

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 2nd August, 2017										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Bramble</td> <td style="width: 33%;">Cllr Holway</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Brown</td> </tr> </table>	Cllr Bramble	Cllr Holway	Cllr Brazil	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint	Cllr Hodgson	Cllr Brown
Cllr Bramble	Cllr Holway										
Cllr Brazil	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
Cllr Hodgson	Cllr Brown										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185										

1. Minutes

1 - 8

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 5 July 2017;

2. Urgent Business

Brought forward at the discretion of the Chairman;

3. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

4. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

5. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

6. Planning Applications

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:

<http://apps.southhams.gov.uk/PlanningSearchMVC/>

(a) 1554/17/OPA

9 - 26

Application for approval of Outline Planning Permission (all matters reserved except for access) for the development of 13 no. age- restricted dwellings and 6 no. affordable dwellings to be accessed via School Road, Stoke Fleming.

Land off School Road, Stoke Fleming, TQ6 0PR

(b) 1593/17/VAR

27 - 74

s73 application to remove/vary conditions 2, 5, 6, 16, 20 and 21 of PCC outline planning permission ref. 16/00247/OUT and conditions 3, 6, 12, 14, 17, 26 and 57 of SHDC outline planning permission ref. 0484/16/VAR relating to the 'Sherford New Community', including amendments to documents as listed within the approved drawings conditions in respect of the Town Code and Sustainability chapters

Sherford New Community - Land South/South West of A38, Deep Lane and East of Hays Road, Elburton, Plymouth

(Upon the conclusion of the above agenda items, the meeting will be adjourned and reconvened at 2.00pm)

(c) 25/1720/15/O

75 - 98

Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works

Proposed Development Site At Sx 612 502, Land North Of Church Hill, Holbeton

(d) 25/1721/15/O

99 - 124

Outline application with some matters reserved for erection of 11no. dwellings, village hall with car park, access and associated works

Proposed Development Site East Of Vicarage Hill At Sx 614 503, Vicarage Hill, Holbeton

(e) 2021/17/PAT

125 - 128

Prior notification of proposed development by telecommunications code system operators for 17.5m shrouded monopole, 2no. microwave dishes and 2no. equipment cabinets

Highways Land off Babbage Road, Totnes

	Page No
<p>(f) 3139/16/OPA</p> <p>Outline planning application for the erection of 12 dwellings to include 6 affordable units for the over 55's</p> <p>Land Adjacent To Parsonage Farm, Parsonage Road, Newton Ferrers</p>	129 - 140
<p>(g) 0266/16/FUL</p> <p>Erection of 3 bed terrace house with garden and relocation of garages</p> <p>5 Christina Parade, Totnes</p>	141 - 146
<p>(h) 1801/17/FUL</p> <p>Change of Use from B1(c) light industry to C3 dwelling house</p> <p>Fulling Mill, Woodland Road, Harbertonford</p>	147 - 154
<p>(i) 1785/17/HHO</p> <p>Installation of a new dormer and rooflights within existing loft conversion</p> <p>77 Mewstone Avenue, Wembury</p>	155 - 160
7. Planning Appeals Update	161 - 164
8. Planning Performance Indicators	165 - 170

MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 5 JULY 2017

Members in attendance			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson (pm only)
*	Cllr J Brazil (am only)	*	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
∅	Cllr P W Hitchins	*	Cllr R J Vint

Other Members in attendance:

Cllrs K J Baldry, J Birch, J Green, E D Huntley

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Specialist – Democratic Services
	4097/16/OPA	DCC Highways Officer

DM.7/17 MINUTES

The minutes of the meeting of the Committee held on 7 June 2017 were confirmed as a correct record and signed by the Chairman.

DM.8/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr R J Vint declared a personal interest in application **0894/16/FUL**: Development of three residential units – Private car park and garages rear of 27-45 Fore Street, Totnes, by virtue of attending meetings of the Totnes Transport Forum who had submitted an objection to the application. He remained in the meeting and took part in the debate and vote thereon;

Cllr R Rowe declared a personal interest in application **0894/16/FUL**: Development of three residential units – Private car park and garages rear of 27-45 Fore Street, Totnes, by virtue of recently receiving a car parking fine at that car park. She remained in the meeting and took part in the debate and vote thereon;

Cllr T R Holway declared a personal interest in application **0607/17/FUL**: Conversion and change of use of former hotel to 6 residential apartments; conversion and change of use of hotel annex apartments to 4 residential apartments; new build block of 4 residential apartments and new build single residential house; with associated landscaping, access and vehicle parking works – Yealm Hotel, 104 Yealm Road, Newton Ferrers by virtue of being a member of the River Yealm Harbour Authority on behalf of the Council. He remained in the meeting and took part in the debate and vote thereon;

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- **4097/16/OPA**: Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of access (and associated off-site highway works) – Proposed development site at SX 663 471, St Anns Chapel, Bigbury; and
- **0607/17/FUL**: Conversion and change of use of former hotel to 6 residential apartments; conversion and change of use of hotel annex apartments to 4 residential apartments; new build block of 4 residential apartments and new build single residential house; with associated landscaping, access and vehicle parking works – Yealm Hotel, 104 Yealm Road, Newton Ferrers.

DM.9/17 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.10/17 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

4097/16/OPA **Proposed development site at SX 663 471, St Anns Chapel, Bigbury**

Parish: Bigbury

Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of access (and associated off-site highway works)

Case Officer Update: Typographical errors within the report were corrected. An additional condition was proposed that details of Highway signage be agreed by the local planning authority prior to installation, and a second drainage condition was proposed. The Case Officer updated the Committee on late letters of representation, including a further letter from Bigbury Parish Council which was reported in detail.

Speakers included: Objector – Mrs Valerie Scott; Supporter – Mr Alex Graves; Bigbury Parish Council – Cllr Bryan Carson; and local ward Member – Cllr Huntley

Recommendation: Delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement

Committee Decision: **Refusal**

During discussion, Members noted that whilst access to the site was part of this application, the location of how the road tracked through the proposal site was not fixed as it formed part of the layout which was indicative. Members also noted that the offer of affordable housing that had been included as part of the previous application was no longer being offered. Officers advised that since the previous application had been determined, a Council resolution had been passed that set out the circumstances within which an affordable housing contribution would be requested. The Parish Council representative and the Ward Member both advised the Committee that the community had selected an alternative site for development as part of their Neighbourhood Plan process. Members generally felt that the proposed scheme did not overcome the issues of highway safety as set out by the Planning Inspector, and also felt that viability of the scheme had not been thoroughly assessed. Finally, Members also noted that the application site was an unallocated site within the AONB and a number of Members had made reference to the loss of Devon bank that would arise from the proposal.

Reasons:

1The proposed development is likely to generate an increase in pedestrian traffic on highways lacking adequate footways and also lacking adequate visibility at the junction of the C252 and the B3392 with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework, Policy DP7 of the South Hams Local Development Framework and Policy DEV 31 of the emerging Plymouth and South West Devon Joint Local Plan.

2. Having regard to the new road access points, the provision of a new relocated and wider highway and the resulting loss of Devon Hedgebanks, the proposal will fail to conserve the landscape and scenic beauty in this part of the South Devon Area of Outstanding Natural Beauty contrary to

paragraph 115 of the NPPF, Policies CS9 and DP2 of the South Hams Local Development Framework and Policies SPT11, DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan.

0607/17/FUL Yealm Hotel, 104 Yealm Road, Newton Ferrers

Parish: Newton and Noss

Conversion and change of use of former hotel to 6 residential apartments; conversion and change of use of hotel annex apartments to 4 residential apartments; new build block of 4 residential apartments and new build single residential house; with associated landscaping, access and vehicle parking works

Case Officer Update: N/A

Speakers included: Objector – Mr Peter Pritchard; Supporter – Mr Simon Friend; Newton and Noss Parish Council – Cllr Alison Ansell; local Ward Member – Cllr Baldry, (statement read from Cllr Blackler).

Recommendation: That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement

Committee Decision: **That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement**

Conditions:

- Time
- Accords with plans
- Materials to be agreed
- Landscaping and woodland management plan to be agreed and implemented
- Pre-commencement - Detail of works to seek to secure retention of beech tree to be agreed and implemented
- Pre-commencement -Tree protection plan to be agreed and implemented
- Parking to be provided and maintained prior to occupation
- Pre-commencement* – further ground investigation of slope stability in relation to proposed soakaways to be agreed with LPA and DCC
- Pre-commencement* – detailed design of permanent surface water management system to be agreed.
- Pre-commencement* – full details of adoption and maintenance of surface water management to be agreed.

- Pre-commencement* – details of exceedance pathways and overland flow routes to be agreed.
- Universal condition for development on land affected by contamination
- Verification Report (contamination)
- Unsuspected contamination
- Pre-commencement - Construction Environmental Management Plan including pollution control measures.
- No mud, stones, water or debris to be deposited on public highway
- No works to 'Room 4' (as per the Ecological Appraisal Report room numbering) should be undertaken until the LPA has been provided with a copy of the licence issued by Natural England.
- Development in accordance with Ecology Strategy
- Details of alternative bat perch to be agreed, implemented and retained
- No part of the new apartment block or new dwelling is to be occupied until a minimum of three of the apartments within the converted hotel building have been completed to the satisfaction of the local planning authority and made available for use.
- The new dwelling shall not be occupied or brought into use until all 6 of the apartments within the converted hotel building have been completed to the satisfaction of the Local Planning Authority and made available for use.
- Full details of doors and windows to be used in the converted hotel building to be agreed
- External lighting to be agreed
- Foul drainage to be agreed
- Boundary treatments to be agreed

(Pre-commencement conditions with * allow for the extended access way to be provided before these details are agreed to provide access for site investigations as required by other conditions)

0894/16/FUL Private car park and garages rear of 27- 45 Fore Street, Totnes, Devon

Parish: Totnes

Development of three residential units

Case Officer Update: None

Speakers included: Objector – Mrs Francis Gillmore; Supporter – Mr David Tall; and local Ward Members – Cllrs Birch, Green and Vint

Recommendation: Conditional Approval

Committee Decision: **Conditional Approval**

Conditions:

- Time limit
- Accord with plans
- Details of levels to be submitted prior to commencement
- Samples of materials to be agreed
- Removal of PD rights
- Landscaping scheme
- No removal of boundary walls without prior consent of the LPA
- Highway conditions
- 3 x contaminated land conditions
- Programme of archaeological recording
- The traditional walls which surround the application site shall be retained and maintained in accordance with a scheme to be submitted and approved by the Local Planning Authority within 3 months of the date of this planning consent

1637/17/HHO 6 Waltham Way, Ivybridge

Parish: Ivybridge

Householder application for replacement of an existing extension

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: **Conditional Approval**

Conditions:

- Standard time limit
- Adherence to plans
- Materials to match

DM.11/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided further information, including plans to assist in identifying the sites in question.

The Committee discussed the appeal decision on Application 28/1560/15/O: Proposed development site at Sx 7392 4386, Allocated site K4, Garden Mill Kingsbridge in more detail and Members felt the decision did not reflect the debate at the inquiry.

DM.12/17 **PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

(Meeting commenced at 11.00 am and concluded at 5.15 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 5 July 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
4097/16/OPA	Proposed development site at Sx 663 471, St Anns Chapel, Bigbury	Refusal	Cllrs Brazil, Vint, Bramble, Brown, Cuthbert, Holway (6)	Cllrs Foss, Steer (2)	Cllrs Pearce, Rowe (2)	Cllrs Hitchins, Hodgson (2)
0607/17/FUL	Yealm Hotel, 104 Yealm Road, Newton Ferrers	Conditional Approval, subject to the prior satisfactory completion of a S106 Agreement	Cllrs Foss, Steer, Brazil, Bramble, Rowe, Cuthbert, Holway (7)	Cllrs Hodgson, Vint (2)	Cllrs Pearce, Brown (2)	Cllr Hitchins (1)
0894/16/FUL	Private car park and garages rear of 27-45 Fore Street, Totnes	Conditional Approval	Cllrs Holway, Cuthbert, Brown, Pearce, Bramble, Foss, Steer (7)	Cllr Brazil, Hodgson, Vint (3)	Cllr Rowe (1)	Cllr Hitchins (1)
1637/17/HHO	6 Waltham Way, Ivybridge	Conditional Approval	Cllrs Cuthbert, Bramble, Brown, Hodgson, Holway, Pearce, Brazil, Foss, Steer, Rowe and Vint (11)	(0)	(0)	Cllr Hitchins (1)

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby
Fleming

Parish: Stoke Fleming **Ward:** Blackawton and Stoke Fleming

Application No: 1554/17/OPA

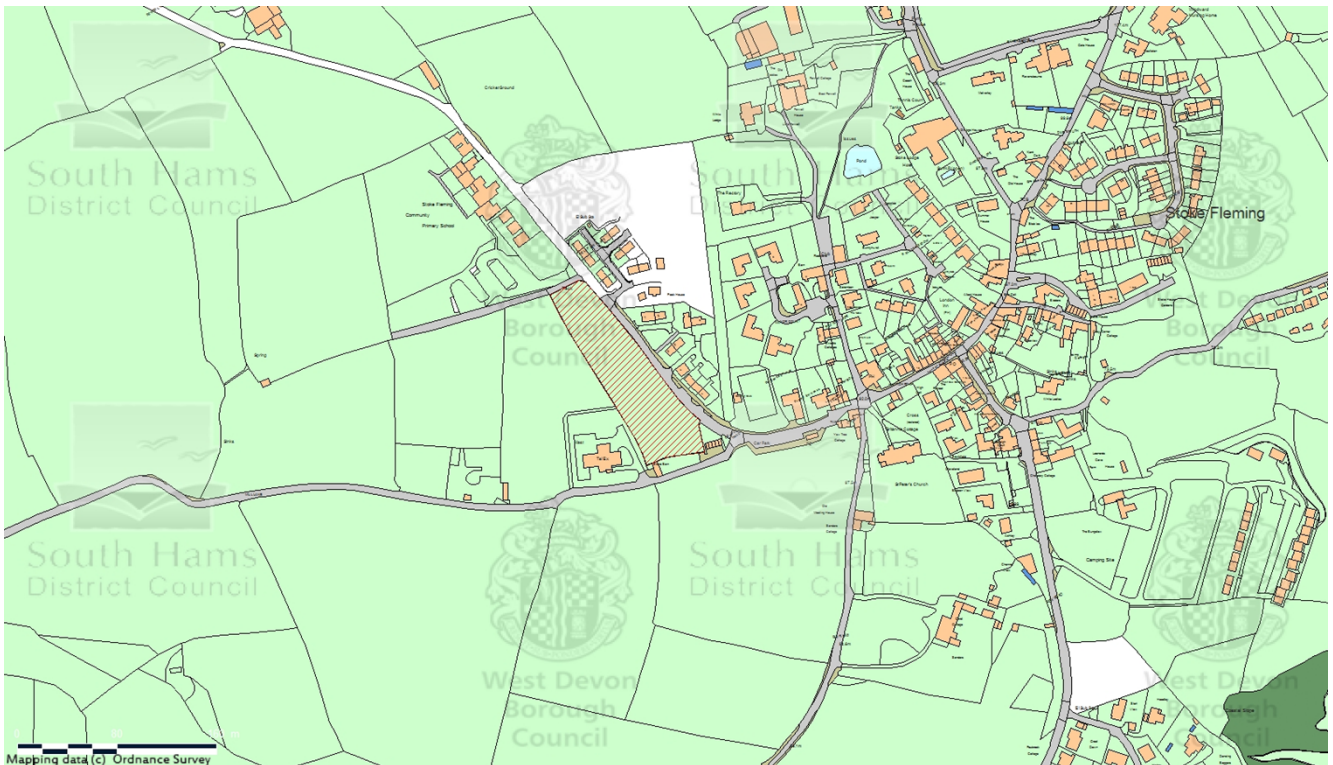
Agent/Applicant:

Mr Bill Richardson
Eagle House
1 Babbage Way
Exeter Science Park
Exeter
EX5 2FN

Site Address: Land off School Road, Stoke Fleming, TQ6 0PR

Development: Application for approval of Outline Planning Permission (all matters reserved except for access) for the development of 13 no. age-restricted dwellings and 6 no. affordable dwellings to be accessed via School Road, Stoke Fleming.

Reason item is being put before Committee: At the request of Cllr Hicks: *There has been a great deal of disquiet about the seemingly disparate factors concerning the site. These do, in my view, have differing weight with regard to the decision but, importantly, I believe the village has a right to have their say and to hear how these factors have been assessed.*



Recommendation: Recommendation: Delegate to CoP lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 would secure the following:

6 Affordable housing units – 4 Social Rent and 2 Intermediate.

A commitment to the provision of 4 no. 2-bed affordable homes and 2 no. 3 bed affordable homes

A trigger to agree the precise bedroom mix between tenures prior to submission of the Reserved Matters Approval application

The AH Units will be built to the HCA Design and Quality Standards.

Sport and recreation – for the 6 affordable units - £595 per occupier for pitches and £380 for play; for the 13 age restricted units - £595 per occupier toward playing pitches – contributions will be towards provision of a new play area off School Road and improvement to the Bird Walk.

Landscape and Ecology Management Plan and SUDs outside of private cutilages- implementation and on on-going management

Age Restriction – over 55, on the open market units.

Conditions:

- Standard time limit
- Reserved Matters
- Accord with plans
- External materials
- Boundary treatments
- Drainage details: percolation tests
- Groundwater monitoring
- Surface water drainage management system permanent
- Surface water drainage management system construction
- Tree and hedgerow protection
- Ecology Report mitigation compliance
- No street lighting
- Completion of footpaths and visibility splays
- Construction Management Plan
- Estate roads and other details required
- Off-site highway works
- Unsuspected contamination
- Removal of permitted development rights
- Arboricultural Impact Assessment and Method Statement
- Landscape and Ecology Management Plan to be agreed

Key issues for consideration:

The main issues are considered to be:

- Principle of development/ Sustainability: development plan and sustainability considerations of development outside the settlement boundary on an allocated site and issues of housing need
- Design/Landscape: Impacts upon the character of the site and surrounding area, including trees and hedgerows
- Neighbour Amenity: Impacts upon residential amenity
- Highways/ Access: Impacts of access, including safety considerations
- Ecology and biodiversity

- Drainage and flood risk
- Contamination: Risks from potential contamination
- S106 Contributions: Including affordable housing provision

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of approximately £22,496 per annum.

The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The application site, a long, narrow rectangular field parcel of approximately 0.8 Ha. (1.7 acres), lies towards the outer south-western edge of Stoke Fleming, approximately 300 m from the centre of the village.

Located on the south-western side of School Road, north of the junction with Mill Lane, the site sits opposite recently constructed residential development on the opposite (north-eastern) side of School Lane.

The site itself is bounded by a Devon Hedge to the west and a stone wall along School Road. To the south of the site is a block of 5 garages and a converted stone barn abuts the south-western site boundary.

Stoke Fleming lies entirely within an Area of Outstanding Natural Beauty (AONB). Part of the village is designated as a Conservation Area centred on St Peter's Church and a Conservation Area Appraisal has been adopted.

The Proposal:

The application seeks outline approval with all matters reserved except for access, for the development of 13 age-restricted dwellings and 6 affordable dwellings. Two accesses are proposed directly off School Road.

The illustrative masterplan layout presently shows the access separately serving the age-restricted dwellings and the affordable dwellings without a vehicular link, but internal layout other than access is reserved.

Illustrative material is also provided to indicate how such a development might appear in the street scene, and essentially takes cues from the recent development opposite in respect of issues of scale, appearance, material etc. but again, such matters are purely illustrative as details are reserved for future consideration.

Consultations:

County Highways Authority: Recommend Conditions. The Highway Authority don't dispute the predicted levels of traffic and in summary the increase in traffic to School Road or the A379 is small. The development proposals show two proposed private access roads. Given traffic speeds, a condition is recommended regarding required visibility splays. With regards to the access for refuse collection it is recommended further tracking is undertaken using a 10.2m refuse lorry. No details of the proposed access levels are provided. They must be 1:20 for at least 6m and then 1:12 ideally thereafter. Noting the topography in the area is quite flat a condition is imposed requiring this detail.

A Construction Management Plan condition is requested, including measures to avoid conflict with school peak times.

With regards to drainage as the roads are to remain private The Flood Risk Team at DCC will need to be consulted. It is noted no ground water monitoring has been undertaken and therefore an Option B fall-back drainage strategy with exceedance route should be provided.

- Environmental Health Section: Recommend conditions regarding unsuspected contamination and construction Management
- Stoke Fleming Parish Council: Following a developer presentation oppose the development on the following grounds: Landscape impacts of development on the west side of School Road, the NP Group favouring development on the east side/ suburbanise the street; does not address local need; contest the traffic survey data in the Transport Assessment; lack of publicly accessible green space; strong local opposition; contrary to the emerging JLP which is considered to carry some weight; alternative site identified in the NP is preferable; need to take account of the NP.
- Devon Education Authority The proposed increase of 6 family-type dwellings, will generate an additional 1.5 primary pupils and 0.9 secondary pupils. There is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards education would not be sought.
- Devon Lead Local Flood Authority: No objection in principle but required additional information. Conditions have since been agreed.
- Historic England: Provide advice in order to meet the requirements of the NPPF (paragraph 131). The site is not directly inter-visible with the medieval parish church and is not highly sensitive in heritage terms. The site borders a gateway road to the village which provides a transition from countryside to the historic settlement and having regard to the church and CA, should respect local character. Retention and maintenance of the stone wall would assist with issues of local distinctiveness, the loss of which would have a negative heritage impact and retention is advised.
- Natural England: Recommend consulting the AONB Partnership and provide standard advice.
- Police: Provide advice on security and Secured by Design.
- SHDC Landscape Specialist: No objection
- AONB Unit: No comment received
- SHDC Affordable Housing: Support subject to a minimum of 30% affordable housing in a tenure split of four rented units and two shared ownership units.
- Fire Authority: Advise of the need for compliance with Building Regulations and the need for an appropriate water supply.
- Historic Environment Officer: The scale and situation of this development will not have any impact upon any known heritage assets.

Representations:

Over 40 comments have been received objecting, together with petitions with more than 40 signatures (some from occupiers of the same properties) and cover the following points, summarised as:

- Inadequate parking for occupiers and visitors; Older people still have cars

- Lack of infrastructure, highways safety, pot holes, not safe for pedestrians, emergency vehicle access, congestion (inc from school) and on Church Road, worsen bottlenecks, car speeds, entrances dangerous,
- Allocated green space ; AONB impact, character, impact on views, make edge of village more visible; tree impact; historic wall impacts
- Development not needed; there has been significant development already; no extra amenities provided; inadequate infrastructure.
- Over dominance; visually overbearing
- Not affordable
- Steep gradients not suitable for elderly residents
- Loss of sunlight/ view/ tranquillity/ noise/ danger during construction
- Lack of jobs
- Lack of need
- Wildlife and nature impacts
- Reliance on an out of date Policy Document that does not reflect current National policy; conflict with NPPF and other Guidance; allocated green space in NP
- Extra traffic will mean children's safety is compromised; road already busy; junctions become more dangerous
- Precedent for further development which would further stretch the supporting infrastructure
- Preference for NP housing site allocation; NP at advanced stage
- Transport Assessment inappropriate; and assumptions wrong link road needed; will lead to more traffic than forecast
- High car use among over 55's
- Burden on infrastructure – doctors etc.

Detailed comments are available in full online

Relevant Planning History

There is no prior relevant planning history

ANALYSIS

Principle of Development/Sustainability:

Outline planning consent is sought for the development of 13 no. age-restricted dwellings and 6 no. affordable dwellings to be accessed via School Road with all matters other than access reserved. Notwithstanding this, illustrative material has been submitted in support of the application to demonstrate how such a quantum of development might be accommodated. While this is indicative of the applicant's intentions, the precise details are reserved for future consideration.

The starting point for consideration is the development plan and the requirement Section 38(6) of the Planning and Compulsory Purchase Act 2004 (replacing Section 54A of the Town and Country Planning Act 1990) that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would need to be in conformity with South Hams District Council (SHDC) Core Strategy (December 2006), SHDC Development Policies (July 2010) and the Rural Areas Site Allocations Development Plan Document (February 2011) to be acceptable in principle

In this instance, the site is an allocated site in the LDF Rural Areas Site Allocations DPD where Stoke Fleming is described as a large coastal village situated three miles south west of Dartmouth offering a good range of community facilities including a primary school, shop, village hall, two pubs and recreational facilities. It goes on to suggest Dartmouth is able to meet many of Stoke Fleming's service needs.

The DPD advises development proposals to meet the needs of the village are informed by the evidence based documents and assessments and that there are few opportunities for new development on previously developed land (PDL), also known as brownfield sites. The allocations are therefore for greenfield sites to support early delivery. The application site boundaries are consistent with allocated proposal RA22: land south of the primary school, for a development of about 20 dwellings and footpath access to the village centre.

The application seeks to address a local need for affordable homes and proposes age-restricted dwellings about which more is said below.

Policy SHDCB1 advises within development boundaries development will be permitted where compatible with criteria including the character of the site and its surroundings, traffic, parking, road safety, drainage, the landscape and local amenity. These criteria remain relevant to the consideration of allocated sites under the Rural Allocations DPD.

The NPPF requires the planning system to deliver sustainable development, firstly through development needing to be located within a demonstrably sustainable location with safe and reliable access to a range of economic, environmental and social facilities and infrastructure and secondly for the proposal to show how it contributes to net economic, social and environmental benefits to the immediate site and adjoining settlement. This requires a balanced judgement between impacts and benefits. In established towns and villages, the principle of sustainability is recognised and accepted through access to services and facilities. In allocating this site through the Rural Allocations DPD, Stoke Fleming has been considered at the time capable of accommodating sustainable development.

In the emerging Joint Local plan (JLP), the settlements with settlement boundaries differ from the existing Local Plan boundaries as defined in the Thriving Towns and Villages Settlement Boundary Topic Paper, but the principle of sustainable settlements remains the same, predicated on locating development where there is access to services, facilitates and amenities and avoiding development outside these areas, which is necessarily more reliant on the car for accessing such facilities. All proposals should strive to meet the policy requirements of STP1 and STP2, for settlements, criteria in policy TTV2 and in the countryside, criteria for policy TTV31.

The job of allocating sites in defined sustainable villages is down to Neighbourhood Plans (NPs). The Stoke Fleming March Pre-Submission Draft Neighbourhood Plan 2017 identifies the site for Local Green Space. Other sites are proposed to accommodate somewhere in the order of 30 dwellings.

Representations have been received that the proposal is contrary to emerging policy and reliance on the Rural Areas Site Allocations DPD which pre-dates the NPPF and the NPPF states that decision taking should be genuinely plan-led, empowering local people through Neighbourhood plans.

Weight can be afforded to relevant policies in emerging plans where there is reasonable evidence to show that the emerging plan reflects the wishes of the community and does not conflict with national or strategic local policies.

While the initial draft NP appears to accord with the Rural Allocations, the latest draft does not, in as much as allocation RA22 is replaced by a Local Green Space allocation. In such circumstances, as with the JLP, the Stoke Fleming NP is not at a stage where it can yet be afforded significant material weight. The Neighbourhood Planning Act 2017 requires a LPA to have regard to a post-examination neighbourhood plan when determining a planning application. The Stoke Fleming NP is not at this stage.

In respect of the application site and the Thriving Towns and Villages Settlement approach, the crucial aspect of any development proposal is whether it delivers sustainable development as defined by the NPPF. Settlement boundaries help to understand what is required to deliver sustainable development, but the line itself should not be used to pre-determine the assessment of a proposal. Walking

distances to available services are within those applicable, which using a broad 800m or 10 minute walking threshold and the site remains sustainable under this criteria.

Housing need and housing supply are important considerations. There is presently an acknowledged shortfall in the 5 year supply of deliverable housing land.

Para. 49 of the NPPF states that that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Following guidance from the most recent Supreme Court judgement on how to interpret paras. 14 and 49 of the NPPF, from the case of Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and other v Cheshire East Borough Council, the general effect is reasonably clear:

In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise.

There are two threads to this. The first thread, *whether the benefits are “significantly and demonstrably” outweighed by the adverse effects*, will be assessed against the specific policies in the framework below.

The second thread refers to *‘where “specific policies” indicate otherwise’*. Footnote 9 gives examples of such specific examples and this includes the AONB.

Para.115 of the NPPF states that:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Paragraph 116 of the NPPF states that:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

The proposed development of 19 houses on the edge of Stoke Fleming is not considered to be major development.

Para 115 does not rule out development in the AONB, however great weight should be given to conserving its landscape and scenic beauty. The impact on the AONB will be considered later in this report and weighed heavily in the planning balance.

Design/Landscape:

The application is in outline with approval only for access sought at this stage, with all other matters reserved for future consideration. As such no detailed design approval is sought. Nevertheless, it is recognised that 19 dwellings would have a significant potential landscape impact and the illustrative material demonstrates likely impacts and a landscape assessment has been made.

This is important given that the land and village is within the South Devon Area of Outstanding Natural Beauty (AONB), a designation of National importance. The application is assessed with regards to the potential impacts of 19 dwellings on local character, including on the character of the South Devon

AONB. The boundary of the Conservation Area (CA) and CA buffer zone are nearby and impacts are also considered.

Para 115 of the NPPF requires great weight to be afforded to conserving the landscape and scenic beauty of the AONB. Policies DP2, DP6, CS7 and CS9 consider local character and visual amenities and seek to safeguard CA's, including impacts on their setting.

Objections have been received on character grounds, including AONB impacts.

The local planning authority (LPA) is required to take the necessary action to ensure that the natural beauty of the AONB is conserved and enhanced. The recently adopted South Devon AONB Partnership Planning Guidance for the South Devon AONB is a material consideration and the views of the AONB Unit are summarised under 'Representations' above.

The Design and Access Statement decries the illustrative layout and includes a Landscape and Visual Appraisal (LVIA) which addresses issues of impacts on the AONB.

Stoke Fleming's position on south east facing sloping ground, enclosed by low ridges, means that the site is not unduly visible in long range views, seen in the context of existing built development in many views.

While the application site lies outside the boundary of the CA, it is presently undeveloped and the green space provides a buffer which is considered to be a positive factor in the setting and character of the village and CA.

The application site is to be accessed at two points onto School Road, involving breaching the existing walls. There is housing development to the east, the local primary school to the north, garages to the south and a converted barn and bungalow beyond to the south-west. Thereafter the majority of the western boundary borders open countryside.

The application Design & Access Statement (D&AS) includes a heritage Statement and the application is accompanied by an archaeological assessment.

The Grade II Listed village Church of St Peter lies to the south of the site and the church tower is visible from the southern end of School Road. Stoke Fleming Conservation Area (CA) is close to the southern end of the site. While only illustrative, a two storey development of similar grain and palette of materials as the development on the east side of the road will have no undue impact on heritage assets, including the setting of and views to/ from the Grade II Listed Church or the setting of the CA.

Illustrative plans show the boundary wall to be replaced and Historic England recommend its retention. The heritage issues need to be balanced against the highway safety considerations.

Notwithstanding expressed concerns, the proposal is not considered likely to have a significant impact on the character of the AONB, which can be preserved and is considered to be consistent with the aims of AONB planning guidance and capable of compliance with Core Strategy, Policy CS7 and CS9 and DPD Policies DP1, DP2 and DP6.

Neighbour Amenity:

A number of representations have been received regarding the potential impacts of the development on neighbouring amenity. The nearest property, a converted barn, is close to the south-western boundary of the site. There are houses on the opposite side of School Road. The application land is not flat, but there are no significant changes in level. Despite expressed concerns, including about noise, about likely mutual visibility impacts in terms of privacy and overlooking, distances are such

that no undue impacts would be likely to necessarily arise and certainly none that could not be controlled through reserved matters.

The Design and Access Statement attempts to address issues surrounding the impact of the illustrative layout in terms of the principles of safeguarding mutual privacy between proposed and existing occupiers, minimising overlooking and ensuring suitable natural surveillance of public areas for security reasons.

The loss of a private view has been held not to be a material planning consideration and no loss of outlook occurs from School Road given the distances involved. While some of the amenities of the converted barn are derived, to some extent, from across the application land, a layout is possible to safeguard amenities, details of which will be considered at the reserved matters stage.

It is accepted that layout is reserved and such issues would be considered in detail at the reserved matters stage. There is capacity within the site to accommodate development which faces towards School Road without undue privacy issues arising for occupiers on the opposite side of the road. Care will need to be taken in the layout towards the south-western end of the site in particular, where the converted barn in particular is close to the boundary of the site.

Accordingly, no undue neighbour amenity issues arise which would preclude development and the proposal is not in conflict with policy DP3.

Highways and Access:

Details of access are sought at this stage. There are two access points proposed, both direct onto School Road, one serving the intended affordable units and one serving the age-restricted housing.

The illustrative layout shows no link internally within the development. Whether this is acceptable will be progressed through a reserved matters submission.

There are local concerns about access and highways safety generally, associated with the accesses and with the additional traffic and possible perceived congestion that might occur, both outside the site and at village junctions. These are summarised in the Representations section and can be viewed in full online.

Residents are concerned at congestion in the village and impact of further traffic on vehicular and pedestrian safety within proximity of the school and at junctions in the village

The application is accompanied by a Transport Statement (TS) which seeks to demonstrate that safe and suitable access is achievable from School Road. The projected trip rates for a development of this scale will not impact unduly on surrounding roads or highways safety.

The Highway Authority consider the traffic numbers generated and associated impacts, at a maximum of four two-way trips during AM and PM peak hours, to be small.

The existing highway is considered to operate safely and efficiently and the proposed development will not impact unduly. Having regard to the requirements of the NPPF no severe impacts arise. Safe visibility can be provided and provision is made for safe pedestrian movement across school Road and to the primary school.

The illustrative scheme shows shared surfaces, pedestrian access to each dwelling and two off-street car parking spaces for each dwelling. While matters are reserved, it is considered an acceptable and safe development can be secured at reserved matters stage to accord with policy DP7.

In relation to the Highway Authority's recommended conditions, three are included, but the fourth, for no mud, stones, water or debris to be deposited on the public highway at any time, is considered to be unenforceable. However, issues can be addressed through the CEMP.

Ecology and biodiversity:

The application is accompanied by a Phase 1 Habitat Survey and Bat Survey. The majority of the site is pasture with little ecological value. The boundaries provide the greatest value and notwithstanding the access points, there is potential for reinforcement of the western hedge and further mitigation through the provision of bat and bird boxes.

The site lies within the Cirl Bunting consultation zone. The pasture is not preferred winter or summer habitat and no specific measures are required.

Residential use, with the activity and night time lighting can impact adversely on species and habitats.

Subject to compliance with the recommendations of the reports, impacts can be adequately mitigated in accordance with the requirements of Policy CS10 and Policy DP5.

Drainage and flood risk

The site lies outside of an area of high flood risk within flood zone 1, land at the lowest risk of flooding. As such, while there is a very low risk to life from flooding on the site any run-off from the site could lead to an increased risk of flooding elsewhere and could impact the water table.

There would appear to be capacity to accommodate run-off through a SuDS scheme to prevent any increased risk of flooding elsewhere and in these circumstances no in-principle objection is raised on drainage and flood risk grounds.

South West Water raise no objection and Devon CC as Strategic Flood Authority have no in-principle objections from a surface water drainage perspective, subject to recommended conditions.

Contamination:

The application is accompanied by a ground investigation report which reveals no significant contamination to be present. Environmental Health officers recommend conditions regarding unexpected contamination the need for a Construction Environmental Management Plan (CEMP).

The Planning Balance

In the absence of a 5 year housing land supply paragraph 49 of the NPPF requires this authority to determine housing applications in accordance with para 14 of the NPPF, but tilting the balance in favour of the development. Notwithstanding this, the site is currently allocated for the development of 20 dwellings

Para 14 sets out two criteria:

The first criteria is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is necessary then to balance the benefits against any harm when assessed against policies in the Framework as a whole:

Benefits of the development:

Provision of 13 new market houses

Provision of 13 homes designed for 'later life living'

Provision of 6 affordable homes within the village, adjacent to the primary school and well related to the village so as to be socially integrated

Economic benefit to the local economy during construction

Economic benefit to the local economy through added spending and use of facilities by new residents.

Support for local services such as the pub and school to maintain their viability and thus the sustainability of the village as a whole.

Significant adverse Impacts of the development:

None

The second criteria is that planning permission should be granted unless specific policies in the NPPF indicate development should be restricted.

Para 115 of the NPPF is a potentially restrictive policy giving great weight to conserving landscape and scenic beauty in the AONB. This policy however does not preclude development itself (as in para 116), the test here is giving great weight to conserving the AONB.

It has been judged that the proposed development will conserve the landscape and scenic beauty of this part of the AONB.

On balance it is considered that the benefits of the development outweigh any harm and as such the development is sustainable.

It is recommended that conditional planning permission be granted.

Other Matters

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries
SHDC 10 Access Housing

Guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) include consideration relating to housing provision, design and the protection of landscapes, including national protected landscapes.

The Countryside and Rights of Way Act 2000

Planning for the South Devon AONB: Planning Guidance Version 1 (South Devon AONB Partnership)

LDF Rural Areas Site Allocations Development Plan Document 2011

Stoke Fleming Draft Neighbourhood Plan

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT13 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
TTV29 Site allocations in the Smaller Towns and Key Villages
TTV30 Empowering local residents to create strong and sustainable communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV18 Protecting local shops and services
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV37 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed conditions in full

1. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (i) the expiration of three years from the date of the grant of outline planning permission; or if later
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
- (g) all other works including walls fences means of enclosure screening;
- (h) the location, extent and layout of open spaces;
- (i) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

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

3. The development hereby approved shall in all respects accord with drawing numbers xxx (the drawings associated with this application).

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

4. Prior to their installation details / samples of facing materials, roofing materials and all surfacing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

5. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use. Thereafter the boundary detail shall be retained and maintained.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

6. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

7. No part of the development, other than a temporary access road and public highway junctions, hereby permitted shall be commenced on-site until the full results of a groundwater monitoring programme, undertaken between March 2017 and the end of March 2018, has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on this site is an appropriate means of surface water drainage management.

8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk and Drainage Statement (project Ref. 17.03.069; Rev. 02; dated 20th June 2017).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

10. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

(i) All trees and hedgerows to be preserved should be marked on site and protected during any operations on site by a fence. (ii) No fires shall be lit within the spread of the branches of the trees (iii) No materials or equipment shall be stored within the spread of the branches of the trees. (iv) Any damage to the trees shall be treated with an appropriate preservative. (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

11. The recommendations, mitigation and enhancement measures of the Ecological Report, by Joseph Lane dated March 2017 (Revised 06.07.2017) shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

12. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development

13. No part of the development hereby permitted shall be occupied unless and until the visibility splays and footpaths as approved have been laid out, surfaced and in all other respects completed to the satisfaction of the local planning authority. Once completed, the visibility splays shall be retained and maintained free of all obstruction over 1m high at all times.

Reason: To provide adequate visibility from and of emerging vehicles and in the interest of highway safety.

14. Prior to the commencement of development hereby permitted, a construction environmental management plan (CEMP) shall be submitted, detailing measures to mitigate or reduce the impact of the construction activities. This plan shall detail hours of operation, methods of controlling noise from construction activities, a dust impact assessment and mitigation assessment. Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be

carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

16. The dwellings hereby approved shall not be occupied until the parking, servicing, garaging areas relating to them in accordance with drawings that shall have been previously submitted to and approved by the Local Planning Authority have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: In the interests of the visual amenities of the area and the safety of road users.

