

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPROVAL OF RESERVED MATTER(S) FOLLOWING OUTLINE PLANNING PERMISSION

TO	Mr A Hockin c/o Deborah Somerville Chartered Architect Office 11 The Barns Farm Road Caddsdawn Industrial Park Bideford Devon EX39 3BT	APP NO PARISH REGISTERED ON DECISION ON	1/0823/2024/REM Alwington (04) 19th September 2024 9th January 2025
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Relating to: 1/0020/2022/OUT

The Torridge District Council pursuant to the provisions of the above-mentioned Act hereby approve the following matter(s) which had been reserved for later approval on the grant of outline permission for development:-

Proposal: Reserved matters application for appearance, landscaping, layout and scale for 3no. dwellings pursuant to application 1/0020/2022/OUT
Location: Land To The North East Of Council Cottages Fairy Cross Bideford Devon EX39 5DD

In accordance with the above numbered application and plans submitted therewith SUBJECT TO the following conditions and reasons:

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

Reason: To ensure the development is carried out in accordance with the approved plans.
- The development hereby approved shall be carried out in accordance with the recommendations set out at section 5.2 (Impact avoidance and mitigation) of the Preliminary Ecological Appraisal Report (reference: ORBFCBJ), prepared by Orbis Ecology dated 20th December 2021; and the Updated Ecology Letter (reference: ORB_4583_BWJ) prepared by Orbis Ecology dated 22nd October 2024, should be provided at the site to protect the existing biodiversity and secure a net gain in biodiversity. The approved details shall be implemented prior to occupation and retained thereafter as such.

Reason: In the interests of ecology and biodiversity at the site.

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- 3 The materials indicated on the plans hereby permitted shall be used in the construction of the development unless otherwise agreed in writing by the Local Planning Authority. The materials shall be installed before the development hereby permitted is brought into use and shall thereafter be retained as such.

Reason: To ensure that the materials, hereby considered to be acceptable, are used for the development.

- 4 The landscaping scheme hereby approved shall be implemented in full in relation to any phase of development no later than the end of the first planting season following the first occupation of the first dwelling. Any trees, shrubs or other plants that are removed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced with the same or similar species in the same location.

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

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

Reason: In the interest of retaining the quality of the development in design terms and its impact on the countryside.

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PLANS SCHEDULE:

Plan Type	Reference	Received
Drainage Strategy	0550 P2	09.12.2024
Proposed Site Plan	1429/01 J	16.12.2024
Drainage Layout	0500 P4	16.12.2024
Location Plan	Location Plan	19.09.2024
Proposed Floor Plans	1429/02 D	19.09.2024
Proposed Elevations	1429/03 D	19.09.2024
Proposed Floor Plans	1429/04 D	19.09.2024
Proposed Elevations	1429/05 C	19.09.2024
Proposed Floor Plans	1429/06 C	19.09.2024
Proposed Elevations	1429/07 C	19.09.2024
Garage Plan	1429/08 A	19.09.2024

INFORMATIVE:

01. Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Under Regulation 4 of The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 the statutory biodiversity gain condition does not apply in relation a section 73 planning permission where:

- (a) the original planning permission (a planning permission which is the first in a sequence of two or more planning permissions, where the second and any

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subsequent planning permissions are section 73 planning permissions) to which the section 73 planning permission relates was granted before 12th February 2024; or
(b) the application for the original planning permission to which the section 73 planning permission relates was made before 12th February 2024.

Based on the information on the date of the original planning permission to which this section 73 planning permission relates, the Planning Authority considers that biodiversity net gain does not apply.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

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- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

02. The Local Planning Authority would draw the applicants attention to the following time Condition on the Outline Planning Permission:
- Condition 2 - The development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.

STATEMENT OF ENGAGEMENT:

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

The scheme is therefore considered appropriate and in accordance with Policies:

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); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST08 (Scale and Distribution of New Development in Northern Devon); ST09 (Coast and Estuary Strategy); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST21 (Managing the Delivery of Housing); ST23 (Infrastructure); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM10 (Green Infrastructure Provision); DM24 (Residential Development in Rural Settlements);

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Government Guidance:

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

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

NOTE TO APPLICANT

Your attention is drawn to Condition(s) that may appear on this consent that may require certain details to be agreed prior to either the development being commenced, or certain works being carried out. It is important to recognise that failure to comply with such a condition or conditions may render any development carried out unauthorised, and open to the possibility of enforcement action.



Helen Smith

Planning Manager

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NOTES:

1. This permission does not grant consent for works involving the demolition of a non –listed building in a Conservation Area or a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, for which, by virtue of Sections 8,60,74 and 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a separate Listed Building Consent or Conservation Area Consent may be required.
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within 12 weeks (householder applications) or 6 months (all other applications) of the date of this notice. (Appeals must be made on a form which is available from the Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN) or online at <https://www.gov.uk/appeal-planning-decision>. The Secretary of State can allow a longer period for the giving of a notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
3. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority, or by the Secretary for the Environment, and the owner of the land claims the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council of the district in which the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part V1 of the Town and Country Planning Act 1990.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
5. Please now apply to Torridge District Council for an official postal address for your new property asap. Please go to our website (www.torridge.gov.uk/SNN) which contains more information about the process.
6. **THIS IS NOT A BUILDING REGULATION APPROVAL**
Please contact Building Control on 01237 428724 for further advice.