

**TOWN AND COUNTY PLANNING ACT 1990**  
**PRE-APPLICATION ENQUIRY RESPONSE**

<b>Applicant:</b>	Avalon Planning & Heritage	<b>Application No:</b>	ENQ/0806/2023
<b>Address:</b>		<b>Application Type:</b>	Pre Application Enquiry
<b>Agent:</b>	Avalon Planning & Heritage	<b>Date of Registration:</b>	5 January 2024
<b>Address:</b>		<b>Date of Decision:</b>	13 February 2024
<b>Proposal:</b>	Proposed residential development of up to 15 dwellings		
<b>Location:</b>	Land at Park Gate Umberleigh Devon		

Thank you for your enquiry which was received on the 5 January 2024

**Site Description**

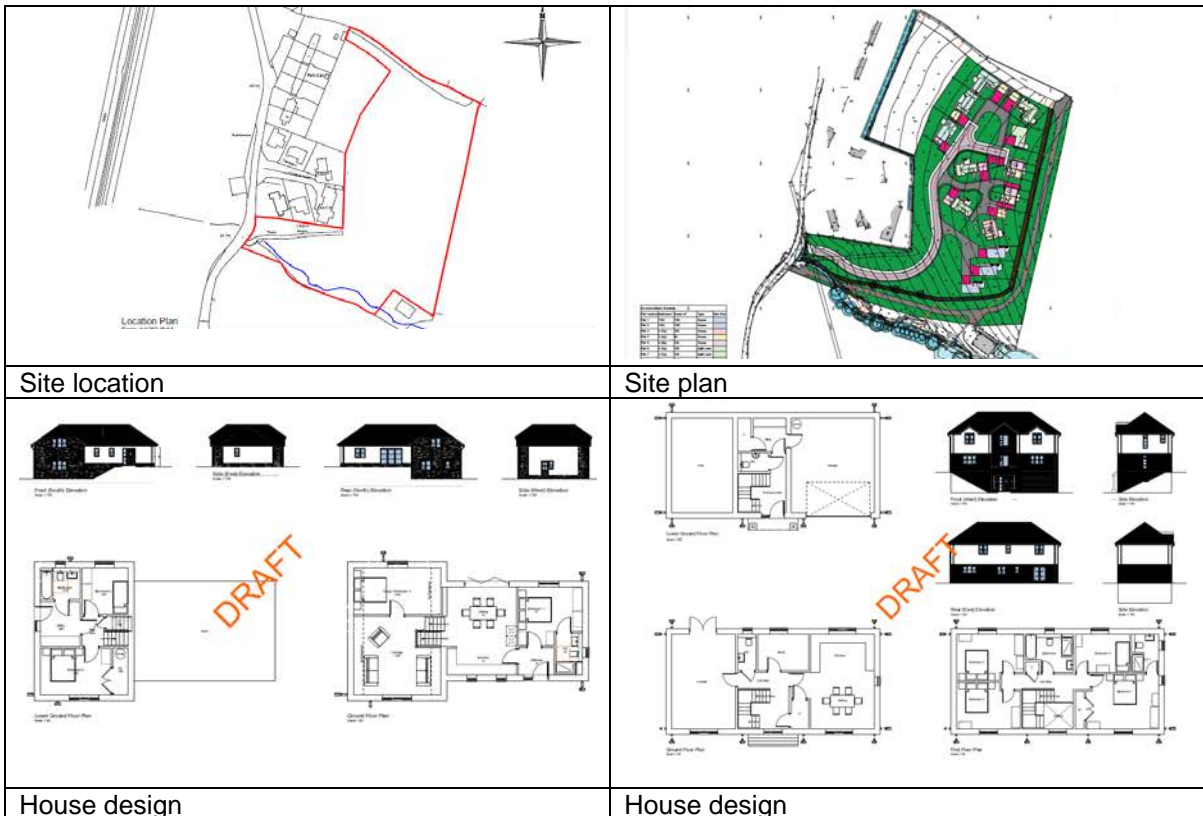
The site comprises agricultural land on the edge of Umberleigh which amounts to approx. 3.8 hectares and lies to the east of the A377, River Taw and railway line. The site rises upwards from a west to easterly direction. An existing agricultural building is located in the south of the site. The west of the site is bordered by existing dwellings at Lower Park and Park Gate.