18. No part of the development hereby permitted shall be occupied until the approved off-site highway works have been fully implemented and completed.

Reason: In the interests of the safety of pedestrians and road users.

19. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Classes A and B including gates, fences, walls or other means of enclosure and means of access shall be erected or constructed between the buildings and the estate roads unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

20. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes B, C, D and F of the Order, including the erection of porches, dormers and roof alterations, shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area, to ensure adequate space about the buildings hereby approved, to prevent the increased risk of flooding elsewhere and in the interests of amenity.

21. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) An arboricultural Impact Assessment and Method Statement detailing the location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;

(ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping. The scheme submitted shall be fully implemented

(a) in the planting season following the substantial completion of the development

(b) in tandem with each phase of the development as set out under condition above, and must be implemented not later than the planting season following the completion of each phase and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local

Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

22. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) A landscape and ecology mitigation and management plan

Reason: To protect and enhance the visual amenities and biodiversity of the site and locality.

INFORMATIVES

1. Proactive from 1 December 2012

This authority has a proactive approach to the delivery of development. Early pre application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. Responsibility for compliance

The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

3. Not Householder Discharge informative

If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £97 per request. Application forms are available on the Council's website.

4. Highways and Drainage

For the avoidance of doubt, condition 6 does not preclude the implementation of off-site Highway Works, as shown on Drawing No. Figure 4.1 (Titled Proposed Site Access Arrangements and Visibility Splays; Rev. ; dated 10th April 2017), shall not be affected by this condition.

In seeking to discharge drainage conditions the applicant is advised to refer to Devon County Council's Sustainable Drainage Guidance.

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PLANNING APPLICATION REPORT

Case Officer: Ian Sosnowski

Parish: Brixton **Ward:** Wembury and Brixton

Application No: 1593/17/VAR

Agent/Applicant:

Mr J Brindley
Cmyk (Planning & Design)
6 The Gavel Centre
Porters Wood
St Albans
AL3 6PQ

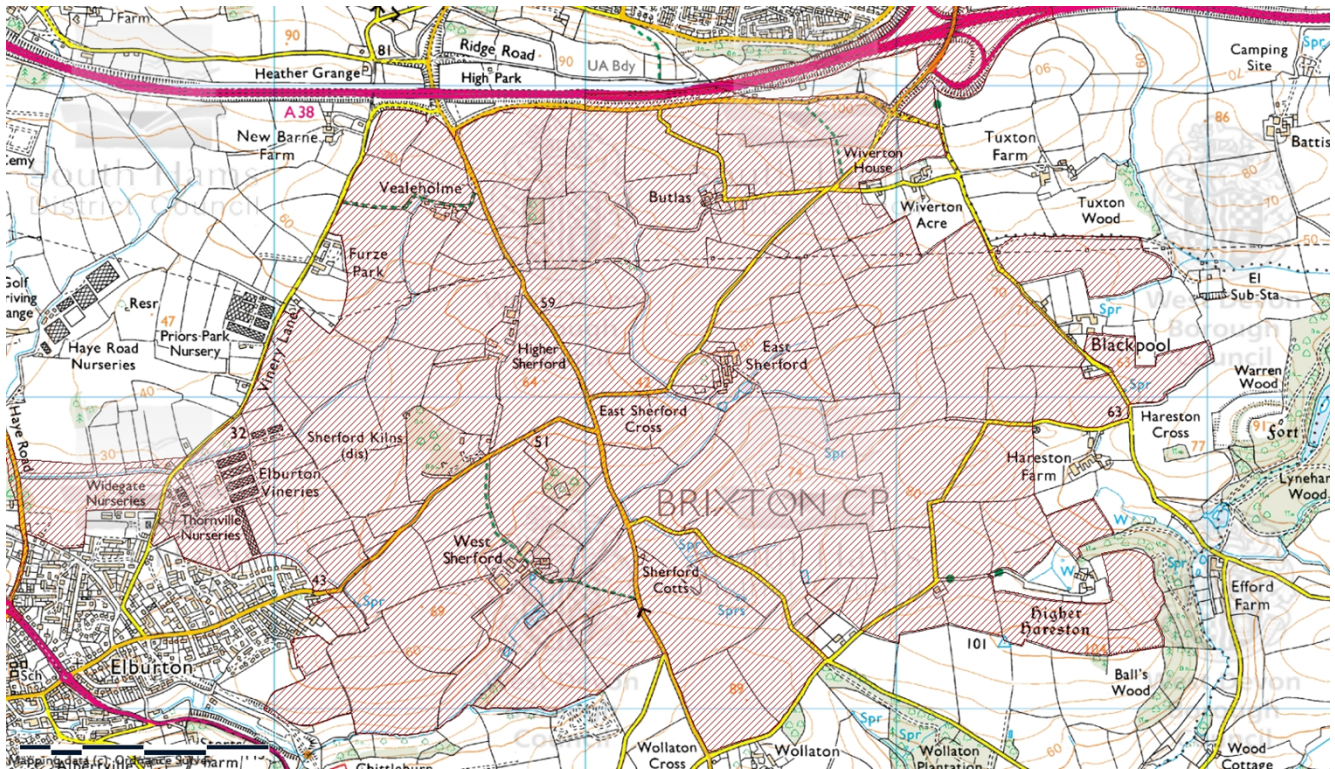
Applicant:

Sherford New Community Consortium
C/O Agent

Site Address: Sherford New Community - Land South/South West of A38, Deep Lane and East of Haye Road, Elburton, Plymouth

Development: READVERTISEMENT (Revised Document Received) s73 application to remove/vary conditions 2, 5, 6, 16, 20 and 21 of PCC outline planning permission ref. 16/00247/OUT and conditions 3, 6, 12, 14, 17, 26 and 57 of SHDC outline planning permission ref. 0484/16/VAR relating to the 'Sherford New Community', including amendments to documents as listed within the approved drawings conditions in respect of the Town Code and Sustainability chapters

Reason item is being put before Committee: At the request of the Ward Members due to the significance of the amendment to the Sherford scheme (which had originally been considered by the Development Management Committee)



Recommendation: To delegate authority to the COP Lead Development Management, in consultation with the Chairman of the Development Management Committee to grant conditional approval subject to cross border S106 with Plymouth City Council and Devon County Council, and to;

1. Agree to minor alterations and corrections of typological errors within the submitted documents;
2. Make minor alterations to the planning conditions; and
3. Refuse if S106 is not signed within agreed timescales

Conditions

1. Original outline conditions imposed on 0484/16/VAR reiterated, plus amendments to reflect revised documents (see below);

Informatives

1. Documents and Plans (amended to reflect revised documents)
2. DRN Plans (amended to reflect revised documents)
3. S106
4. "Neighbourhoods"
5. Pro-active

S106 Obligation

1. Supplementary
2. Design review contribution

Key issues for consideration:

The main issue for consideration relates to detailed design, and whether the relaxation of the detailed requirements of the original Town Code and its design review processes, would undermine the ability to achieve high standards of design at Sherford. The planning application seeks to replace the existing Town Code with a set of site wide principles incorporated into a revised Town Code, and this will become the means of informing the next stages of the design process. The loss of restriction will enable greater levels of architectural freedom, which would also improve the efficiency and realisation of delivering 5500 houses. However, it is necessary to ensure that this is not at the expense of good design, and indeed the vision for delivering a successful new community.

Financial Implications (Potential New Homes Bonus for major applications):

There are no direct financial implications of this application, but it is noted that the overall Sherford scheme will benefit from New Homes Bonus. Under the current arrangements, this could potentially be in excess of £27m over the life of the development. There is also a S106 obligation that ensures that the development is acceptable in planning terms which delivers in the region of £110m of infrastructure.

Site Description:

The application site covers 490ha of greenfield land to the south west of Deep Lane junction and to the north west of Elburton within Plymouth. The site straddles the administrative boundary with Plymouth City Council, and is bound by the A38 to the north, and Vinery Lane to the west. Brixton and the A379 lie approximately 3km to the South. With the exception of some former nursery glass houses to the west, and existing farm buildings, the site is mainly agricultural land. Outline planning permission exists for the development of the "Sherford" new community and a full description of the site is set out in the officer's report under references 06/02036/OUT and 7_49/2426/06/OUT.

Members will no doubt be aware that development at Sherford started in November 2014 and construction work for some 240 dwellings and infrastructure are currently taking place on site.

The Proposal:

The application proposes to amend the manner in which the Sherford development is brought forward, by seeking to amend a number of the 'approved plans' that were granted as part of the original outline planning permission. The 'accord with plans' condition is proposed to be varied, alongside other consequential conditions which refer to the relevant documentation, to allow the development to be implemented in accordance with these new control documents. If granted, a new outline permission will have effectively been granted, which sets out the alternative framework for shaping the reserved matters that come forward.

Comments raised by Officers during the initial consultation period for this application have resulted in revisions to the submitted documents, and receipt of these amended versions were re-advertised for 14 days up to the 21st July.

A further revision was received on 13th July following further discussions with Officers. The application description set out in this report relates to the revised documentation.

The amendments being sought can be categorised as;

Sherford Town Code

A new Town Code document is proposed to replace, in its entirety, the currently approved Sherford Town Code which Members will be aware was prepared on behalf of the then applicant by the Prince's Foundation for Building Community. The Town Code forms part of a two tier design code, and provides the design language and framework for future designers to work to when preparing reserved matters. The applicants propose an alternative approach in which design is governed at the outline stage, by replacing the current Code with a series of town wide 'principles'. The approach is to permit greater design flexibility within a detailed set of site wide principles, rather than being dictated by a number of prescribed rules. The revised Town Code also proposes that the second tier of design coding will be replaced with Neighbourhood Design Codes, and that these will be developed for a specific neighbourhood area at the appropriate time in the development programme. Neighbourhood Design Codes will replace the existing process, which involves Detailed Design Codes, when it comes to developing the detailed composition of each neighbourhood.

Copies of the existing and proposed Town Code are able at Appendix 1(a) and (b) (existing) and Appendix 2 (proposed), to allow Members to see the how the two documents differ;

Sherford Review Panel (SRP)

The applicants also propose to remove the SRP from this process. The SRP is currently the body, made up of design experts, whose role it is to determine whether the submitted Detailed Design Code complies with the Town Code. The alternative approach being sought by this application is that the Neighbourhood Design Codes will require approval directly by the Local Planning Authority via a planning condition.

Sustainability

The application at the point of submission also sought to amend the section "4.d Resource Efficiency of the Built Form" from the original Masterplan. During the determination of the application, it was requested by the applicants that this amendment be removed from the proposal to allow them to consider further the nature of the amendments being sought. The terms of the original consent in this respect will therefore continue as originally approved.

Consultations:

Devon County Council

Overall the County has No Objection to the proposed design code document, although it is noted that the submitted document is no longer as prescriptive as the previously agreed Code and provides less control over the internal design. The consent granted for this development is conditional upon a series of surface water, environmental management, archaeological and highway conditions. A number of observations relating to the submitted document and the impact on the detail and control of the street design, parameters and materials are noted.

Devon and Cornwall Police – Police Designing Out Crime Officer

No objection to the submitted documentation which states that each phase at Sherford will be designed to 'secure by design' standards (or equivalent).

Further comments have been received following receipt of the revised documents that relate to car parking, and highlights how improperly considered layouts in this respect can lead to chaotic street scenes. The comments also recognise that spaces situated too far away from dwellings, as well as insecure parking courts, can also exacerbate chaotic parking outcomes as people choose to use highway or pavement spaces.

Environment Agency

No objections to the removal/variation of conditions as proposed in respect of the town code and sustainability chapters.

Historic England

No detailed comments to make. Refer to local specialist advisors.

Brixton Parish Council

The Parish supports the variation in principle but raise a number of issues to be addressed in the subsequent amendment, with consultation with the community, later in the year.

The following more detailed comments have also been raised in respect of the revised Town Code;

- Parking – welcomes the options presented within the Town Code, and accepts that car parking needs to be adequately provided within new developments. However, they have concern with 'option 2' stating that end-on-end parking is not acceptable.
- Renewable Energy and construction standards – welcomes any changes to the energy strategy through improved building technology. The Parish would also wish to see 100% of construction waste being recycled.
- Neighbourhood Design Codes – should include a requirement that civic buildings are included in such documents.
- Better clarification is sought in terms of the location and quantity of Civic Spaces, the Land Use Strategy, Green Strategy Plan, Urban Parks, Semi Natural Green Space, Community Park.
- Further more specific comments relate to apartment blocks which should be located near to open spaces, and should be allowed to have balconies as well as dwellings to have gardens. Civic buildings need to be multi-purpose and used flexibly. Shop front design should also stand the test of time.

Representations:

Two letters of representation have been received. The first is from the Prince's Foundation for Building Community who make a series of very detailed points relating to the revised approach to the Town Code. In summary, the Foundation object, on the basis that the amendments have the capability to erode the ability to control the form and quality of development at the detailed design stage, and cite examples of other large scale developments where this has happened. The objection therefore highlights the differences between the original Codes' intention as a regulating document which is less

open to abuse/dilution, against the current application which they feel would be open to interpretation – and something that they highlight will be difficult to monitor without the Sherford Review Panel, to help raise the bar in terms of quality.

The objection letter highlights that the revised Code is visually very similar in content, but that its ability to deliver is insufficient because firstly, a rigorous process of agreeing Detailed Design Codes and review is being removed, and secondly, because of the level of prescription in the individual topics that has also been taken out. The detailed critique raises concerns about the proposed text in relation to; principles for Neighbourhood Structure; Key Spatial Features; Building Heights Strategy; Green Structure; Community Park; Street Trees; Street Lighting; Private Frontages; Block Types; Building Types; and Sustainability and Energy features. It is suggested that the removal of detail from these sections, particularly the Building Types and materials section, will make it difficult to secure better than standard products.

The Foundation also suggest that now is the wrong time for a review, and suggest that a better understanding of the evidence to justify such a major change away from what has been consented is required.

The second letter of representation has come from Red Tree, who were the original promoters of the site, and who also object to this application. Red Tree state that exceptional design was a critical component of the proposal to develop Sherford and to overcome local opposition, and was therefore a key focus of many years of work and investment. They question why this is all being sacrificed so early in the development.

In terms of the proposed Code, it is suggested that by removing all of the prescription, there is no reference point, or clear set of rules in which to guide proposals and enforce against when the next level of design work takes place. They highlight a number of areas where the prescription is removed, notably street scene, trees, set-backs, parking, roof pitch, building materials, window openings, ceiling heights, distribution of mandatory retail, build types etc, but do not highlight everything they believe to have been stripped out. Red Tree suggest that it would be better to address, specific issues individually within the context of the current Code framework, rather than by making such fundamental changes.

Red Tree also suggest that removing the SRP will mean that a dedicated body that can advise both developers and the LPA on design will be lost. It also questions whether the Councils have the resources and skills on this complex matter, to be able to deliver high quality design outcomes particularly if much of the prescription is lost.

All letters of representation and consultation responses are available to view on the Council's website.

Relevant Planning History

Within the application site boundary there have been a range of planning applications for agricultural and householder proposals, none of which have any bearing on this development and are not relevant for the purposes of determining this application.

The relevant planning history for the application site within the Plymouth area is as follows:

05/01790/ESR10 – New Community at Sherford (including approximately 5500 residential units) – request for a scoping opinion for EIA - Discharged 07/11/05

06/02036/OUT – Sherford New Community (see 06/02036/OUT for full development description) – Conditional Approval

16/00247/OUT – Variation of condition 1 (approved plans) of application 06/02036/OUT (which was EIA development & accompanied by an Environmental Statement) to amend sections of main street details with revised layout and junction arrangements – Conditional Approval

The relevant planning history for this application within South Hams is as follows;

7_49/2426/06 – Conditional Approval for “Sherford” New Community (see application for full development description).

0484/16/ARM – variation of conditions 3 &99 (approved drawings) of 7_49/2426/06 (an EIA development and accompanied by an Environmental Statement) to amend sections of main street details with layout and junction – Conditional Approval

ANALYSIS

Procedural

Section 73 (S73)

1. The application has been submitted via Section 73 of the Town and Country Planning Act, and a number of comments have been raised that question the appropriateness of dealing with variations of this significance through this route. Officers have however been mindful of the Government’s guidance on this and recognise that the purpose of S73 applications is to allow applicants to propose material amendments to permissions by focussing on just those elements that need to be reassessed without reopening the overall principle of the permission. S73 can only be used where there are conditions that can be amended, and where the overall nature and scale of the development does not change. As the overall scale (ie. 5500 dwellings), its basic composition, and red line location are not affected, Officers are satisfied that the amendments which affect ‘how’ the development is brought forward can be done this way. The legal effect of a S73 permission is that a new standalone permission is granted, albeit on the different terms which are subject of this application. Public consultation is the same as if it were a normal planning application. Applications made under S73 only allow the matters being amended to be considered by the Local Planning Authority – all other elements of the proposal will remain as consented.

2. Government guidance on the use of planning conditions (NPPF para 203) states that “*otherwise unacceptable development could be made acceptable through the use of conditions*”. It follows therefore that any application to vary a condition is effectively an assessment by the decision taker to re-evaluate the terms in which the permission was originally considered to make it acceptable.

Environmental Impact Assessment (EIA)

3. The outline application was subject to an EIA, and was accompanied by an Environmental Statement. A screening Opinion has been undertaken, as this application seeks to modify an EIA development within the meaning of the Regulations. However, it has been concluded that the proposals do not introduce any new issues that are not already covered through the outline Environmental Statement and accordingly further Environmental Information is not necessary, and a revised ES is not required.

Plymouth City

4. The Sherford outline scheme compromises development that falls within two local authority areas (approximately 90% of the scheme falls within South Hams). As the principal consent was a cross border application, this amendment must be made to both Local Planning Authorities. Therefore an application has also been made to Plymouth City Council under reference 17/00998/S73.

Strategic Context

5. The adopted policy framework supports the principle of an urban extension in this location, and outline planning permission exists through the grant of outline consents 06/02036/OUT and 7_49/2426/06/O. The Sherford development is also allocated in the emerging Plymouth and South

West Devon Joint local Plan, as Policy PLY48. This policy reiterates the development principles for the new community, which is a significant component of the housing supply to meet the needs of the Plymouth Policy Area and the Joint Local Plan area as a whole.

Revised Town Code

6. A Design Code is primarily a tool that can be used within the planning and design process to set the rules for the design of new developments. They are often used as a means by which the aspirations for quality and quantity of new, often large scale projects can be realised by operationalising design guidelines or standards. A Design Code is therefore a tool which helps inform subsequent detailed design. This is often essential to ensure consistency of design across a site where there are multiple developers delivering developments over many years. It is important to note that the Code does not just provide guidance for the appearance of buildings, but also informs how most of the urban fabric should be brought forward, such as the roads and open space.

7. The need for a Design Code was a requirement of the North Plymstock Area Action Plan (AAP) policy NP06(6) and Sherford AAP policy SNC3 to secure the commitment to high quality design following the original Masterplan Enquiry by Design process led by the Prince's Foundation. The policy framework envisaged a two tier process, and the original Town Code was submitted as the top tier document to form part of the outline planning application. Delivering high quality, good locally distinctive design within the new community has been reinforced in the emerging JLP at Policy PLY48, and this is supplemented by Policy DEV10 and DEV20 which seeks to reinforce quality within the built environment.

8. The application proposes to replace the content of the approved Town Code with a set of 65 'Town Wide Principles', and these will become the new standards that inform the way in which design matters across the whole site will be shaped going forward. This is significantly different in approach to the current Town Code, which was intended to be much more prescriptive and instructional in the way it imposed requirements for architectural and development styles. It is noted that in terms of style, the original Town Code steers designers towards a more traditional form of architecture predominantly found in urban environments and typical of the new towns developed during the 18th and 19th Century. There are no hard and fast rules setting out what a Design Code should be and what form it should take, and the original Town Code was unique for this type of development, particularly in the way it set out a very precise set of regulating and legislative rules being included as part of the outline stage. The intention was to provide certainty to all parties and to avoid uncertainty on detailed design matters, but the current applicant considers this results in inflexibility and also makes the process of agreeing any departures cumbersome.

9. The proposals seek to remove much of this pre-determined prescription, in favour of these site wide key principles, to enable much more architectural freedom to develop other styles throughout the site. The implications of this, could for example, mean greater choice in the style and character of buildings that are delivered, as well as allowing more flexibility over the choice of materials and construction methods. This would allow more flexibility to enable the scheme to adapt and evolve to changing practices/regulations, as well responding to market conditions such as saleability, and materials availability, over what is likely to be a 20-30 year build period. This in turn is intended to ensure that development can continue uninterrupted.

10. The landscape in which Government has prompted design through the planning system has also changed somewhat since the original application was put together. The NPPF at paragraph 56 reiterates the need to attach "*great importance to the design of the built environment*", but more specifically at paragraph 59 goes on to say; "*local planning authorities should consider using design codes where they could help deliver high outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, materials and access*". The NPPF also goes on to say that "*decisions should not attempt to impose architectural styles or particular tastes and they should not stifle*

innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”.

11. The National Planning Practice Guidance (NPPG), particularly in relation to its advice around design coding provides this advice *“To promote speed of implementation, avoid stifling responsible innovation and provide flexibility, design codes should wherever possible avoid overly prescriptive detail and encourage sense of place and variety”.*

12. It is also important to note that the Coding document is a tool for shaping the subsequent detailed design stages. Decisions on detailed design will ultimately come at the point in which reserved matters are submitted, and therefore there is still the opportunity to turn away unacceptable proposals if they come forward at that stage.

13. In policy terms, the aspirations of the proposed document would meet the requirements of both the adopted policy and that of the emerging JLP. The question surrounding this alternative version really therefore comes down to the acceptability of the overall perception of increasing flexibility governed by a set of principles, and whether this can still guarantee delivery of the high quality design aspiration. The Prince’s Foundation, the authors of the original Code, challenges the LPA’s ability to control design proposals without predefined mandates, as principles, they suggest, are open to interpretation and therefore fall to a subjective opinion at the time a decision is taken. This they argue should be seen as an attempt to water down the scheme, and in turn throws into doubt whether they would still want to endorse the project. The second letter of objection, from the original site promoters, reiterate similar points. Mindful of the guidance referred to above, this is really a matter of balance, and whether it is appropriate to dictate precise design requirements at this outline stage, and indeed whether or not the vision will really be undermined by being less prescriptive at this point in time. Providing that the town wide principles within the revised Town Code that are being proposed are sufficiently clear at this stage, and can properly guide the next level of design work, it could actually be considered that greater levels of freedom would be better for all of those users of the Code.

14. There have been no individual representations from the public in respect of these amendments. Brixton Parish Council raise a number of observations, some which are addressed below, but are generally supportive of the route this application proposes. Comments relating to the red line boundary, Main Street, Connectivity to the A379 and A38 and wider footpath areas are not considered to be relevant to this application. This is because they are aspects that are already covered by the outline planning permission and are not being reassessed within the documents seeking to be varied.

The Site Wide Town Principles

15. The submitted document runs into 77 pages, and in total there are 65 ‘Town Wide Principles’ which will effectively control and shape the future design stages. In general, the document does not change the fundamental principles established by the original Code and Masterplan; for example, the town plan principles (Principles 1 – 12), neighbourhood structure (Principle 13), key fixes diagram (Principle 16), land uses strategy plan (Principle 22) and density requirements (Principle 23) maintain continuity as to what was originally set out. The key plans still form part of the approved Masterplan book, as well as being referenced within the planning permission. It was however, originally intended by the applicants, that the revised Code would only cover those headline topics, in favour of leaving much of the detailed guidelines to be provided through the 2nd tier stage. Officers felt that this was unacceptable, and have sought to return many of the original headline topics, to ensure adequate levels of detail have been included to achieve sufficient benchmarking for each heading. As outlined earlier, broad principles can be open to wide interpretation, and therefore it has been appropriate to ensure the principles are supplemented with supporting guidance or standards to clarify and inform subsequent stages of design where necessary. The applicants have been forthcoming in addressing the concerns raised by Officers, and many of the topics and information contained within the previous code, reappear in their original or similar form in the proposed document. Whilst the application should be considered on its own merits, the document does cover a range of component topics, all of which would influence and shape the character of the place, including guidelines for informing, street design, civic spaces,

building heights, open space, block types, private frontages, parking and building character, as well as guidelines on material palettes, and these are based on the same themes as the original Code.

16. The detailed comments that have been received suggest that there are several key omissions from the original Code that are not now included within the submitted documents. It is however noted that these comments were based upon the initial submission. The version that is now proposed seeks to overcome these omissions by providing guidelines on those key Sherford features. In this respect; Legibility has been provided at Principle 14; Street Design provided at Principle 17, 18 and 19; Greenways and Semi-natural Greenspace, Civic Spaces and buildings at Key Principle 21, 25, 26, 27, 28, 29, 30, and 54; Land use Strategy at Principle 22; Energy and Resource Efficiency at Principle 58, 59, 60, and 61; Private Frontages at Principle 43; Parking at section 2.19; Utilities, and Servicing and refuse at Principle 44 and 57. It is also noted that a number of the omitted details do not necessarily need to be covered within the Code, as these are also included within the S106 and planning conditions. This is relevant in terms of the key plans such as the Key Fixes diagram, and Land use strategy which, as stated above, as well as the phasing plan, are already referenced elsewhere within the outline permission, whereas Street Tree's, Open Space specifications, Lifetime Homes are detailed within the S106. A number of the points raised by the Parish Council, are also relevant in this respect, as the S106 provides the framework for what should be delivered in terms of quantum.

17. It is also recognised that some of the topic areas of the original Code are no longer appropriate to regulate. Standards for street lighting, a function that is undertaken by the highway authority specify what is required (therefore this is not within the developers gift), as too are other areas that fall within adoptable space. Therefore some flexibility to work within the requirements of the adopting authorities must also be allowed for as this is something that also changes over time. Other matters such as the Dual Use of school pitches, will ultimately be a decision for a school promoter and the education authority. The arrangements for this are covered within the S106.

18. It is however recognised that not all areas of the proposed Code follow the original intention in terms of what was envisaged by the original Code. Some of these may therefore result in a different form of development to that which was originally permitted. The more significant of these are as outlined below.

Building Height

19. The existing Town Code contains a section entitled Massing of the Built Form and illustrates the storey heights established on the Sherford Masterplan. These are identified as falling within 2-5 storey ranges. Although not expressly set out in writing, the storey heights identified on the associated plan, relate to the towns different spaces, and route hierarchies. Generally the taller buildings are reserved for the more important routes, town and neighbourhood centres, parks and town edges, with the smaller routes allowing for lower buildings.

20. It is immediately obvious that the 5 storey range within Key Principle 28 has been omitted in the proposed Town Code. Buildings of this height were envisaged to be part of the entrance gateway to the town from the eastern approach but also could relate to other streets in specific locations. It is considered that the loss of this highest parameter is acceptable. Buildings of this height are not common in market towns in the area. Whilst there are also fewer height bands proposed in the revised Town Code, the document does provide a written framework for building heights and applies these parameters to a certain space or route types. These combined changes are therefore considered to provide an acceptable framework to set the scene for the subsequent design stage.

Building Types

21. Building Types and Building Character are dealt with under the same section of the existing Town Code 91-95. Within it, it sets out: an illustrative matrix of 8 building types with images depicting examples of each type styled with formal to informal character; a series of instructions to control the degree of formality or informality of the building character for example with rules about proportion; hierarchy; the degree of enrichment; and then a series of basic specifications for each building type.

22. The revised Code covers these matters within Key Principles 45 to 54 by setting out specifications for Building Types, and rules for Building Character. It is less instructional when it comes to the building character rules for what would constitute a formal or informal arrangement though. The principles of the guidance are still included, but it can be more flexibly interpreted. Also, some of the specifications for the building types have been adjusted, or combined, and largely strip out the finer detail relating to appearance. An additional plan has been provided as an illustration of what would be required through the 2nd tier, Neighbourhood Design Code work. It shows how the formal/informal rules would be applied relative to street or space hierarchy. It is considered that although there is greater flexibility in the manner in which building types are controlled, there is still sufficient instruction to ensure that the design of buildings could be well designed according to established design rules and can contribute towards a collective sense of legibility across the town.

Materials

23. Materials are covered in detail within their own section within the existing Town Code (pages 73-77). A reference is also made within the Building Character section in terms of their hierarchy of use. The main materials section approaches materials by listing those that are local to the area and region and then looks at each building element, such as walls, roofs, doors etc. more closely. Adaptability, which includes building durability, ability to change between uses, and the sourcing and recycling of materials are also covered within this section.

24. The proposed Town Code contains an overarching principle that materials and designs should be in keeping with the character of the local vernacular and then takes excerpts from the existing Town Code to explain how the main materials are to be used in walls and roofs. Sourcing and the use of recycled materials are also included. The more detailed parts of the existing Code where this relates to the materials styles and form of building components such as rain water goods, chimneys, ventilation doors, door surrounds, vegetated roofs etc. are not included within the new code. As the application is seeking to enable greater flexibility in terms of building styles, it would therefore not be necessary to include the same level of prescription on matters such as door types or the use of heritage colours. This would be something that will need to be fixed at the 2nd tier stage of the design process, once the building styles proposed for that area are considered. The loss of prescribed detail within this section, particularly on the building materials, could also allow, for example, more efficient forms of construction.

Parking arrangements

25. The existing Town Code contained rules for parking associated with different block types (pages 116-117), but this has now been replaced within the revised Town Code with a series of parking scenarios relating to house type arrangements (page 54). In this instance the existing Town Code specifically excluded on plot parking at the front of dwellings to avoid a sub-urbanising effect on the street scene and the reduction of densities. The new Code includes a statement that requires all parking typologies to be arranged so that parking areas and their driveways are not a prominent component of the street. This addition should provide sufficient instruction to require future designers to mitigate the visual impact of vehicles. Where higher densities are required this will tend to exclude the more sub-urban arrangements anyway.

26. Given the nature of the topic, the Code is rightly of a significant size and includes large levels of technical design detail. The fundamental rules that shape the new community in terms of spatial expression are retained, and it is important that these are not lost. Clearly the main issue surrounds the loss of the finer controlling restrictions that were contained in the original Town Code, but this needs to be balanced against the longer term interests of securing the efficient delivery of 5500 homes where there may be opportunity to be flexible and reach solutions on a case by case basis. Upon receipt of the latest draft version, Officers are now satisfied that the document achieves an appropriate balance, containing sufficient clarification and certainty when it comes to the next level of design work.

27. If Members are minded to grant permission, it is recommended that delegated authority is given to the Community of Practice Lead of Development Management, in consultation with the Chairman of

the Development Management Committee, to agree to any subsequent amendments that are needed to address typographical or terminology inconsistencies that exist within the latest version.

Neighbourhood Design Codes

28. The second tier of coding is proposed to be dealt with through Neighbourhood Design Codes. The role of the second tier of design codes is to begin putting what is specified at the first tier into detailed spatial instruction for a specific area or neighbourhood. These would be typically prepared prior to Reserved Matters applications, and effectively help to provide context, and in this case, instruction to designers who are preparing these. Without such a document, it would be very difficult to deal with reserved matters applications on sites of this size as there would be no context to compare their acceptability. The Neighbourhood Design Code will replace what is set out in Part III of the original Code, in respect of Detailed Design Codes and Regulating Plans.

29. To a lesser extent, the type of information provided would be largely similar. In fact, the Neighbourhood Design Code will need to have more information in it, given that there is less prescription contained within the top tier document. To this end, Officers have sought to ensure that the Town Code includes a Neighbourhood Design Code Specification to ensure that those who are tasked with preparing a Neighbourhood Design Code are clear what topics of information are required.

30. The current Detailed Design Codes are required to go through a compliance process before a Reserved Matters application can be submitted. This process is currently set out within the S106. The Sherford Review Panel (SRP) is tasked through this process to deem whether Detailed Design Codes are compliant or not. The latest application seeks to remove this from the S106, and makes the process of agreeing Neighbourhood Codes via a planning condition which would require LPA approval, not the SRP, prior to reserved matters submission. This method does represent the more conventional approach to design coding on large developments, and therefore would be considered acceptable.

Sherford Review Panel (SRP)

31. The SRP is currently made up of officers from the three authorities as well as an independent Urban Design Specialist (currently the Prince's Foundation). The role of this body is to determine 'compliance' of the Detailed Design Codes referred to above, against the original Town Code. There is an important distinction here in that it is 'compliance' rather than 'approval', as this process set out within the original Town Code and included within the S106, was more matter of fact given the regulating nature of the original Code. As the Neighbourhood Code will involve more subjective decision making in respect of the future character of neighbourhoods, then it follows that the approval of these should be a Local Planning Authority decision. The applicants therefore propose to remove the current SRP involvement as the process envisaged by the revised Town Code no longer has a role for it. The applicants have however proposed that funding is available through the S106 to enable the LPAs to fund independent design review opinion of each emerging Neighbourhood Design Code.

32. The current approach permitted through the S106 allows for amendments to the Town Code to be made, where these have the support of the SRP. The objectors to the scheme suggest that any specific concerns that the applicants have, should therefore go through this process rather than propose wholesale changes direct to the planning authority. This way, the amendments can be validated by the independent review panel and consensus reached over the solution. This is however, not relevant to the determination of the application.

Sustainability

33. The application upon submission included proposals to amend the 'Resource Efficiency in the Built Form' chapter of the Masterplan. The applicants have chosen to remove this element of the application, following discussions with Officers, to give further consideration as to the form the amendments should take. Many of the consultation responses commented upon this element of the

application, and therefore these are no longer relevant. The application will therefore continue along the lines of that previously consented, in this respect.

34. The Parish Council have specifically referred to wording around a requirement within this chapter which states that 50% of construction waste should be recycled, and have requested that this amended to 100%. This text is actually taken from the original masterplan book and is not therefore a 'new' proposal from the developer. As the amended chapter has now been withdrawn from this application, the development would continue as originally approved.

35. The Sherford Masterplan included a section called the "Sustainability Checklist". This is predominantly a sign-posting document that assists users to locate how sustainability indicators were being addressed within the application. This will need to be amended, as it cross references the Town Code, and therefore the latest version of the Code will need to be referenced. This does not change the proposed development, and is considered a consequential amendment.

Conditions

36. If the amended documents are accepted, it would be necessary to amend the existing planning conditions to reflect the new documentation. The variations sought by the conditions listed in the development description are affectively consequential amendments resulting from this application.

37. As a S73 permission, it is also necessary to reiterate all of the remaining outline conditions not amended by this application, to ensure that the revised consent could stand alone. Therefore all previous conditions attached to the outline will need to be re-imposed. However, as the site has commenced and a number of the pre-start conditions have been discharged, it is therefore necessary to amend those conditions to enable the new permission to be carried out in accordance with those previously agreed details.

S106 Obligations

38. The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

39. The proposal will require a supplementary deed to tie the new permission back to the original S106 agreement. However, consequential amendments will also be required to bring the amendments set out above into effect if they are accepted. The draft planning obligation submitted alongside the application proposes to remove all of the current obligations set out within Schedule 10 (Design Codes and Sherford Review Panel) of the principal S106. These are considered acceptable if Members are minded to grant as the current application removes the existing Detailed Design Code process and also therefore removes the need for the SRP and those associated obligations. The applicant's proposal for £20,000 to resource design review of the Neighbourhood Design Codes would therefore need to be captured within the supplemental deed.

40. Other than the changes that are necessary to make this amendment take effect, no other obligation under the principal S106 is being sought as part of this application.

Historic Environment

41. Applications relating to the Sherford outline consent are routinely advertised as affecting the setting of Listed Buildings. This is due to the number and proximity of Listed Buildings situated within, and near the site boundary. When considering such applications, it is necessary to give special regard to the desirability of preserving buildings or their setting or any features of special architectural or historic interest. As there are no new issues in this respect raised by this application,

it is therefore not necessary to give any further consideration over setting, noting that an outline permission already exists.

Conclusion

42. The main consideration raised by this application concerns the acceptability of the revised documents in helping to ensure that Sherford is an attractive and successful place. In order to allow the scheme to evolve and adapt in the future, the applicants are proposing greater levels of flexibility, in favour of the more rigid compliance regime provided by the existing Code. The revised Town Code certainly aims to deliver upon the high aspirations required at the new community, and therefore the key question is whether there is sufficient control within it to secure those successful design outcomes without becoming too restrictive. It is recommended however, that the revised documentation contains an appropriate level of guidance in which to secure an acceptable balance.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

The South Hams Local Development Framework Core Strategy (adopted December 2006). In relation to this application, the following policies are relevant: CS1 (Location of Development); CS2 (Housing Provision); CS3 (Employment Land Provision); CS4 (Sherford New Community); CS6 (Affordable Housing); CS7 (Design); CS8 (Infrastructure Provision); CS9 (Landscape and the Historic Environment); CS10 (Nature Conversation); CS11 (Climate Change) and CS12 (Tourism).

The Sherford New Community Area Action Plan (adopted August 2007). In relation to this application, the following policies are relevant: SNC1 to SNC17.

The South Hams Local Development Framework Development Policies Development Plan Document (adopted July 2010). In relation to this application, the following policies are relevant: DP1 (High Quality Design); DP2 (Landscape Character); DP3 (Residential Amenity); DP4 (Sustainable Construction); DP5 (Conversation and Wildlife); DP6 (Historic Environment); DP7 (Transport, Access and Parking); DP8 Open Space, Sport and Recreation); DP9 (Local Facilities); DP11 (Housing Mix and Tenure); and DP12 (Tourism and Leisure).

The South Hams Local Development Framework Affordable Housing Development Plan Document (2008). In relation to this application, the following policies are relevant; AH1 and AH4.

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been subject to a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision if there are no substantive unresolved objections. However, the precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

In relation to this application the following JLP policies are relevant:

SO1 (Delivering the spatial strategy); SO2 (Strengthening Plymouth's role in the region); SO5 (Delivering growth in Plymouth's Eastern Corridor Growth Area); SO6 (Delivering a prosperous and sustainable South West Devon); SO10 (Maintaining a beautiful and thriving countryside); SO11 (Delivering high quality development); SO12 (Delivering infrastructure and investment); SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT3 (Provision for new homes); SPT4 (Provision for employment floorspace); SPT5 (Provision for retail development); SPT6 (Spatial provision of retail and main town centre uses); SPT7 (Working with neighbouring areas); SPT8 (Strategic connectivity); SPT9 (Strategic principles for transport planning and strategy); SPT10 (Balanced transport strategy for growth and healthy and sustainable communities); SPT11 (Strategic approach to the natural environment); SPT12 (Strategic infrastructure measures to deliver the spatial strategy); SPT13 (European Protected Sites – mitigation of recreational impacts from development); PLY2 (Unlocking Plymouth's regional growth potential); PLY5 (Safeguarding Plymouth's mineral resources); PLY48 (Sherford new community); PLY49 (Sherford Community Park Strategic Greenspace); PLY54 (Saltram Countryside Park Strategic Greenspace); PLY55 (Hazeldene Quarry Minerals Safeguarding Area and buffer zone); PLY57 (Strategic infrastructure measures for the Eastern Corridor Growth Area); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise and land); DEV3 (Sport and recreation); DEV4 (Playing pitches); DEV5 (Community food growing and allotments); DEV7 (Meeting local housing need in the Plymouth Policy Area); DEV9 (Meeting local housing need in the Plan Area); DEV10 (Delivering high quality housing); DEV14 (Maintaining a flexible mix of employment sites); DEV16 (Providing retail and town centre uses in appropriate locations); DEV19 (Provisions for local employment and skills); DEV20 (Place shaping and the quality of the built environment); DEV21 (Conserving the historic environment); DEV22 (Development affecting the historic environment); DEV24 (Landscape Character); DEV27 (Nationally protected landscapes); DEV28 (Protecting and enhancing biodiversity and geological conservation); DEV29 (Green and play spaces); DEV30 (Trees, woodlands and hedgerows); DEV31 (Specific provisions relating to transport); DEV32 (Meeting the community infrastructure needs of new homes); DEV33 (Waste Management); DEV34 (Delivering low carbon development); DEV35 (Renewable and low carbon energy); DEV37 (Managing flood risk and water quality impacts); DEL1 (Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed conditions

1. This permission authorises amendments to planning permission reference 0484/16/VAR and therefore the original conditions remain in force and are repeated below insofar as they remain applicable to development of the masterplan site and for the avoidance of doubt, trigger points referred to herein shall be read together and in combination across the masterplan site and not separately.
2. All applications for the approval of all of the Reserved Matters (as required by **condition 4** below) for all parts of the masterplan site (referred to as "Reserved Matters sites") shall be submitted to the Local Planning Authority for approval by no later than 14th August 2030.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) in recognition that the site will be phased over many parcels of development and to ensure that the suitability of the development may be reviewed against the provisions of the prevailing development plans.

