:

- 1 The site falls outside the development boundary of Monkleigh; the Local Planning Authority can demonstrate a five-year supply, so the tilted balance is not applied, and the principle of residential development being located on this site outside of the development boundary is not supported and is contrary to Policy ST07 of the North Devon and Torridge Local Plan 2011-2031.

- 2 The scale of the building and its footprint does not follow the grain - the existing pattern of development, and the form and scale are out of character with the more typical modest residential forms and footprints of the settlement at Monkleigh. The proposed development is therefore considered to be of poor layout, form and scale. It is considered that the proposed development is not appropriate and/or sympathetic to its setting, and is therefore not 'good design,' and contrary to Policies ST04 and DM04 of the North Devon and Torridge Local Plan 2011-2031 and the National Planning Policy Framework.
- 3 The application site as existing provides an appropriate and important backdrop to the Grade I Listed Church, which is an important feature in the landscape, and it is considered that this proposal at times, will create a beacon behind the Church, not sympathetic to the Church and its setting. In terms of landscape impact, the development is not of an appropriate scale, mass and design that respects landscape character, and is thus contrary to Policy DM08A of the North Devon and Torridge Local Plan 2011-2031.
- 4 The proposed development is of poor layout, form and scale, because it is of a bulk and mass which is not in keeping with the other development in the settlement, and there will be light spill from the proposed building, which would impact on the setting of the Grade I Church and wider landscape of which the Church is a prominent feature. The proposed development will harm (less than substantial) the setting of the heritage asset and wider landscape views, and the public benefit does not outweigh the level of harm. The proposed development is therefore contrary to Policies DM07 and ST15 of the North Devon and Torridge Local Plan 2011-2031, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework.
- 5 Insufficient details have been provided for the Local Authority to assess whether a Biodiversity Net Gain Plan is required.

Plans Schedule

Reference		Received
2319B_P_01	LOCATION PLAN	30.04.2024
2319B_P_04	BLOCK PLAN	30.04.2024
2319B_P_05 A	SITE PLAN	10.07.2024
2319B_P_06	GROUND FLOOR	30.04.2024
2319B_P_07	FIRST FLOOR	30.04.2024
2319B_P_08 A	ROOF PLANS	10.07.2024
2319B_P_09	ELEVATIONS	30.04.2024
2319B_P_10	ELEVATIONS	30.04.2024
2319B_P_11	SECTIONS	30.04.2024
2319B_P_12 A	FLOOR PLANS & ELEVATIONS	10.07.2024
2319B_P_13	PLANTING NOTES	30.04.2024
2319B_P_14	VISIBILITY SPLAYS	30.04.2024