**Introduction and Proposal**

It is my understanding that you are seeking an informal officer opinion on the residential development of up to 15 dwellings. Previous enquiries relating to the residential development of this site have sought advice on developing 28 dwellings on the site Ref: ENQ/2839 and 6 dwelling Ref: ENQ/2000, both received in 2021.



**Pre-App**

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan.

The National Planning Policy Framework (NPPF) is a material consideration.

### **Principle of Development and Policy Requirements**

Umberleigh is a Schedule B village where Policy ST07(2) (Spatial Development Strategy for Northern Devon's Rural area) applies. In identified villages such as Umberleigh, development will be enabled in accordance with the appropriate local spatial strategy (Policy UMB – Umberleigh Spatial Strategy) in order to meet local housing needs and growth aspirations. As recognised at paragraph 12.864 '*Villages have a role in providing services and development opportunities. Umberleigh has no defined development boundary. Proposals that are well related to the existing settlement and appropriate to the scale of the locality will be considered against the general policies of the Local Plan*'.

As stated above, Umberleigh has no defined development boundary. In such locations Policy DM23 (Residential Development in defined Settlements without development boundaries) supports new development where the economic and social needs of the community are addressed within the context of the locally specific vision and spatial strategy.

The Policy team previously provided comments relating to the development of this site for 28 dwellings. I have sought an update from the Policy team and have been advised that their previous comments are still of relevance in setting out the policy context and basis for assessing any proposals on this site. For completeness I have copied these comments below in full (relating to 28 dwellings) except for comments specific to the Council not having a 5 year housing land supply, which as you are aware is no longer the case:

*"In this particular instance it is very difficult to clearly identify the principal built form of the settlement (criterion (a)) of Policy DM23 and this is highlighted in paragraph 12.866 which states 'opportunities for residential development in the settlement of Umberleigh are very limited due mainly to the dispersed development pattern and the severe risk of flooding. Therefore, the village has neither a defined development boundary nor site-specific allocations, although the requirement to provide additional housing to meet local needs and address aspirations for improvements to local services and facilities still remains. Appropriate windfall development will be supported'. Paragraph 12.867 continues 'where suitable land is available for development, is appropriate in terms of its scale and location in relation to flood risks and has no significant impact on listed buildings in the village, it will be considered for development in accordance with general policies of the Local Plan. Opportunities to secure additional housing to meet local needs will continue to be explored.*

*I note the location of the proposed dwellings within Umberleigh which has been recognised as having a very dispersed settlement pattern. It could be argued that this area is not within the principal built form and therefore an affordable housing focussed development (criterion b) should be delivered in accordance with Policy ST19 but as extensive areas of the settlement is within indicative flood zone 3 where new housing is not considered acceptable, I am of the opinion that as this site is within flood zone 1 then we should look more positively to a proposed housing development in accordance with criterion (a) of Policy DM23 subject to the stated criteria (2 (a to c)) and Policy UMB(a) which supports a limited number of new dwellings well related to existing housing are met.*

*To put this level of proposed housing growth in the context of existing homes in Umberleigh, which does not include all homes within the village, but has been taken from around the bridge and primary school, and going as far south as Hollycot and east to include Lower Park / Park Gate as an indicative snapshot of the principal built-up area, this level of growth for Umberleigh is high for a Village (approximately 60% growth) above the existing baseline number of households identified*

*within Umberleigh as outlined above (47 households) although it is accepted that housing delivery is very constrained and new build housing has been very limited over this Plan and previous Plan periods. Therefore, the acceptability of housing to meet a locally identified need on land to the east of Park Gate and Lower Park (approximately 12 dwellings) in accordance with Policies UMB and DM23 is supported in principle but from a policy perspective and in consultation with the local community, I would wish to understand whether 28 new build dwellings is considered as being 'limited' and 'meets the housing needs in the community' in the accordance with Policies ST07(2) and UMB.*

Previous advice relating to 6 dwellings was as follows: *'This greenfield site is approximately 1.6 hectares and with the development of up to 6 dwellings this would equate to an approximate density of 4 dph which in the Policy team's opinion is far too low when the adjoining housing development (12 dwellings) has an approximate density of 14 dph. Considering the very limited development opportunities in Umberleigh and where any new housing development would support existing services and facilities in the village such as the Primary School, Village Hall and railway station, a slightly higher number of houses may be more appropriate and would be better reflective of existing housing development within this area of the village in terms of scale, density and massing of development'.*