Approved Drawings

3. The development hereby permitted shall be carried out in accordance with the submitted drawings and documentation which are hereby approved, unless otherwise provided for in any other conditions attached to this permission. A schedule of the submitted drawings and documentation are set out in the "Informatives" section of this Decision Notice.

Reason: To ensure that the proposed development is carried out as envisaged by the application to which this approval relates and that there is a clear framework for the submission of any of the details as required by the following conditions.

Reserved Matters

4. With the exception of development comprising the Main Street, no development pursuant to this outline permission shall commence on any part of the site until the approval of the details of the appearance, layout and scale of the buildings, the means access thereto, and the hard and soft landscaping (hereinafter called the "Reserved Matters") for that part of the site has been obtained in writing from the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: The application is for outline planning permission with approval of the specified details still required in accordance with Section 92 of the Town and Country Planning Act 1990 (as amended).

5. Detailed plans and particulars of the Reserved Matters required by **condition 4** above, shall be submitted together for each Reserved Matters site (unless otherwise agreed in writing by the Local Planning Authority) and shall include finished floor levels and existing and proposed ground levels in relation to a fixed datum, and scaled cross-sections through the Reserved Matters site and adjacent land. Development shall be carried out strictly in accordance with those approved details. No Reserved Matters site shall consist of more than 200 dwellings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that full and adequate information is provided to enable proper assessment of the proposed development.

6. The submission of all Reserved Matters and the implementation of the development hereby permitted shall be carried out in accordance with the mix and disposition of land uses, outlined within the approved Masterplan Book and Masterplan Book Addendum May 2009 and April 2017, and the implementation strategies contained therein, and in broad conformity with the layout identified on the Sherford Town Plan (Ref: DRN1) and Key Fixes diagram (Ref: DRN2) as amended by details submitted pursuant to application reference 7_49/0587/15/MIN, or in accordance with any Neighbourhood Design Code submitted pursuant to the requirements of the Town Code and

Town Code July 2017rev3 (or any subsequent amendment to the Sherford Town Plan or Key Fixes diagram which may be subsequently approved in writing by the Local Planning Authority).

Reason: To ensure that there is a clear framework for both the development and for the submission of applications for Reserved Matters approval.

7. Unless otherwise agreed in writing by the Local Planning Authority, the Main Street, Wind Turbines and external boundary of the urban development hereby approved shall be where located or delineated on the approved Key Fixes diagram (Ref: DRN2). Furthermore, without exceeding the proposed Key Building boundary and unless subsequently approved through details and particulars submitted to the Local Planning Authority pursuant to conditions attached to this permission, all fixes (including buildings and landscaping) as specified on the Key Fixes diagram (Ref: DRN2) as amended by details submitted pursuant to application reference 7_49/0587/15MIN shall be sited or located in the default positions shown thereon.

Reason: To ensure that there is a clear framework for both the development and for the submission of applications for Reserved Matters approval.

Phasing

8. The development hereby permitted shall be carried out in accordance with the Phasing Principles and Programme chapter as set out in the approved Masterplan Book, and the Masterplan Book Addendum May 2009 and April 2017. Development shall occur in a sequential manner as proposed on the Phasing diagram and for the avoidance of doubt; Phase 1 shall commence before development commences on Phase 2; Phase 2 shall commence before development commences on Phase 3; and Phase 3 shall commence before development commences on Phase 4. There shall be no exception to this requirement unless agreed otherwise in writing by the Local Planning Authority or provided for in any other condition attached to this permission.

Reason: To ensure that there is a clear and phased framework for both the development and for the submission of applications for Reserved Matters approval so that the development is carried out in a sustainable and coherent manner.

9. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to **condition 4** shall include a phasing plan for that Reserved Matters site. The phasing plan shall set out the timescale for implementation and delivery of all land uses located within that Reserved Matters site, landscaping and open space and (where applicable) adoption. No development within that Reserved Matters site shall be commenced until such phasing plan has been approved in writing by the Local Planning Authority.

Reason: To ensure that the development of sites in which Reserved Matters approval is sought is carried out in a sustainable and coherent manner.

10. In accordance with the sequential phasing requirements pursuant to **condition 8**, unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed strictly in accordance with the following provisions;
 - a) The Western Neighbourhood shall commence first;
 - b) No development shall commence on the Town Centre Neighbourhood until;
 - I. At least 50% of the permitted residential dwellings of the Western Neighbourhood are completed; and
 - II. At least 5091square metres of the permitted floorspace for A and B Use Classes that are to be located within the Western Neighbourhood as identified on the Commercial Land Uses Plan (Ref: DRN3) have been completed; and

- III. At least 80% of the permitted floorspace of the Western Neighbourhood's Centre (as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3)) is completed.
- c) No development shall commence on the Southern Neighbourhood until;
- I. At least 50% of the permitted residential dwellings of the Town Centre Neighbourhood are completed; and
 - II. At least 80% of the permitted floorspace of the Town Centre (as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3)) is completed; and
 - III. At least 80% of the permitted residential dwellings of the Western Neighbourhood are completed; and
 - IV. At least 6364 square metres of the permitted floorspace for A and B Use Classes that are to be located within the Western Neighbourhood as identified on the Commercial Land Uses Plan (Ref: DRN3) have been completed; and
 - V. 100% of the permitted floorspace of the Western Neighbourhood's Centre (as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3)) is completed.
- d) No development shall commence on the Eastern Neighbourhood until;
- I. At least 50% of the permitted residential dwellings in the Southern Neighbourhood are completed; and
 - II. At least 80% of the permitted floorspace of the Southern Neighbourhood's Centre (as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3)) is completed; and
 - III. 100% of the permitted residential dwellings within the Western Neighbourhood and the Town Centre Neighbourhood are completed; and
 - IV. At least 31818 square metres of the permitted floorspace for A and B Use Classes that are to be located within the Town Centre Neighbourhood as identified on the Commercial Land Uses Plan (Ref: DRN3) have been completed; and
 - V. 100% of the permitted floorspace of the Town Centre (as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3)) is completed.
- e) No development shall commence on the final 20% of the permitted residential development within the Eastern Neighbourhood until;
- I. 100% of the permitted residential dwellings within the Southern Neighbourhood are completed; and
 - II. 100% of the permitted floorspace of the Southern Neighbourhood's centre (as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3)) is completed; and
 - III. 100% of the permitted floorspace of the Eastern Neighbourhood's centre (as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3)) is completed; and
 - IV. At least 41874 square metres of the permitted floorspace for A and B Use Classes that are to be located within the Southern Neighbourhood and Eastern Neighbourhood as identified on the Commercial Land Uses Plan (Ref: DRN3) have been completed.

Reason: To ensure that there is a clear and phased framework for both the development and for the submission of applications for Reserved Matters approval so that the development is carried out in a sustainable and coherent manner.

11. All applications for Reserved Matters approval shall demonstrate how community facilities, as specified in the approved Masterplan Book and Masterplan Book Addendum May 2009 and April

2017 and the Key Fixes diagram (Ref: DRN2), that are located within the area within that Reserved Matters site will be provided in phase with development.

Reason: To ensure that the development of the site is carried out in a manner that was envisaged by the outline application so that community infrastructure is provided at appropriate stages of the construction in the interests of community development, public amenity and a coordinated and positive urban form.

Design Codes

12. Prior to the submission of a Reserved Matters application within each Neighbourhood there shall first be submitted a Neighbourhood Design Code and indicative Masterplan prepared in accordance with the requirements of Principle 15 and the tables contained therein of the Town Code July 2017rev3, which shall be approved by the Local Planning Authority prior to the submission of any Reserved Matters application within that Neighbourhood. All applications for Reserved Matters approval shall be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Neighbourhood Design Code submitted pursuant to **condition 6** above, for that Reserved Matters site.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented.

13. All Reserved Matters applications shall comply with the principles set out in the approved Masterplan Book and Masterplan Book Addendum May 2009 and April 2017 and each application shall demonstrate how the principles of that Masterplan have been applied.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented.

Energy

14. Proposals for monitoring the implementation of the Energy Strategy as set out within the approved Masterplan Book and Masterplan Book Addendum May 2009 and April 2017 shall be carried out in strict accordance with the details submitted to and approved pursuant to application reference 7_49/0200/15/DIS, unless other such details are subsequently submitted to and approved in writing by the Local Planning Authority. Applications for Reserved Matters approval shall clearly demonstrate how the proposals will contribute to meeting the targets agreed therein.

Reason: To ensure that the cumulative provision of measures to achieve the on-site renewable energy generation target can be appropriately phased and implemented throughout the construction phase, in the interests of providing a higher sustainable community that reduces the causes that result in climate change.

15. Any wind turbine permitted by this development shall not exceed 120 metres in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is no demonstrable landscape harm caused by the construction of turbines exceeding 120 metres. The Environmental Statement and Environmental Statement Addendum documents assessed the landscape impact associated with these turbines and has not assessed the potential impact of anything higher.

16. Any wind turbine permitted by this development, or sought pursuant to the delivery of the Energy Strategy set out in the approved Masterplan Book and Masterplan Book Addendum May 2009 and April 2017, shall have a non-reflective coating if possible, with a colour scheme approved through details and particulars required under **condition 4**.

Reason: To ensure that there no demonstrable landscape harm caused by the external appearance of the permitted turbines as the application is made in outline form and details of external appearance have not been provided.

Building Standards

17. All non-residential buildings to be built at the development hereby permitted, shall be constructed so as to achieve an 'Excellent' BREEAM rating unless a different rating is specified by the end user that will achieve a similar level. Following completion of any such building, a formal assessment shall be undertaken by a licensed BREEAM assessor and a copy of that assessors report, along with the Certificate, shall be issued to the Local Planning Authority prior to the occupation of any such building.

Reason: To ensure that the development exhibits best practice in sustainable construction techniques so that its contribution to causes that result in climate change are significantly reduced.

18. All residential dwellings to be built at the development hereby permitted shall be constructed so as to achieve an EcoHomes 'Excellent' standard. As such, detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 4 for any residential development shall specify the detailed arrangements of the proposed measures necessary to ensure each dwelling is capable of achieving this standard. The detailed plans and particulars shall also be accompanied by a letter of conformity from a BRE accredited assessor confirming that each dwelling within that Reserved Matters Site is capable of achieving an EcoHomes 'Excellent' standard. The development shall be carried out only in accordance with these detailed arrangements.

Reason: To ensure that the development exhibits best practice in sustainable construction techniques so that its contribution to causes that result in climate change are significantly reduced.

19. All applications for Reserved Matters approval shall demonstrate how buildings contribute to achieving the targets for on-site energy production and reductions in carbon emissions as set out in the Energy Strategy contained within the approved Masterplan Book and Masterplan Book Addendum 2009.

Reason: To ensure that renewable energy technology embedded into individual buildings achieve high quality design standards and also so that the cumulative provision can be monitored to demonstrate the developments progression towards the target for overall on-site renewable generation – in the interests of providing a higher sustainable community that reduces the causes that result in climate change.

Drainage

20. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** shall include a detailed scheme for the provision of surface water management on and off the Reserved Matters site. The detailed scheme shall be consistent with the proposals and principles of the Surface Water Drainage Strategy (Ref: DRN4a and DRN4b) outlined in the Masterplan Book and Masterplan Book Addendum May 2009 and April 2017 and the details contained within the Flood Risk Assessment and the Flood Risk Assessment Addendum October 2007 and shall incorporate SUDs and take into account overland flow routes and exceedance of the systems design capacity. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved specification and timetable. No development within the Reserved Matters site shall be occupied until the detailed scheme for that Reserved Matters site is fully implemented.

Reason: To ensure that there are satisfactory measures for disposing of surface water so to avoid the risk of flood and pollution to the water environment.

21. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** shall include detailed proposals of the main and foul water drainage for the area to which that Reserved Matters application relates. The details shall accord with the Foul Water Drainage Strategy (Ref: DRN5) outlined within the approved Masterplan Book and Masterplan Book Addendum May 2009 and April 2017 and shall be fully implemented prior to the occupation of any building within the Reserved Matters site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority

Reason: To ensure that there are adequate proposals for the treatment of the main and foul water drainage so to avoid pollution to the water environment.

22. No more than 500 of the dwellings hereby permitted on the site shall be occupied until the Local Planning Authority is in receipt of written notice from the statutory sewage undertaker confirming either that a sewage treatment works has been constructed and brought into use, or that additional capacity in the public sewage system has been made available to serve the main and foul drainage requirements of all such dwellings in excess of 500 dwellings.

Reason: To ensure that there are adequate proposals for the treatment of the main and foul water drainage so to avoid pollution to the water environment.

23. No oils, fuels or chemicals shall be stored on any part of the site unless details of the storage facility, including measures for containing accidental releases to the environment, have been submitted to and approved in writing by the Local Planning Authority, and until such a storage facility has been implemented in accordance with the approved details.

Reason: To ensure that the environment and amenities of the area are safeguarded against pollution.

24. No sewage or trade effluent (including cooling water containing additives, vehicle washing effluent and steam cleaning effluent) shall be discharged to the surface water management system.

Reason: To prevent pollution to the water environment.

25. Vehicle loading or unloading bays and storage areas involving chemicals or other pollutant shall not be connected to the surface water management system.

Reason: To prevent pollution to the water environment.

Natural Environment Vision Statement

26. The development hereby approved shall be carried out in strict accordance with the details and timescales set out within the Natural Environment Vision Statement (hereafter referred to as the 'Vision Statement') as submitted to and approved pursuant to application reference 7_49/0351/15/DIS.

Any subsequent revision or iteration of the Vision Statement shall describe the aims and objectives, key design characteristics and location and layout for all proposed landscape and biodiversity features as outlined in the Masterplan Book and Masterplan Book Addendum May 2009 and April 2017, the Town Code July 2017rev3, Environmental Statement and Environmental Statement Addendum documents October 2007 and May 2009 and the supplementary information to Natural England dated 07.12.07 and Addendum May 2009 including the ES clarification letter received by the Local Planning Authority on 2nd July 2009 and Landscape Masterplan (Ref: DRN6). As such,

each Vision Statement shall form an integrated cohesive vision for the whole site and shall include the following components:

- Buffer Zones
- Key Wildlife Corridors (Sherford Quarry Wood and A38 corridors)
- 'Other' Wildlife Corridors (which are the East Sherford, Billacombe Brook, Butlas, A38 to Wiverton, Minerals and Landscape corridors)
- Sherford Quarry Wood Buffer strip
- Greenways
- Water bodies
- Semi-natural green space
- Wildlife foraging areas
- Bat Road Crossings (i.e. those points at the intersection of roads and wildlife corridors)
- 70 hectares of Woodland planting
- The Community Park

All of the above features shall be shown on a colour 1:2000 scale plan with detailed extracts where required by the Local Planning Authority.

The Vision Statements shall provide a timetable showing how implementation of the above components are to be matched to and delivered through the various phases of development. A clear distinction shall be made between those works that are necessary to be carried out during that phase of the development, and those that shall be undertaken in subsequent phases or to be considered as part of the details submitted as Reserved Matters or other individual schemes.

The Vision Statements shall also include a public access statement identifying how public access to each of the components will be permitted, restricted and managed.

Furthermore, the Vision Statements shall also include maintenance specifications for each of the above components.

The Vision Statements shall also outline how land remaining outside of areas already built or under construction will be managed so as not to fall redundant or derelict.

Detailed proposals for the delivery of all components of the Vision Statements shall then be set out in a series of detailed Implementation Plans required by conditions 30, 31, 33, 35 and 36 below. The Vision Statements shall identify when each Implementation Plan for that development period shall be submitted.

The timing of the delivery of each component or element as proposed within each version of the Natural Environment Vision Statement shall proceed strictly in accordance with the approved timetable.

Reason: To ensure that features of the natural environment and public open space envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement and Environmental Statement Addendum documents to reduce the ecological and other effects of the development, are planned in a satisfactory manner as an integral part of the overall development.

Ongoing Ecological Update Assessments and Review of the Vision Statement

27. Ongoing ecological surveys and monitoring as required by conditions 28, 29 and 37 shall be read in conjunction and monitored against the bat survey information submitted to and agreed pursuant to application reference 7_49/0069/15/DIS.

Reason: To ensure that future monitoring of on-site bat activity can be benchmarked against pre-commencement conditions which will enable the Vision Statement to be regularly updated to respond to such changes and to enable ecological mitigation measures to be planned in a satisfactory manner as an integral part of the overall development.

28. A rolling programme for ecological update surveys, as outlined in the Environmental Statement and Environmental Statement Addendum documents October 2007 and May 2009 and the supplementary information to Natural England dated 07.12.07 and Addendum May 2009 including the ES clarification letter received by the Local Planning Authority on 2nd July 2009, shall be carried out in accordance with the details submitted to and agreed pursuant to application reference 7_49/0351/15/DIS, unless other such details are subsequently submitted to and approved in writing by the Local Planning Authority. .

The approved update survey programme must ensure that surveys are undertaken in advance of the development of a particular part of the site (e.g. as may be covered by a Reserved Matters application or other individual scheme) and with sufficient lead in time to fully inform the preparation of such applications.

The ecological update surveys shall be carried out and the results submitted to the Local Planning Authority for validating in writing. The surveys shall be accompanied by a comprehensive assessment to identify changes, if any, in the conservation status, abundance or distribution of Protected Species and their habitats likely to be affected by later phases of development.

The Vision Statement approved pursuant to **condition 26** shall be reviewed and updated in light of the results of the above ecological update assessments to confirm the Vision Statement's continued relevance to remaining phases as development progresses. Such updates to the Vision Statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any changes in the use of the site by protected species are properly identified so to enable necessary amendments to the Vision Statement and to inform the preparation of relevant Implementation Plans and applications for Reserved Matters approval so that ecological mitigation measures are planned in a satisfactory manner as an integral part of the overall development.

Delivery of Ecological up to date Implementation Plans and Reserved Matters Applications

29. All Implementation Plans as required by conditions **30, 31, 33, 35 and 36** and details and particulars of the Reserved Matters submitted pursuant to condition **4, 39 and 40** shall demonstrate compliance with the latest version of the Vision Statement as approved by the Local Planning Authority, or with the latest set of ecological update assessments (whichever is the most recent).

Reason: To ensure that the submission of all Implementation Plans and applications for Reserved Matters approval are informed by the most up to date ecological information and accord with the latest version of the Vision Statement to ensure that ecological mitigation measures are planned in a satisfactory manner as an integral part of the overall development.

Buffer Zones, Greenways, Semi-natural greenspace, 'other' wildlife corridors, water bodies, foraging areas and woodland planting Implementation Plans

30. The buffer zones, greenways, semi-natural greenspace, 'other' wildlife corridors, water bodies, foraging areas and woodland planting, as proposed by each version of the Vision Statement, shall be delivered in accordance with a detailed Implementation Plan prepared specifically for each component, and which shall previously have been submitted to and approved in writing by the Local Planning Authority. Each Implementation Plan shall be delivered in accordance with the timetable for each of the above components as set out in the latest approved version of the Vision Statement. For the avoidance of doubt, no work in connection with each specific component shall be commenced until the Implementation Plan for that component has been approved in writing by the

Local Planning Authority, albeit with the exception of those components identified and previously approved within application reference 7_49/0351/16/DIS.

The Implementation Plans shall include detailed specifications, with scaled drawings and cross sections at 1:100, for all planting, habitat and landscaping works required to deliver all mitigation, compensation, enhancement and creation measures relating to that specific component.

All works shall proceed in strict accordance with the approved Implementation Plan and retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt, Implementation Plans detailing the delivery of the Community Park, Key Wildlife Corridors, Bat Road Crossings, and the Sherford Quarry Wood Buffer Zone shall be set out in separate Implementation Plans as required by conditions 31, 33, 35 and 36 respectively.

Reason: The application was made in outline form only and approval of the details specified is still required on the practical measures required to deliver the landscape, habitat and open space features envisaged by the outline application including measures to secure compensation and mitigation in relation to species and habitats across the site.

Community Park Implementation Plan

31. The Community Park shall be delivered in accordance with the principles set out within the details submitted to and approved pursuant to application reference 7_49/1488/15/DIS, unless other such details are subsequently submitted to and approved in writing by the Local Planning Authority, in relation to the first phase of the Community Park. Subsequent versions of the Implementation Plan in relation to subsequent phases of the Park shall also be prepared in accordance with the principles set out in the approved Vision Statement, and submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the mitigation planting specified in the approved Vision Statement which will be delivered in accordance with the details and timings pursuant to conditions 26 and 30, the Implementation Plans shall set out the timetable for delivery of the Park so that the Park is completed by no later than the commencement of 4000 dwellings. The Implementation Plan shall include arrangements and timings for; any Café / Shops / Public Houses; Buildings; cemetery / memorial garden; residual allotment provision; toilets; cycle routes; footpaths; bridleways; trim trails; informal and formal play areas; formal and informal areas of recreation; links to North Plymstock; Community Organic Farm with associated cycle and car parking (if applicable), car and cycle parking; viewing platforms and follies; public art; meeting points and shelters; signs; furniture; bins; gateways; and access points; boundary treatments; and lighting which may be located within the Park.

The Implementation Plans shall provide for the phased delivery of the Community Park, both in terms of its physical attributes as well as its operational requirements, so that parts of the Park are available to the public from the commencement of 700 houses and on an incremental basis in phase with development thereafter.

The submissions of detailed plans and particulars relating to the delivery of the Community Park shall be provided strictly in accordance with the approved Implementation Plan.

Reason: The application was made in outline form and approval of the details specified is still required on the practical measures required to deliver the landscape, habitat and open space features envisaged by the outline application.

Community Park – Details and particulars

32. Details and particulars to be submitted pursuant to the delivery of the Community Park, as required by the approved Implementation Plans required by **condition 31**, and that are not otherwise submitted pursuant to the Reserved Matters as required by **condition 4**, shall be provided at a scale no less than 1:2500 and shall include scaled cross sections, and planting specifications to include; size of stock; density and spacing; ground preparation; protection; maintenance; monitoring and inspection; and replacement of any species which die or fail to thrive in accordance with condition **41**.

The Community Park shall be laid out strictly in accordance with the approved details and shall be retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application was made in outline form and approval of the details specified is still required on the practical measures required to deliver the landscape, habitat and open space features envisaged by the outline application.

Key Wildlife Corridors Implementation Plan

33. The Development hereby approved shall include provision of two key wildlife corridors (the Sherford Quarry Wood and the A38 corridors) and these shall be provided in accordance with the details and particulars submitted to and approved pursuant to application reference 7_49/0351/15/DIS, unless other such details are subsequently submitted to and approved in writing by the Local Planning Authority. The Key Wildlife Corridors shall be developed in strict accordance with the agreed details and shall only be reduced in width if and only if future national best practice demonstrates to the Local Planning Authority's reasonable satisfaction that the Key Wildlife Corridors will still remain effective and the Local Planning Authority approve such decrease. Light levels within the inner core shall be no higher than 0.5 lux and may be increased if and only if future national best practice demonstrates to the Local Planning Authority's reasonable satisfaction that light sensitive bat species recorded roosting in Sherford Quarry Wood will not be disturbed and the Local Planning Authority approve such increase.

Where the Vision Statement identifies hedgerows to be trans-located, detailed translocation plans shall be included in the Implementation Plan showing the location and type (e.g. height and species composition) of hedgerows to be moved, along with the location of where they will be placed. These plans shall include detailed method statements and the proposed timetable for translocation.

The works shall be carried out strictly in accordance with the approved details, and retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application was made in outline form only and approval of the details specified is still required on the practical measures required to deliver the landscape, habitat and open space features envisaged by the outline application including measures to secure compensation and mitigation in relation to species and habitats across the site.

Development Adjacent to Key Wildlife Corridors

34. No Development shall commence within 25 metres of any section of a Key Wildlife Corridor until evidence is submitted to the Local Planning Authority's reasonable satisfaction to show how artificial light levels within the inner core of that Corridor will be maintained at or below 0.5 lux from the time that such Development commences.

Reason: To ensure that proposed measures envisaged by the Environmental Statement and Environmental Statement Addendum documents are carried out and function in a satisfactory manner.

Bat Road Crossing Implementation Plans

35. No Development shall commence on any section of road development, (including for the avoidance of doubt the Main Street hereby approved, or roads or accesses approved pursuant to condition 4 and 46), that includes provision of a bat crossing, as identified in the Vision Statement, until a Bat Road Crossing Implementation Plan for that section of road development has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Detailed specifications with scaled plans (1:100) and cross-sections of both under- and over-ground built structures (e.g. underpasses and overhead gantries);
 - b) Details of associated tree and shrub planting;
 - c) Detailed evidence (drawing on case studies and monitoring of other similar projects elsewhere) to demonstrate that the detailed design of each crossing, including lighting, is specifically suited to the bat species that are likely to be using it;
 - d) Detailed lighting specifications including lighting contour plans showing predicted artificial light levels (from all existing and proposed development) within and adjacent to the crossing points and identifying how surrounding vegetation will be sufficiently established prior to the implementation of those crossing points to achieve and maintain the agreed light levels (as required by c) above, where appropriate, or condition 33 in respect of the Key Wildlife Corridors) within and around the crossing points;
 - e) A timetable for the implementation of the works; and
 - f) A strategy for monitoring the effectiveness of the bat crossing, in order to determine the continued efficacy of the measures employed to assist bats to cross under and/or over the road.

In accordance with the Environmental Statement Addendum October 2007 Appendix 10A; section 3.1.1, there shall be no artificial lighting within 10 metres of a Bat Road Crossing.

Each Bat Road Crossing shall be delivered strictly in accordance with the timetable set out in the latest version of the Vision Statement insofar as it functions as a Key Wildlife Corridor, 'other' wildlife corridor or greenway. The section of road development to which approval is sought shall not be commenced until the crossing is in place and completed in the approved form, or as otherwise specified in the implementation timetable approved in e) to this condition, above. For the avoidance of doubt, the bat crossing situated to the east of Vinery Lane associated with the Minerals wildlife corridor shall be undertaken in accordance with the details and particulars submitted to and approved pursuant to application reference 7_49/0351/15/DIS, or other such details submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application was made in outline form and approval of the details specified is still required on the practical measures required to secure compensation and mitigation for the loss in connectivity of bat habitat across the site and to ensure that the proposed measures to enable bats to cross new roads on the site are fully functional and effective before or at least at the time that construction starts in adjacent areas and to ensure that such measures are also consistent with highway integrity and safety.

Sherford Quarry Wood Buffer Strip Implementation Plan

36. A buffer strip providing a buffer against physical and, in particular, sound and light disturbance, and following the principles set out in the Environmental Statement Addendum October 2007 Appendix 10A; page 23 particularly in relation to the conservation measures for Barbastelle Bats, shall be provided around Sherford Quarry Wood in accordance with the details submitted and approved pursuant to application reference 7_49/351/15/DIS, or other details to be submitted to and agreed in writing by the Local Planning Authority. Development shall not take place within 25 metres of the

outer edge of the buffer strip until details and particulars for that section of buffer strip have been submitted to and approved in writing by the Local Planning Authority.

The Buffer Strip shall be delivered in accordance with the timetable set out in the latest approved version of the Vision Statement and shall thereafter be retained in the form and manner approved pursuant to this condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a secure and sensitive boundary treatment for Sherford Quarry Wood is provided in a manner that would significantly reduce the risk of disturbance to such bats known to be roosting in and commuting around and through the woodland such that the risk of disturbance as a result of nearby development is reduced to a very low level such that no breach of Regulation 41(1)(b) of the Conservation of Habitats and Species Regulations 2010 is likely to occur.

Ecological Monitoring and Remedial Measures

37. Notwithstanding the details submitted and agreed pursuant to application reference 7_49/0351/15/DIS, all subsequent Implementation Plans which are required to be submitted to the Local Planning Authority for approval pursuant to conditions 30, 31, 33, 35 and 36 shall in each case include an ecological monitoring strategy. Each such strategy shall set out the proposed scope for a series of monitoring reports that shall be submitted through the course of development and how these will relate to the pre-commencement ecological information approved pursuant to condition 27. Each such strategy shall also set out when individual reports shall be submitted and shall describe in such detail as the Local Planning Authority may require the monitoring methods to be used, to a specified timetable, in order to ensure that all ecological measures, management practices and retained corridors are functioning appropriately (e.g. meeting stated conservation objectives as set out in the Natural Environment Vision Statement). To do this each such strategy shall identify appropriate success criteria, thresholds, triggers and targets against which the efficacy of the various measures can be judged.

The monitoring shall be carried out in accordance with the approved strategy and the results of the ongoing individual reports submitted in a report to the Local Planning Authority for approval in writing. Where the results from monitoring show that aims and objectives are not being met, the report shall also set out how remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning components set out in the Vision Statement.

Reason: To ensure that the proposed ecological compensation or mitigation measures function appropriately.

Arboricultural Surveys

38. Notwithstanding the details submitted and agreed pursuant to application reference 7_49/0351/15/DIS each of the subsequently submitted Implementation Plans as required by conditions 30, 31, 33, 35 and 36, shall include detailed arboricultural surveys (including information about trees and hedges that are to be lost/protected/retained/translocation/replaced), prepared in accordance with BS5387, 2012 for the site in which that Implementation Plan relates.

Reason: To ensure that trees of amenity value can be identified and protected in order to integrate them into the overall development scheme.

Biodiversity and Arboriculture (Reserved Matters sites)

39. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include the following details:

- a) A detailed arboricultural survey (including information about trees and hedges that are to be lost/protected/retained/trans-located/replaced), prepared in accordance with BS5837: 2012, for the Reserved Matters site;

- b) Details of how and where the principles and proposals for habitats and species, as set out in the approved Natural Environment Vision Statement pursuant to **condition 26**, shall be implemented in detail on the Reserved Matters site, taking account of any necessary revisions in light of ecological update surveys and assessments pursuant to conditions **28 to 29**;
- c) Details of all wildlife protection measures to be used during construction of the Reserved Matters site;
- d) Details for the specific long term management of habitat features provided on the Reserved Matters site;
- e) A timetable setting out the implementation of all works and confirmation of suitably qualified personnel responsible for overseeing their implementation of the Reserved Matters site.

No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. Development of that Reserved Matters site shall proceed strictly in accordance with those approved details.

Reason: To ensure that applications for Reserved Matters approval contain satisfactory information to enable proper assessment of biodiversity mitigation, compensation and enhancement within the site.

General Landscaping (Reserved Matters sites)

40. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** shall include full details of both hard and soft landscaping works for the Reserved Matters site. These details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, street furniture and retained historical features where relevant. All details of soft landscape works to be included within that application, shall include planting plans at a scale of 1:500 indicating the proposed location, number, species, variety, stock size of planting, and density of new planting. Details shall include written specifications of planting operations including ground preparation, subsoiling, topsoiling, cultivation, soil improvement, mulching, aftercare and detail sections at a minimum scale of 1:20 to explain tree planting pit proposals. The development shall proceed strictly in accordance with the approved scheme.

All planting, seeding and turfing approved by the Local Planning Authority pursuant to Reserved Matters applications shall be carried out in the first planting seasons following commencement of development in that Reserved Matter site unless otherwise agreed in writing with the Local Planning authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the landscaping proposals as this application was made in outline form and approval of the specified details are still required.

Tree and Hedgerow Removal

41. Any trees or planting comprised within any approved Implementation Plan specified in conditions **30, 31, 33, 35 or 36** or conditions **4, 32 or 40** which are not the subject of a separate prior agreement with the Local Planning Authority and which, within a period of 10 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the Local Planning Authority. All existing hedgerows and trees to be retained shall be protected during construction operations in accordance with BS5837: 2012 and shall be maintained to that standard until development has been completed unless otherwise specified in an approved Implementation Plan.

Reason: To ensure that any tree or trees of amenity value as well as the schemes overall landscaping proposals can be safeguarded to ensure that the effectiveness of the landscaping can be preserved.

Landscape and Habitat Management and Public Access

42. The details and particulars set out in each of the Implementation Plans required to be submitted to the Local Planning Authority for approval pursuant to conditions 30, 31, 33, 35 or 36, and those required to be submitted for approval pursuant to condition 40, shall in each case include a detailed

Landscape and Habitat Management Plan. The approved Landscape and Habitat Management Plan shall include proposals for long-term objectives, management responsibilities and maintenance schedules for all landscaping and habitat works within that scheme. For the avoidance of doubt, this condition excludes domestic gardens. The Landscape and Habitat Management Plan shall also include detailed arrangements for encouraging, managing and restricting public access within that Implementation Plan site. All management operations and public access shall be carried out strictly in accordance with the approved Plan.

Reason: To ensure that features of the natural environment and open space envisaged by the outline application are capable of being secured in the long term and their purpose and function preserved.

Wind Turbines - Ecology

43. Details and particulars of the Reserved Matters submitted pursuant to condition 4 for any Wind Turbine hereby permitted shall include details that demonstrate how the design and operation of the turbine accords with national best practice as it exists at the time. Such details which shall be approved in writing by the Local Planning Authority prior to the commencement of development of any Wind Turbine shall also include;

- a) Ecological surveys that support the wind turbine Reserved Matters applications;
- b) Design and management of surrounding vegetation to deter vulnerable species;
- c) Operational constraints to ensure that ecological impacts are avoided;
- d) Ecological monitoring; and
- e) Ecological contingencies in case monitoring identifies unpredicted impacts.

Reason: To ensure that satisfactory details are provided to enable proper assessment to be made of the proposals in the interests of ecological protection.

44. In addition to conditions 93, 94 and 95 below, all landscaping schemes shall include provision for safeguarding against the degradation of archaeological features.

Reason: To ensure that the archaeological interest of the site is not damaged.

Public Open Space/ Areas for Play

45. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 4 shall include detailed plans and particulars for any Local Area for Play, Locally Equipped Area for Play or Neighbourhood Equipped Areas for Play, including Multi-use Games Areas where necessary, Bowling Greens and Public Parks, Civic Parks and Urban Parks, to be located within that Reserved Matters site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The features shall be provided at locations broadly consistent with those identified in the Sherford Town Plan (Ref: DRN1), Landscape Masterplan (Ref: DRN6), Landscape Strategy (Ref: DRN7) and the LEAPs and NEAP zones diagram (Ref: DRN8), and delivered in accordance with the implementation and phasing requirements to be previously agreed in writing by the Local Planning Authority.

As a minimum, the detailed plans and particulars shall include cross-sections and details of hard and soft landscape materials, boundary treatments and access points, surface and path treatments, furniture (including seating, bollards, bins, and cycle stands), structures and shelters, signage, play and sport equipment, public art, trees, water features, and lighting.

The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the proposed public open space and play areas as the application was made in outline form and approval of the details specified are still required.

Transport

46. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to **condition 4** shall include details of the design, layout, levels, gradients, materials, method of construction, street lighting and drainage of all roads, parking areas, cycleways, and footways forming any part of that site. No part of the development within a Reserved Matters site shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the proposed street scene as the application was made in outline form and approval of the details specified are still required so to achieve a street pattern that secures a safe and attractive environment.

Northern and Southern Avenues

47. No more than 2750 dwellings shall be occupied until either Northern Avenue or Southern Avenue has been completed and has been made available for use by the public.

Reason: To ensure that the Main Street route is not over trafficked before an alternative route is available.

48. No more than 4000 dwellings shall be occupied until both Northern Avenue and Southern Avenue have been completed and have been made available for use by the public.

Reason: To ensure that the Main Street route is not over trafficked before alternatives are available.

49. Northern Avenue and Southern Avenue shall be completed strictly in accordance with detailed plans that shall have been submitted to and approved in writing by the Local Planning Authority, unless approved on applications submitted pursuant to **condition 4** above.

Reason: To ensure that the alternative routes to Main Street are carried out in an acceptable manner as the application has been made in outline form and approval of the details specified are still required.

Northwest Expansion

50. The development hereby approved shall include provision for a dedicated link road to the western boundary of the site leading from the High Street. Prior to the commencement of the development of the first Reserved Matters application, the link road shall be delineated on a plan to be submitted to and approved in writing by the Local Planning Authority. No development shall occur within the area delineated for the link road unless alternative provision is made and agreed in writing by the Local Planning Authority.

Reason: To ensure that the principles of legibility as envisaged by the outline application is maintained as the application has been made in outline form with details of the layout to Reserved

Matters sites still to be provided, and to future proof this development for potential development planned to the west.

Road Closures

51. All road closures associated with the development be carried out in accordance with Method Statement submitted to and approved pursuant to application reference 7_49/1408/15/DIS.

Reason: To ensure that the development is undertaken in a manner that has minimal impact upon residents and users of existing highways.

Cycleways and Footways

52. No development shall commence beyond 80% of the residential units permitted within the Western Neighbourhood until the cycle route linking the Rural Edge Cycleway and NCN Cycle Route 2 as identified on the attached plan DRN9 has been completed.

Reason: To ensure that the application as envisaged is carried out in a satisfactory manner so to ensure that residents have access to suitable recreational facilities within the development at an early stage.

53. If the cycle route linking the Rural Edge Cycleway and NCN Cycle Route 2 as identified on the attached plan DRN9 as required by **condition 52** is to be located within the application site, then details and particulars for such link shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to that cycle route.

Reason: To ensure that appropriate details of the proposed cycle route are provided as this application has been made in outline form with details of the Reserved Matters still to be provided, so to ensure that residents have access to suitable recreational facilities within the development at an early stage.

54. This permission includes the provision of cycleways that are located broadly in accordance with the Internal Cycle Route Network diagram (Ref: DRN9). Each cycle route shall be provided in accordance with detailed plans and particulars previously submitted to and approved in writing by the Local Planning Authority. Development shall not commence beyond 80% of the residential units permitted within the Eastern Neighbourhood until all cycleways identified on the Internal Cycle Route Network diagram (Ref: DRN9) are completed and available for public use.

Reason: To ensure that the development is delivered in accordance with that envisaged by the outline application and in order to promote cycling and walking as an alternative to the use of private cars.

55. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** shall include details for any public accesses and cycleways that connect the Reserved Matter site to the wider network of footpaths and cycleways contiguous to the Reserved Matter site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval are satisfactory to enable full and proper assessment of the proposed footpath and cycleway arrangements within which Reserved Matters site, as this application was made in outline form and approval of this detail is still required to ensure that the development is delivered in a coherent and integrated manner.

56. The stopping up of and diversion of any footpath or bridleway associated with the development shall be out in accordance with Method Statement submitted to and approved pursuant to application reference 7_49/1408/15/DIS. .

Reason: To ensure that the development is undertaken in a manner that has minimal impact upon the recreational amenity associated with existing footpaths and bridleways within and around the site.

Car Parking

57. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition** 4 shall include a Car Parking Strategy. The Car Parking Strategy shall, where required by the Local Planning Authority, demonstrate how the Reserved Matters site shall contribute towards achieving a site average of 1.5 car parking spaces per residential unit in accordance with the approved Masterplan Book and Masterplan Book Addendum May 2009 and April 2017. It shall also detail the maximum provision of spaces for each use within the area within that Reserved Matters site, and demonstrate how the level of car parking will be dependent upon its proximity to the High Quality Public Transport (HQPT) route and the Neighbourhood centres as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3). The Car Parking Strategy shall also detail provision of public car parking areas and shall show management regimes including waiting restrictions. No development within that Reserved Matters site shall be commenced until such Strategy has been approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved strategy.

Reason: In order to limit car parking serving the development so to encourage the shift to sustainable modes of transport as an alternative to the private car and hence reduce vehicular trips on the highway network as envisaged by the Transport Assessment and Transport Assessment Addendum documents October 2007 and May 2009.

58. Each parking space approved through details submitted pursuant to these conditions shall be constructed, as approved, and drained, surfaced and made available for use before any unit of accommodation that it serves is first occupied, and thereafter that space shall not be used for any purpose other than the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any off-street parking that is to be provided as part of the development remains available in the interests of highway amenity and safety.

Cycle parking (non residential)

59. No building, (with the exception of residential buildings) within any Reserved Matters site shall be occupied until secure spaces for cycle parking have been provided in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The secure areas for the storage of cycles so approved shall remain available for that purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason: To ensure that there are secure storage facilities for occupiers or visitors of non-residential buildings in order to promote cycling as an alternative to the use of private cars and because the application was made in outline form and approval of this detail is still required.

Bus Stops

60. Detailed plans and particulars submitted in respect of all applications for Reserved Matters approval shall include details for the locations and accesses to bus stops within that Reserved Matters site. No development approved pursuant to such application shall be occupied until all bus stops (with the exception of those located along the High Quality Public Transport route) within that Reserved Matters site have been provided to a specification which shall have been previously approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity and to encourage greater use of public transport for journeys to and from the development.

Bus Stops (High Quality Public Transport)

61. All bus stops that form part of the High Quality Public Transport route along the Main Street shall be provided to a specification that shall be previously agreed in writing by the Local Planning Authority, and shall be available for use at the commencement of occupation of the neighbourhood they serve.

Reason: In the interest of highway safety and amenity and to encourage greater use of public transport for journeys to and from the development

Housing

62. The number of dwellings permitted within the site as defined by this planning permission, when taken together with 0484/16/VAR, and the number of dwellings permitted within the site as defined by Plymouth City Council planning permission Ref: and 06/02036/OUT, 16/00247/OUT and 17/00998/S73 shall not exceed 5500.

Reason: To ensure that the development is carried out in the manner as envisaged by the outline application.

63. No dwelling authorised by this permission shall be occupied until any garage(s) and/ or parking space(s) approved for that dwelling pursuant to **condition 4**, have been provided. All garages and parking spaces, if any, shall thereafter be retained for the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate on-site garages and parking areas and access thereto are provided in the interests of public safety and the amenities of the individual property owners.

64. No dwelling permitted by this development shall be occupied until provision for a secure area for the storage of at least one bicycle and appropriate refuse storage units have been provided in accordance with previously approved details.

Reason: To ensure that there are adequate storage facilities for occupiers or visitors of all dwellings in order to promote cycling as an alternative to the use of private cars and because the application was made in outline form and approval of this detail is still required.

65. The development hereby approved shall be carried in accordance with the Clustering and Distribution Strategy submitted to and approved pursuant to application reference 7_49/0069/15/DIS. Applications for approval of Reserved Matters shall demonstrate compliance with the approved Clustering and Distribution Strategy specifying the mix and tenure of housing, location of affordable units and how progress is made towards achieving a community wide mix as set out in the Clustering and Distribution Strategy.

Reason: To ensure the Affordable Housing element is appropriately distributed and integrated with the Market Housing.

Mixed Used Development

66. Any application for the approval of Reserved Matters consisting of non-residential development, or residential development sited within the Neighbourhood centres or within the commercial area between the A38 and Northern Avenue as delineated on the Key Fixes diagram (Ref: DRN2) and the Commercial Land Uses Plan (Ref: DRN3), shall include details of any mitigation measures required to safeguard residential amenity against the impacts of conflicting land uses proposed in or adjacent to the area subject to such application. Such details may include methods of noise attenuation, ventilation and restrictions on delivery hours.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

Commercial/ Employment

67. No development (other than dwellings) permitted within this site when read together with 0484/16/VAR, for buildings within the specified use class of the Town and Country Planning (Use Classes) Order 2005 in the Table below, when taken together with development permitted by the Plymouth City Council planning permission Ref: 06/02306/OUT, 16/00247/OUT and 17/00998/S73, shall exceed the maximum area of land or gross floor space stated in the Table below, unless otherwise agreed in writing by the Local Planning Authority;

Land use	Gross floorspace (sqm)
A1	12834
A2,A3,A4,A5	3906
B1	46900
B2	6700
B8	13400
C1,C2	21390
D1,D2	49290
Sui Generis	930

Reason: To ensure that the development is carried out in a manner envisaged by the outline application.

68. Notwithstanding the provisions of **condition 69** no more than two supermarkets are hereby permitted. The sum total of gross floorspace for these two units shall not exceed 5000sqm. No one supermarket shall exceed 2500sqm.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application by ensuring that the proliferation of large units are controlled in the interests of providing a balanced and mixed community within the development without undermining surrounding retail centres.

69. Notwithstanding the gross permitted floorspace set out in **condition 67**, the following size restrictions shall apply to all single units permitted by this development that fall within an A1-A5 use, unless otherwise agreed in writing by the Local Planning Authority:

- not less than 10044 square metres of the permitted A1-A5 floorspace (**condition 67**) shall be provided in units that have a gross floorspace which does not exceed 135 square metres;
- no more than 6696 square metres of the permitted A1-A5 floorspace (**condition 67**) may be provided in units that have a gross floorspace which does not exceed 232 square metres;
- no more than 1674 square metres of the permitted A1-A5 floorspace (**condition 67**) may be provided in units that have a gross floorspace that exceeds 464 square metres. No one single A1 unit shall however be provided in unit with a gross floorspace that exceeds 1200sqm.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application by ensuring that the proliferation of large units are controlled in the interests of providing a balanced and mixed community within the development without undermining surrounding retail centres.

70. Notwithstanding the gross permitted floorspace set out in **condition 67** the following size restrictions shall apply to all single units permitted by this development that fall within a B1-B8 use, unless otherwise agreed in writing by the Local Planning Authority:

- not less than 33500 square metres of the permitted B1-B8 floorspace (**condition 67**) shall be provided in units that have a gross floorspace which does not exceed 235 square metres;
- no more than 13400 square metres of the permitted B1-B8 floorspace (**condition 67**) may be provided in units that have a gross floorspace which does not exceed 464 square metres;
- no more than 3350 square metres of the permitted B1-B8 floorspace (**condition 67**) may be provided in units that have a gross floorspace that exceeds 929 square metres.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application by ensuring that the proliferation of large units are controlled in the interests of providing a balanced and mixed community within the development without undermining surrounding employment centres.

71. Notwithstanding the provisions of **condition 70** no single unit permitted by this development that falls within a B1-B8 use, unless otherwise agreed in writing by the Local Planning Authority, shall exceed a gross floorspace of 3000sqm.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application by ensuring that the proliferation of large units are controlled in the interests of providing a balanced and mixed community within the development without undermining surrounding employment centres.

72. No building or part of a building within the site which is to be used for uses within Classes A1-A5 of the Town and Country Planning (Use Classes) Order 2005, shall be occupied for trading until fume extraction and mechanical ventilation equipment have been installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be retained and operated in its approved form for so long as the approved use of that building continues, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

73. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** for any commercial or employment premises shall include the following details; advertisements; proposed opening hours of A3, A4 and A5 units and proposed hours of operation for Class B uses; and all external lighting. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

Construction Environmental Management Plan (CEMP) - Traffic

74. The development hereby approved shall be carried out strictly in accordance with the Traffic CEMP as submitted to and approved pursuant to application reference 7_49/1408/15/DIS, or any

subsequent version thereof which has been submitted to and approved in writing by the Local Planning Authority.

Any subsequent version of the Traffic CEMP shall include construction vehicle movements, construction operation hours, construction vehicle routes to and from the site with distance details, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts and a travel plan for contractors, a detailed traffic management plan to control the volume of through traffic on minor routes during the construction phases.

The development shall be carried out in such a manner as to ensure that;

- a) no access for construction traffic shall be achieved off Sherford Road;
- b) no extra traffic (in numerical terms) is introduced on to Sherford Road or Vinery Lane;
- c) means of calming traffic in Sherford Road and Vinery Lane south of the King George V playing fields shall be introduced such that any extra traffic is avoided;
- d) access for construction vehicles shall be initially off Vinery Lane and from the north only;
- e) the link road to the north of King George V playing fields shall be constructed to a standard acceptable to the Local Planning Authority within the first 12 months following the commencement of the first dwelling of the development;
- f) the link road to the north of King George V playing fields shall be available for public traffic no later than the occupation of 170 dwellings within the site or 21 months after commencement of development whichever is sooner unless local highway conditions require that it be brought into use sooner to the reasonable requirement of the local planning authorities and highway authorities;
- g) notwithstanding the above requirements, before the occupation of more than 170 dwellings access to the dwellings shall be achievable along the proposed link road to the north of King George V playing fields;
- h) before occupation of the 170th dwelling within the site the existing Sherford Road shall be linked from a point adjacent to the Quarry to the link road north of King George V playing fields so that Sherford Road traffic is diverted on to it;
- i) traffic management measures are taken on all routes leading to the development, including Vinery Lane, Ridge Road, to accommodate the extra construction traffic;
- j) easy and direct access for public transport to the site incorporating turning facilities, and a convenient loop through the development; and
- k) convenient and safe access for pedestrians and cyclists to and from the completed blocks.

Reason: To protect the residential and general amenity of the area from any harmful polluting effects during construction work.

75. The development hereby approved shall be carried out in accordance with the Generic CEMP as submitted to and approved pursuant to application reference 7_49/0069/15/DIS.

Reason: To protect the residential and general amenity of the area from any harmful polluting effects during construction work.

76. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to **condition 4** shall include a Site Specific CEMP, and these shall include details for the management of waste arising from the construction process, siting and design and drainage arrangements for any temporary construction offices, buildings and storage compounds/areas on or off that site, and measures proposed to mitigate against adverse effects of noise and dust during the construction of the proposed development and shall also indicate: -

- a) the proposed hours of operation of construction activities;
- b) the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c) sound attenuation measures to be incorporated to reduce noise at source;

- d) details of temporary lighting;
- e) arrangements for site access and vehicle parking; and
- f) a Construction Workers Travel Plan.

No development within that Reserved Matters site shall be commenced until such Site Specific CEMP has been approved in writing by the Local Planning Authority. The approved CEMPs shall be strictly adhered to during all stages of the construction of the proposed development.

Reason: To protect the residential and general amenity of the area from any harmful polluting effects during construction work.

77. No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday. Such works shall only take place between the hours 08:00 and 18:00 weekdays, and 08:00 and 13:00 on Saturdays unless otherwise permitted in writing by the local planning authority. No plant, machinery or equipment associated with such works shall be started up or be operational on the development site outside of these permitted hours.

Reason: To protect the residential and general amenity of the area from any harmful effects arising from construction work.

Earthworks Strategy

78. With 2 months of the date of this notice, an Earthworks Strategy shall have been submitted to the Local Planning Authority for approval. The Strategy shall demonstrate how the cut-and-fill operations contribute towards the aim of achieving as close as reasonably practicable to a balance within the site, so that there is not a net import or export of soil. The development shall proceed strictly in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the net import or export of soil from the development in the interests of sustainability.

Noise

79. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** shall include a noise mitigation strategy. The strategy shall set proposed limits upon indoor ambient noise levels and external amenity area noise levels for each building type on the site and will include design criteria that will be employed to meet those levels.

For the avoidance of doubt, the noise mitigation strategy shall include provisions that as a minimum the following shall apply:

Internal and external noise levels for new noise sensitive premises should not exceed the following noise limits (NB: all time intervals are 1 hour, time weighting is fast unless stated otherwise):

Dwellings, including houses in multiple occupation, hostels, and hotels:

Bedrooms (23:00 to 07:00 hours): 30dB L_{Aeq} , 45dB L_{Amax} (slow)

Living rooms (07:00 to 23:00 hours): 35dB L_{Aeq}

Kitchens, bathrooms, WC compartments and utility rooms (07:00 to 23:00 hours): 50dB L_{Aeq}

External amenity areas:

The allocated amenity areas for each dwelling shall be acoustically protected so that ambient noise levels are as low as practicable and no greater than 55 dB(A) L_{Aeq} , 1 hour 07:00-23:00 hours.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties are safeguarded.

80. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** shall include details that set out measures to attenuate noise created outside of individual buildings to the levels identified in the noise mitigation strategy. Where proven necessary to ensure compliance with the maximum noise levels specified in condition 79, such details shall include the provision of a bund to be located in the wildlife corridor that is to be located to the south of the A38. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

81. No building hereby permitted shall be occupied until the necessary noise mitigation measures as proposed at **condition 80** and approved by the Local Planning Authority have been fully implemented.

Reason: To ensure that the development is delivered in an acceptable manner so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

Noise (Wind Turbine)

82. Details and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** in respect of the Wind Turbines shall include an updated noise survey which shall have been prepared in accordance with agreed relevant guidance at time of assessment and shall be undertaken to the written satisfaction of the local planning authority. The relevant guidance to be used at the time of the noise assessment shall be agreed with, and confirmed in writing by, the local planning authority. The results of the survey, including details of all instrumentation used, prevailing weather conditions, and traceable calibration tests shall be submitted to the local planning authority for their written approval.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals of the wind turbines so to ensure that the amenities enjoyed by the occupants of properties are safeguarded.

Noise (Wind Turbine – monitoring)

83. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to **condition 4** for the Wind Turbines shall include a scheme for monitoring noise emissions for any turbine. The scheme shall outline proposals for receiving, monitoring and responding to complaints received by the Local Planning Authority regarding noise emissions from any turbine. This monitoring shall be carried out in accordance with DEFRA guidance note NANR 277 unless the Local Planning Authority approves a suitable alternative method. No development of the Wind Turbines shall take place until such a scheme has been approved in writing by the Local Planning Authority. The scheme, as approved, shall be implemented and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals of the wind turbines so to ensure that the amenities enjoyed by the occupants of properties are safeguarded.

Noise Impact Assessment – B2 Uses

84. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 for any building hereby permitted which is to be used for uses that fall within the Class B2 of the Town and Country Planning (Use Classes) Order 2005 shall include a Noise Impact Assessment. The assessment shall identify the potential impact generated by that use on residential premises and specify measures to assimilate the building into the mixed use neighbourhood. No development within that Reserved Matters site shall be commenced until such assessment and proposed measures have been approved in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

Contamination

85. No development shall take place on any Reserved Matters site unless a scheme that deals with the risks associated with contamination of that site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority.

- a) A preliminary risk assessment/desk study identifying:
 - i) all previous uses
 - ii) potential contaminants associated with those use
 - iii) a conceptual model of the site indicating sources, pathways and receptors
 - iv) potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme, based on a) to provide information for an assessment of the risk to all receptors that may be affected;
- c) The site investigation results and the detailed risk assessment b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented strictly as approved.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

Contaminated Land: Remediation

86. Where the risk assessment identified at **condition 85** above, identifies risks deemed unacceptable by the Local Planning Authority, a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants and/or gases when the Reserved Matters site is developed shall be prepared and submitted to the Local Planning Authority for approval. Any remediation scheme for contamination approved pursuant to this condition shall be fully implemented before the development within that Reserved Matters site commences. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

Contaminated Land: Verification Report

87. Prior to the occupation of any part of the development in which Reserved Matters approval is sought, a verification report demonstrating completion of the works set out in the approved

remediation strategy required at condition 86 (if applicable), which shall include detailed reports outlining the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the remediation criteria for that Reserved Matters site have been met. It shall also include, where relevant, any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

Unsuspected Contamination

88. If, during development, contamination not previously identified is found to be present at the site then no further development within that Reserved Matters site shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment, and where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Prior to the occupation of any part of a Reserved Matters site in which contamination not previously identified is found present, a verification report demonstrating completion of the works as specified in the approved remediation strategy (as required by this condition), and which outlines the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the remediation criteria for that Reserved Matters site have been met. It shall also include, where relevant, a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action for the reporting of this to the Local Planning Authority.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

Air Quality

89. The development hereby permitted shall be carried out strictly in accordance with the Air Quality monitoring strategy as submitted to and approved pursuant to application reference 7_49/1116/15/DIS.

Reason: To safeguard the amenities of future occupants of the residents.

Infrastructure

90. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include details for serving each building with High Bandwidth communication infrastructure. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in a satisfactory manner.

91. Unless otherwise agreed in writing by the Local Planning Authority, all pipes, meter boxes, fibre wires, and cables required by statutory undertakers and all other appropriate bodies, including telephone cabling, shall be placed underground or in suitably concealed locations that are not visually prominent.

Reason: In the interests of visual amenity.

92. No dwelling hereby permitted shall be occupied until a Sign Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall detail how destinations within and external to the site are to be signed to vehicular, pedestrian and cycle traffic, including Street Naming, and how Sherford as a destination is to be signed from outside the site. The approved Sign Strategy shall be implemented in accordance with the timetable contained therein. The development shall proceed strictly in accordance with the approved Strategy.

Reason: To ensure that unnecessary journeys resulting from misdirection, air pollution and street clutter due to sign proliferation, can be reduced.

Archaeology

93. A programme of archaeological work shall be secured and implemented in accordance with the Written Scheme of Investigation as submitted to and approved pursuant to application reference 7_49/0200/15/DIS.

Reason: To ensure that a record of archaeological features is made and kept available for inspection and that any revealed features of importance may be retained if necessary.

94. If, during the course of the works of development, archaeological features not previously identified are found to be present, work shall immediately stop until the Local Planning Authority has approved the means of the retention or recording of those features.

Reason: To ensure that a record of such features is made and kept available for inspection and that any revealed features of importance may be retained if necessary.

95. Access shall be afforded at all reasonable times to any archaeologist nominated by the Local Planning Authority to observe the excavations and record items of interest and finds.

Reason: To ensure that a record of such features is made and kept available for inspection and that any revealed features of importance may be retained if necessary.

Public Toilets

96. No development shall commence beyond 4000 dwellings within the site until at least two public toilet facilities have first been made available for public use, such public toilet facilities to be located as follows:

- (i) at the Park and Ride facility; and
- (ii) in the town centre

The facilities shall not be constructed until details and particulars pursuant to **condition 4** have been submitted to and approved in writing by the Local Planning Authority. Such details shall include its size, capacity, lighting arrangements, and will also provide separate facilities for male and female disabled users as well as for baby changing. Details of maintenance arrangements, including the times of the day it is available for public use shall also be provided. The development shall proceed strictly in accordance with the approved details, and maintained in that manner thereafter.

Reason: To ensure the development is carried out in a satisfactory manner and because the application has been made in outline form and approval of these details is still required.

Local Materials

97. The development hereby approved shall wherever practicable be constructed with materials sourced as follows;

- a) Up to 65% of bulk materials (by mass) and in any event no less than 35% of bulk materials (by mass) shall be derived from local sources (within 50 miles by road) of the development;

- b) The materials used in the construction of road and external hard surfaces within the development hereby approved shall utilise a 30% recycled content from local (within 50 miles by road) reclaimed or recycled sources;
- c) All bulk building materials to be used within the construction of the development hereby approved shall include 15% (as a percentage of the value of materials used) recycled content;
- d) 100% of construction timber used in the construction of the development hereby approved shall be Forest Stewardship Council certified or equivalent and preference shall be given to renewable locally sourced and milled timber from within the Devon or South West area.

Reason: To reduce the distance building materials to the site are required to travel in the interests of sustainability, and also the local economy.

Minerals Buffer

98. A Minerals Buffer Zone as shown on details submitted to and agreed pursuant to application reference 7_49/1117/15/DIS shall be provided, and development shall be located within the Buffer Zone unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the amenities of future users of the development are safeguarded from impacts associated with Moorcroft Quarry, and to set a framework for future reserved matters applications.

Main Street Conditions (Conditions 99 to 109) below refer specifically to development within the Main Street application)

99. The development of the Main Street, unless stated otherwise by the following conditions, shall be carried out in accordance with the details set out within the Main Street: Deep Lane Junction to Stanborough Cross January 2008 book, and the Main Street: Deep Lane to Stanborough Cross Addendum May 2009 with the exception of the following drawings submitted with this amendment;

BARTON WILLMORE 25142_BRL_PL003_Rev B Landscape General Arrangement, S73 Application; 25142_BRL_PL004_Rev B Landscape Proposals Plan Colour, S73 Application; 25142_BRL_PL202_Rev B Planting Plan and Schedule, S73 Application; 25142_BRL_PL005_Rev B Streetscape General Arrangement & Planting, Sheet 1 S73; 25142_BRL_PL006_Rev B Streetscape General Arrangement & Planting, Sheet 2 S73; 25142_BRL_R001_Landscape Management Plan including Maintenance Schedule; 25142/A5 Rev 06 – Detailed Design Code Compliance report, May 2016 25142_9906_Rev A Proposed Site Plan Section 73 Application

BROOKBANKS 10334-003-001 Traffic Management Context Plan; 10334-010-001 CDM Responsibilities; 10334-100-201_C School Access General Arrangement; 10334-100-211_A School Access Vehicle Tracking Sheet 1; 10334-100-212_A School Access Vehicle tracking Sheet 2; 10334-120-201_C School Access Location Plan; 10334-150-201_A School Access Standard Details Sheet 1; 10334-150-202_B School Access Standard Details Sheet 2; 10334-150-203 School Access Standard Details Sheet 3; 10334-500-201_E School Access Drainage; 10334-500-220 Surface Water Overland Flows Layout; 10334-510-201_A School Access Catchment Areas; 10334-700-201_B School Access Paving & Kerbing; 10334-800-201_A School Access Long Sections; 10334-1400-201_B School Access Lighting Design; 10334-SK-213_A School Junction Arrangement; 10334-SK-214_A School Junction Arrangement; C151321-S-L-13 T2; 10334TN06Rv0 – Technical Note: Response to Highway Comments; 10334TN07Rv0 – Technical Note: Primary School Entrance; 10334TN08Rv0 – Technical Note: The Square Operation; Sherford LPA EA Drainage comments Rev2; Sherford LPA DCC Drainage comments Rev1; Stage 1 RSA Sherford with design response comments; 10376 FRA-ADD01 Rev 2

Reason: To ensure that development of the Main Street sections of the application is carried out in accordance with the submitted details.

100. Development in respect of Stage 1 of Main Street, as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009 shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009, details for its hard surfacing, including footways that are included within this detailed approval, shall have been submitted to the Local Planning Authority for approval in writing. Such details shall include proposals for all guard-railing, stone walling, iron work, street lighting, tree grills, pavers, kerbing, details and dimensions of kerb up stands, gutter sets, channel types, measures to assist visually impaired pedestrians, verge materials and markings. The Main Street shall be completed in its entire form strictly in accordance with the approved details prior to the occupation of 1300 dwellings.

Reason: To ensure a sense of place is achieved for the Main Street by the careful use of materials and layout.

101. Development in respect of Stage 1 of Main Street, as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009 shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009, details of all soft landscaping works to be located within that section of the Main Street detailed area, shall have been submitted to the Local Planning Authority for approval in writing. These details shall include planting plans at a scale of 1:500 and will indicate the proposed location, number of species, variety, stock size at planting and density of new planting and phasing of new planting. Details shall also include written specifications of planting operations including ground preparation, subsoiling, topsoiling, cultivation, soil improvement, mulching, aftercare and detail sections at a minimum scale of 1:20 to explain tree planting pit proposals. A timetable for the implementation of each of the proposed planting specified by this condition shall also be submitted with the detailed plans and particulars referred to in this condition. The landscaping shall be set out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sense of place is achieved for the Main Street by careful use of soft landscaping and appropriate planting.

102. Development in respect of Stage 1 of Main Street, as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009 shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009, detailed plans and particulars for the street furniture to be located in that section of the Main Street, including dimensions of pedestrian refuges and bus platforms together with adjacent carriageway widths, bus stops and shelters (including provision for Real Time Information) seating, litter bins, cycle stands, cycle parking facilities, carriageway markings, bollards and signs shall have been submitted to Local Planning Authority for approval in writing. A timetable for the implementation of the features specified by those details shall also be submitted with the detailed plans and particulars referred to

in this condition. The development shall take place strictly in accordance with the approved details.

Reason: To ensure a sense of place is achieved for the Main Street by careful use of street furniture as this detail is not known at this stage.

Deep Lane east bound on and off-slip traffic signals

103. Prior to the commencement of construction of any dwelling or community facility, improvement works to the existing traffic signals and junction layout at the Deep Lane east bound on and off slip road junction that are necessary to accommodate construction traffic at the development shall be carried out in accordance with the details and particulars submitted to and agreed pursuant to application reference 7_49/1440/15/DIS.

Reason: To ensure adequate construction access for the development in its initial phases.

Deep Lane Junction 'north' – Stage 1 and 2 works

104. Notwithstanding the details shown on submitted drawing D108 875 – 702B as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, full details of the proposed highway improvements in the area covered by this drawing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work to Stage 3 of the Main Street as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009. For the avoidance of doubt, the drawings required to be submitted shall detail how Stage 1 and 2 works to Deep Lane Junction including a new traffic signal junction at the Sandy Lane and Ridgeway junction, as identified on Figure: 3.1 GENERAL ARRANGEMENT SHOWING PROPOSED IMPROVEMENTS TO DEEP LANE INTERCHANGE, dated Aug 2007 as contained in the appendix "Technical Note 1 (v2) ref: D115162 MDCR" to the Transport Assessment Addendum, October 2007, shall be carried out. The junction improvement shall be carried out prior to the occupation of 1300 dwellings and strictly in accordance with the drawings approved pursuant to this condition.

Reason: To ensure adequate highway provision for phases of the development to the east of Brixton Road.

Deep Lane west bound off-slip traffic signals

105. Prior to the commencement of construction of any dwelling or community facility, improvement works to the existing west bound on and off slip road junction, that shall include the provision of traffic signals, as set out in the details and particulars submitted to and approved pursuant to application reference 7_49/0502/15/DIS shall be completed and made operational

Reason: To ensure adequate construction access for the development in its initial phases.

Deep Lane Junction 'south' – Stage 1 and 2 works

106. Notwithstanding the details shown on submitted drawing D108 875 – 703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, no work to Stage 3 of the Main Street as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009 shall commence until full details of the proposed highway improvements in the area covered by this drawing have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, the submitted drawings shall detail how Stage 1 and 2 works to Deep Lane Junction as identified on Figure: 3.1 GENERAL ARRANGEMENT SHOWING PROPOSED IMPROVEMENTS TO DEEP LANE INTERCHANGE, dated Aug 2007 as contained in the appendix "Technical Note 1 (v2) ref: D115162 MDCR" to the Transport Assessment Addendum October 2007, shall be carried out. The junction improvement shall be carried out prior to the occupation of 1300 dwellings and strictly in accordance with the drawings approved pursuant to this condition.

Reason: To ensure adequate highway provision for phases of the development to the east of Brixton Road.

107. Development of the Stage 3 section of the Main Street as defined on Fig 2.8 Revision 4 of the Transport Assessment Addendum 2 May 2009 as received by the Local Planning Authority on 2nd July 2009 shall not commence until detailed plans and particulars of the design and construction of the proposed bridge in the location shown on D108 875 742F as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, have been submitted to and approved by the Local Planning Authority. Such design and construction details shall be in general accordance with the drawing on sheet 15 of the Main Street booklet. The details and materials of ancillary structures including roofing and fenestration shall be submitted to and approved by the Local Planning Authority prior to the commencement of development of the Stage 3 section of the Main Street.

Reason: To ensure that details and particulars of this landmark feature are provided to enable a proper assessment of this element of the Main Street which have not been provided as part of the detailed element of this application.

108. A landmark feature shall be designed and erected in accordance with plans submitted to and approved by the Local Planning Authority in the square-about shown on drawing D108 875 742F as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009. The landmark feature shall be erected within a timescale previously agreed with the Local Planning Authority. Notwithstanding drawing D108 875 742F, as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, the details of the square-about shall be submitted to and approved by the Local Planning Authority to accommodate the landmark feature and including pedestrian friendly features to the satisfaction of the Local Planning Authority.

Reason: To ensure that details and particulars of this landmark feature are provided to enable a proper assessment of this element of the Main Street which have not been provided as part of the detailed element of this application.

109. Notwithstanding details submitted on the Main Street drawings all details of the bat crossing structures both under- and over-ground and associated tree planting shall be submitted to and approved by the Local Planning Authority in respect of each Phase of the Main Street Development hereby authorised prior to commencement of any construction on that Phase of the Main Street. For the avoidance of doubt, the bat structure associated with Stage 1 of the Main Street Development that is situated to the east of Vinery Lane has been agreed, and shall be carried out in accordance with the details submitted to and approved pursuant to application reference 7_49/0351/15/DIS.

Reason: To ensure a satisfactory provision is made for bats in harmony with highway integrity and safety.

As Directed by the Secretary of State for Transport

110. No more than 1300 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT, 16/00247/OUT and 17/00998/S73 and South Hams District as defined by Planning Application 7_49/2426/06/O, 0484/16/VAR and 1593/VAR) until a Park and Ride facility comprising of at least 500 car parking spaces is operational and has been confirmed as being so, in writing, by the Local Planning Authority. The Park and Ride facility shall be sited broadly in the location identified on the Key Fixes Diagram Ref: DRN2.

Reason: To ensure that the development is phased appropriately in association with neighbouring development to reduce the highway congestion in the interests of public safety, convenience and amenity.

111. No more than 4000 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT, 16/00247/OUT and 17/00998/S73 and South Hams District as defined by Planning Application 7_49/2426/06/O, 0484/16/VAR and 1593/17/VAR) until a park and ride facility comprising of at least 1000 car parking spaces is operation and has been confirmed as being so, in writing, by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is phased appropriately in association with neighbouring development to reduce highway congestion in the interests of public safety, convenience and amenity.

112. Prior to the commencement of construction of any dwelling or community facility, improvement works to the existing west bound on and off slip road junction, that shall include the provision of traffic signals, as set out in the details and particulars submitted to and approved pursuant to application reference 7_49/0502/15/DIS shall be completed and made operational

Reason: To ensure that the development is phased appropriately in association with neighbouring development in the interests of highway safety.

113. Notwithstanding the details shown on submitted drawings D108 875-700D, D108 875-702B and

D108 875-703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May

2009 no more than 1300 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT, 16/00247/OUT and 17/00998/S73 and South Hams District as defined by the Planning Application 7_49/2426/06/O, 0484/16/VAR and 1593/17/VAR) until the highway works to A38 Deep Lane junction as shown on the Scott Wilson drawing D108 875-SK-H200B (received by the Highways Agency on the 10th November 2011) or an acceptable alternative, are in place, are operational and have been confirmed as being so the Local Planning Authority and the Highways Agency. In addition to the details shown on the drawings referred to in this condition, the highway works to A38 Deep Lane junction mentioned in this condition shall also incorporate appropriate facilities for pedestrians to cross the west bound A38(T) on-slip at its junction with the B3416 and such shall be installed concurrently with the highway works to the written satisfaction of the Local Planning Authority and Highways Agency.

Reason: To ensure that the development is phased appropriately in association with neighbouring development in the interests of highway safety.

INFORMATIVES

1. This Decision Notice refers to the plans and documents; Masterplan Book January 2008 as superseded and supplemented by Masterplan Book Addendum May 2009 and April 2017; Town Code July 2017rev3; Main Street: Deep Lane Junction to Stanborough Cross January 2008 as superseded and supplemented by Main Street: Deep Lane to Stanborough Cross Addendum May 2009; Transport Assessment November 2006 as superseded and supplemented by Transport Assessment Addendum October 2007 and Transport Assessment Addendum 2 May 2009 including Fig 2.8 Revision 4 July 2009 to the Transport Assessment Addendum 2; Retail Impact Assessment November 2006; Environmental Statement November 2006 as superseded and supplemented by Environmental Statement Addendum October 2007 and Environmental Statement Addendum 2 May 2009 and supplementary information to Natural England dated 07.12.07 as amended by supplementary information to Natural England dated 07.12.07 Addendum May 2009 including the ES clarification letter received by the Local Planning Authority on 2nd July 2009; Environmental Statement Non-technical Summary November 2006 as superseded and

supplemented by Environmental Statement Non-technical Summary May 2009; Report to Inform an Appropriate Assessment Addendum October 2007; and Flood Risk Assessment November 2006 as superseded and supplemented by Flood Risk Assessment Addendum October 2007. And in respect of the amendments sought in this application, the following drawings;

BARTON WILLMORE 25142_BRL_PL003_Rev B Landscape General Arrangement, S73 Application; 25142_BRL_PL004_Rev B Landscape Proposals Plan Colour, S73 Application; 25142_BRL_PL202_Rev B Planting Plan and Schedule, S73 Application; 25142_BRL_PL005_Rev B Streetscape General Arrangement & Planting, Sheet 1 S73; 25142_BRL_PL006_Rev B Streetscape General Arrangement & Planting, Sheet 2 S73; 25142_BRL_R001_Landscape Management Plan including Maintenance Schedule; 25142/A5 Rev 06 – Detailed Design Code Compliance report, Feb 2016 (updated May 2016); 25142_9906_Rev A Proposed Site Plan Section 73 Application

BROOKBANKS 10334-003-001 Traffic Management Context Plan; 10334-010-001 F10 CDM Responsibilities; 10334-100-201_C School Access General Arrangement; 10334-100-211_A School Access Vehicle Tracking Sheet 1; 10334-100-212_A School Access Vehicle tracking Sheet 2; 10334-120-201_C School Access Location Plan; 10334-150-201_A School Access Standard Details Sheet 1; 10334-150-202_B School Access Standard Details Sheet 2; 10334-150-203 School Access Standard Details Sheet 3; 10334-500-201_E School Access Drainage; 10334-500-220 Surface Water Overland Flows Layout; 10334-510-201_A School Access Catchment Areas; 10334-700-201_B School Access Paving & Kerbing; 10334-800-201_A School Access Long Sections; 10334-1400-201_B School Access Lighting Design; 10334-SK-213_A School Junction Arrangement; 10334-SK-214_A School Junction Arrangement; C151321-S-L-13 T2; 10334TN06Rv0 – Technical Note: Response to Highway Comments; 10334TN07Rv0 – Technical Note: Primary School Entrance; 10334TN08Rv0 – Technical Note: The Square Operation; Sherford LPA EA Drainage comments Rev2; Sherford LPA DCC Drainage comments Rev1; Stage 1 RSA Sherford with design response comments; 10376 FRA-ADD01 Rev 2 Flood Risk Assessment with Appendices; 10376 TS01 Rev3 Transport Statement; 10376 Rev 1 Construction, Environmental and Management Plan (CEMP); 10334 TN03 Rev 1 Lighting Statement

2. This Decision Notice also refers specifically to the following Plans that are included within the above documentation;

Sherford Town Plan - [DRN1] - as listed at Figure 1 Chapter 1 of the Masterplan Book January 2008; "Illustrative Masterplan" page 6 of the Town Code July 2017rev3; and 038-III/11.1001 Rev OPA/1 of Main Street; Deep Lane Junction to Stanborough Cross January 2008.

Key Fixes Diagram - [DRN2] - as listed at Figure 1 Chapter 4bii of the Masterplan Book January 2008; and "Key Fixes Plan" page 15 of the Town Code July 2017rev3.

Commercial Land Uses Plan - [DRN3] - as listed at Figure 1 Chapter of the Masterplan Book January 2008; and "Landuse Plan" page 25 Town Code July 2017rev3.

Surface Water Drainage Strategy - [DRN4a & DRN4b] - as listed at Figure 3a and 3b Chapter 4biv of the Masterplan January 2008.

Foul Water Drainage Strategy - [DRN5] - as listed at Figure 2 Chapter 4biv of the Masterplan Addendum May 2009.

Landscape Masterplan - [DRN6] - as listed at Figure 3 Chapter 4bvi of the Masterplan January 2008.

Landscape Strategy - [DRN7] - as listed at Figure 2 Chapter 4bvi of the Masterplan January 2008; and "Green Structure Plan" Page 31 of the Town Code July 2017rev3.

LEAPs and NEAPs Zones Diagram [DRN8] - as listed at Figure 11 Chapter 4bviii of the Masterplan January 2008; and "Play Facilities Plan" Page 43 of the Town Code July 2017rev3.

Internal Cycle Route Network - [DRN9] - as listed at Figure 2 Chapter 4bviii of the Masterplan Addendum May 2009a; and D115800-700-001 Rev J Main Street; Deep Lane Junction to Stanborough Cross Addendum May 2009.

Neighbourhood and Neighbourhood Centres - [DRN10] - as extracted from DRN2 and DRN3.

Key Fixes Diagram FOR SCALING - [DRN11] - To be scaled only from a fully re-produced A0 plan.

