

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Sparkwell **Ward:** Newton and Yealmpton

Application No: 1303/18/OPA

Agent/Applicant:

Mr Ed Heynes
Heynes Planning Ltd
The Studio,
Two Acres
Under Lane
Newmills,
Launceston
PL15 8SN

Applicant:

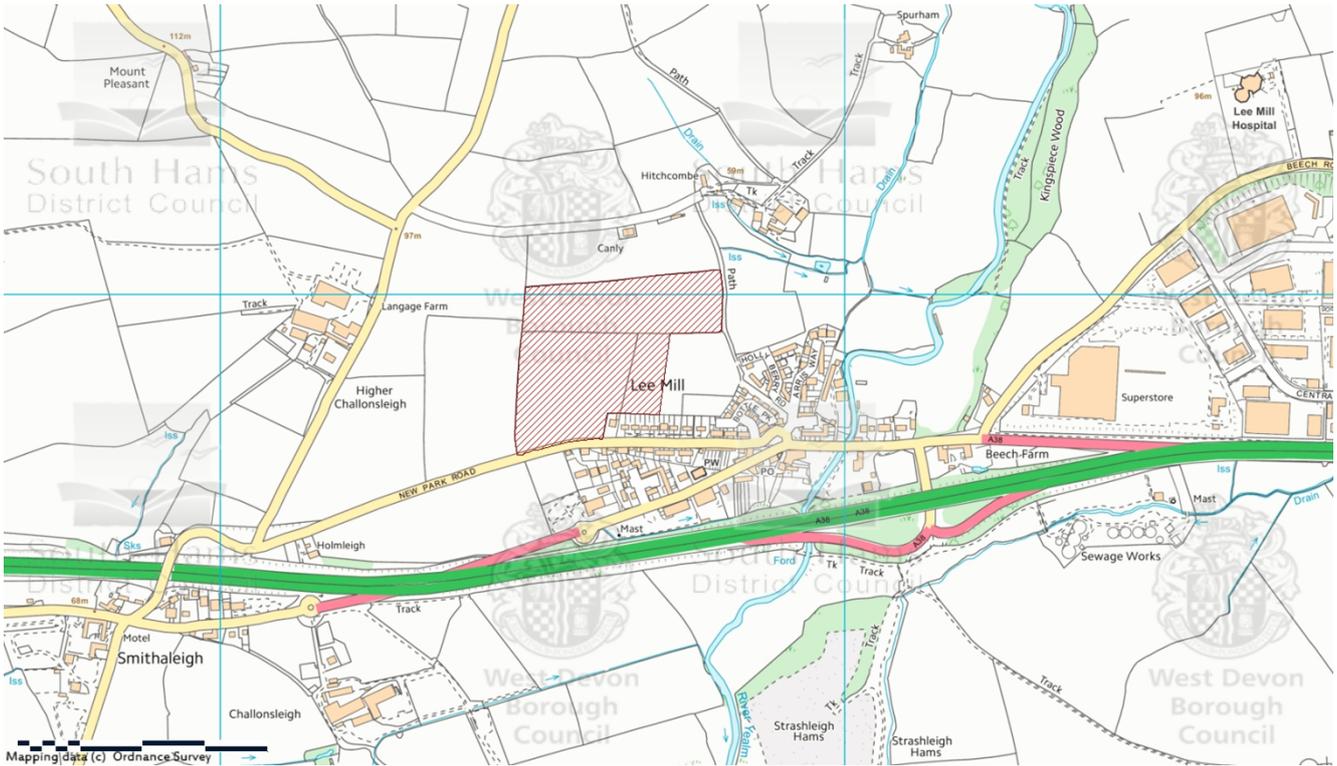
Place Land LLP
C/O Heynes Planning Ltd

Site Address: Land Adjacent To New Park Road, Lee Mill, Devon

Development: Outline application with all matters reserved except for access, for residential development of up to 110 dwellings with open space, landscaping, allotments, drainage infrastructure, estate roads and associated development