After reviewing the previous enquiries for 6 and 28 dwellings it is clear that Officers were uncomfortable with the proposal for 28 dwellings, questioning whether this could be considered 'limited' or *'responding to the housing needs in the community'* in the accordance with Policies ST07(2) and UMB. The previous enquiry for 6 dwellings was considered to not be making effective use of land given the very low densities. The revised proposal for 15 dwellings is therefore much more in line with what would be expected for this site, when considered against the policy considerations outlined above. Planning Policy have confirmed that they do not have anything further to add to the above comments.

### **Affordable Housing**

Policy ST18(1a) of the Local Plan will expect housing developments over the threshold to provide on-site delivery of affordable housing equal to 30% of the total number of dwellings (gross). You must be assured that the proposed housing mix will meet the identified housing need in accordance with Policies ST17. Page 180 of the HEDNA (CE21) provides guidance on the mix of bed sizes by tenure that would be appropriate to help meet identified housing needs. For information, Part (1) of the policy could be used to seek particular forms of housing where there is evidence of need. I have provided an extract from the HEDNA (Table 114: Recommended Housing Mix – page 214) which identifies the recommended housing mix across the Plan area.

	<b>1 – bed</b>	<b>2 – bed</b>	<b>3 - bed</b>	<b>4 - bed</b>
Market	5-10%	30-35%	40-45%	15-20%
Affordable	30-35%	35-40%	20-25%	5-10%
All Dwellings	15%	35%	35%	15%

Clause (1) of Policy ST17 provides a mechanism to influence the mix of housing on proposals. The HEDNA can be used for evidence of need - including house sizes. More localised evidence, such as housing needs surveys, can be used if they are available and up-to-date. The policy is intended to influence both market and affordable tenures.

I have consulted the Council's Housing Enabling Officer who has provided the following comments:

*“The proposal is for 15 dwellings in the village of Umberleigh which doesn’t have a development boundary. Therefore Policy DM23 applies. This states that (1) Residential development in Local Centres and Villages without development boundaries will be supported on allocated sites and where:*

- a) the site is located within the principal built form of the settlement and is not protected for any other use; or*
- b) the site is well related to the main built form of the settlement and provides an affordable housing focused development in accordance with Policy ST19.*

*If Planning determine that the site meets (1) (a) then 30% affordable housing would be required for a development of 6 or more dwellings or where the site has an area of 0.5 hectares or more, irrespective of the number of dwellings proposed.*

*A Housing Needs survey was completed for Chittlehampton parish in May 2019 and will be valid for 5 years (expiring May 2024). It established the need for 5 households in need of Social Rent and 1 who could possibly afford an Intermediate dwelling (Shared Ownership, Discounted Market Sale, Intermediate Rent).*

*With regard to (1) (a) 30% of the 15 dwellings proposed equates to 4 affordable dwellings on-site and a financial off-site contribution equivalent to 0.5 of a dwelling. If the applicant wishes to build another affordable dwelling on-site (5) this would be welcome. In accordance with Council policy and the Affordable Housing Supplementary Planning Document, the required tenure mix for affordable housing is at least 75% Social Rent and the remainder Intermediate.*

*The Council’s affordable housing mix requirement is:*

- 1 bedroom – 30-35%*
- 2 bedroom – 35-40%*
- 3 bedroom – 20-25%*
- 4 bedroom – 5-10%*

*Devon Home Choice (DHC) shows there are 11 households living in the parish of Chittlehampton registered as being in need of affordable housing for rent as of Jan 2024. 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 Market Sale). We don’t hold data on numbers of households requiring some form of affordable housing for sale.*

*Property sizes for affordable housing should aim to meet or exceed the “Technical housing standards – nationally described space standard”, which can be accessed at <https://www.gov.uk/government/publications/technical-housing-standards-nationally-describedspace-> standard (see “Table 1 – Minimum gross internal floor areas and storage (m2)” of the Department for Communities and Local Government document).*

*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) are required:*

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

*Accordingly, the Council 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 bed-spaces”.*