Plans DRN1 - DRN10 are to be used in the interpretation of the planning conditions attached to this permission. For scaling purposes, use only an accurately reproduced A0 version of DRN11

3. This permission is to be read in conjunction with the Section 106 Obligation dated **xxxx**, 26th October 2016 and 12th November 2013 between Plymouth City Council, South Hams District Council, Devon County Council, Red Tree (2004) LLP, and others AND for the avoidance of doubt the 'commencement of development' defined in the S106 Obligation refers to the requirements of that S106 Obligation and not to the requirements of this Decision Notice.
4. In this permission, reference to the "Western Neighbourhood", "Town Centre Neighbourhood", "Southern Neighbourhood" and "Eastern Neighbourhood" refer to the areas so named and delineated on the Neighbourhood and Neighbourhood Centre Plan (Ref DRN10) attached to this permission. References to "Neighbourhood" or "Neighbourhoods" shall be read as referring to any one or more of them as the context requires.
5. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended, in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

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PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Holbeton **Ward:** Wembury and Brixton

Application No: 152289 25/1720/15/O

Agent/Applicant:

Savils incorporating Smiths Gore
York House
Blackbrook Business Park
Taunton
Somerset
TA1 2PX

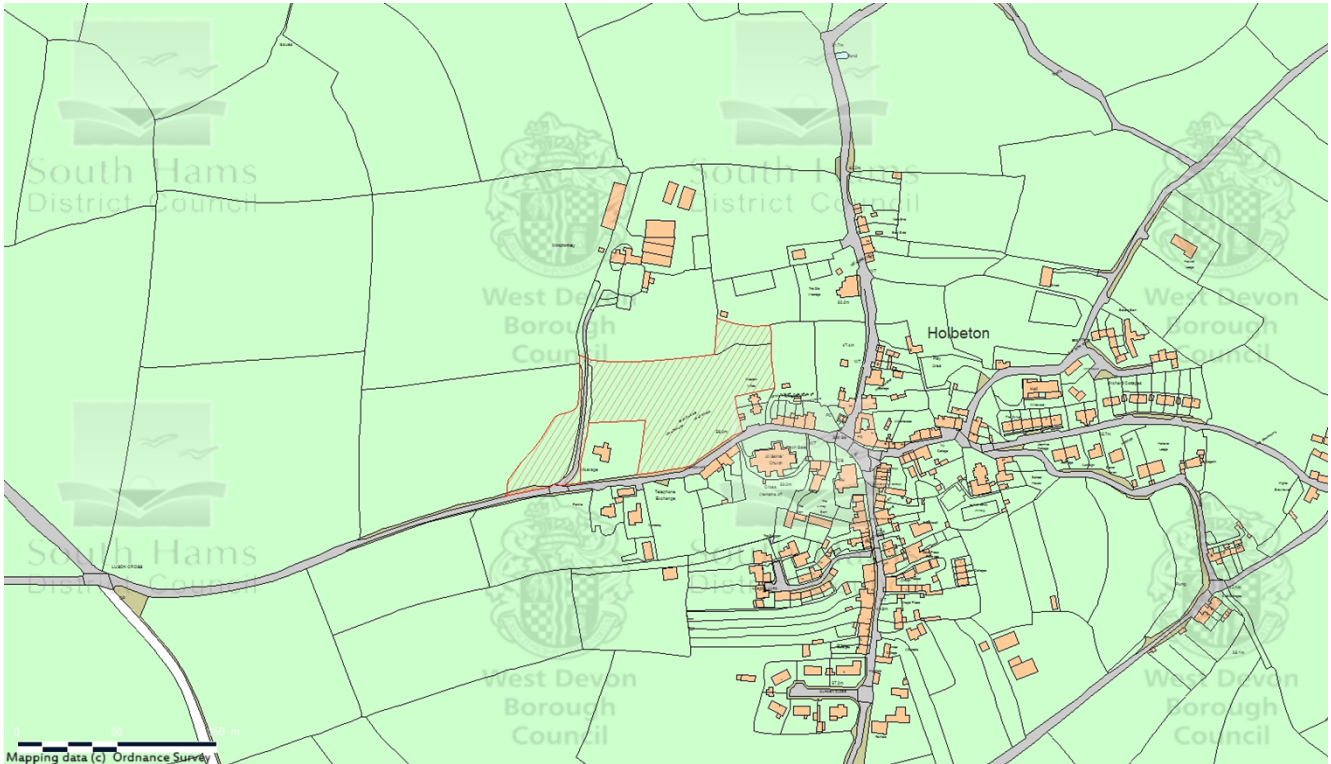
Applicant:

Trustees of Flete Estate
Haye Farm
Holbeton
PL8 1JZ

Site Address: Proposed Development Site At Sx 612 502, Land North Of Church Hill, Holbeton, Devon

Development: READVERTISEMENT (Amended Site Plan & Revised Surface Water Drainage Scheme) Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works

Reason item is being put before Committee: At the request of CoP lead because this application is linked with application 25/1721/15/O which has been called to committee by Cllr Baldry



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 should secure the following:

- 35% on site provision of affordable housing
- £38.306 towards infrastructure at Ivybridge Community College
- £13,851 toward school transport
- Ongoing management and maintenance of open space, landscape and wildlife features in accordance with LEMP in perpetuity
- Provision of footpath link to Church Hill
- £380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field
- £595 per occupier for improvements to the Holbeton playing field to allow increased use for sports
- Public access and on-going management of the allotment area in perpetuity
- Public access, use in perpetuity and ongoing maintenance and management of the car park

Conditions

- Standard outline time conditions (3 years + 2 years)
- Accords with plans
- Access and visibility splays to be constructed and laid out and maintained for that purpose, in accordance with approved plan and details
- Pre-commencement – Construction Environmental Management Plan
- Pre-commencement – details of road construction to to be agreed
- Pre-commencement – suitable highway drainage scheme to be agreed and then implemented
- Pre-commencement – ground investigation to be undertaken to prove that the 1:2:5 batter slopes adj. the car park are safe
- Pre-commencement – Programme of percolation test to be agreed and undertaken in consultation with LLFA.
- Pre-commencement – detailed design of permanent surface water drainage management system to the agreed with LLFA.
- Pre-commencement – Details of adoption and maintenance arrangements for proposed surface water drainage management system to be agreed with LLFA
- Pre-commencement – detailed design of surface water management during construction to be agreed with LLFA
- Pre-commencement - LEMP to be agreed
- Details of allotments to be agreed and implemented
- Unsuspected contamination
- Details of footpath to be agreed and implemented

- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented
- Removal of PD – roof alterations, means of enclosure, hardstandings, boundary treatments.
- Garages and parking areas to be provided in accordance with approved details prior to occupation
- Vehicular access and road to be provided in accordance with phasing plan to be agreed

- No external lighting in public areas other than that agreed in lighting strategy
- Development in accordance with Ecology Report
- Materials to be agreed
- Boundary treatments

Key issues for consideration:

The site lies outside of the development boundary but the southern third is an allocated site in the current Development Plan, identified as site RA18, proposed for about 15 dwellings with footpath access to the village centre. The site is within the South Devon AONB.

Given the location outside of the development boundary and that only one third (approx.) of the site is an allocated site, the development does not accord with the Development Plan. Taking into account paragraph 49 of the NPPF, the initial issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date.

In such a situation it is necessary to consider if any adverse impacts of granting permission for this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or if specific policies in the NPPF indicate development should be restricted.

In this assessment key issues will relate to heritage, landscape, drainage and access.

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of approximately £16,618 per annum.

The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The site is located to the west of the village of Holbeton, adjacent to the development boundary. Holbeton is located approx. 1.5km south of the A379 accessed via typical, often narrow, Devon lanes.

The village offers a wide range of community facilities including a primary school, post office and shop, village hall, two pubs (one of which is currently closed), a church, allotment gardens, community orchard, playing fields and a children's play park. These facilities serve the residents of Holbeton and other small settlements in the surrounding rural area.

Holbeton has limited off road parking provision at present which can cause congestion at times

The site is located to the north of Church Hill. To the south west the site adjoins a dwelling in a large plot, the Vicarage, which is mostly surrounded by trees and to the south east are two attached properties, Western Villas which sit at ninety degrees to the main road and front onto the application site

Opposite the southern boundary, on the other side of Church Hill, is a terrace of historic cottages; these are set at a lower level than the site with their first floor front facing windows overlooking the site. Also on the south side of Church Hill and south east of the application site is the Grade 1 Listed All Saints Church.

The Conservation Area lies immediately south and east of the site.

The site rises gently from south east to north-west. For the most part the site is set approx. 2m above road level where it abuts the road, although it does grade down to road level in the south east corner. The road boundary is defined by Devon bank which in parts has been allowed to grow high.

A footpath with an entrance gate runs diagonally across the site from Church Hill, this is known as Monks Path and is considered locally to have heritage interest. This is not an identified public right of way.

The site is currently in agricultural use as pasture land. To the north lies Minchinhay Farm.

The site is located in the South Devon Area of Outstanding Natural Beauty

The Proposal:

Whilst this is a stand-alone application in most respects it is submitted by the same applicant together with an application for 11 open market dwellings at Vicarage Hill, to the north of the village. It is intended that all the affordable housing for both sites will be provided on the Church Hill site, a total of 9 units which represents 35% across both sites

The proposal at Church Hill is for the construction of 14 dwellings including the 9 affordable homes, a community car park, community allotments, public open space and a footpath link through to Church Hill. It is anticipated that the scheme will also reduce existing surface water flooding problems associated with Minchinhay.

While the application is made in outline, an indicative layout plan and sketch drawings are submitted; this is a very sensitive site and it is necessary to demonstrate that it is possible to develop the site for the proposed type and quantum of development with significant adverse impacts.

Following consultation with Historic England and the Council's Heritage Specialist the illustrative layout has been amended significantly since the original submission. It now proposes an more informal rural layout with housing fronting onto a large open area of common/open space. It is intended that the open space have a very informal, rural treatment akin to a common. This open space is proposed to preserve the setting of the listed church. Dwellings are indicated fronting onto the common and parking is sited so as not to dominate the site.

Two parking spaces per dwelling are proposed and a garage is proposed for 2 Western Villas which currently has no off street parking. Approximately 20 'public' parking spaces are to be provided as overflow parking for the village. A footpath link through to Church Hill would be provided which will meet the road opposite the lynchgate to the Church allowing a safe pedestrian route to the village for those that chose to use it. The most direct route however will be along the lane where there are no footpaths.

A new vehicular access is to be provided to the west of the existing access to the Vicarage (this access cannot be used due to poor visibility), this will result in a new opening and loss of Devon hedgebank, new hedgerow planting is proposed along the length of the new access. Due to the topography of the site it is not possible to gain access closer to the allocated land.

Community allotments are proposed adjacent to the new access road making use of the island of land that will be created.

The site area has been increased to include land needed for drainage and is likely to require two large attenuation ponds to the north west and north east of the site to manage surface water runoff coming from Minchinhay Farm, as well as swales.

Consultations:

- County Highways Authority: No objection subject to conditions
- Environmental Health Section: No objection subject to conditions
- SHDC Ecology: No objection subject to conditions and implementation of a LEMP to be secured in a 106 Agreement.
- AONB Unit: No objection in principal but concern over detail (comments are made in respect of the original scheme before it was amended).
- SHDC Landscape: No objection subject to conditions
- Open Space, Sport and Recreation: No objection subject to financial contributions to secure the following:

£380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field

£595 per occupier for improvements to the Holbeton playing field to allow increased use for sports

- DCC Education: No objections subject to financial contributions to secure the following:

£38,306 towards infrastructure at Ivybridge Community College

£13,851 toward school transport

- Natural England: No objection
- Affordable House: The application proposes 35% affordable housing across this site and the application at Vicarage Hill, however it will all be provided on the Church Hill site. No objection is raised to this approach but evidence needs to be provided to explain why they are doing this and it would only be supported if it assisted viability. A Section 106 will need to link the two sites to ensure the affordable units at Church Hill are provided in advance of the market homes at Vicarage Hill
- DCC Flood Risk: No objection subject to conditions.
- SWW – no objection subject to no surface water being connected to the public sewer.
- Historic England: No objection, detailed comments are provided which include the following:

The development will still impinge upon the open character of the field, and to some extent restrict views towards the church. However, given that this site has already been allocated for development, we feel that the harm that could be caused to the setting of the Church will be limited in the revised scheme, to the point where it wouldn't be unacceptable. The success of this development will also depend on the design of the houses harmonising with the traditional buildings of the village and upon sensitive landscaping

- SHDC Conservation: No objection

I agree with the sentiments offered by the Historic England Regional Inspector in that the surrounding rural landscape adjacent to the highly graded Church will undoubtedly change through the inclusion of new housing if permitted. However given the presumption in favour of development offered by the allocation I would suggest that the scheme before us now for consideration is a scheme that has been well-considered and offers mitigation through its preferred design approach which seeks to address the previously aired concerns relating to potential impact on the Church and its setting.

The fact that this application is presented in outline form only still raises a few concerns. The success of this scheme will still heavily rely on its integration with the surrounding historic village settlement and its adopted Conservation Area. The palette of materials to be used and the treatment of the 'open spaces' will be a key factor in this integration.

- Town/Parish Council: Support subject to:
 - The applicant must provide the additional information as identified in the Lead Local Flood Authority Response document compiled by Richard Rainbow and as

annexed to these minutes, and observe strict adherence to the pre-commencement conditions as set out in the aforementioned document.

- Further consideration, from a safety aspect, be given by the applicant to pedestrian access, both from the car park to the housing (ie car to door) and also from the site to the village.
- As a heritage site, the applicant responsible is to acknowledge the monk's path and treat it sympathetically along with any other special unique characteristics the development may uncover
- Restriction on second homes and holiday lets

Representations:

There are approximately 20 objectors who have submitted representations which include the following reasons:

- Flooding is a problem on the Minchinhay field and this would be made worse by the development.
- Overlooking of cottages opposite
- Unrealistic to say pedestrians will walk through the Church to get to the villages services-added danger for pedestrians to walk on narrow roads
- Road is narrow and cannot cope with more traffic
- Disturbance from cars headlights to cottages opposite due to elevated nature of site.
- AONB location – development should not occur
- Contrary to NPPF – inc. paras 115 and 116
- Contrary to AONB guidelines
- Contrary to Development Plan, inc Policy DP2
- Any drainage scheme needs to be maintained in perpetuity
- Out of character with the village
- Loss of privacy from car park to houses opposite
- Loss of view
- Light pollution if street lights are used
- Over dominance
- Loss of light
- Noise disturbance
- Loss of open space
- Users of new village hall will try to park closer not in proposed car park
- Will urbanize the area
- Village does not need further development to remain viable
- Loss of hedgerows
- Includes land outside of the development plan allocation
- Poor public transport – the location is not sustainable
- Adverse impact on conservation area or a listed building
- Adverse impact on setting of Grade 1 listed church
- Impact on important trees
- Design and appearance
- Car parking provision

- Loss of ancient link across the site
- Likely to become second homes

One letter in support has been received which raises the following issues:

- Needed so that Holbeton can remain a sustainable community
- Holbeton has an aging population
- Primary school, pub and shop are all suffering from decline in use – one pub has closed and school role fallen by over 50%
- Main concerns about traffic and drainage can be overcome

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The site lies outside of the development boundary but the southern third of the site is an allocated site, RA18, for about 15 houses. This application proposes 14 dwellings in addition to other community facilities.

Policy CS1 of the South Hams Local Development Framework (LDF) identifies Holbeton as a village in which the principle of development is acceptable; elsewhere development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a local need.

Policy DP15 of the LDF addresses development in the countryside and states that within the countryside, development will be permitted where it requires a countryside location and:

- a. supports the essential needs of agriculture or forestry interests; or
- b. meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.

Para 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development; development that accords with the Development Plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted (such as in the AONB)

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

At present this Council does not have a demonstrable 5 year housing land supply. Sites have been identified in the emerging Plymouth and South West Devon Joint Local Plan (JLP) but the evidence base for the allocations has yet to be tested. As such paragraph 49 applies to the consideration of housing applications in the area. Policies CS1 and DP15 are therefore considered to be out-of-date.

Following guidance from the most recent Supreme Court judgement on how to interpret paras. 14 and 49 of the NPPF, the case of Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and other v Cheshire East Borough Council, the general effect is reasonably clear:

In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise.

There are two threads to this. The first thread, *whether the benefits are “significantly and demonstrably” outweighed by the adverse effects*, will be assessed against the specific policies in the framework below.

The second thread refers to ‘*where “specific policies” indicate otherwise*’. Footnote 9 gives examples of such specific examples and this includes the AONB.

Para.115 of the NPPF states that:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Paragraph 116 of the NPPF states that:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

The proposed development of 14 houses on the edge of Holbeton is not considered to be major development. It has been argued that this application should be considered together with the Vicarage Hill scheme which would result in 25 new dwellings. Officers do not consider this to be the appropriate test due to the physical separation of the sites and the fact that each site has a separate planning application. Even taken together however, having regard to their separation and context within the village it is not considered that they would constitute major development for the purposes of para 116.

Para 115 does not rule out development in the AONB however great weight should be given to conserving its landscape and scenic beauty. The impact on the AONB will be considered later in this report and weighed heavily in the planning balance.

Affordable Housing

Policy CS6 of the LDF states that new residential development should provide affordable housing consistent with the overall strategic target of 50% from all sources and having appropriate regard to the:

- Identified local need;
- Nature and scale of the location and the development proposed;
- Characteristics of the site; and
- Economics of provision

The adopted affordable housing SPD states that on unallocated sites with capacity for 6 to 14 dwellings a 35% on site provision would be sought and on allocated sites the provision will be 60% in rural areas. The emerging JLP proposes on site provision at 30% for development over 10 dwellings.

The NPPF considers affordable housing at paragraph 50 where it states that LPAs should:

Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

In this instance it is proposed to provide 35% affordable homes on site, and to also accommodate the requirement from the Vicarage Hill site on this site, this will result in the provision of 9 affordable homes. The applicant believes it will be easier to get an affordable home provider on board where the units are grouped together.

The Church Hill site is well related to the village and the illustrative layout indicates an attractive layout set around a large open common. This should provide a pleasant living environment. The provision of the affordable units on this site is not considered to offer a reduced standard of amenity compared to the Vicarage Hill site.

Officers consider the proposals for the provision of affordable housing to be acceptable.

Landscape:

Policy DP2 of the LDF states that:

Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes, by:

- a. reflecting the needs and issues set out in identified landscape character areas;
- b. ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character);

- c. retaining, integrating and enhancing distinctive features such as trees, ancient woodlands, field boundaries, walls, hedgerows, watercourses and river valleys;
- d. avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and
- e. respecting the unspoilt nature and tranquillity of the area.

Policy CS9 of the LDF states that in designated AONB's their conservation and enhancement will be given great weight and development will not be permitted which would damage their natural beauty, character and special qualities or prejudice achievement of their designated purpose.

Para 115 of the NPPF states that

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

The AONB Unit commented on this application before it was amended and stated that the provision of a small development to meet local housing needs at this site is felt to be acceptable in principle. Comments were made in respect of the care needed in terms of design, scale and materials at reserved matters stage. The AONB Unit have not commented on the revised layout.

The Council's landscape specialist has commented on the revised illustrative layout as follows:

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 116, due to its scale and form. In consideration of the location of the proposal within the South Devon AONB, great weight will be given to this fact in the planning balance.

Landscape Character and Visual Amenity

The site is located on the edge of Holbeton, within allocated site RA18. Within the SHLAA analysis the site is noted as being within the South Devon AONB under Landscape and Ecology.

The application is accompanied by an LVA (Savills; dated July 2015), this is noted and is broadly sound in the approach and conclusions drawn. However, the officer appraisal has been considered in light of the most recent concept plan which differs from that included in the LVA; it is also acknowledging this is an outline application and design may subsequently be further altered. Careful consideration has been given to the baseline position established by the LVA and the most recent concept plan considered in that context.

In considering the application, officers have also referred to the most up to date Landscape Character Assessments (JLP evidence base), in particular with a focus on the Landscape Character Types and accompanying analysis. The site is within 1B – Open coastal plateaux. It is adjacent to the settlement boundary and, as a result of the topography, well contained visually, with limited or negligible impacts more widely. Key landscape features are retained, and their context understood in terms of the proposed scheme and layout, ensuring that the

overall character is conserved. Boundary hedge-lines will need to be secured for retention either within a management company or by deed, in particular along the Church Hill lane.

Cumulative impacts have also been considered in the context of the other sites coming forward off Vicarage Hill. Analysis of the schemes shows there is limited or no inter-visibility and therefore it is felt that if the Vicarage Hill scheme also comes forward that cumulative impacts would be acceptable.

In conclusion it is acknowledged that there will be some adverse impact as a result of the proposed development. However, this is limited in nature and can be successfully mitigated to ensure the overall and wider landscape character is conserved.

Having given due consideration to the various policies, designation and guidance, no objections are raised to the proposed development subject to relevant landscape conditions.

Having regard to both technical responses on landscape/AONB impact it is considered that there will be a limited degree of adverse impact on landscape character but which can be mitigated. As a consequence the AONB landscape will be conserved

Trees

The Council's arboriculturalist has commented as follows:

No significant arboricultural features are being removed and due consideration is given to protecting retained trees. This has again been considered in the context of the most recent scheme. There will be a need to secure any Arboricultural Methodology statements where designs have the potential to impact on root protection areas. Conditions to include AIA for final design, any necessary AMS and tree protection.

Impact on trees is acceptable.

Heritage/Design

Policy DP6 of the LDF states that Development will preserve or enhance the quality of the historic environment. The design, siting, bulk, height, materials, colours and visual emphasis of proposed new development should take into account local context and in particular the character and appearance of the historic building and its environment.

Policies DP1 and CS7 of the LDF require that all development will display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape. The NPPF states that good design is a key aspect of sustainable development and should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (para 56 and 58).

Despite its allocation for development the RA18 site has significant constraints, in particular the importance of the current open, agricultural and rural setting that the site provides to the nearby Grade I listed church. The original illustrative layout showed development right across the site with a large carpark at its frontage; this was wholly inappropriate. Despite this being an outline application it is essential that it is demonstrated that an appropriate form of development can be achieved.

The applicant worked closely with Historic England and the Council's heritage specialist to revise the scheme resulting in the current layout which now has the support of Historic England. The Council's heritage specialist has commented as follows:

The proposed site is located in close proximity to the grade I listed All Saints Church and sits just outside of the designated Conservation Area. As with many Churches the tower, in this case, the distinctive spire offers an important visual landmark, signalling the presence of a place of worship to those both near and far. Its prominence in the rural landscape is a contributing factor to the asset's overall significance and the contribution that this commanding visual presence offers to the Church's setting should not be underplayed.

The scheme has been substantially revised since the initial submission and Officers together with the Historic England Regional Inspector have worked in close liaison with the Applicant's Agents to address the heritage-based concerns that were previously raised.

The layout of the development has shifted significantly. Previously the site was developed east to west following the contours of the site with development across the middle of the open field immediately in front of the church. The scheme which has now been reduced in numbers (14 in total) is now effectively 'split'. Proposed there is to be a small enclave to the north east behind the existing cottages in the corner of the field, totalling three in number. The remaining majority of the housing is to sweep down from a north-west position to the south-east, wrapping around the boundary of the existing Vicarage residence. The access road serving the development is predominately restricted to a position where it hugs the northern boundary, a boundary which is well established offering a natural shield to the somewhat necessary new access road.

This site layout strategy has been carefully considered, a key driver being to maintain the visual connection between the rising public footpath to the north-west and the open vista of the Church thus preserving its setting. The considered position of the new proposed housing will afford a most generous 'open space' within the middle of the site thus securing the relationship between the wider rural landscape setting and the prominent Parish Church.

I agree with the sentiments offered by the Historic England Regional Inspector in that the surrounding rural landscape adjacent to the highly graded Church will undoubtedly change through the inclusion of new housing if permitted. However given the presumption in favour of development offered by the allocation I would suggest that the scheme before us now for consideration is a scheme that has been well-considered and offers mitigation through its preferred design approach which seeks to address the previously aired concerns relating to potential impact on the Church and its setting.

The fact that this application is presented in outline form only still raises a few concerns. The success of this scheme will still heavily rely on its integration with the surrounding historic village settlement and its adopted Conservation Area. The palette of materials to be used and the treatment of the 'open spaces' will be a key factor in this integration.

As long as there is a confidence that the above matters can be dealt with satisfactorily through future 'reserved matters' application then I raise NO OBJECTION to the development proposals

To achieve this successful layout it has been necessary to incorporate additional land, beyond the RA18 boundaries.

The heritage impacts and illustrative layout of the proposal are considered to be acceptable.

Ecology

Policies DP5 and CS10 of the South Hams LDF require that development will conserve, enhance and / or restore biodiversity.

Para 118 of the NPPF states that:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

A detailed ecological assessment was submitted as part of this application which identified a number of protected species within the vicinity of the site, including bats, badgers and birds.

The development will result in the loss of 5.5m of hedgerow for access and loss of improved grassland.

A Conservation Action statement have been produced to demonstrate how ecological impacts can be mitigated.

The Council's ecology specialist concluded that although the development will result in a number of ecological impacts it is considered that adequate mitigation and enhancement is provided. No objection is raised subject to conditions

Ecological impact is considered to be acceptable.

Neighbour Amenity:

Policy DP3 of the LDF states that development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. The NPPF at para 17 states within the core planning principles that good standard of amenity for all existing and future occupants of land and buildings should be achieved.

Concern has been raised by neighbours about the potential for loss of privacy, over dominance, noise and disturbance from headlights

This is an outline application with matters such as layout and scale to be agreed. The illustrative layout shows that new buildings can be located well away from existing dwellings. Appropriate design and landscaping can limit loss of privacy to an acceptable level.

Landscaping and/or boundary treatments can be used to mitigate the impact of car parking/headlights on neighbours.

It is considered possible to develop this site as proposed without significant harm to residential amenity

Highways/Access:

The application proposes a new vehicular access and access road west of the Vicarage on Church Hill. It is not possible to provide direct access into the site due to the topography of the land, the application site is at a much higher than the road.

A pedestrian route is proposed from the east and west of the site down to the south east corner of the site. It will emerge onto the highway opposite the church lynch gate. From here it is possible to walk through the church grounds into the village centre. This is not the most direct route however and pedestrians may also chose to walk down the road into the village centre which is a a distance of approx.100m

The highway authority, who have reviewed the detailed Transport Assessment that forms part of this application raise no objection to this development subject to conditions.

There is a safe pedestrian access into the village centre for those who chose to use it and the highway authority raise no objection in this regard.

The provision of a community car park is welcomed by the Highway Authority.

Matters relating to highways and access are considered to be acceptable.

Drainage:

The determination of this application has been significantly delayed due to the requirements of DCC as lead Local Flood Authority for the applicant to address drainage issues robustly. Part of the site has a history of flooding due to surface water run-off from land outside the site, this is mentioned by a number of local residents in their representations.

The applicants have sought to address the existing flooding problems and it is anticipated that the development should be able to provide betterment in this regard.

The final comments from the DCC engineer are as follows:

The submitted FRA also details a flood mitigation scheme which will deal with current surface water flooding issues (generated offsite) which effect the eastern section of the site and results in flooding to the neighbouring properties. The current flooding results from defects within an existing 225mm land drainage pipe. The current proposals will seek to control runoff from adjoining land and control flows through the existing pipe work (which will includes remedial works to ensure appropriate operation). In principle this is acceptable and the proposed attenuation ponds and pipe remedial works could be secured by an appropriate condition.

South West Water raise no objection to this application.

It is concluded that the site can be adequately drained in respect of the proposed development and is likely to cause betterment

The Planning Balance

In the absence of a 5 year housing land supply paragraph 49 of the NPPF requires this authority to determine housing applications in accordance with para 14 of the NPPF, but tilting the balance in favour of the development.

Para 14 sets out two criteria:

The first criteria is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is necessary therefore to balance the benefits against any harm when assessed against policies in the Framework as a whole:

Benefits of the development:

Provision of 14 new houses

Provision of 5 affordable homes within Holbeton (and a further 4 affordable homes will be provided on site to fulfil the quota from the Vicarage Hill site, giving a total of 9 affordable homes on this site)

Provision of a community car park within the village for which there is a need

Provision of community allotments.

Provision of public open space

Betterment of drainage/flooding problems

Economic benefit to the local economy during construction

Economic benefit to the local economy through added spending and use of facilities by new residents.

Support for local services such as the pub and school to maintain their viability and thus the sustainability of the village as a whole.

Enables provision of a site for a new village hall with good links into the adjoining playing field at the Vicarage Hill site

Significant adverse Impacts of the development:

None

Weighed against the policies in the NPPF as a whole the balance weighs in favour of the development.

The second test is that planning permission should be granted unless specific policies in the NPPF indicate development should be restricted.

Para 115 of the NPPF is a potentially restrictive policy giving great weight to conserving landscape and scenic beauty in the AONB. This policy however does not preclude development itself (as in para 116), the test here is giving great weight to conserving the AONB.

It has been judged that the proposed development will conserve the AONB.

On balance it is considered that, the benefits of the development outweigh any harm and as such the development is sustainable.

It is recommended that conditional planning permission be granted.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

The Countryside and Rights of Way Act 2000

Planning for the South Devon AONB: Planning Guidance Version 1 (South Devon AONB Partnership)

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT11 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV30 Empowering local residents to create strong and sustainable communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV3 Sport and recreation

DEV4 Playing pitches

DEV5 Community food growing and allotments

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)

DEV30 Trees, woodlands and hedgerows

DEV31 Specific provisions relating to transport

DEV34 Delivering low carbon development

DEV35 Renewable and low carbon energy (including heat)

DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed conditions

1. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (i) the expiration of three years from the date of the grant of outline planning permission; or if later
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
- (g) all other works including walls fences means of enclosure screening;
- (h) the location, extent and layout of open spaces;
- (i) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

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

3. The development hereby approved shall in all respects accord with drawing numbers xxx (the drawings associated with this application).

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

4. Prior to their installation details / samples of facing materials, roofing materials and all surfacing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity

5. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use. Thereafter the boundary detail shall be retained and maintained.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

6. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

7. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Reference: HOL-HYD-PH1-XX-RP-D-5001 SO P1.2 (Rev P1.2, dated June 2016)).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

8. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

10. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

(i) All trees and hedgerows to be preserved should be marked on site and protected during any operations on site by a fence in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development (ii) No fires shall be lit within the spread of the branches of the trees (iii) No materials or equipment shall be stored within the spread of the branches of the trees. (iv) any damage to the trees shall be

treated with an appropriate preservative. (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

11. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal Report by Blackdown Environmental dated 03.07.15 shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

12. Notwithstanding the details provided, there shall be no external lighting of public areas including highways unless otherwise agreed in writing by the Local Planning Authority through the submission and agreement with the LPA of a lighting strategy

Reason: To protect the countryside from intrusive development and in the interests of ecology

13. No part of the development hereby permitted shall be occupied unless and until the vehicular and pedestrian accesses, internal roads, visibility splays and footpaths as approved have been laid out, surfaced and in all other respects completed to the satisfaction of the local planning authority. Once completed, the visibility splays shall be retained and maintained free of all obstruction over 1m high at all times.

Reason: To provide adequate visibility from and of emerging vehicles and in the interest of highway safety.

14. Prior to the commencement of development hereby permitted, a construction environmental management plan (CEMP) shall be submitted, detailing measures to mitigate or reduce the impact of the construction activities. This plan shall detailed hours of operation and hours of deliveries, methods of controlling noise from construction activities, a dust impact assessment and mitigation assessment, location of contractors compound, location of the storage of materials, wheel washing facilities, details of delivery routes for construction traffic from and to the A379, provision of car parking for contractors, details of a temporary direction signing scheme Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification

report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

16. The dwellings hereby approved shall not be occupied until the parking, servicing, garaging areas relating to them in accordance with drawings that shall have been previously submitted to and approved by the Local Planning Authority have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: In the interests of the visual amenities of the area and the safety of road users.

19. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Classes A and B including gates, fences, walls or other means of enclosure and means of access shall be erected or constructed between the buildings and the estate roads unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

20. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes B, C, D and F of the Order, including the erection of porches, dormers and roof alterations, shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area, to ensure adequate space about the buildings hereby approved, to prevent the increased risk of flooding elsewhere and in the interests of amenity.

21. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) An Arboricultural Impact Assessment and Method Statement detailing the location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;

(ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping. The scheme submitted shall be fully implemented

(a) in the planting season following the substantial completion of the development

(b) in tandem with each phase of the development as set out under condition above, and must be implemented not later than the planting season following the completion the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

22. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) A landscape and ecology mitigation and management plan

Reason: To protect and enhance the visual amenities and biodiversity of the site and locality.

23. The following details shall be submitted at the same time as the layout under the reserved matters:

A detailed landscaping and layout scheme for the area of allotments. The approved scheme shall be implemented not later than the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting or until development of the village hall commences.

Reason: In the interests of the amenity of the area

25. The following details shall be submitted at the same time as the layout under the reserved matters:

Full details of the proposed pedestrian access to Church Hill included means of construction, visibility splays, materials and landscaping. Development shall take place in accordance with the approved details

Reason: To secure adequate connectivity to the village and in the interest of the amenity of the area and in the interest of highway safety.

26. The proposed road, footways, footpaths, verges, junction, sewers, drains, retaining walls, service routes, surface water outfall, roof maintenance/vehicle overhang margins, embankments, and street furniture shall be constructed and laid out in accordance with details to be approved by the LPA in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the LPA.

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

27. Prior to the commencement of development on site a suitable highway drainage strategy solution shall be submitted to and approved by the LPA including a flood exceedance route plan. Development shall take place in accordance with the approved details,

Reason: In the interests of highway safety.

28. Prior to the commencement of development ground investigations shall be undertaken to the satisfaction of the LPA to demonstrate how the 1:2:5 batter slopes adjacent to the road are to be made safe and these details shall be submitted to the LPA and approved in writing. Development shall take place in accordance with the approved details.

Reason: In the interest of highway safety

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Holbeton **Ward:** Erme Valley

Application No: 152288 25/1721/15/O

Agent/Applicant:

Savills incorporating Smith Gore
York House
Blackbrook Business Park
Taunton
TA1 2PX

Applicant:

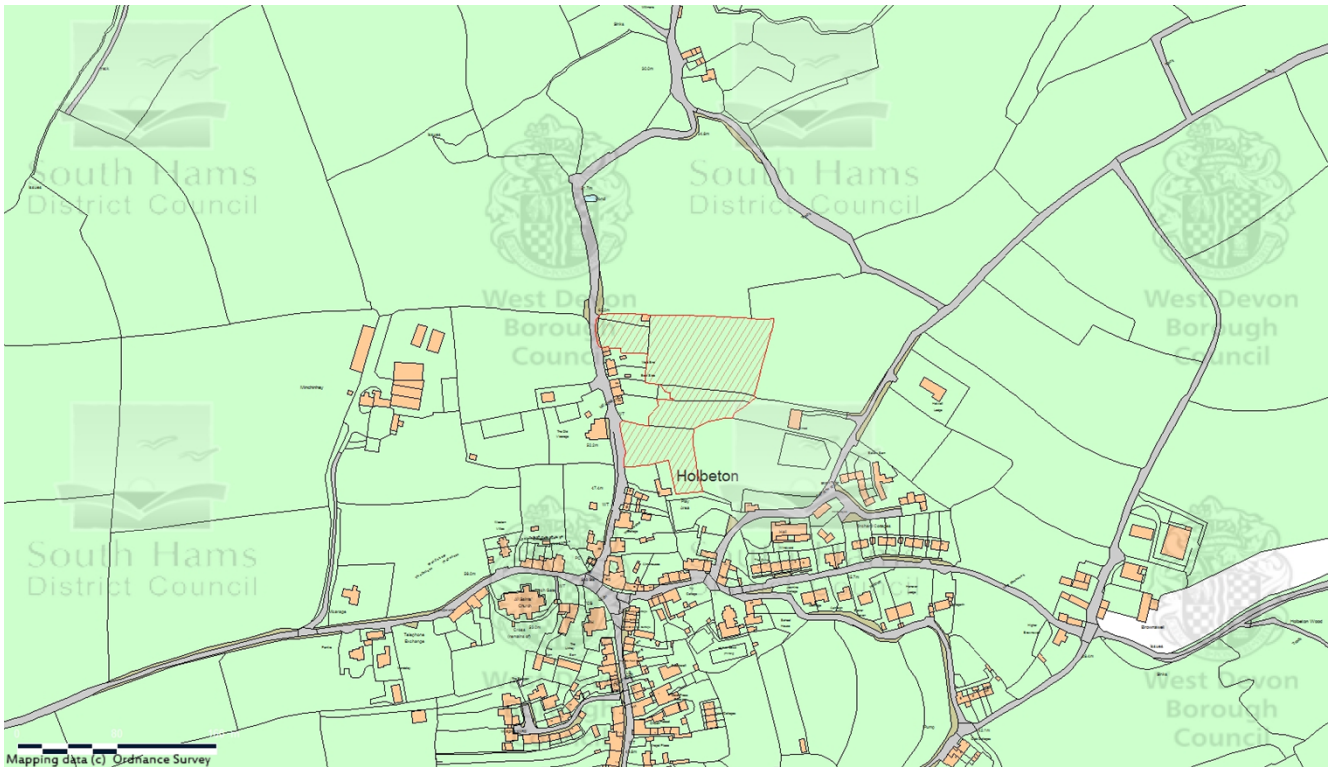
The Trustees of Flete Estate
Haye Farm
Holbeton
PL8 1JZ

Site Address: Proposed Development Site East Of Vicarage Hill At Sx 614 503,
Vicarage Hill, Holbeton, Devon

Development: READVERTISEMENT (Revised Plans Received) Outline application
with some matters reserved for erection of 11no. dwellings, village hall with car park,
access and associated works

Reason item is being put before Committee : At the request of Councillor Baldry for the
following reasons:

1. This and Church Hill are major developments, especially for a small village
2. It is not an allocated Development Site.
3. There is no affordable housing on this site (the link with the Church Hill AH needs to be clarified
4. The lack of support from the AONB Unit
5. Highways worries.
6. The level of local opposition



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 should secure the following:

- 35% affordable housing to be provided at the Church Hill site with appropriate phasing and commencement restrictions
- Ongoing management and maintenance of landscape, wildlife features and any Suds features within public areas, in accordance with the LEMP in perpetuity.
- Footpath link from village hall/site into playing field to be provided and maintained in perpetuity
- Village hall site to be provided and managed as public amenity land until hall is constructed
- The provision of the village hall site on a long term lease to be offered to the Parish Council
- £380 per occupier for improvements to Holbeton play area and provision of a skate park.
- £596 per occupier for improvements to the Holbeton playing field
- £9424 towards school transport
- £30,097 towards school infrastructure

Conditions

- Std time outline time conditions
- Submission of reserved matters
- Accords with plans
- Materials to be agreed
- Boundary treatments to be agreed.
- Development to take place in accordance with ecology report
- Full details of pedestrian access to Vicarage Hill to be agreed as a reserved matter
- Pre-commencement - Percolation testing to be carried out
- Pre-commencement – Detailed design of permanent surface water drainage to be agreed
- Pre-commencement - Detailed design of construction phase drainage to be agreed
- Pre-commencement – full details of the adoption and maintenance arrangements for the surface water management to be agreed
- Pre-commencement – CEMP to be agreed including details of all construction mitigation measures
- Pre-commencement – LEMP to be agreed
- Pre-commencement – Copy of licence (Badgers) from Natural England authorising works to be submitted or a written statement from NE of suitably qualified ecologist to effect that they do not consider the works will require a licence.
- Unsuspected contamination of land
- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented
- Removal of PD – roof alterations and extensions, means of enclosure, hardstandings
- Garages and parking areas to be provided in accordance with approved details prior to occupation
- Interim landscaping proposal for village hall site to be submitted to be agreed and implemented.
- Vehicular access and road, visibility splays and footways to be provided prior to occupation of any dwelling.
- No external lighting in public areas other than that agreed in lighting strategy
- Detailed construction of roads, verges, footways etc
- Highway drainage to be agreed
- Village hall – hours of use between 8am and 10pm Mon to Thurs and 8am to 11pm Fri to Sun only

Key issues for consideration:

The site is partially (approximately 25%) within the development boundary, the remainder lies outside but adjacent to the development boundary. The site is within the South Devon AONB. The site is not allocated for development.

Given the location of the majority of this unallocated site outside the development boundary it is considered that, taking into account paragraph 49 of the NPPF, the initial issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date.

In such a situation it is necessary to consider if any adverse impacts of granting permission for this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or if specific policies in the NPPF indicate development should be restricted.

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of approximately £13,057 per annum.

The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The site of 1.1ha is located on the northern edge of the village of Holbeton, on the east side of Vicarage Hill. The southern-most part of the site (approximately 25% of the site), shown on the illustrative layout as the site for the village hall and car park, is located within the development boundary. The remainder of the site lies outside but adjacent to the development boundary.

The site is within the South Devon Area of Outstanding Natural Beauty.

Holbeton is located approximately 1.5km south of the A379, accessed by typical, often narrow, Devon lanes. The village has a range of facilities including a primary school, post office and shop, village hall, two pubs,(one currently closed down) a church, allotment gardens, community orchard, playing fields and a children's play park. These facilities serve the residents of Holbeton and other small settlements in the surrounding rural area. The provision of off-road car parking facilities within the village are limited.

The site adjoins rear gardens of existing dwellings on part of its eastern boundary. To the south the site adjoins the children play area, to the west it adjoins the playing field, agricultural land lies to the north. The site itself is currently agricultural land with some parts let to the residents of Mole End and 28 Vicarage Hill as garden land

The southern part of the site (proposed for the village hall and car park) lies within the Conservation Area, the remainder of the site is in the setting of the Conservation Area.

Two cottages that adjoin the site to the east are Grade II listed buildings, set at a lower level than the site fronting Vicarage Hill.

The site rises gently from south to north, the site is well contained by mature hedgerows and tree boundaries. The southern part of the site, proposed for the location of the village hall is an area of scrub and trees, the majority of which are low category self-seeded saplings.

The Proposal:

The proposal seeks to provide 11 open market dwellings, a site for a new community village hall and a pedestrian link providing access to the children's play park, the primary school, the community orchard and the school playing field. All dwellings will have a minimum of two parking spaces provided in the form of garaging and outdoor space.

The application is made in outline, with all matters reserved except for the design of the proposed vehicular access arrangements, which are provided in detail. A separate pedestrian access is proposed but the details of these are reserved for future consideration.

An indicative layout plan has been submitted with the planning application to demonstrate that the site has the capacity to deliver the proposed development. The details of layout, landscaping, scale and appearance of the development however are reserved for future consideration. The layout has been revised since submission to reflect concerns raised by Historic England and the Council's heritage specialist.

The proposal includes the conversion of the existing traditional stone barn on the site's northern boundary, which will provide ancillary accommodation for unit 1.

The development will be accessed via a single priority T-junction at the northern end of the site, with access coming from Vicarage Hill.

A pedestrian access point will be provided at the southern end of the site to improve the permeability of the site and to better integrate the site into the village. Due to the topography this access is likely to include steps.

The applicant has submitted this application at the same time as an application for 14 dwellings on Church Hill, Holbeton. It is proposed to build out the 35% affordable housing generated by this development on the Church Hill site; as such the Church Hill application needs to be determined and approved before consent can be given to this scheme. A joint Section 106 agreement would secure delivery of the affordable units on the Church Hill site. The applicant believes that it will be easier to get an affordable housing provider for a scheme that includes a larger number of units on one site.

There is an existing village hall in Holbeton, the freehold of which is believed to be owned by the Parish; the application submission indicates that it is need of upgrading and offers limited facilities. This application proposes to provide a site, on a long lease to the Parish, on which a new village hall could be built. It is suggested that the Parish could sell the existing site to raise money to build the new hall. The proposed location will allow access to the playing fields adjacent; changing facilities could be provided in the village hall which are currently lacking in the village. The illustrative layout shows a provision of 22 parking spaces. A new community car park is proposed in the Church Hill scheme which will provide over flow parking for the village hall when events are held.

Consultations:

- County Highways Authority: Concerns raised that the new pedestrian access did not show adequate visibility splays and insufficient information has been submitted regarding highway drainage. Revised details have been submitted in an attempt to address these concerns and a verbal update on the current Highway Authority position will be given at Committee.
- Environmental Health Section: No objection subject to conditions
- DCC Flood Risk: No in principle objection subject to conditions
- Affordable Housing: The application proposes 35% affordable housing across this site and the application at Church Hill, however it will all be provided on the Church Hill site. No objection is raised to this approach but evidence needs to be provided to explain why they are doing this and it would only be supported if it assisted viability. A Section 106 will need to link the two sites to ensure the affordable units at Church Hill are provided in advance of the market homes at this site
- Heritage Specialist: No objection however at reserved matters particular attention needs to be given to architecture and materials.
- Historic England: No objection raised but general observations given.
- DCC Education: No objection subject to contributions to secure the following:
 - £30,097 towards school infrastructure at Ivybridge Community College
 - £9,424 towards school transport
- Police AOL: Too little detail to comment at present. It is recommended that the proposal is constructed to achieve full Secured by Design compliance.
- AONB Unit: (comment relates to scheme before it was amended): Objection: Loss of mature trees and a substantial length of mature hedgerow which have wildlife value, form a backdrop to the village and a distinctive element of the landscape character of the settlement, visible from numerous public viewpoints. Further detailed comments are included below.
- SHDC Landscape: No objection subject to conditions
- SHDC Trees: No objection subject to conditions
- Ecology: No objection subject to conditions. Although the development will result in a number of ecological impacts, including the loss of hedgerow and woodland habitat, it is considered that adequate mitigation and enhancement is provided as described in the Conservation Action Statement.
- Natural England: No objection
- SWW - no objection subject to no surface water being connected to the public sewer.
- Open space, sport and recreation: No objection:

- Footpath link to playing fields is welcomed and should be secured via a 106
- Land to be provided for Village hall could be amenity land until hall is built
- £380 per occupier should be sought for improvements to Holbeton play area and provision of a skate park
- £595 per occupier should be sought for improvements to Holbeton playing field to allow increased use for sports

- Town/Parish Council: Object for the reasons as follows:

*Vicarage Hill Planning Application – During the discussions, Cllr Ackroyd summarised that she felt the site was inappropriate and that a site for a new Village Hall would be better elsewhere. Cllr Baumer asserted that he felt a new Village Hall was important for the village ; and the site was ideal as it has close proximity the village community amenities such as the school, playpark and playing field. As a unanimous decision could not be reached, the Vice Chair asked Councillors to **vote**. The vote was recorded as :*

- **4 in favour** (Cllrs Baumer, Reece, Flower, Craig)
- **5 against** (Cllrs Fuller, Ackroyd, Knight, Pengelly, Hearn). The planning application was therefore **rejected** by the Parish Council.

In responding to this planning application it was proposed that the following notes should be made :

- *Some Cllrs felt that the development was not a popular choice in the Parish Survey*
- *There were concerns regarding traffic increasing through Ford*
- *The access at the brow of the hill caused concerns about safety, and access at the bottom of the hill would have been preferred*
- *Concerns about flooding, as the site was situated on a hill*
- *Light pollution emanating from the housing development and the potential street lighting*

Representations:

There are approximately 29 objectors who have submitted representations which include the following reasons:

- Site includes land in ownership of 26/27 Vicarage Hill and notice has not been served.
- Application is for 10 houses, block plan shows 11.
- Adverse impact on rural character of village
- Adverse landscape impact
- Adverse impact on the AONB, contrary to para 116 of NPPF – this is major development
- Contrary to Development Plan Policies, such as DP2
- Contrary to AONB Guidelines
- Contrary to NPPF
- Application should not be in outline in this sensitive location
- LVIA is not robust
- No need for new village hall and no community support
- No details of village hall – likely to have adverse impact on conservation area

- Road is narrow with a 3m pinch point; the road cannot sustain construction traffic and further traffic from the development – this is the narrowest road in the village
- Blind summit at top of Vicarage Hill
- Lack of public transport – not a sustainable location
- Village will continue to be vibrant without this development
- Rejected in SHLAA reviews
- Village lacks pavements and therefore pedestrian safety is an issue
- Location of access will encourage residents to enter/leave the village via Ford via a windy, single track lane
- Inadequate access for emergency vehicles
- Residents have experienced flooding
- Will cause flooding
- Inadequate parking for the village hall
- Housing need of 15 houses can be delivered on Church Hill site
- Sewage system will not cope
- Will not be occupied by local people
- Outside development boundary
- Light pollution
- Adverse impact on conservation area
- No guarantee village hall will be delivered
- Loss of Devon hedgebanks
- Loss of privacy to neighbours
- Noise and disturbance to neighbours
- Loss of amenity
- Insufficient affordable housing
- Number of primary school pupils on role is misrepresented by applicant to appear lower than it is
- Not the best site for a new village hall – too far away
- If approved a 7ft wall should be built along the common boundary with Orchardside
- Trees containing the rookery should not be disturbed/damaged

One letter in support has been received which raises the following issues:

- Needed so that Holbeton can remain a sustainable community
- Holbeton has an aging population
- Primary school, pub and shop are all suffering from decline in use – one pub has closed and school role fallen by over 50%
- Main concerns about traffic and drainage can be overcome

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The majority of the site, including all the land proposed for the development of housing, is located outside of the development boundary.

Policy CS1 of the South Hams Local Development Framework (LDF) identifies Holbeton as a village in which the principle of development is acceptable; elsewhere development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a local need.

Policy DP15 of the LDF addresses development in the countryside and states that within the countryside, development will be permitted where it requires a countryside location and:

- a. supports the essential needs of agriculture or forestry interests; or
- b. meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.

Para 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development; development that accords with the Development Plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted (such as in the AONB)

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

At present this Council does not have a demonstrable 5 year housing land supply. Sites have been identified in the emerging Plymouth and South West Devon Joint Local Plan (JLP) but the evidence base for the allocations has yet to be tested. As such paragraph 49 applies to the consideration of housing applications in the area. Policies CS1 and DP15 are therefore considered to be out-of-date.

Following guidance from the most recent Supreme Court judgement on how to interpret paras. 14 and 49 of the NPPF, the case of *Suffolk Coastal District Council v Hopkins Homes Ltd and another* *Richborough Estates Partnership LLP and other v Cheshire East Borough Council*, the general effect is reasonably clear:

In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise.

There are two threads to this. The first thread, *whether the benefits are “significantly and demonstrably” outweighed by the adverse effects*, will be assessed against the specific policies in the framework below.

The second thread refers to *‘where “specific policies” indicate otherwise’*. Footnote 9 gives examples of such specific examples and this includes the AONB.

Para.115 of the NPPF states that:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Paragraph 116 of the NPPF states that:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

The proposed development of 11 houses on the edge of Holbeton is not considered to be major development. It has been argued that this application should be considered together with the Church Hill scheme which would result in 25 new dwellings. Officers do not consider this to be the appropriate test due to the physical separation of the sites and the fact that each site has a separate planning application. Even taken together however, having regard to their separation and context within the village it is not considered that they would constitute major development for the purposes of para 116.

Para 115 does not rule out development in the AONB however great weight should be given to conserving its landscape and scenic beauty. The impact on the AONB will be considered later in this report and weighed heavily in the planning balance.

Affordable Housing

Policy CS6 of the LDF states that new residential development should provide affordable housing consistent with the overall strategic target of 50% from all sources and having appropriate regard to the:

- Identified local need;
- Nature and scale of the location and the development proposed;
- Characteristics of the site; and
- Economics of provision

The adopted affordable housing SPD states that on unallocated sites with capacity for 6 to 14 dwellings a 35% on site provision would be sought and on allocated sites the provision will be 60% in rural areas. The emerging JLP proposes on site provision at 30% for development over 10 dwellings.

The NPPF considers affordable housing at paragraph 50 where it states that LPAs should:

Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

In this instance it is proposed to provide 35% affordable homes on the Church Hill (4 units) together with the requirement from the Church Hill site. This will result in the provision of 9

affordable homes in total. The applicant believes it will be easier to get an affordable home provider on board where the units are grouped together.

The Church Hill site is well related to the village and the illustrative layout indicates an attractive layout set around a large open common. This should provide a pleasant living environment. The provision of the affordable units on this site is not considered to offer a reduced standard of amenity compared to the Vicarage Hill site.

The provision of affordable housing on the Church Hill site would be secured through a Section 106 Agreement with suitable phasing agreements.

Officers consider the proposals for the provision of affordable housing to be acceptable.

Landscape:

Policy DP2 of the LDF states that:

Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes, by:

- a. reflecting the needs and issues set out in identified landscape character areas;
- b. ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character);
- c. retaining, integrating and enhancing distinctive features such as trees, ancient woodlands, field boundaries, walls, hedgerows, watercourses and river valleys;
- d. avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and
- e. respecting the unspoilt nature and tranquillity of the area.

Policy CS9 of the LDF states that in designated AONB's their conservation and enhancement will be given great weight and development will not be permitted which would damage their natural beauty, character and special qualities or prejudice achievement of their designated purpose.

Para 115 of the NPPF states that

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

The South Devon AONB Unit objected to this application in as originally submitted. At this point the layout was more suburban and two vehicular access points were proposed off Vicarage Hill.

The comments from the AONB unit were as follows:

The primary concern is that the development would require the removal of a significant number of mature trees and a substantial length of mature hedgerow, that together not only constitute a valuable wildlife habitat but also form a very important backdrop to the village and a distinctive element of the landscape character of the settlement. These form a visually very prominent feature from numerous public viewpoints, and their removal would be harmful to the landscape and the AONB, and be in clear conflict with South Hams policies DP2 and DP5.

Other concerns include the following:

- 1. The narrowness of the road access to the site;*
- 2. The inadequacy of on-site parking for the proposed village hall;*
- 3. The significant difference in levels between the road and the village hall, and the steepness of the site, requiring substantial engineering works and cut and fill;*
- 4. The style and layout of the proposed dwellings, which bear no relation to the very coherent and distinctive established architectural character and pattern of the settlement, in clear conflict with South Hams policy DP1;*
- 5. The unsuitability of this site for a village hall, when the existing site is more convenient and has better parking;*
- 6. The absence of indication about what would happen to the current village hall site if this proposal is approved. This is an important issue, because if it is intended that the site is also redeveloped for housing, it may well be that the cumulative effect of these developments (ie the current village hall site, the Vicarage Hill site and the Church Hill site, also taking into consideration other recently built dwellings) would be to bring forward a number of new dwellings that goes well beyond what is required to meet the local housing needs of the community in and around Holbeton and would be disproportionate in scale and phasing to the size of the existing settlement. The level of provision needs to be informed and justified by a local housing needs survey.*

Of the points raised above by the AONB officer, points 1, 2 and 5 are not relevant to landscape impact. On point 6, any future planning applications will be considered on their own merits. On point 3, the vehicular access point close to the village hall is now removed from the proposal to minimise the impact on village character. On point 4, the illustrative scheme has been amended to show a more sympathetic layout in keeping with the village character.

The AONB unit have been consulted on the revised plans but no comments have been received after a period of 9 months and following numerous reminders.

The Council's landscape specialist has reviewed the latest proposal and raises no objection providing the following detailed comments:

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 116, due to its scale and form. In consideration of the location of the proposal within the South Devon AONB, great weight will be given to this fact in the planning balance.

Landscape Character and Visual Amenities

The site is located on the northern edge of Holbeton. Within the SHLAA analysis, the site is noted as being within the South Devon AONB under Landscape and Ecology; it is also noted that development could have a significant impact on the landscape character.

The application is accompanied by an LVA (Savills; dated July 2015), which is noted; it is broadly sound in its approach and the conclusions drawn for this site. It is acknowledged that schematic concept designs for the site have altered over the application period, noting this application is still for Outline. However, the officer appraisal has been considered in light of the most recent concept plan which differs from that included in the LVA. Careful consideration has been given to the baseline position established by the LVA and the most recent concept plan considered in that context.

In considering the application, officers have also referred to the most up to date Landscape Character Assessments (JLP evidence base), in particular with a focus on the Landscape Character Types and accompanying analysis. The site is within 1B – Open coastal plateaux.

It is immediately adjacent to the settlement boundary, extending up the valley slope. Holbeton principally sits down in the valley landscape, with glimpsed views from surrounding highways and the limited footpath network. Existing dwellings extend to a similar height on Vicarage Hill, and existing properties can be seen on the fringes of the village in views from the plateau. The site is contained within these views, with minor to negligible impacts more widely.

The presence of trees is noticeable.

Some key landscape features are lost, including small sections of hedgerows and a number of trees to accommodate access and road layout. The loss should therefore be limited at Reserved Matters and can be mitigated through new planting; the overall character is broadly conserved, including the special qualities of the AONB. Boundary hedge-lines will need to be secured for retention either within a management company or by deed. These should be further enhanced through new planting. The scale of dwellings and choice of material will be fundamental to the success of the scheme to limit impacts, this shall include use of the village vernacular i.e. local stone and thatch as appropriate (recent schemes within the village have achieved this well).

The proposed access steps onto Vicarage Hill are noted and considerably improve the original proposals for vehicle access at this point by significantly reducing impacts.

Cumulative impacts have also been considered in the context of the other sites coming forward off Church Hill. Analysis of the schemes shows there is limited or no inter-visibility and therefore it is felt that if the Church Hill scheme also comes forward that cumulative impacts would be acceptable.

In conclusion it is acknowledged that there will be some moderate to minor adverse impacts as a result of the proposed development. However, this is limited in nature and can be successfully mitigated to ensure the wider landscape character is conserved overall. It will be important to understand and assess the RM submissions and seek to secure appropriate landscape mitigation around the site perimeter, in particular the northern boundary. Holbeton has a well treed character and this should be reflected in final plans for the site.

Having given due consideration to the various policies, designation and guidance, no objections are raised to the proposed development subject to relevant landscape conditions.

Having regard to both technical responses on landscape/AONB impact it is considered that there will be a limited degree of adverse impact on landscape character but which can be mitigated. As a consequence the AONB landscape will be conserved.

Design

Policies DP1 and CS7 of the LDF require that all development will display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape. The NPPF states that good design is a key aspect of sustainable development and should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (para 56 and 58).

This is an application with all matters reserved except for access.

The scheme as originally submitted included two vehicular access point. The access to the south was through steeply sloping land and would have required a very engineered finish incorporating significant retaining walls as well as the wide visibility splays to meet current standards. This access would have been opposite The Old Vicarage, a very characterful historic building within the Conservation Area. The northern access would be only 100m further north. The combination of these two modern access points would have had a detrimental impact on the Conservation area and the character of the village.

The scheme has been revised to omit the southern vehicular access, replacing it with a pedestrian access that can be less engineered, with a reduced visual impact.

Having regard to the very sensitive setting of this site it was necessary for the applicants to demonstrate that a sympathetic layout can be achieved on the site. As such the illustrative layout has been changed to show a more appropriate rural layout, with houses at the back of the road and with parking sited so that it does not dominate the street scene.

It has been demonstrated that it will be possible to achieve a satisfactory layout on the site for the proposed development and detailed design can be controlled through reserved matters.

Heritage:

Policy DP6 of the LDF states that Development will preserve or enhance the quality of the historic environment. The design, siting, bulk, height, materials, colours and visual emphasis of proposed new development should take into account local context and in particular the character and appearance of the historic building and its environment.

The scheme as originally submitted raised concern from Historic England and the Council's heritage specialist regarding, in particular, the inappropriate suburban layout. The scheme was then revised.

This application has been assessed by the Council's Heritage specialist who comments as follows:

The applicants have submitted a robust analysis of those heritage assets that are most likely to be affected and a subsequent impact analysis of the development proposals on those identified assets. (see 'Heritage Statement', Savills-SmithsGore July 2015.) Although it is acknowledged that the scheme has been altered considerably since that initial report was written.

To the west of the proposed development land and indeed bounding it are two listed properties. No.26, 27 and No. 28 (two residences) Vicarage Hill. These properties which are grade II listed date from the 17th century in origin and represent early estate cottages. Vernacular in form embracing thatched roofs with stone rubble walling, modern 20th century extensions to the rear. Originally part of a row of 8 cottages orientated alongside the road to the north but now only these two remaining cottages survive the rest having been replaced in the 20th century.

Arguably the setting of these two remaining cottages, given their vernacular form and original intended use (i.e. Estate workers cottages) relates principally to their immediate roadside position and the juxtaposition with the village centre. There were never any intended 'planned views' of the wider open countryside to the east as one might have expected if the properties embraced a more 'polite' architectural response to their surroundings.

Given the existing boundary treatments and the distances involved and the fact that it is the rear of these vernacular cottages (of which have already embraced 20th century extensions) that will relate to the new proposed development the 'setting' of such will not be unduly compromised by the development proposals.

With regards to the potential impact on the surrounding Conservation Area, initial comments were made with regards to the suitability of the design approach and the site layout. However during the life of this application further assessment work has been undertaken, assessment work which has informed the revised site layout with added input from Officers both at the LPA level and from Historic England. The impact on the character and appearance of Vicarage Hill and the surrounding Conservation Area has been reduced by the omission of the 'second' vehicular access and overall the layout is now more sympathetic to its immediate surroundings sufficiently addressing previous heritage concerns as raised.

The fact that this application is presented in outline form only still raises a few concerns. The success of this scheme will still heavily rely on its integration with the surrounding historic village settlement and its adopted Conservation Area. The palette of materials to be used and the architectural treatment of the new dwellings will be a key factor in this integration.

As long as there is a confidence that the above matters can be dealt with satisfactorily through future 'reserved matters' application then I raise NO OBJECTION to the development proposals

Neighbour Amenity:

Policy DP3 of the LDF states that development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. The NPPF at para 17 states within the core planning principles that good standard of amenity for all existing and future occupants of land and buildings should be achieved.

Concern has been raised by neighbours about the potential for loss of privacy and noise and disturbance.

This is an outline application with matters such as layout and scale to be agreed. The illustrative layout shows that new buildings can be located well away from existing dwellings. Appropriate design and landscaping can limit loss of privacy to an acceptable level.

Landscaping and/or boundary treatments can be used to mitigate the impact of the village hall car park on neighbours. Appropriate conditions can limit the hours of use of the village hall and as proposed to restrict use of the hall to between the hours of 8am and 11pm.

It is considered possible to develop this site as proposed without significant harm to residential amenity

Ecology

Policies DP5 and CS10 of the South Hams LDF require that development will conserve, enhance and / or restore biodiversity.

Para 118 of the NPPF states that:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

A detailed assessment of ecological impact has been provided by the Council's ecology specialist. It is acknowledged that this site provides habitat and foraging for a number of species including bats, badgers and birds.

The proposal will result in the loss of 127m of hedgerow, circa 750 sq m of dense scrubland and broadleaved woodland and 1000 sq m of coniferous plantation.

A Conservation Action Statement forms part of the application and this includes mitigations measures such as:

New hedgerow planting of 210m

New tree planting within land north of Church Hill and within the site of 2000 sq m to mitigate for tree loss

Creation of 2m buffer of rank grassland adjacent retained hedgerows to provide bat flight paths and habitat for invertebrates and birds.

The Ecology specialist concludes that although the development will result in a number of ecological impacts, including the loss of hedgerow and woodland habitat, it is considered that adequate mitigation and enhancement is provided as described in the Conservation Action Statement. As such the ecological impacts of the development are in accordance with the LDF and NPPF.

Highways/Access:

Concern has been raised about the narrowness of Vicarage Hill and the unsuitability of the road to take further traffic. The reliance on only one vehicular access into the site, sited at the north of the development is also raising concern that this will encourage new residents to travel via Ford to get to the A379, which is a particularly constrained route.

Holbeton is a small quiet village; Officers consider that, when in a car the added distance of turning left or right out of the new access will be determined by people's preference of their longer route, rather than by saving a few hundred metres within the village itself. Officers consider the choice to travel via Ford or via an alternative route will not be influenced by the location of development within the village.

The highway authority raise no objection to the proposed vehicular access nor to the principle of the development.

The scheme originally proposed two new vehicular access points off Vicarage Road, one for the housing and one for the village hall. Officers were concerned about the impact on the character of the village that would arise from two modern access point so close together in the heart of the Conservation Area. As such the southern access point has been removed and is replaced with a pedestrian route.

The Highway Authority have commented that the submitted drawings do not show appropriate visibility splays for the pedestrian access. Revised plans have been submitted to address this. A verbal update from the Highway Authority will be provided at committee but the plans do appear to satisfy the concerns raised.

The detail of the vehicular access is to be agreed as part of this application, the detail of the pedestrian access will remain as a reserved matter for future consideration

The Highway Authority has also raised concerns about lack of drainage information. Since then percolation testing has been undertaken on site and a more detailed drainage scheme has been submitted and approved by DCC in their role as Lead Local Flood Authority

Drainage:

Devon County Flood Risk have considered this scheme in detail and requested further supporting information during the life of the application. They now state that they have no in-principle objections to the application subject to conditions.

South West Water raise no objection to this application.

It is concluded that the site can be adequately drained in respect of the proposed development

The Planning Balance

In the absence of a 5 year housing land supply paragraph 49 of the NPPF requires this authority to determine housing applications in accordance with para 14 of the NPPF, but tilting the balance in favour of the development.

Para 14 sets out two criteria:

The first criteria is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is necessary then to balance the benefits against any harm when assessed against policies in the Framework as a whole:

Benefits of the development:

Provision of 11 new market houses

Provision of 4 affordable homes within Holbeton (on the Church Hill site)

Provision of a site for a new village hall with good links into the adjoining playing field.

Enables provision of a community car park within the village on the Church Hill site

Economic benefit to the local economy during construction

Economic benefit to the local economy through added spending and use of facilities by new residents.

Support for local services such as the pub and school to maintain their viability and thus the sustainability of the village as a whole.

Significant adverse Impacts of the development:

None

Weighed against the policies in the NPPF as a whole the balance weighs in favour of the development.

The second test is that planning permission should be granted unless specific policies in the NPPF indicate development should be restricted.

Para 115 of the NPPF is a potentially restrictive policy giving great weight to conserving landscape and scenic beauty in the AONB. This policy however does not preclude development itself (as in para 116), the test here is giving great weight to conserving the AONB.

It has been judged that the proposed development will conserve the AONB.

On balance it is considered that, the benefits of the development outweigh any harm and as such the development is sustainable.

It is recommended that conditional planning permission be granted.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

The Countryside and Rights of Way Act 2000

Planning for the South Devon AONB: Planning Guidance Version 1 (South Devon AONB Partnership)

LDF Rural Areas Site Allocations Development Plan Document 2011

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV29 Site allocations in the Smaller Towns and Key Villages

TTV30 Empowering local residents to create strong and sustainable communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV3 Sport and recreation

DEV4 Playing pitches

DEV5 Community food growing and allotments

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV15 Supporting the rural economy

DEV18 Protecting local shops and services

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV31 Specific provisions relating to transport

DEV32 Meeting the community infrastructure needs of new homes

DEV34 Delivering low carbon development

DEV35 Renewable and low carbon energy (including heat)

DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions in full

1. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(i) the expiration of three years from the date of the grant of outline planning permission; or if later

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
- (g) all other works including walls fences means of enclosure screening;
- (h) the location, extent and layout of open spaces;
- (i) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

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

3. The development hereby approved shall in all respects accord with drawing numbers xxx (the drawings associated with this application).

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

4. Prior to their installation details / samples of facing materials, roofing materials and all surfacing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity

5. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use. Thereafter the boundary detail shall be retained and maintained.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

6. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

7. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in Drawing No. C14305/SKC/010-B (Rev. B, dated 24/01/2017) and those sections not superseded by the aforementioned document in the Surface Water Drainage Strategy document (Report Ref. -, Rev. -, dated -)

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

9. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

10. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

(i) All trees and hedgerows to be preserved should be marked on site and protected during any operations on site by a fence. (ii) No fires shall be lit within the spread of the branches of the trees (iii) No materials or equipment shall be stored within the spread of the branches of the trees. (iv) any damage to the trees shall be treated with an appropriate preservative. (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

11. The recommendations, mitigation and enhancement measures of the Phase 2 Ecological Survey Report by Blackdown Environmental dated 10.07.15 shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

12. Notwithstanding the details provided, there shall be no external lighting of public areas including highways unless otherwise agreed in writing by the Local Planning Authority through the submission and agreement with the LPA of a lighting strategy

Reason: To protect the countryside from intrusive development and in the interests of ecology

13. No part of the development hereby permitted shall be occupied unless and until the vehicular and pedestrian accesses, internal roads, visibility splays and footpaths as approved have been laid out, surfaced and in all other respects completed to the satisfaction of the local planning authority. Once completed, the visibility splays shall be retained and maintained free of all obstruction over 1m high at all times.

Reason: To provide adequate visibility from and of emerging vehicles and in the interest of highway safety.

14. Prior to the commencement of development hereby permitted, a construction environmental management plan (CEMP) shall be submitted, detailing measures to mitigate or reduce the impact of the construction activities. This plan shall detail hours of operation and hours of deliveries, methods of controlling noise from construction activities, a dust impact assessment and mitigation assessment, location of contractors compound, location of the storage of materials, wheel washing facilities, details of delivery routes for construction traffic from and to the A379, provision of car parking for contractors. Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

16. The dwellings hereby approved shall not be occupied until the parking, servicing, garaging areas relating to them in accordance with drawings that shall have been previously submitted to and approved by the Local Planning Authority have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: In the interests of the visual amenities of the area and the safety of road users.

19. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Classes A and B including gates, fences, walls or other means of enclosure and means of access shall be erected or constructed between the buildings and the estate roads unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

20. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes B, C, D and F of the Order, including the erection of porches, dormers and roof alterations, shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area, to ensure adequate space about the buildings hereby approved, to prevent the increased risk of flooding elsewhere and in the interests of amenity.

21. The following details shall be submitted at the same time as the layout under the reserved matters:

- (i) An arboricultural Impact Assessment and Method Statement detailing the location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;
- (ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping. The scheme submitted shall be fully implemented
 - (a) in the planting season following the substantial completion of the development
 - (b) in tandem with each phase of the development as set out under condition above, and must be implemented not later than the planting season following the completion the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

22. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) A landscape and ecology mitigation and management plan

Reason: To protect and enhance the visual amenities and biodiversity of the site and locality.

23. The following details shall be submitted at the same time as the layout under the reserved matters:

A detailed interim landscaping scheme for the area of land indicated on the illustrative layout as proposed for the village hall and village hall car park. Unless development of the village hall has commenced the approved scheme shall be implemented not later than the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting or until development of the village hall commences.

Reason: In the interests of the amenity of the area

24. Prior to the commencement of development a copy of a licence (Badgers) from Natural England authorising works or a written statement from Natural England or a suitably qualified ecologist to the effect that they do not consider the works will require a licence shall be submitted to and acknowledged in writing by the Local Planning Authority.

Reason: In the interests of wildlife conservation

25. The following details shall be submitted at the same time as the layout under the reserved matters:

Full details of the proposed pedestrian access included means of construction, visibility splays, materials and landscaping. Development shall take place in accordance with the approved details

Reason: To secure adequate connectivity to the village and in the interest of the amenity of the area and in the interest of highway safety.

26. The village hall shall be used between the hours of 0800 hrs and 2300 hrs only Monday to Sunday.

Reasons: In the interest of the amenity of nearby residents.

27. The proposed road, footways, footpaths, verges, junction, sewers, drains, retaining walls, service routes, surface water outfall, roof maintenance/vehicle overhang margins, embankments, and street furniture shall be constructed and laid out in accordance with details to be approved by the LPA in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the LPA.

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

28. Prior to the commencement of development on site a suitable highway drainage strategy solution shall be submitted to and approved by the LPA including a flood

exceedance route plan. Development shall take place in accordance with the approved details,

Reason: In the interests of highway safety.

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Totnes **Ward:** Totnes

Application No: 2021/17/PAT

Agent/Applicant:

Maxema Ltd
Unit 2 Charnwood House
Marsh Road
Ashton
Bristol
BS3 2NZ

Applicant:

Vodafone Ltd
The Connection
Newbury
Berkshire
RG14 2FN

Site Address: Highways Land off, Babbage Road, Totnes, Devon

Development: Prior notification of proposed development by telecommunications code system operators for 17.5m shrouded monopole, 2no. microwave dishes and 2no. equipment cabinets

Reason item is being put before Committee: The council needs to be seen to be acting in a transparent manner in dealing with this application in view of the controversy this application has caused. This is best achieved by reference to the DMC.



Recommendation: Prior Approval NOT Required

Key issues for consideration:

The application is a prior notification under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of communications equipment. The case officer is required to consider whether prior approval is required for the siting and appearance of the development.

Site Description:

The application site is located on a grass verge, immediately to the south of 'Totnes Tile and Bathroom' on the western side of Babbage Road, within the industrial estate in Totnes. The land is owned by Devon County Council. Beyond the industrial estate to the north is the River Dart and open countryside beyond, train line to the west and to the south residential properties at Borough Park Rad, Totnes Leisure Centre and Borough Park.

The Proposal:

The application seeks a determination as to whether prior approval is required for a proposed telecommunications development by a Code Systems Operator and is considered under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal involves a 17.5m shrouded mono pole, 2 no. microwave dishes, 2 equipment cabinets and associated ancillary development.

Consultations:

- Town Council

Questions to be raised with SHDC:

1. What health risk assessment has been carried out for this type of mast and its operating effect when considered alongside other nearby masts?
2. Who owns the land for the proposed mast site?
3. Visual amenity concerns – does the mast need to be so high?
4. What is the assessed justification of need?

Representations:

Many letters of representation have been received all raising concerns relating to health. Concerns have also been raised regarding noise pollution, cumulative impact from existing masts within Totnes, visual impact and impact on property values.

ANALYSIS

The application requires the Local Planning Authority to determine whether the proposed works constitute permitted development under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the information submitted the proposal satisfies the general criteria in Part 16.

Schedule 2, Part 16, Class A.3 (4) says that before commencing development, the developer should apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the proposed development. Planning officers are satisfied that the proposed development would sit reasonably comfortably within its context.

The mast has a proposed height of 17.5m and at this height it is accepted there will be some visual impact. However, the visual impact in this instance is not considered to be so significant that a reason of refusal could be justified or sustained at appeal. The mast would be located within an existing industrial estate which is characterised by large, utilitarian employment units. The proposed drawings show that the proposed mast is relatively slim line in appearance and will have a similar appearance to existing street lighting columns located elsewhere within the industrial estate. Existing trees to the north will help to screen the development from the countryside beyond.

With regards to the justification for the proposed height, it is stated within the supporting statement that the height has been kept to its technical minimum which will enable good coverage to the target area. The permitted development legislation allows for masts (excluding antenna) up to a height of 25m within protected areas. The proposal is some 7m below that.

The submission includes a list of alternative sites which were considered and the reasons why they were not chosen.

The application has attracted significant public interest with the submission of many letters of representation raising objection to the proposal on the grounds of concerns relating to health. Paragraphs 45 and 46 of the National Planning Policy Framework states: -

“45. Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site*
- for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ironising radiation protection guidelines*
- for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met*

*46. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or **determine health safeguards if the proposal meets International Commission guidelines for public exposure.**”*

The application submission includes a Declaration of Conformity with the International Commission on Non-Ionising Radiation Public Exposure Guidelines (also referred to as an “ICNIRP Declaration”). On this basis the proposal complies with the above NPPF requirement in respect of public health, and refusal of the application on these grounds could not be substantiated at an appeal.

On the basis of the above it is considered that the proposed development is permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval is not required.

Planning Policy

The application requires an assessment of whether the proposed development is “permitted development”. It is therefore not necessary to consider the planning merits of the application in relation to the Development Plan. The proposal is considered to comply with paragraphs 42-46 of the NPPF (Supporting high quality communications infrastructure).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Parish: Newton and Noss **Ward:** Newton and Noss

Application No: 3139/16/OPA

Agent/Applicant:

Mrs Deborah McCann
Almshouse Cottage
Cornwood
Ivybridge, Devon
PL21 9RP

Applicant:

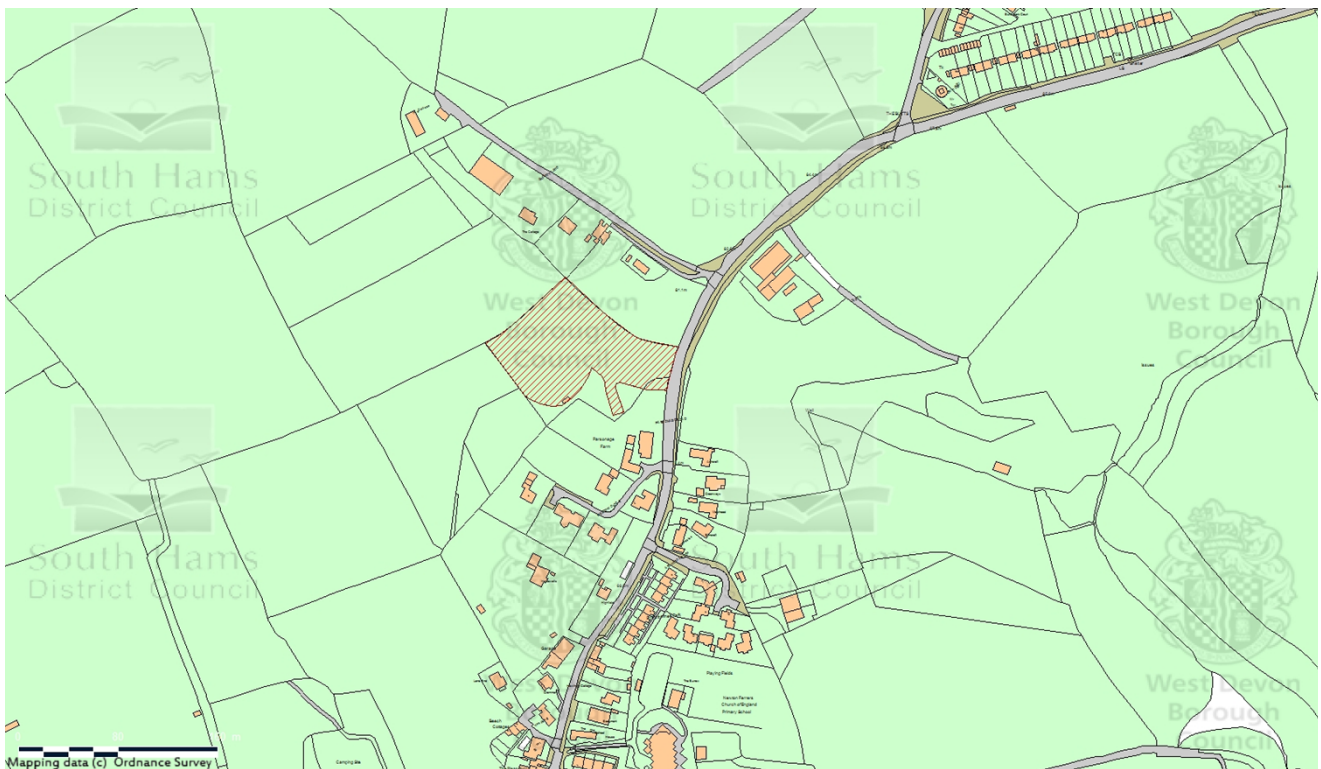
Mr & Mrs A. Birkett and C. Griffiths
Parsonage Farm
Parsonage Road
Newton Ferrers, Devon
PL8 1AT

Site Address: Land Adjacent To Parsonage Farm, Parsonage Road, Newton Ferrers, Devon, PL8 1AT

Development: Outline planning application for the erection of 12 dwellings to include 6 affordable dwellings.

Reason item is being put before Committee:

Cllr Baldry - I would like this to go to Committee in order that Members may have the opportunity to take a view on the principle of building 12 dwellings outside the designated Development Boundary.