### **Design, Landscape and Heritage Impacts**

As previously stated, the design and layout of the development would be considered against Policies ST02 (Mitigating climate change), ST03 (Adapting to Climate Change and Strengthening Resilience), ST04 (Improving the Quality of Development), DM01 (Amenity considerations), DM04 (Design Principles), DM08A (Landscape and Seascape Character), UMB(c) and DM23 of the Local Plan and the National Design Guide. It is also worth noting that criterion 2 of DM04 will expect all major residential proposals such as this, to be supported by a Building for Life 12 assessment, updated to ‘Building for a Healthy Life (July 2021) where the developer must minimise ‘amber’ scores and avoid ‘red’ scores.

The NPPF is clear at paragraph 139 that development that is not well designed should be refused, especially where it fails to respect the locality in which it is situated.

The site is within landscape character type 3G: River Valley Slopes and Combes where the overall strategy is to *‘protect and enhance the peaceful character of the valley slopes, fringed by well-managed woodlands and fields enclosed by an intact network of species-rich Devon banks. Opportunities are sought to restore conifer plantations to broadleaves and other semi-natural habitats, creating a climate resilient green network. New recreational spaces and infrastructure links are provided to nearby settlements’.*

Any future planning application should be supported by an LVIA.

I would like to make some provisional comments on the basis of the site layout and two potential house design submitted alongside this enquiry. These are as follows:

- I can understand the potential need for split level housing to respond to the topography. However, I have concerns over whether the massing of the proposed 3 storey façade is appropriate when viewed from open views across the valley. This scale of this dwelling is not characteristic of other nearby dwellings. Homes at Lower Park are single storey with a lower ground floor to accommodate the topography for instance.
- Restrained building heights and lower density development may be more appropriate on the most elevated parts of the site. Design choices in this respect should be further informed by the findings of a LVIA.
- With regards to the overall architectural approach, I would question whether the hipped/half hipped roof forms, detailing and general approach represent development that seeks to reinforce the key characteristics and special qualities of the area. I recognise that other development in the area may not have been overly successful in this respect, but I would hope that a suitable architectural concept could be developed to reflect relevant LDP policies and the increasing focus on place making and beauty reinforced by the recently revised NPPF.

- As the site layout leaves the boundaries of properties to the west within the public realm, careful thought will need to be given to how these boundaries are addressed to maintain their privacy and security, whilst also avoiding harsh boundaries to the public edges of the site.
- As discussed, I would encourage you to consider how the large areas of remaining site especially the area behind Park Gate in the north west of the site are utilised. Large swathes of poorly defined and underutilised public space may give rise to challenges relating to their future management. Allotments, community gardens or orchards could be considered along with structural landscaping features to benefit biodiversity and help visually assimilate the site within the wider landscape. Any forthcoming application should be accompanied by a detailed landscape plan to address these comments.
- Following our meeting, I recognise the inclusion of public open space served by a car park to serve the wider community. This is welcomed. Community engagement may help to flesh out appropriate uses for this area.

I would also like to draw attention to the presence of a Scheduled Monument around 200m from the eastern edge of the site. This has not been picked up on before in any of the previous enquiries. I have made the Council's Conservation Officer aware of the enquiry and the nearby heritage asset and she has commented as follows:

*"I've never been consulted on this site before, but would say that yes it is quite likely that there would be impacts on the setting of the SAM. If it came in as an application, Historic England would need to be consulted. They can be consulted at pre-application stage, but this has to be done by the applicant, not by us. That said, it would be useful if the HE response could be shared with us (applicant has to give their permission for this) so that we all know what the issues might be and whether there is suitable mitigation".*

I recognise that there is some intervening vegetation between the site and the Scheduled Monument but any potential impact on its setting will need to be thoroughly addressed, as recommended with the input on Historic England.

### **Public Open Space**

Paragraph 13.68 of the adopted Local Plan clearly sets out that new development will be required to make provision for public open space, recreation, sports facilities and green infrastructure and where possible, such facilities should be provided on site as an integral part of the development. Also, Policy UMB(d) supports additional recreation and social facilities to meet locally generated requirements and the Policy team have suggested that considering the size of the land promoted and limited development opportunities, consideration should be given to delivering a more comprehensive development that delivers a housing and a community package. The proposal should deliver green infrastructure in accordance with Policies UMB and DM10 and the standards as set out in Table 13.1 together with guidance from the consultation response of our Parks Team also set out below.

I have consulted the Council's Parks, Leisure and Open Space Officer and have received the following comments:

"Any application for residential development of 3 or more dwellings generates a requirement for open space and green infrastructure in accordance with policy DM10. The applicant has stated that this development would be 15 dwellings but has not provided further details. We have therefore provided an indicative calculation (attached) based on 15x4bed dwellings to give the applicant an

indication of approximate contribution that would be sought. We can provide a more accurate calculation when the number of units and bedrooms in each is confirmed. If the application is recommended for approval, we can provide details of specific open space schemes, in line with CIL regulations”. Details of the likely financial contribution are covered below:

Application No: 0806                      Site Location:      Park Gate, Umberleigh (31.1.24)

No. of Bedrooms	No. Units	Bedspaces	Total bedspaces
1	0	1.2	0
2	0	1.81	0
3	0	2.4	0
4	15	2.85	42.75
5+	0	3.18	0
	15		42.75

	On Site Provision		Off-Site Contribution	
	Requirement per SQM per person	On site requirement in sq.m	Cost per sq.m per person	Amount requirement
Rural				
Allotment	1.5	64.125	£30	1,923.75
Amenity & Green Space	0	0	£15	0.00
Play Space	1.4	59.85	£170	10,174.50
Parks, Sport & Recreation	13	555.75	£72	40,014.00
<b>Totals</b>		<b>679.725</b>		<b>£52,112</b>

The indication of an area of Public Open Space in the west of the site is welcomed. This on site provision may be able to be considered in lieu of the certain financial contributions once its specific use is formed up. A robust landscape strategy outlining the purpose and management of large areas of remaining land on the site will be necessary. Thought should be given to how these spaces can serve multiple purposes such as surface water management, recreation, screening and biodiversity benefits.

### Highways

As previously stated, all highway issues would be considered against Policies ST10 (Transport Strategy), DM05 (Highways) and DM06 (Parking Provision) as well as the response from the local highway authority. Policy DM05 of the NDTLP states that all development must ensure safe and well-designed vehicular access and egress adequate parking and layouts which consider the needs and accessibility of all highway users including cyclist and pedestrians. You would need to ensure that there are sufficient visibility splays when exiting the site. In addition, sufficient vehicular parking would need to be provided for the development in accordance with Policy DM06

Devon County Highways have commented as follows:

1. *Although the proposed access is outside of the posted speed limit, visibility splays for a 30 mph limit would be acceptable. Given the width and alignment of the carriageway; as well as the likely vehicle speeds and volume, there are a number of compromises that I would accept, such as the visibility splays being taken to the centre of carriageway, as well as the ‘x’ axis being 2 metres rather than the standard 2.4 metres. In which case, I would expect visibility measurements of 2 x 43 metres in either direction when measured to the centre of carriageway.*



2. *Proposals will need to be included to ensure that excess surface water does not flow onto the public highway.*
3. *I would expect a minimum of two parking spaces per dwelling.*
4. *My previous pre-app response concluded that there were sufficient passing places on the route to the B3227 for the (then) 6 proposed dwellings. I was content that this would not have resulted in, say, confronting motorists having to reverse, particularly toward blind bends etc. However, I do have concerns whether this would be the case for up to 28 dwellings. Therefore, any application should be accompanied with an evidence base that demonstrates that the trip generation associated with this level of dwellings would not result in a severe cumulative impact.*
5. *Suitable turning will need to be provided within the site to ensure motorists do not have to reverse onto the carriageway.*
6. *Proposals would need to be included with any application to demonstrate how pedestrians from the proposed development would safely reach community facilities, such as the local school and pub etc.*
7. *Given the additional traffic movements over the level crossing, I would recommend consulting British Rail on this matter.*

Whilst we have consulted Network Rail I have yet to receive a response.

### **Ecology and Biodiversity**

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 2017 (Habitats Regulations 2017). All issues around ecology should be considered against ST14 and DM08 of the Local Plan. The proposal would involve initial conversion and possible future removal of the barns from the site.