Recommendation: Delegate to CoP lead Development Management, in conjunction with Chairman to Conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

Conditions

1. Time limit for outline
2. Reserve matters for outline
3. Approved plan Nos
4. Barn owl nesting space
5. Grassland habitat
6. Construction Management Plan
7. Details of footways etc
8. Details of surface water drainage from highways
9. Details of footway crossing points
10. Contamination
11. Verification Report
12. Remediation, if necessary
13. Reptile Mitigation Strategy
14. Landscape and Ecological Management Plan
15. Lighting Strategy
16. Submission of foul drainage details
17. Submission of surface water details

S106

1. Affordable housing – 6 dwellings, with tenure restricted to over 55 year olds
2. DCC Education - £16,416 for secondary education plus £3,097 for transport
3. OSSR Sports & Recreation £34,605
4. Legal fees SHDC & DCC

Key issues for consideration:

Principle, landscape, design, amenity, highways

Site Description:

Field to the north of Parsonage Farm, to the north of the settlement of Newton Ferrers, located on the west side of Parsonage Road. Field is agricultural and enclosed by high hedging and trees.

Within Area of Outstanding Natural Beauty, and adjacent to Parsonage Farm that is a Grade II* listed building.

The Proposal:

Outline planning application for the erection of 12 dwellings to include 6 affordable dwellings with occupation limited to those over 55 years of age. All matters are reserved except for access which is proposed from Parsonage Road.

Dwellings have indicatively been illustrated as two-storey five bedroom houses with attached double garages.

In support of the application the applicant submitted:

- Design and Access Statement
- Heritage Statement
- Landscape Visual Assessment

- Outline Drainage Strategy
- Ecology Report
- Phase 2 Bat Survey
- Phase 2 Reptile Survey

Consultations:

- County Highways Authority – no objection to principle of development, recommend conditions on footway and dropped kerbs and ground water monitoring.
- Newton & Noss Parish Council – Maintain objection as outside the development boundary, within AONB, impact on heritage asset, ecological implications are no dormouse survey.
- South West Water – no objection
- Environment Agency- no comments
- DCC Children Services –A development of 6 family-type dwellings (i.e any dwelling with 2 or more bedrooms) can expect to produce an additional 1.5 primary pupils and 0.9 secondary pupils.

There is currently sufficient capacity at the local Primary School to accommodate the additional pupils from this development. However, Devon County Council will request secondary contributions to mitigate the impact of this development. This would be at the expansion rate of £18,241 per additional secondary pupil, so a total contribution of £16,416 would likely be sought. In addition, Devon County Council will also seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Ivybridge Community College. The costs required are as follows: -

1 Secondary pupil £3.26 per day x 1 pupil x 190 academic days x 5 years = £3,097

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

- DCC Flood and Coastal Risk Engineer –30/06/2016 objection on grounds of lack of sustainable drainage details.

Response 14/07/2017 - Given that SHDC Drainage are leading on Drainage for the application, I agreed with their consultation response and no offer no objection to the application.

- Natural England – no objection, subject to conditions
- Heritage England – Parsonage Farm is grade II*, however due to the expansion of Newton Ferrers it is situated in a more suburban context, which makes it hard to resist development provided direct visual impact can be avoided. It has a contained visual setting to north and west whilst to south and east development has occurred which has lost its sense of being situated in farmland, although it does still have landscape context and is set apart from buildings to the north and west that distinguish it as of different status. As a Grade II* building it is of considerable historical importance so is important it does not become crowded by other buildings. However, it is considered with careful planting and making use of existing vegetation along the boundary and at the access any visual impact could potentially be mitigated.
- Police Designing Out Crime Officer – General comments

- Barn Owl Trust – Condition on nesting space for owls and rough grassland.
- South Hams Drainage Specialist: In consultation response dated 27th June 2016 raised objection to the proposal

Following discussions and further amendments a further response was provided. This made clear that there was no objection. Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate an in principle scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

- SHDC Affordable Housing Officer – no objection provided 50% of dwellings are affordable.
- SHDC Environmental Health Section: Recommend a universal condition on development affected by contamination.
- SHDC Open Space and Play Provision:
Revised figures to take into account over 55s provision
 - A sum of £34,605 should be taken towards improvements to open space, sport and recreation facilities at Butts Park, Newton Ferrers.
 - Securing public access (free of charge) in perpetuity to Public Open Space within the proposed development.
 - Securing management and maintenance of Public Open Space in perpetuity (in accordance with a Landscape and Ecology Management Plan).
- SHDC Ecologist:
 - Pre-commencement Reptile Mitigation Strategy
 - Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases) – reflecting mitigation and recommendations from Section 4 of the Preliminary Ecological Appraisal, and Phase 2 Bat Survey Report and Reptile Report
 - Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).

Representations:

8 letters of support on the grounds:

- Appropriate location for development with access to shops and school and would not take traffic through the village
- Southerly orientation of housing would maximise solar gain
- Innovation design
- Affordable housing very important in this area
- Hope affordable housing will be for sale rather than rent
- Would not increase parking pressure or traffic

2 letters of objection on the grounds:

- Greenfield site
- Outside the development boundary
- The adjoining road is narrow and busy and the development will worsen the situation
- Impact on loss of habitat for Barn Owls
- Insufficient parking

Relevant Planning History

37/1462/78/1 Site for two three or four dwellings - Refusal

ANALYSIS

Principle of Development/Sustainability:

The proposal represents new development within in the AONB on a site that is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD). It is outside the Newton Ferrers development boundary (and other settlement boundaries) as defined in the South Hams Local Plan (1996) and is, therefore, in the Countryside.

At 12 dwellings the proposal exceeds the definition for 'major' development as set out in the Development Management Order. However, the criteria used to assess whether an application is to be considered a major development, in relation to AONB considerations, does not follow the Development Management Order definition. It is based on an assessment of the likely impacts of the development, not a numeric formula. Given the location of the application site, on the edge of the village surrounded on three sides by established residential property, and its relative inconspicuousness in relation to the wider landscape it is considered that the current proposal does not constitute major development within the AONB, and therefore that paragraph 115 of the NPPF is the relevant consideration, not paragraph 116. It states

*115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*²⁵

Newton Ferrers, is identified in the emerging Joint Local Plan (JLP) as a sustainable settlement. Whilst its AONB location means that the usual presumption in favour of development (where the local planning authority cannot demonstrate a 5 year land supply) does not apply, there is still a need for new housing within the District and the proposal would contribute towards meeting that need, particularly in relation to the 6 units aimed at people over 55 years old. The indicative plans that accompany the application adequately demonstrate that the amount of development sought can be accommodated on the site.

The main consideration is whether the advantages of providing the new dwellings outweigh the impact of the development in the context of the NPPF para 115 consideration and the great weight to be attached to conserving the AONB. (Also re-iterated in SHDFC's own policies CS9 Landscape and Historic Environment and DP2 Landscape Character).

In assessing this issue the Adopted Guidance from South Devon AONB Management Plan, particularly sections 6 and 7 which cover both plan making and decision-taking and are important material considerations are relevant.

Para 119 of section 6 recognises, in general terms, the development pressures that AONB's are under and the tensions, in particular around the delivery of affordable housing. It states:-

'...Affordable housing delivery is often dependent upon market housing to support viability, which leads to a higher quantum of development needing to be accommodated. Conversely, the high quality environment of AONBs inherently has limited capacity to accommodate development without harm to their special qualities.'

Section 7 'Development Management and South Devon AONB' provides general guidance in relation to Development Management. An important point is made in Para 129 'key points for decision takers to remember'

'(ii) When the Local Plan is 'absent, silent or relevant policies are out-of-date' the 'presumption in favour of development' for development in or affecting AONBs is removed by the application of footnote 9 to NPPF paragraph 14.'

The document goes on, in para 143, to set out the key criteria to be used by decision makers when considering whether the impacts of development will be harmful. It states:-

'143. Assessments of harm to the AONB should pertain to the natural beauty criterion set out by Natural England in their guidance on the designation of protected landscapes. These are: Landscape quality; Scenic quality; Relative wildness; Relative tranquillity; Natural heritage features and Cultural heritage'

Obviously the development of 12 houses will change the character of the field and have some impact upon the character of the AONB. But in this case it is not considered that there will be any significant harm to the existing character. The field is not located in deep open countryside, and is not in a particularly tranquil place. Parsonage Road runs along the eastern side of the site and forms the main entrance to the village. Although elevated in relation to areas to the east, the site is relatively inconspicuous and the development of 12 houses will not intrude upon the skyline or impede significant views.

The Visual Impact Assessment submitted by the applicant is accepted as demonstrating that the impact on the landscape and AONB will be limited. The site is enclosed by existing hedging and tree lines such that the development, albeit proposed as two-storey dwellings, should not appear prominent within the surrounding landscape.

The Council's Environmental Health section has not objected to the proposed development, and it is considered that should development come forward at this site in the form currently proposed then conditions could be applied to prevent harm to the amenity of existing and new residents.

Similarly, SWW considers that there is capacity in the local sewerage infrastructure.

There are no ecological designations affecting the site, although the Council's ecologist requests a number of conditions as set out at the start of the report. Subject to the imposition of these conditions, no objections have been received on ecology grounds.

Highways/Access:

While objections were initially raised by Devon County Highways, these have now been removed subject to conditions as stated in this report.

Planning Balance

It is acknowledged that the proposal represents development in the AONB on a site that is not allocated for development and is outside the Newton Ferrers development boundary, so contrary to policy CS1 and DP15. Nevertheless, it is considered that the proposal will not significantly harm the character of the AONB and the benefits of providing new housing in this location are, on balance, considered sufficient to justify a recommendation for approval. A tight conditional regime is recommended to ensure there is a framework in which the Local Authority can insist upon a very high quality design.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, [where relevant – DELETE AS APPROPRIATE], with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP16 Conversion and Reuse of Existing Buildings in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017).

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV6 Noss on Dart

and sustainable communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV3 Sport and recreation

DEV4 Playing pitches

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV35 Renewable and low carbon energy (including heat)

DEV36 Community energy

DEV37 Managing flood risk and Water Quality Impacts

DEV38 Coastal Change Management Areas

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

1. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following: (a) the design and external appearance of the proposed building(s); (b) its/their siting; (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels); (d) the materials for their construction (e) the arrangements for the disposal of foul and surface water; (f) the means of access from public highways; (g) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards); (h) all other works including walls fences means of enclosure screening. (i) the location, extent and layout of open space(s) play space(s) (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

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

3. The development hereby approved shall in all respects accord strictly with drawing number 01.09.2015 received by the Local Planning Authority on 08/01/2016; drawing numbers 15135-003 Rev.A and 15135-001 Rev.B received by the Local Planning Authority on 13/07/2017 drawing number 14154-505 Rev.C received by the Local Planning Authority on 16/05/2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

4. A permanent accessible nesting space for Barn Owls shall be provided within one or more of the proposed buildings to which the consent applies, and thereafter maintained, in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority in line with guidance available at: <http://www.barnowltrust.org.uk/best-owl-nest-boxes-building-projects/>.

Reason: To secure the long term protection of the species.

5. No development shall commence until a scheme showing the location and extent of rough grassland habitat and its subsequent management has been submitted to and agreed in writing by the Local Planning Authority . An equivalent area of Barn Owl foraging habitat to that which will be lost, should be created and thereafter maintained on site. The area must not be cut less than 125mm above ground level (i.e. topped not mown) not more than once a year and not before 15th July.

Reason: to secure the long-term protection of the species by creating and maintaining foraging habitat and to fulfil the LPAS's obligations to restore or enhance a population or habitat under the NERC Act (2006), and NPPF (2012)

6. Prior to the commencement of any p[part of the site the Planning Authority shall have received a Construction Management Plan (CMP) including
 - (a) The timetable of the works
 - (b) Daily hours of construction
 - (c) Any road closure;
 - (d) Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6pm Mondays to Fridays inc. 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank /Public Holidays unless agreed by the Planning Authority in advance;

- (e) The number and sizes of vehicles visiting the site in connection with the development and frequency of their visits;
- (f) The compound /location where all building materials, finished or unfinished produced, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) Areas on-site where delivery vehicles and construction traffic will load or unload building material, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.;
- (h) Hours during which no construction traffic will be present on the site
- (i) The means of enclosure of the site during construction works; and
- (j) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking Off-site
- (k) Details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes
- (m) Details of the amount and location of construction worker parking
- (n) Photographic evidence of the condition of adjacent public highway prior to the commencement of any work

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

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

8. In accordance with details that shall previously have been submitted to, and approved by the Local Planning Authority, prior to the commencement of the site provision shall be made within the site or off site for the disposal of surface water so that none drains on any County Highway.

Reason In the interests of public safety and to prevent damage to the highway

9. Prior to commencement of the site details of the footway and crossing points at the belmouth of the new junction for the site shall have been submitted and approved by the Local Planning Authority.

Reason: In the interests of highway safety

10. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the excluded, in writing, by the Local Planning Authority.

1. A preliminary risk assessment / desk study identifying:

-All previous uses

-Potential contaminants associated with those uses

- As conceptual model of the site indicating sources, pathways and receptors

- Potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for an assessment of the risks to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and , based on these, an options appraisal and remediation strategy giving full details of the remediation

measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages , maintenance and arrangements for contingency action. Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The historical mapping indicates a number of former structure within the red line area especially in the area on the Western field boundary to the reservoir. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 and 4 as no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in the future.

11. Prior to the first occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved , in writing , by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

12. Prior to commencement details of reptile habitat mitigation strategy shall be submitted to and approved by the Local Planning Authority. The measures shall be put in place prior to the first occupation of any of the dwellings.

Reason: To ensure reptile habitat is maintained.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and effectiveness of the remediation shall be submitted to and approved, in writing , by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination this is uncovered during remediation or other site works is dealt with appropriately.

14. Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases) – reflecting mitigation and recommendations from Section 4 of the Preliminary Ecological Appraisal, and Phase 2 Bat Survey Report and Reptile Report

Reason: To safeguard the interests of protected species.

15. Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species) shall be submitted to and approved by the Local Planning Authority. It shall be fully implemented prior to the first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the countryside from intrusive development.

16. Notwithstanding the submitted details, no development shall be commenced until:
1. Details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority.
 2. Written permission from South West Water to connect to the public sewer.

Reason: In the interests of the prevention of pollution and to accord with Development Plan Policy C24 Protecting Water Resources

17. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until
1. Full details of the final layout and drainage scheme have been submitted and approved in writing by the LPA.
 2. SuDS to be designed for a 1:100 year event plus 30% for climate change.
 3. If soakaways are proposed in different locations than shown then percolation testing in accordance with DG 365 will be required to support the use of soakaways in these new positions. The report should include the trial logs and calculate the infiltration rate.
 4. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority
 5. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

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PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Totnes **Ward:** Totnes

Application No: 0266/16/FUL

Agent/Applicant:

Mr Ernest Tsui
25 Maidenshaw Road
Epsom
Surrey
KT19 8HF

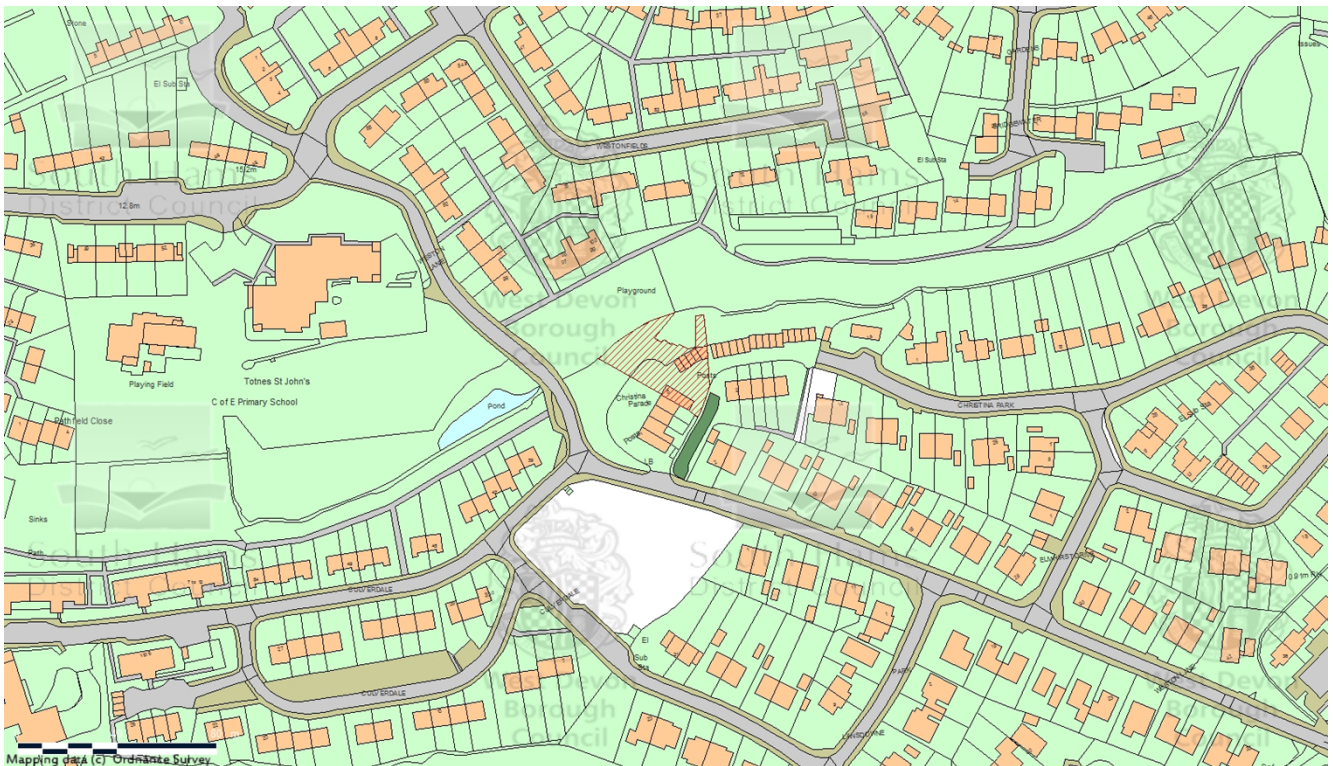
Applicant:

Mr Lam
5 Christina Parade
Totnes
Devon
TQ9 5UU

Site Address: 5 Christina Parade, Totnes, Devon, TQ9 5UU

Development: Erection of 3 bed terrace house with garden and relocation of garages

Reason item is being put before Committee: Brought by Ward Members to consider issues raised regarding access and possible encroachment into a wildlife area, and concerns raised by local residents and Town Council.



Recommendation: Conditional approval

Conditions

1. Time limit
2. Approved plans
3. Final drainage scheme
4. Garages not be used for commercial purposes
5. Removal of permitted development rights for means of enclosure

Key issues for consideration:

Principle of development, design, street scene, highways, neighbour amenity, drainage.

Site Description:

The site is located at the end of a 2 storey residential terrace dating from the 1960s and comprising retail ground floor units together with residential units above. The dwellings generally are clad with white timber and comprise a row of near identical rendered two storey properties with their Atcost style flat roofed garaging set in a row adjacent to No. 5.

Access to the site runs in front of the units via a private drive and connects to the A385 via Weston Lane.

The Proposal:

The proposal includes the erection of a matching end terrace 3 bedroomed dwelling adjacent No.5 Christina Parade together with the demolition of adjacent garaging and their replacement with timber gable roofed garage/workshops.

Revised plans were submitted during the life of the application to address concerns regarding access to the new garages.

Consultations:

- County Highways Authority – Standing advice
- Drainage Specialist – No objection subject to condition to secure final soakaway design and implementation
- Totnes Town Council – “Cllrs raised concern over relocation of garaging that could encroach into a wildlife area impacting trees and bats. There were also concerns over the access route from Christina Park which is used by children, elderly and disabled residents to access shops, the school and the town.”

Representations:

One letter of objection has been received, with concerns raised summarised as:

- Access is onto a private road, not aware residents have given consent for it to be used.

Relevant Planning History

- 56/2387/15/, Erection of 3 bed terrace house with garden and relocation of garages. Withdrawn.

ANALYSIS

Principle of Development/Sustainability:

The site is located well within the Totnes Development Boundary, and the proposal raises no objection in general sustainability terms having regard to the NPPF.

Design/Street Scene:

The existing terrace of properties is of unexceptional appearance but the proposed additional property would sit comfortably at the end of the terrace. The use of matching materials and a carefully designed garden has created a new property which would sit comfortably within the location whilst also providing a considerable improvement to the adjacent garaging units. The existing units are 'of their age' and looking tired. The proposals show those garages being replaced by a better quality and interesting gabled design of garaging sited so as to allow access from the existing drive whilst giving room for the garden/curtilage of the proposed dwelling.

Drainage:

The Council's Drainage Specialist initially raised concerns regarding surface water drainage and revised details were submitted. The Drainage Specialist has advised that the soakaway now proposed will need further design work but considers this can be appropriately dealt with by condition in this case.

Ecology/Trees:

Concern has been raised by Totnes Town Council regarding encroachment into a wildlife area. Based on the submitted information the new garages would be constructed on an existing area of hardstanding adjacent to the vegetated area. Given the flat roof nature of the existing garage structures to be demolished it is considered unlikely that they are used as a bat roost.

Neighbour Amenity:

The proposals would be sited so as not to impact adversely on the existing residents of the terrace. Accordingly, both the existing dwellings and the locality would not suffer an amenity loss through the proposals.

Highways/Access:

There have been concerns raised over ownership of the access road. However, this is not a planning matter and is not material to the determination of the current application. DCC Highways have referred to their Standing Advice. Revised plans were received during the life of the application to show how the garages would be accessed if vehicles were parked in the existing spaces outside Christina Parade, and on this basis the proposal is considered acceptable. A condition is recommended to ensure the garages are not used for commercial purposes, as this would raise additional issues that would need to be assessed.

The Town Council have raised regarding the access route from Christina Park. This is not actually a public right of way and access could be restricted at any time by the landowner. The submitted plans indicate a pedestrian route would be retained, however it is recommended that permitted development rights in respect of boundary treatments be removed as this would help prevent the future blocking up of the route.

Update since June committee

The applicant submitted Certificate B again indicating that he had served notice on all of the property owners in Christina Parade. That notice was served on 26/6/2015 and 20/10/2016. In addition a revised plan was submitted indicating the garages to be 6 metres in length and 3 metres wide. He has also indicated that the public footpath will remain after the development has taken place, which is also apparent on the revised garage plan.

The Planning Balance:

The principle of new residential development in this local is acceptable in planning terms. The proposed dwelling is considered acceptable in design terms having regard to the existing site context, and notwithstanding concerns raised by third parties the access arrangement is considered to be acceptable. The garages are wide enough to allow for a car to be parked inside and with room to open the doors. Officers consider there are no planning reasons why permission should be denied, and the application is recommended for approval subject to conditions as detailed above.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)
SPT1 Delivering sustainable development
SPT11 Strategic approach to the natural environment
TTV25 Spatial priorities for development in Totnes
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended conditions in full:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) ETA-5CP-050 Rev C, ETA-5CP-053 Rev C, ETA-5CP- 054 Rev C received by the Local Planning Authority on 18th May 2016;
ETA-5CP-052 Rev A, ETA-5CP-074 Rev A, ETA-5CP-075 Rev A,ETA-5CP-076 Rev A, Proposed Elevations Finishes Study received by the Local Planning Authority on 7th July 2016;
Flood Risk and Drainage Assessment received by the Local Planning Authority on 29th September 2016.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. PRE-COMMENCEMENT CONDITION: Notwithstanding the submitted details, prior to commencement of development details of the final design for the management of surface water shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include: 1. Redesign the soakaways for a 1:100 year + 40% cc return period 2. If the soakaways cannot be accommodated on site then a mitigating scheme shall be submitted and agreed with the LPA.

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

4. The garages hereby approved shall be used only for the storage of a private motor vehicle(s) and/or domestic storage and for no business or commercial purposes.

Reason: To safeguard the residential amenities of adjoining occupiers.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no gate, fence, wall or other means of enclosure other than any shown on the approved plans shall be erected or constructed unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Harberton **Ward:** West Dart

Application No: 171801 1801/17/FUL

Agent/Applicant:

Mr Phil Baker
29 Bedford Street
Bere Alston
PL20 7DF

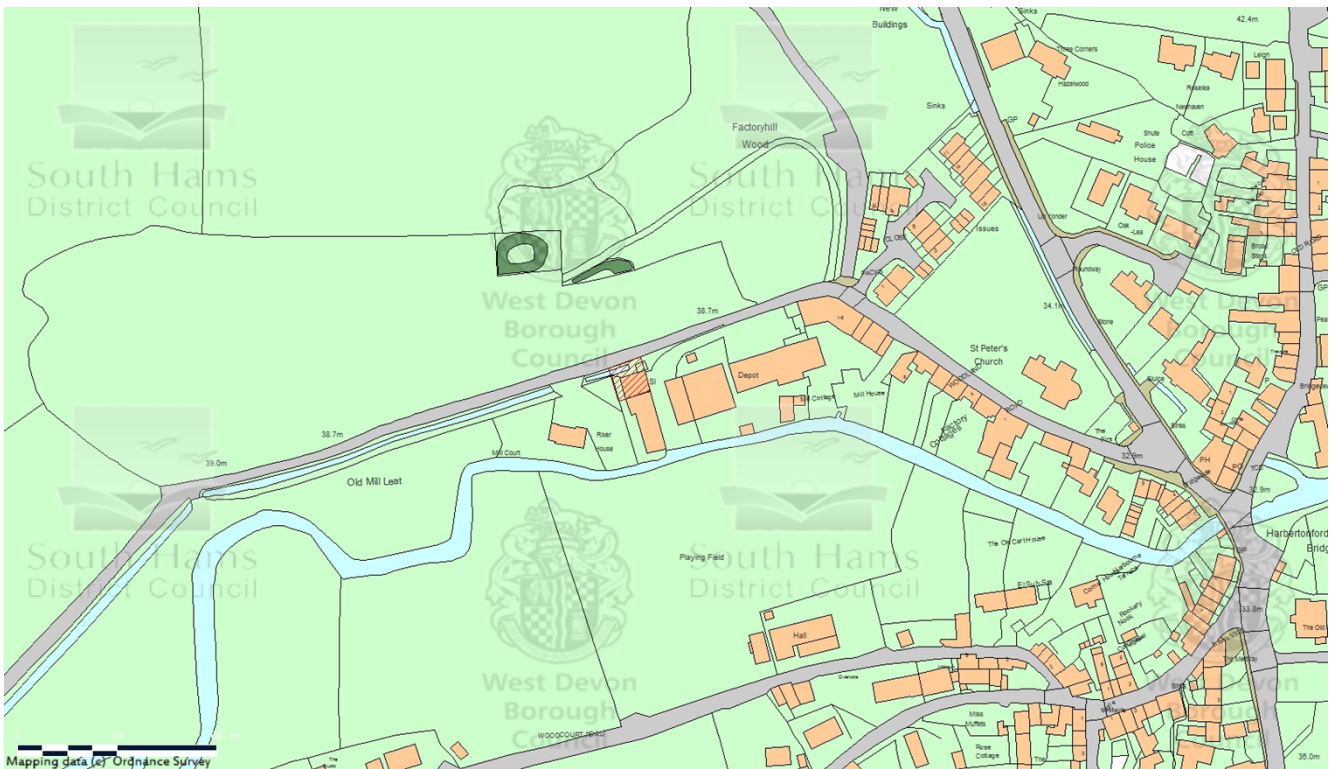
Applicant:

Mr Phil Baker
29 Bedford Street
Bere Alston
PL20 7DF

Site Address: Fulling Mill, Woodland Road, Harbertonford, TQ9 7SU

Development: Change of Use from B1(c) light industry to C3 dwelling house.

Reason item is being put before Committee: The applicant is a member of SHDC staff.



Recommendation: Approval

Conditions (list not in full)

1. Time limit
2. Accord with plans
3. Samples of materials
4. Details of flue
5. Details of rooflights

Key issues for consideration:

Loss of employment
Location of development

Site Description:

The site is located within the settlement of Harbertonford adjacent to the Old Mill. The building is located at the end of a line of buildings. The Old Mill adjacent has been converted into residential properties. The building measures approximately 10 metres by 8.5 metres, over two floors (the upper floor being within the roof space). The building is a part of a traditional group of buildings within the curtilage of the Old Mill. The buildings would presumably have been previously used in association with the Mill. In fact the Design and Access Statement makes reference to it being used in association with processing fleeces to create wool. In more recent years there has been a pine workshop in part of the building. Currently there is also a residential use at the southern end of the building. The fine pine commercial use will continue in the middle section of the building if this proposal is approved.

The site is accessed off Woodland Road.

Part of the building falls within Flood Zone 2/3?

The building is also within the Conservation Area for Harbertonford.

Greater Horseshoe SAC

The Proposal:

The proposal is to convert the building from B1 to C3 dwelling house. The Planning Statement submitted in support of the proposal, proposes a near carbon zero carbon 3 / 4 bedroom dwelling, with bedrooms and bathroom on the ground floor and living accommodation on the first floor. The proposal involves very little alteration externally. Powder coated aluminium windows are proposed for the doors and windows to improve the thermal efficiency. Such materials have been used on the conversion of the Mill adjacent to the site.

In terms of carbon efficiency the proposal is taking a fabric first approach – ensuring high levels of efficiency, renewable technologies, ground source heat pump, solar PV and an electric car charging point.

Consultations:

- County Highways Authority: No comments
- Town/Parish Council: Support

Representations from Residents

Comments have been received and cover the following points:

Support:

It will create a new energy efficient home, which will support the local schools and businesses and also contributes towards the long term viability of a local business.

It will contribute positively to the quality of the built environment and the conservation area.

It would also be consistent with the lapsed planning approval 23/0944/09/F.

Relevant Planning History

23/0540/89/4 -Restoration and rehabilitation of mill buildings to form 22 apartments and 7 town houses with erection of 7 craft workshops and single storey workshops to west of site to be retained. Refusal: 21 Jun 89. Appeal Upheld (Conditional Approval): 28 Mar 90.

23/1293/87/1 Conversion and extension to industrial/craft workshops/ residential use. Conditional approval: 08 Mar 88.

23/0422/93/3 - Conversion of existing mill buildings to form 20 apartments & 7 town houses the erection of a new building to form 7 no. craft workshops & 2 no. apartments. Conditional approval: 18 Aug 93.

23/1836/93/3 - Conversion of part of workshop to form single residence. Conditional approval: 12 Jan 94.

23/1907/93/12 - Certificate of Lawfulness for use of building for restoration/storage area and sales area. Cert of Lawfulness (EXISTING) Certified: 07 Feb 94

23/1891/97/3 - Residential conversion to form seventeen dwellings additional to two existing. Withdrawn: 04 Feb 98

23/1742/98/F94 - Renewal of permission 9/23/1836/98/F for conversion of part of workshop to form single residence. Conditional approval: 10 Dec 98

23/0944/09/F - Conversion of part of existing building from workshop & retail use to two bedroomed dwelling with workshop & retail use (Work/live unit) Conditional approval: 16 Jul 09. Fine Pine.

ANALYSIS

Principle of Development/Sustainability:

The principle of the development falls to be considered against Policy CS1 Location of Development. This policy identifies those settlements that can accommodate additional development. The site lies within the development boundary for Harbertonford and so as such in principle is accepted under CS1.

The other in principle policy consideration is with regard to the loss of employment space, which is covered by Policy DP14 Protection of Employment Land. Also of relevance is Policy CS5 Previously Developed land.

Policy DP14 seeks to protect employment land from changes of use, unless it can be demonstrated that the employment use of the site is no longer viable, and there is no prospect of it becoming so; there is sufficient supply and variety of alternative available employment sites; the use is no longer appropriate in its context and there is a suitable alternative site available locally; the nature of the employment use is not of strategic importance to the wider economy nor has locational requirements that could not be met elsewhere.

If the change of use is acceptable then the policy requires that where possible a mixed use will be sought.

In this case the planning history is of relevance to the consideration of this proposal. In 2009, planning consent was given for the conversion of this building and the adjacent fine pine building to residential use and a workshop (live work unit). (App. No. 23/0944/09/F). At the time the proposal was considered against the relevant policies in place at the time. Whilst there is mention in the report of

employment protection policies (the site not being in an area covered by such a policy) The actual policy itself is not made reference to. However the fundamental issue is that the application was approved and so as such the loss of some of the employment space and the change of use of some of it to a dwelling was accepted at that time.

With regard to the employment loss issues, the applicants planning statement suggests:

“The Fine Pine business will become more viable as a result of occupying a premises more suited to the current market, reducing overheads and stabilising income. There are residential uses immediately adjacent to the site to east and west, with the remainder of allocated site RA16 due to create more dwellings in the vicinity, creating a predominantly residential area that is well located to access local services and facilities.”..... “the renovation of Fulling Mill is enabling Fine Pine to continue as a viable business, as the business cannot viably sustain such a large premises. The location of the business will remain the same, albeit on a smaller footprint, and will continue to make a valuable contribution as a small rural enterprise and employer.”

The statement has established that the Fine Pine business is no longer viable in the larger premises and a smaller premise with the rest being converted to a dwelling, will allow the business to continue in this small village. There is no need in this case to provide alternative sites for the employment use as it is still able to use the rest of the unit in a viable way. Over the last few years the site as a whole has gradually changed from employment based to residential, with the conversion of the end unit of this block and the wholesale conversion of the Mill building . As a consequence it must be questioned as to whether the remaining unit (Fine Pine) is now in an appropriate location. If utilising the smaller space allows for the continuation of the employment use and for it to sit comfortably within the now residential setting, then there is still some retention of employment uses.

The site is not of strategic importance in relation to employment uses, but rather a site where a small scale rural business has operated for many years. If the proposal now allows for that business to continue and be more viable albeit on a smaller scale then it can be considered to be the retention of that use. It is considered in light of the previous approval and in light of the fact that the rural business can continue to operate viably by reducing its floor space, that the change of use of part of the building to residential can be supported in relation to policy DP14.

Design/Landscape:

The proposal retains the existing openings and adds two new openings at the rear of the building, however the location of a lintel and window quoins indicate that there may have been an opening in that location at some point in the past. The proposal indicates the addition of roof lights in the roof slopes, solar PV panels and a new metal flue.

The solar panels are proposed on the rear elevation and number 11 in total. Two new roof lights are also proposed in the rear elevation. These are longer than the other roof lights to allow for more light to enter the building. A consistent approach to the roof additions is required which can be subject to a planning condition if necessary.

Neighbour Amenity: The nearest neighbour is the residential properties in The Mill building and the residential dwelling at the other end of the building. The proposal will not result in the loss of privacy to any other property and in fact the regeneration of this aspect of the building would lead to an improvement of the area.

The immediate neighbour will be the pine workshop, which may involve noise and dust, however the applicant is taking on this project with full knowledge of this fact.

Highways/Access: Access to the building will be via Woodland Road and the access drive which currently serves the workshop and the other residential dwelling at the northern end of the building. The applicant has indicated on the plans that a parking space will be available at the front of the proposed dwelling. This will still allow for vehicles to use the access road to and from the pine workshop and the other dwelling.

Other Matters:

Ecology: A preliminary ecological survey was carried out on March 20th 2017. The results indicate that there were no bat roosts in the roof space, but there may be future opportunity, but that the conversion is unlikely to result in disturbance to, harm to or loss of roost for bats. It also concluded that the development will not impact on the greater horseshoe bat activity. In addition there was no evidence of nesting birds, although the wall top gaps are likely to be favourable for night time roosting. The recommendation of the report is that an appropriate planning condition is attached to any consent.

Conservation Area: Fulling Mill lies partly in and partly outside of the Harbertonford Conservation Area. The applicant has acknowledged this by making very few changes to the front (east) elevation of the building. The roof lights that already exist are to be replaced with conservation style roof lights. A sample of which will be required as part of a planning condition.

Flood risk

Planning Balance

The proposal is similar to a previous planning consent in 2009 in that an employment use is retained on the site, but at a reduced scale and part of the building is converted to residential development. The applicant has considered the scheme in a sympathetic way in relation to the Conservation Area and in trying to retain the integrity and character of the original building, whilst also trying to create a home which has very low/zero carbon emissions. In planning policy terms there is a slight loss of employment, however the nature of the area over the last few years has become more and more residential and so the use of the buildings for employment/light industrial purposes has become more and more untenable. It is therefore considered that the conversion of the building to residential can be supported.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment

DP7 Transport, Access & Parking

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT4 Provision for employment floorspace

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV10 Delivering high quality housing

DEV14 Maintaining a flexible mix of employment sites

DEV19 Provisions for local employment and skills

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV34 Delivering low carbon development

DEV35 Renewable and low carbon energy (including heat)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Planning Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) SHDC1 Site Location Plan; SHDC 2 Block Plan; FM09 Proposed Floor Plan; FM08 Proposed roof plan; FM11 Proposed roof plan; FM06 Proposed and existing north elevation; FM04 Proposed rear/west elevation; FM 05 Existing and proposed elevations; FM03 Proposed front /East elevation, received by the Local Planning Authority on .8th June 2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. PRE-COMMENCEMENT CONDITION

No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4. All new rooflights shall be of a conservation type, the exact type and size of which shall be agreed in writing with the Local Planning Authority prior to its fixing. The development shall thereafter be carried out only in accordance with the details so approved

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the rooflights to ensure that their character is maintained.

5. The new flue(s) shall be sited as indicated on the approved plans and finished in a matt black or grey colour. The height of the flue(s) shall not exceed that shown on the approved plans unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development.

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PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 1785/17/HHO

Agent/Applicant:

Marcus Vasey
5 Knighton Road
Wembury
Plymouth
PL9 0EA

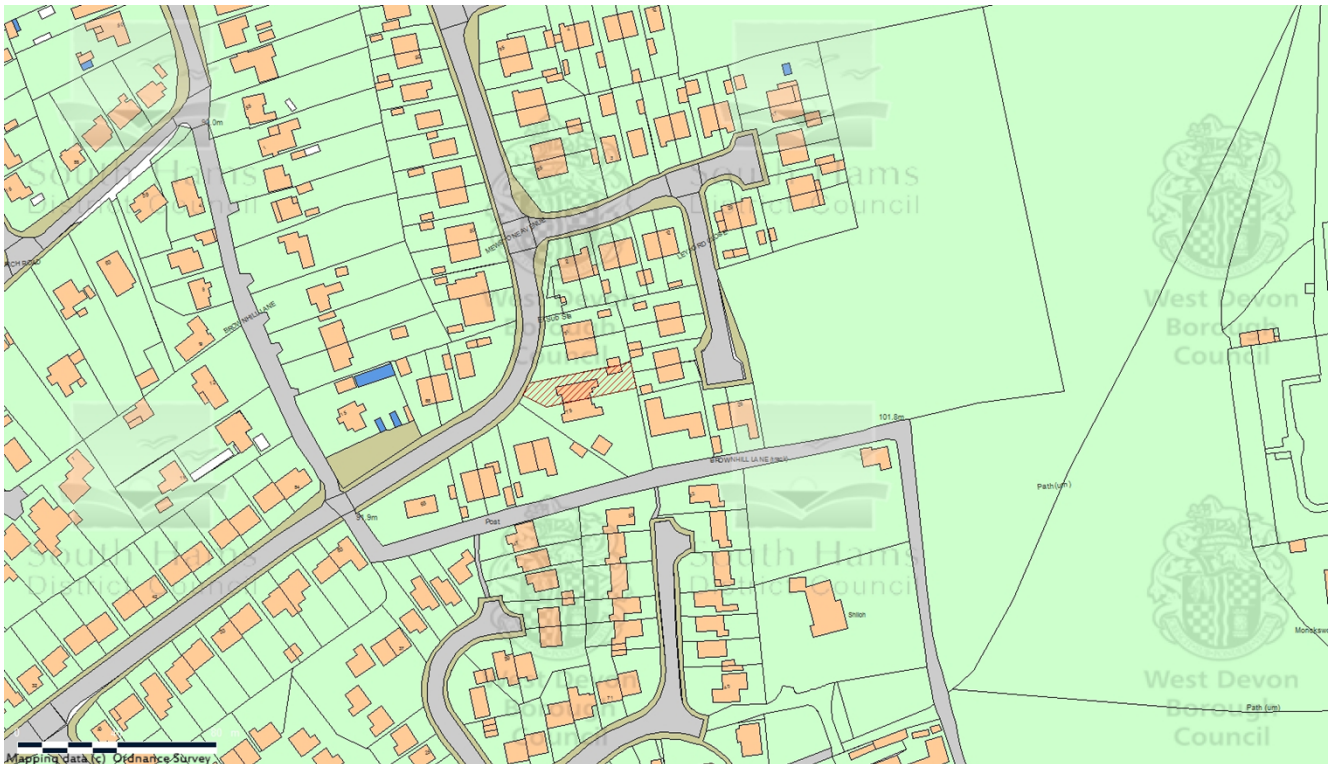
Applicant:

Mr & Mrs Brown
77 Mewstone Avenue
Wembury
PL9 0HU

Site Address: 77 Mewstone Avenue, Wembury, PL9 0HU

Development: Householder application for installation of a new dormer and rooflights within existing loft conversion.