As set out in paragraph 6.5 of the Local Plan, 'all development will be expected to provide a net gain in biodiversity where feasible'. To protect and enhance biodiversity any forthcoming application should therefore identify, map and safeguard components of wildlife-rich habitats and wider ecological networks. The development will also need to demonstrate net gains in biodiversity, with an appropriate calculation of existing habitat carried out and the gains appropriately quantified in accordance with the DEFRA metric. In addition to any mitigation measures required above, the net gains should also be detailed in any landscaping and other plans to secure the establishment and long term management of these elements. This need only be commensurate to the scale of the development.

As previously commented, a small part of hedge would need to be removed to facilitate the site access. I am not quite sure how much hedgerow would need to be removed to facilitate the development and provide adequate visibility splays. It maybe that a hedgerow survey is required.

The Sustainability Officer has not provided any comments at this stage.

Any submission will need to demonstrate compliance with Policies ST14 and DM08 of the NDTLP.

## **Flood Risk and Drainage**

The site is located in Flood zone 1 and is not located in an area known to be susceptible to localised floor issues (Critical Drainage Area). I note that foul and surface water could be contained within the applicant's ownership through a SUDS scheme and sewage system.

In terms of foul drainage, the preferred connection should be a mains connection unless this is not feasible and can be appropriately demonstrated as such through the submission of a Foul Drainage Assessment form, which also includes details of the nonmains solution. This can be found at the following link

<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Any detailed submission would need to demonstrate surface water can be dealt with by a sustainable drainage scheme to accord with DCC Flood Risk guidance available at the following link:

<https://www.devon.gov.uk/floodriskmanagement/planning-anddevelopment/sustainable-drainage/>

## **Environmental Health and Amenity**

Policy DM01 (amenity considerations) of the NDTLP states that development will be supported where:

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

There are neighbours in proximity to the west of the site. The layout as shown appears to provide adequate separation distances between the proposed and existing dwellings to protect their amenities. However, as mentioned above, careful thought will need to be given to how the boundaries to existing properties are suitably secured so that they maintain their privacy.

I refer you to comments provided by Environmental Health relating to the previous enquiry for 28 dwellings. These were as follows:

### Land Contamination

*Housing developments are recognised as having high sensitivity to the presence of any land contamination affecting the site. I therefore anticipate recommending the following conditions be included in due course:*

#### *- Contaminated Land Phase 1 Condition*

*Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with a Phase 1 Preliminary Risk Assessment Report for potential ground contamination. The report shall be prepared by a suitably qualified competent person and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site. Thereafter, depending on the outcome of phase one, a proposal for any phase two (intrusive) survey that may be required shall be presented to and agreed with the planning authority.*

*Where remediation of any part of the site is found to be required, a remediation scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include*

details of any necessary quality assurance, verification and certification requirements in accordance with established best practice.

The construction phase of the development shall be carried out in accordance with the agreed details and, where relevant, verification reports and completion certificates shall be submitted for the written approval of the local planning authority.

#### Contaminated Land (Unexpected Contamination) Condition

Should any contamination of ground or groundwater not previously identified be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.

#### Foul Drainage

The enquiry mentions connecting the dwellings to a new private foul drainage treatment system. Such a system is likely to require a permit from the Environment Agency. It is important that suitable and sufficient provision is made for foul drainage from residential developments in order to protect human health and avoid adverse impacts on the environment. Achieving a suitable scheme may have implications for the space available for development and site layout.

I recommend any subsequent planning application include details of the proposed foul drainage scheme and the results of discussions with the Environment Agency as to whether the scheme is acceptable in relation to EA permitting requirements.

#### Construction Phase Impacts

In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of such a development, I anticipate recommending the following conditions be included on any subsequent planning permission:

##### *- Construction Environmental Management Plan 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 and where relevant, 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) details of any significant importation or movement of spoil and soil on site;
- d) details of 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 / wheel-washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) a noise control plan which details hours of operation and proposed mitigation measures;
- i) location of any site construction office, compound and ancillary facility buildings;
- j) specified on-site parking 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 be monitored by the applicants to ensure continuing compliance during the construction of the development.

### *Construction Hours Condition*

*During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:*

- a) Monday - Friday 08.00 - 18.00,*
- b) Saturday 08.00 - 13.00*
- c) nor at any time on Sunday, Bank or Public holidays.*

### **Infrastructure Requirements**

The delivery of necessary infrastructure to serve the development should be considered against Policy ST23 (Infrastructure) and the response of the statutory undertakers.