Reason item is being put before Committee *The applicants are related to Cllr Brown.*



Recommendation: Conditional Approval

Conditions

Standard time limit
Adherence to plans
Materials to match

Key issues for consideration: Design, visual impact upon local area, impact upon neighbouring properties.

Site Description:

The site is location within the village of Wembury with access taken from Mewstone Avenue and is a semi-detached bungalow.

The Proposal:

The proposal is for the installation of a rear dormer on west elevation and insertion of rooflights on west (front) elevation. The rear dormer would be finished with horizontal timber cladding, dark grey window frames with dark fascia and guttering and felt flat roof.

Consultations:

- County Highways Authority No objection
- Environmental Health Section No comments received
- Town/Parish Council No objection

Representations from Residents

None

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The proposal is acceptable and only require planning permission as the proposed horizontal timber cladding is not a matching material with the existing property that is finished with brick and rendered walls and concrete tiled roof.

Design/Landscape:

The proposed design and use of materials are considered to be acceptable and does not harm the character and appearance of the local area and Area of Outstanding Natural Beauty.

Neighbour Amenity:

There is no overlooking or loss of privacy from the proposed development to neighbouring properties.

Highways/Access:
No objection has been raised.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

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- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character

DEV25 Undeveloped coast
DEV27 Nationally protected landscapes

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers 123-01, 123-02, 123-06 A, 123-07 A and 123-08 A received by the Local Planning Authority on 7th June 2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 2-Aug-17

Appeals Update from 23-Jun-17 to 21-Jul-17

Ward Kingsbridge

APPLICATION NUMBER : **0996/16/FUL** APP/K1128/W/16/3166274
APPELLANT NAME: Mr J Savage
PROPOSAL : Conversion of existing tractor and mower storage barn into 2 bedroom accessible Annexe for Family Care Purposes
LOCATION : 14 Allotment Gardens, Kingsbridge, TQ7 1NT
APPEAL STATUS : Appeal decided
APPEAL START DATE: 21-March-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 26-June-2017

Ward Loddiswell & Aveton Gifford

APPLICATION NUMBER : APP/K1128/C/17/3173327 & 3173328
APPELLANT NAME: Aune Valley Meat, Mr & Mrs Winzer
PROPOSAL : Without planning permission, the addition and use of fibre cement cladding to all elevations of the building
LOCATION : Aune Valley Meat, Rake Farm, Loddiswell, TQ7 4DA
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 18-July-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Newton and Yealmpton

APPLICATION NUMBER : **3701/16/HHO** APP/K1128/D/17/3171749
APPELLANT NAME: Mr A Beveridge
PROPOSAL : Householder application for proposed detached outbuilding to be used as a boathouse
LOCATION : The Green House, Newton Ferrers, PL8 1AW
APPEAL STATUS : Appeal decided
APPEAL START DATE: 03-May-2017
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 14-July-2017

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **2420/16/HHO** APP/K1128/W/17/3171103
APPELLANT NAME: Mr Peter Colclough
PROPOSAL : Retrospective householder application for retention of concrete deck for use as car parking for adjoining residential property
LOCATION : Salcombe Court, Cliff Road, Salcombe, TQ8 8JQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 04-July-2017
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : N/A APP/K1128/F/17/3172620
APPELLANT NAME: Mr A Nicholls
PROPOSAL : Without Listed Building consent, raising the height of a stone wall with porthole on the land
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 18-July-2017
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3468/16/HHO** APP/K1128/W/17/3174463
APPELLANT NAME: Mr A Nicholls
PROPOSAL : Householder application for retrospective permission for rebuilding a small section of stone wall, including a porthole and climbing plants as part of the upper garden

LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 18-July-2017

APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3469/16/LBC** APP/K1128/Y/17/3174461
APPELLANT NAME: Mr A Nicholls
PROPOSAL : Listed building consent for retrospective permission for rebuilding a small section of stone wall, including a porthole and climbing plants as part of the upper garden
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 18-July-2017

APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : N/A APP/K1128/C/17/3179156 & 3179157
APPELLANT NAME: Mr J T Edwards & Mrs S M Edwards
PROPOSAL : Change of use of the building as a dwelling house without permission
LOCATION : Hangar Farm Bungalow, Beadon Road, Salcombe, TQ8 8JT
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 18-July-2017

APPEAL DECISION:
APPEAL DECISION DATE:

Ward Stokenham

APPLICATION NUMBER : **2906/16/VAR** APP/K1128/W/17/3168369
APPELLANT NAME: Mr P Fleming
PROPOSAL : Variation of condition numbers 2, 3 and 4 following grant of planning consent 20/2136/15/F to allow removal of northern boundary fence from approved plans and provision of trellis to eastern boundary.
LOCATION : 1 Longpark Cottages, East Portlemouth, TQ8 8PA
APPEAL STATUS : Appeal decided
APPEAL START DATE: 21-March-2017
APPEAL DECISION: Partially upheld
APPEAL DECISION DATE: 23-June-2017

South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 2-Aug-17
Appeal Hearings/Public Inquiry from 23-Jun-17

Ward Bickleigh and Cornwood

APPLICATION NUMBER : **04/1129/15/F** APP/K1128/W/16/3167179
APPELLANT NAME: Taylor Wimpey Exeter
PROPOSAL : Re-advertisement (Receipt of amended site location plan)for Construction of 65 no. dwellings together with associated landscaping, car parking and infrastructure
LOCATION : Proposed Development Site At SX 4744 6168, Allern Lane ,Tamerton Foliot Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-February-2017
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY: 12-September-2017
LOCATION OF HEARING/INQ: Follaton House, Plymouth Road, Totnes, TQ9 5NE

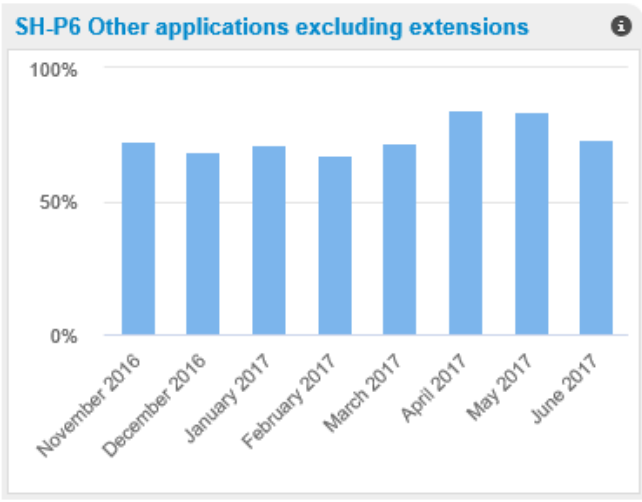
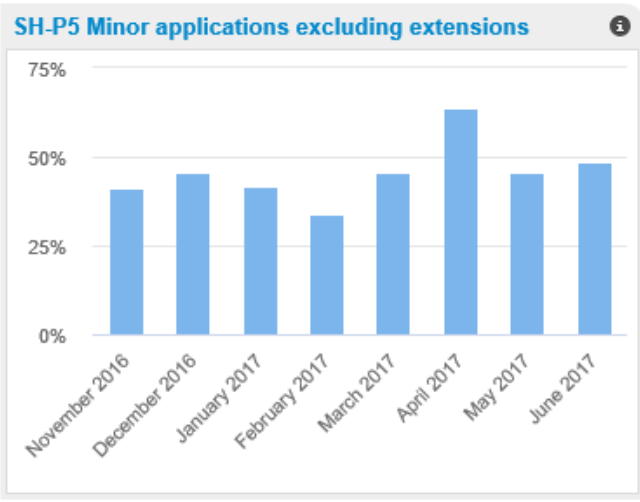
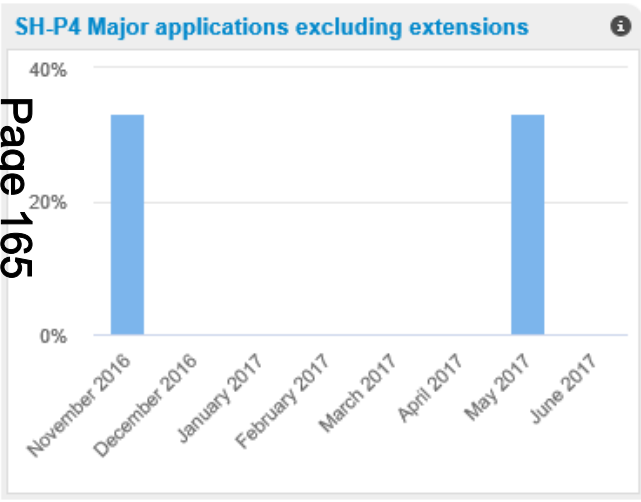
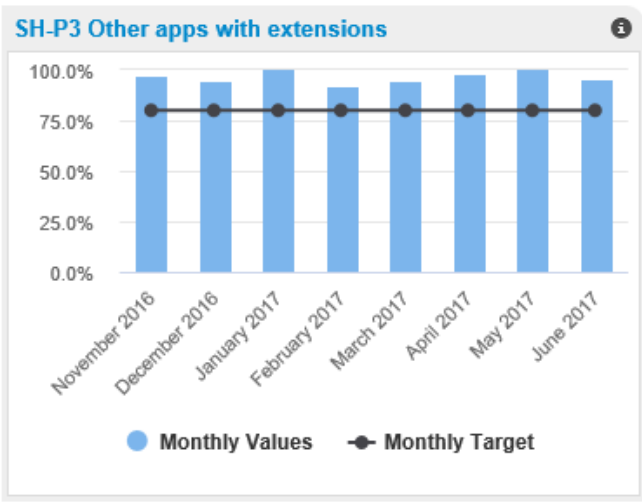
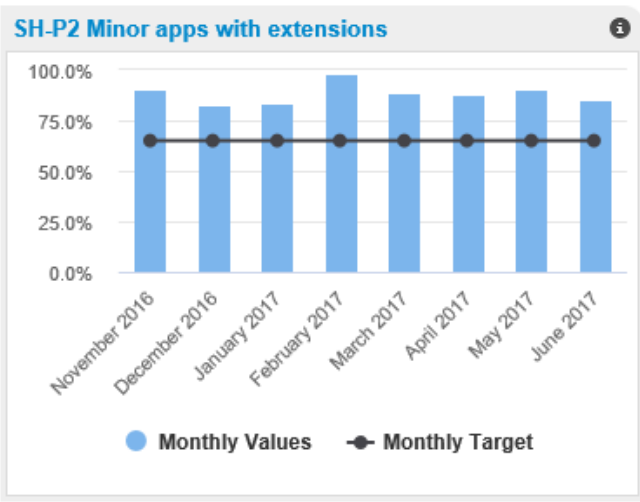
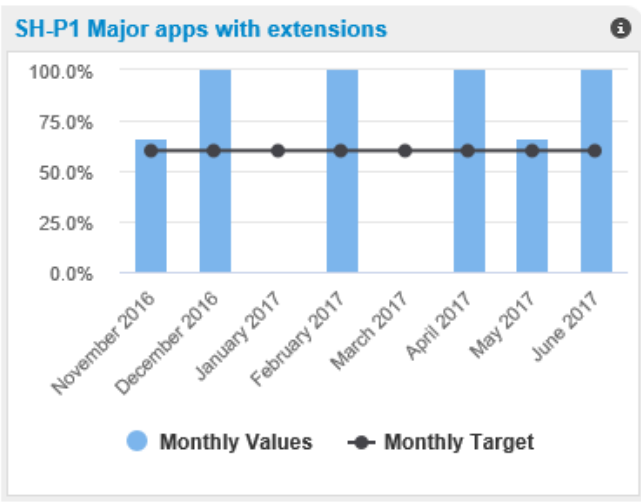
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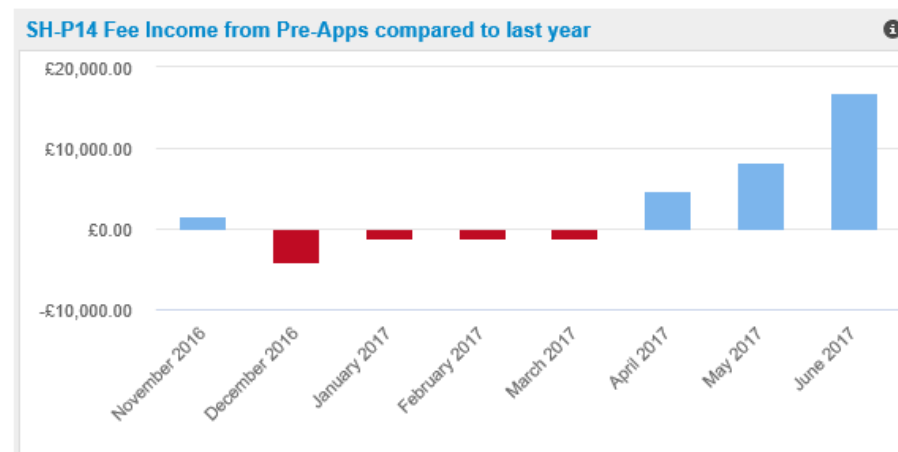
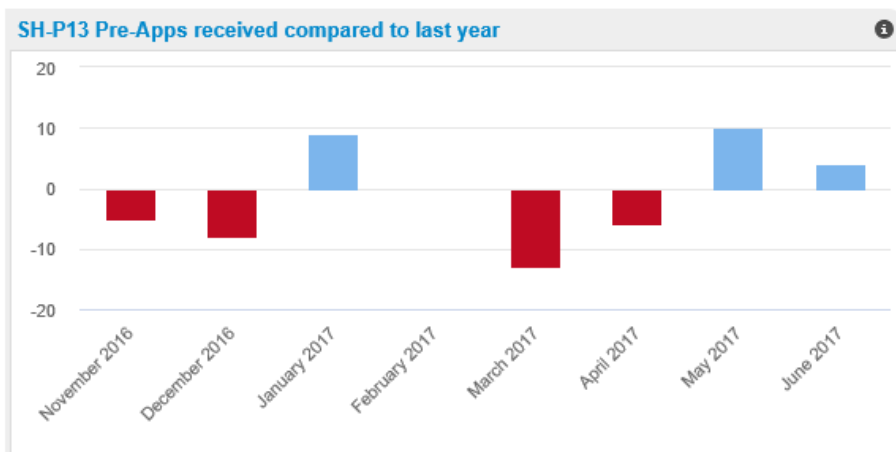
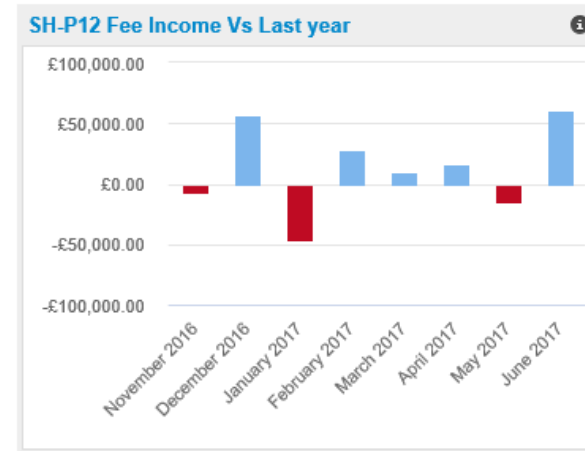
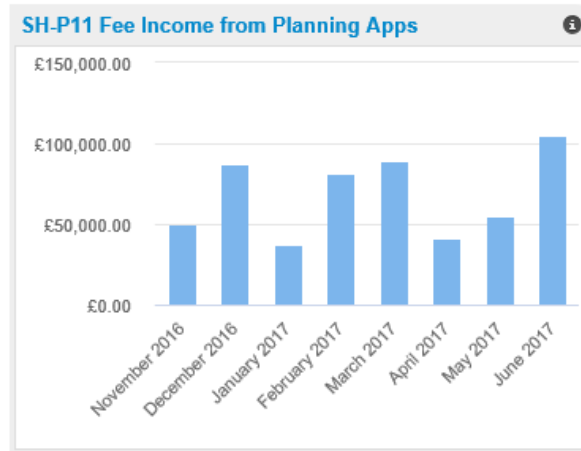
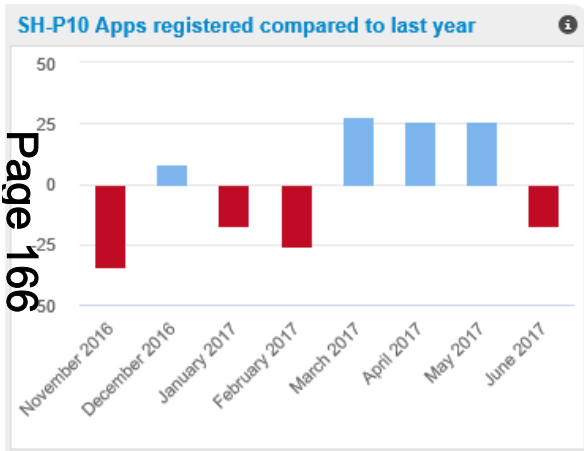
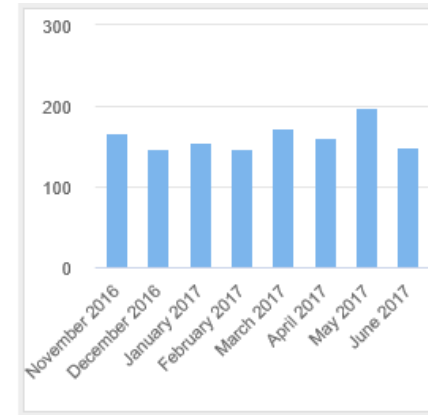
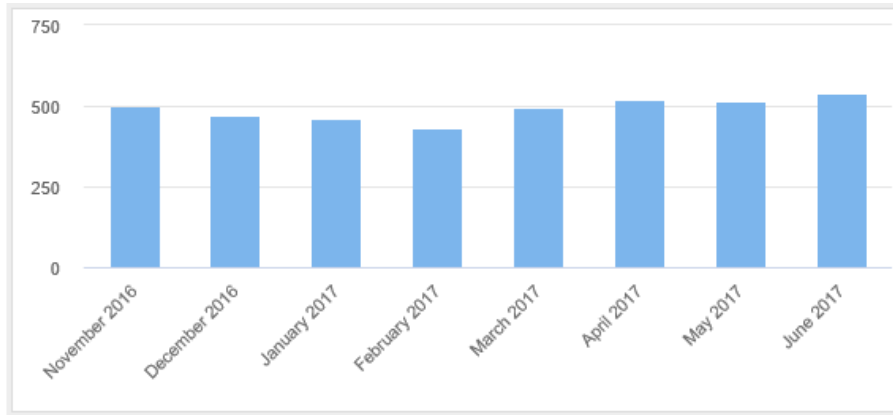
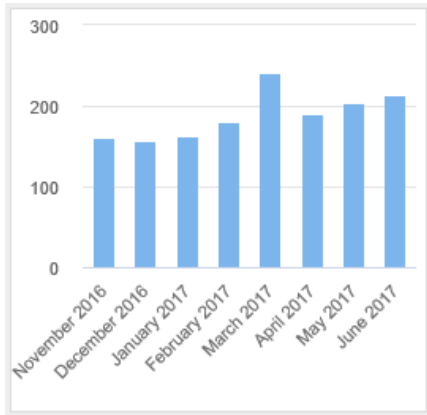
Ward Newton and Yealmpton

APPLICATION NUMBER : **BF/SH/Enf Little Acre** APP/K1128/C/17/3172258 & 3172259
APPELLANT NAME: Mr & Mrs Duff
PROPOSAL : Without planning permission, the material change of use of the land from a mixed use of Equestrian for the keeping of horses and agricultural to a mixed equestrian and permanent residential use
LOCATION : Little Acre, Yealmpton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 06-June-2017
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY:
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

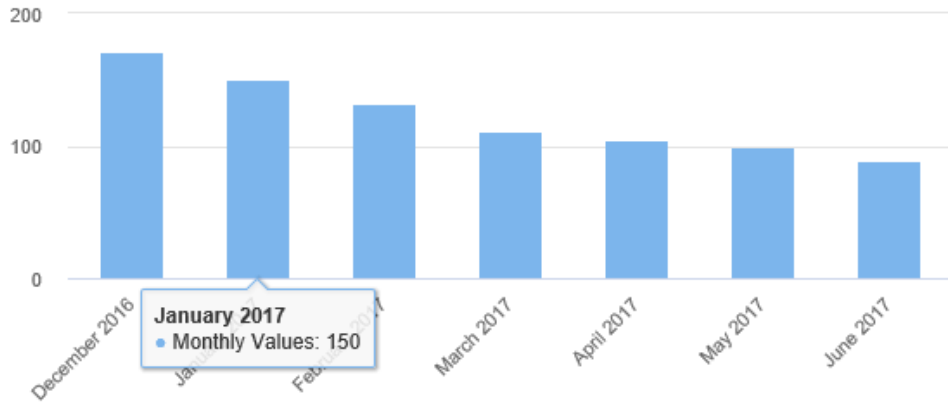
APPLICATION NUMBER : **BF/SH/Enf Little Acre** APP/K1128/C/17/3172262 & 3172263
APPELLANT NAME: Mr & Mrs Duff
PROPOSAL : Without planning permission the material change of use of the agricultural building from agriculture to a residential use.
LOCATION : Little Acre, Yealmpton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 06-June-2017
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY:
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

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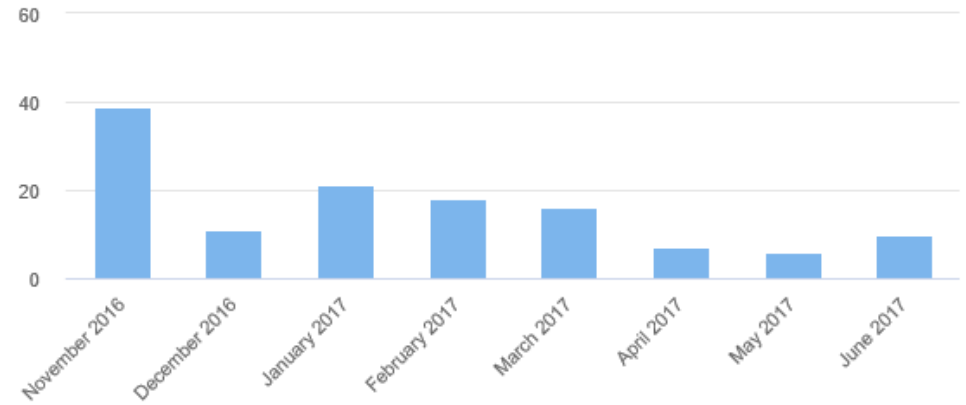




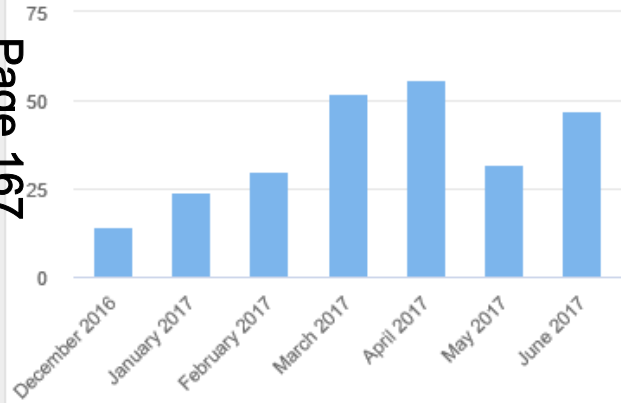
SH-E1 Enforcement Cases Outstanding Backlog



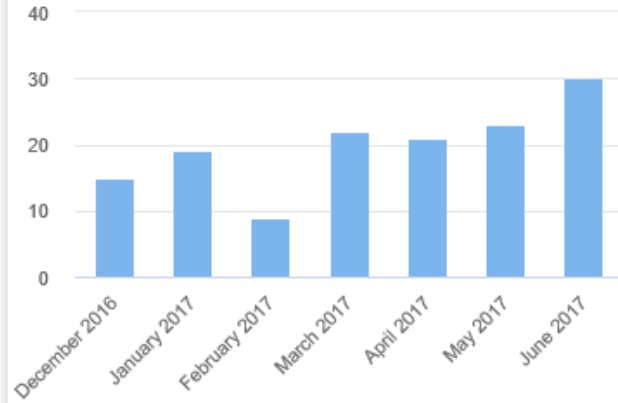
SH-E2 Enforcement Cases Closed Backlog



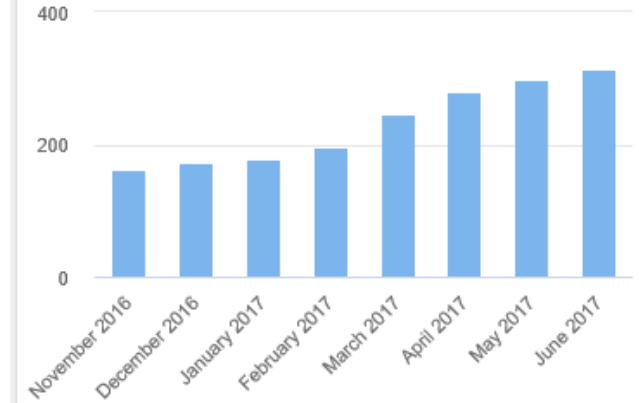
SH-E3 Enf Cases Received (since March 2016)



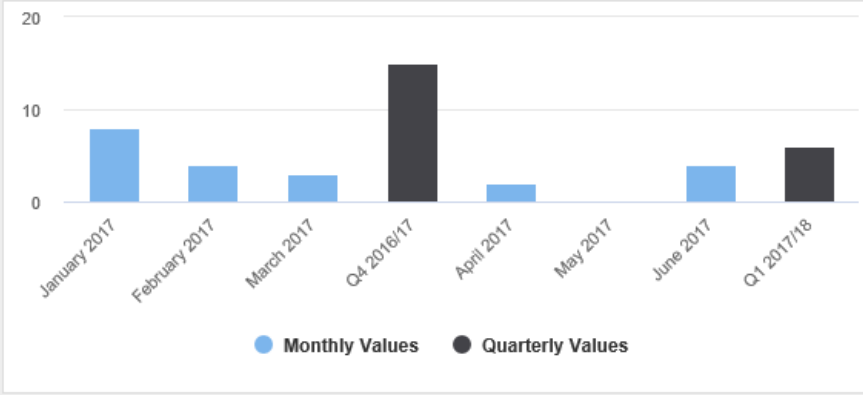
SH-E4 Enf Cases Closed (since March 2016)



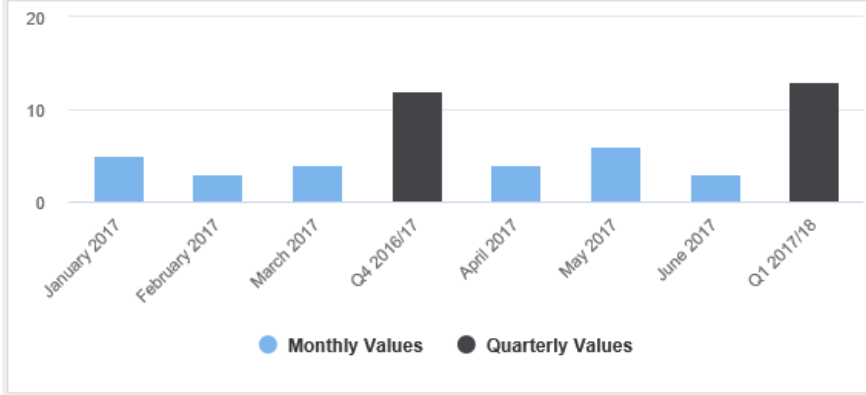
SH-E5 Enforcement Cases Outstanding



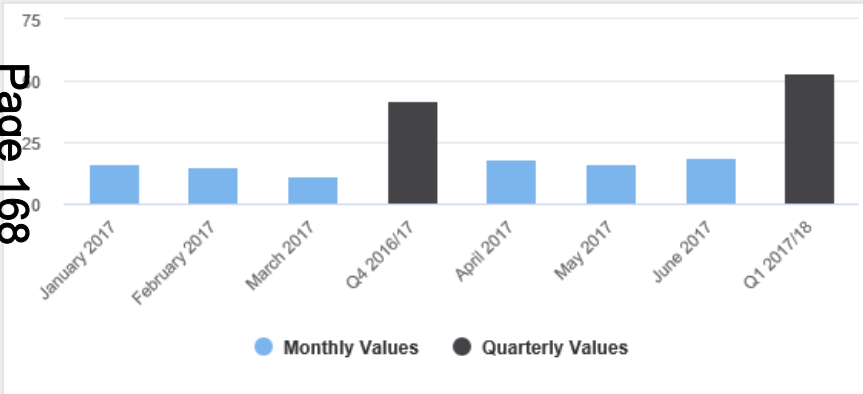
Enforcement cases closed: Retrospective applications



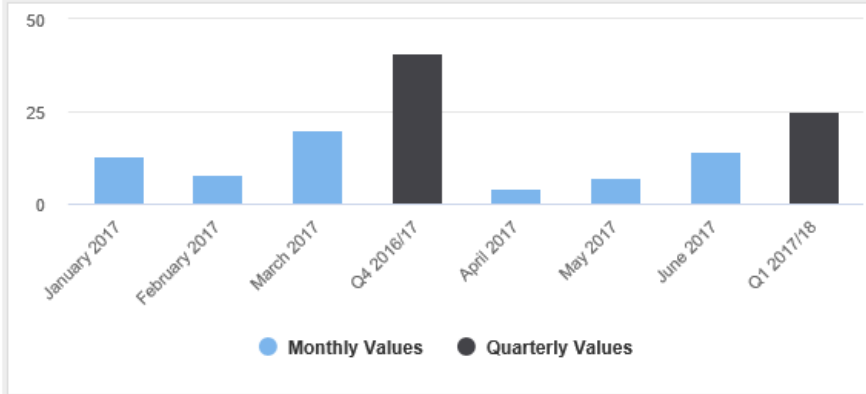
Enforcement cases closed: Remedial action



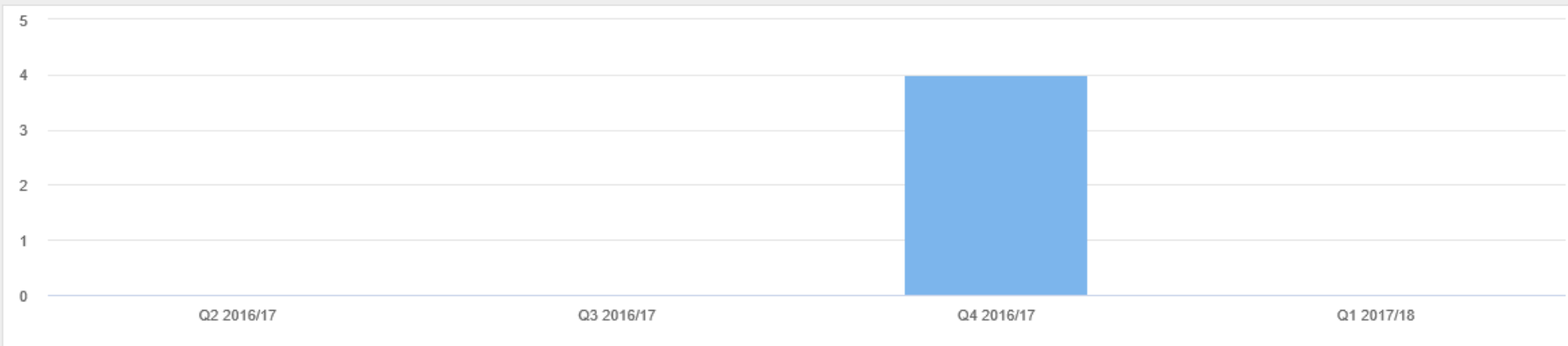
Enforcement cases closed: No breach found

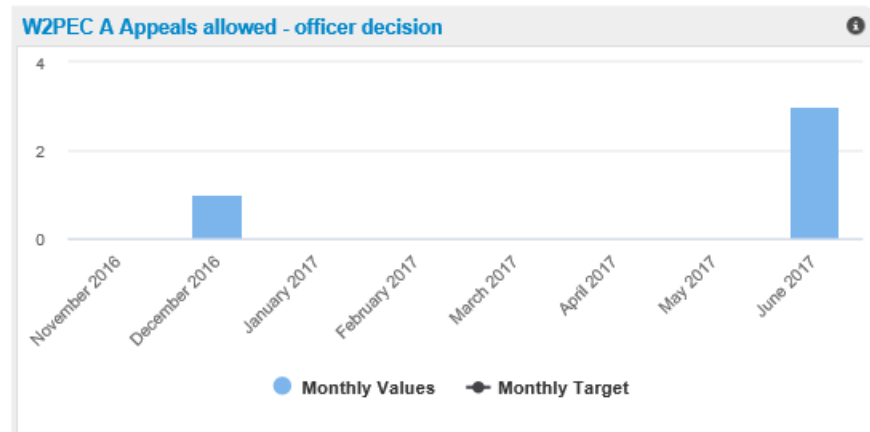
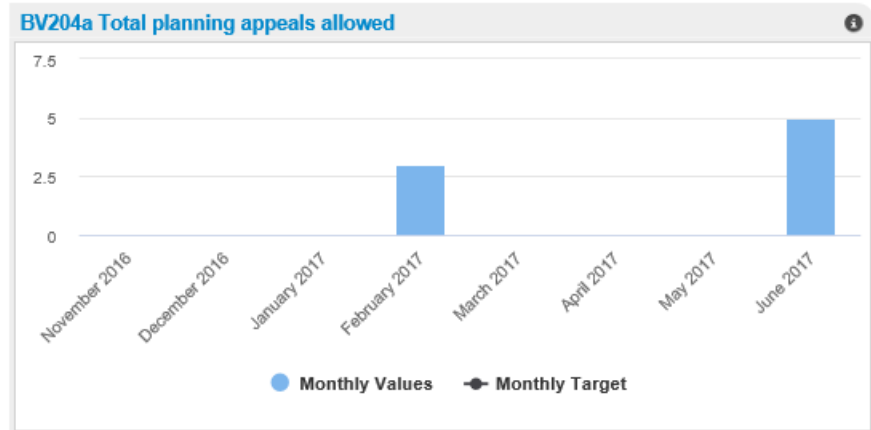
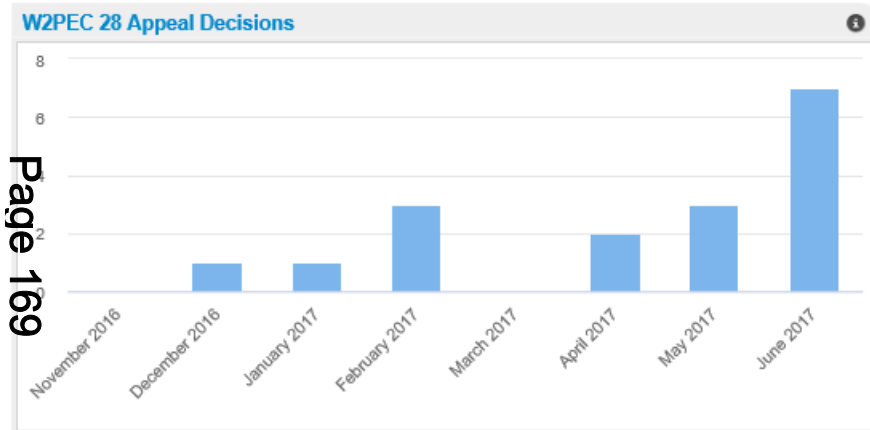
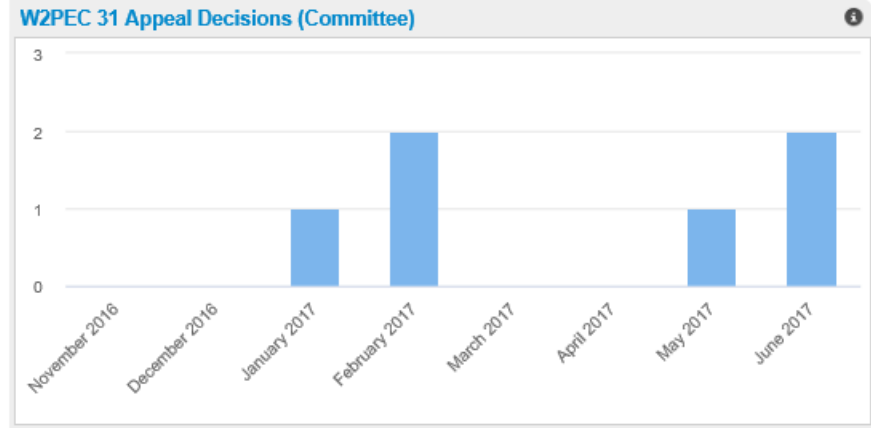
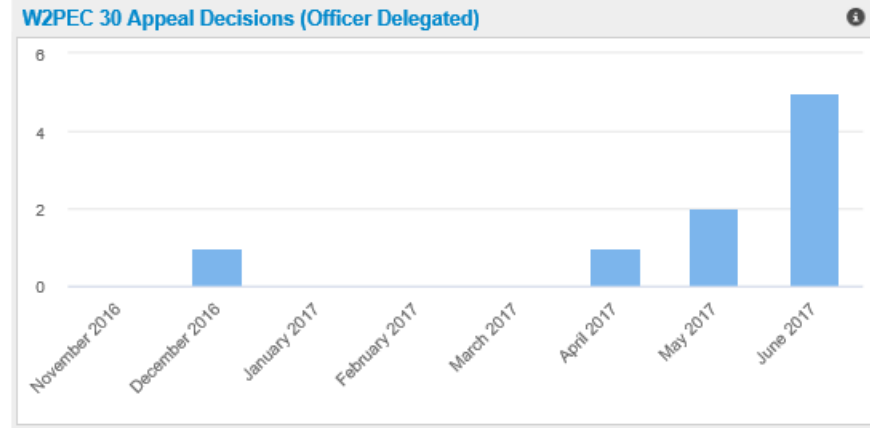


Enforcement cases closed: Not expedient



Enforcement cases closed: Enforcement action





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