### DCC Education

I have received the following consultation response from DCC Education:

*“DCC has identified that the proposed increase of 15 family type dwellings will generate an additional 3.75 primary pupil and 2.25 secondary pupils which would have a direct impact on Umberleigh primary school and South Molton Community College.*

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

*We have forecast that the nearest primary school does not have capacity for the pupils expected to be generated by this development and therefore DCC may need to request for contributions against the pupils likely to be generated by the proposed development. The contribution sought for primary could be £64,113 (based on the current DfE extension rate of £17,097 per pupil). This contribution would relate directly to providing education facilities for those living in the development.*

*We have forecast that the nearest secondary school does not have capacity for the pupils expected to be generated by the development. Therefore DCC may need to request for contributions against the pupils likely to be generated by the proposed development. The contribution sought for secondary could be £52,965 (based on the DfE extension rate of £23,540 per pupil). These contributions would relate directly to providing education facilities for those living in the development.*

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

*2.25 Secondary pupils*

*£4.52 per day x 2.25 pupils x 190 academic days x 5 years = £9,661”*

### **Statement of Community Involvement**

You have stated that you plan to: *‘launch a website to inform the local community of the proposal and invite comments. In that regard we are proposing to invite comments to be freely submitted to a designated email address but also specifically stating that we would like to receive views on type of housing proposed and the need for housing at Umberleigh/in the local area’.*

As discussed, the above efforts are welcomed. The methods of consultation and their results should be outlined in a statement of Community Involvement.

## **Conclusion**

From a policy perspective, the proposed development of this site for a quantum of development as suggested has potential to be delivered as a policy compliant scheme. There are a number of issues that will need to be addressed in terms of the design and landscaping of the site along with demonstrating that there will be no harm caused to the setting of the nearby Scheduled monument.

Any forthcoming application would be considered in terms of weighing the benefits and harm, having regard to the development plan.

If you wish to test this advice then you can submit and pay for applications through the Planning Portal which can be accessed via the North Devon Council's Website. Application forms are also available from our website. Go to [www.northdevon.gov.uk](http://www.northdevon.gov.uk) and follow the links to 'planning' and then the links to 'planning application forms'.

The application form (full planning permission) will need to be completed in accordance with the guidance notes and accompanied by the appropriate fee. The 'local list' details the information required to ensure that your application is valid and can be registered.

In addition to the mandatory national requirements, the following will also be required:

- Application Form – as discussed earlier the LPA would recommend submitting a Full Application to ensure delivery in light of five year housing land supply
- Heads of Terms
- Foul Drainage Assessment
- Housing Delivery Statement, including affordable
- Flood Risk Assessment / Drainage Strategy Document
- Wildlife trigger list and Ecological Appraisal by a suitably qualified ecologist which must be no more than a year old which must be supported by a detailed Biodiversity Net Gain assessment
- A hedgerow survey may also be required
- Topographical Survey
- Applicable Drawings (layouts, plans, elevations, landscape etc) which should include existing levels on the site and proposed finished floor levels of the proposed dwellings and scales cross and long section drawings which show the proposed dwellings in relation to the road (existing and proposed) and to neighbouring properties.
- Transport Statement
- Demonstration how pedestrians from the proposed development would safely reach community facilities, such as the local school and pub etc.
- Design and Access Statement
- Building for a Healthy Life assessment
- Statement of community involvement
- Waste Audit Statement
- Travel Statement

- LEMP (if not to be conditioned)
- CEMP (if not to be conditioned)
- Heritage Statement

There are other legislative requirements outside of the planning process which need to be adhered to throughout the development process such as Building Regulations and The Party Wall Act. These are not a consideration in the planning process however you should make yourself familiar with the requirements as this may affect your proposal. Further information can be found at the following websites:

<https://www.nmdbuildingcontrol.co.uk/>

<https://www.gov.uk/party-walls-building-works>

You should note that the above advice is an informal opinion given without the benefit of formal consultation and public advertisement and would not prejudice any decision which may be made by the Local Planning Authority in determining any subsequently submitted application, which can only be obtained by the submission of a formal application.

**Mr D. Jeffery**  
**Case Officer**