Reason item is being put before Committee: At the request of both Ward members. Councillor Blackler due to the considerable opposition and local valid concerns and Councillor Baldry for the following reasons:

- The hamlet of Lee Mill is not a sustainable community; it has no school, no shop, no community meeting place.
- From the proposed development site most people going to the Tesco store [Ermington Parish] can be expected to use a car.
- An increase of 110 dwellings is disproportionate for the existing size of Lee Mill.
- The JLP is close to finalising. This allocates 20 dwellings to Lee Mill.
- The proposed site is outside the development boundary.
- It is not an allocated site.
- There is no identified local need.
- All affordable housing needs in Sparkwell Parish are met.
- The proposal is contrary to DP15
- There is a high level of local opposition. 37 letters from individuals.
- The Parish Council strongly object.
- New Park Road is the proposed access road. This is already the subject of major local concerns about traffic volumes, speed and inadequate parking.
- As correctly said in officer report 'This proposal does not meet the essential, small scale local development needs of the community.' It is not small scale and does not meet local development needs.



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

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 terms of the Section 106 Obligation are:

- 30% affordable housing
- £6000.00 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill. To be paid on occupation of 25 percent of the dwellings
- £15,000 towards improving the Unclassified Road 301 in Sparkwell. To be paid prior to occupation of the first dwelling.
- £300.00 per dwelling towards travel vouchers
- Travel pack
- Welcome Pack
- £338,679 towards education facilities
- £184,106 towards school transport
- Occupants (to be calculated based on Table 3 of the SPD) x £595 towards 'Provision of a MUGA at Bottlepark and/or Extension of Clubhouse at Erme Valley Playing Fields, Ivybridge and/or provision of an all-weather pitch at Ivybridge Community College.'
- Occupants (to be calculated based on Table 3 of the SPD) x £380 towards 'improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area'

- Public access and on-going management and maintenance of the on-site public open space in perpetuity, including allotments.
- Implementation of LEMP and SUDs

Conditions (included in full at end of report)

1. Std outline time
2. Std outline submission of Reserved Matters
3. Accords with plans
4. PROW diversion order to be made prior to commencement of development
5. CEMP
6. Estate road etc details to be agreed and provided
7. No other development until first 20m of access has been laid out
8. Phasing to be agreed
9. Roads for each phase to be provided
10. Unsuspected contamination
11. Footways to Holly Berry Road to be completed prior to occupation of any dwelling
12. Prior to commencement access scheme to be agreed (in respect of PROW)
13. Any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times
14. Prior to commencement to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation agreed with the LPA
15. Submission and agreement of details (including on-going management and maintenance) of the public open spaces including surface water drainage and allotments at reserved matters stage.
16. Lighting strategy at RM showing no more than 0.5 lux within 5m of boundary features and reflecting recommendations of section 9 of the Bat Activity Report (Ecological Surveys Ltd, Nov 2017).
17. Submission of a LEMP at RM detailing ongoing management and maintenance of retained and created public open space/boundary features.
18. Submission of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include mitigation and enhancement proposals for construction and operational phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate net gain in biodiversity, reflecting recommendations within sections 7 and 8 of the Ecological Appraisal (Ecological Surveys Ltd, May 2017).
19. Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.
20. Landscape details to be agreed in RM and implemented
21. Tree and hedge protection details to be provided in RM
22. Drainage – percolation testing
23. Drainage - detailed scheme
24. Drainage- construction phase
25. Provision of parking and turning areas prior to occupation
26. Removal of PD – boundary treatments, hard standings, roof extensions
27. Electrical charging points – details to be provided and implemented

Key issues for consideration: The site lies outside of the settlement boundary within the countryside and is not an allocated site for development. The principal of development on such a location is contrary to the development plan; the key issue relates to whether or not there are material considerations that would justify allowing this development contrary to the provisions of the development plan. In the absence of a 5 year housing land supply a material consideration will be the NPPF and the presumption in favour of sustainable development.

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

It is estimated that this development has the potential to attract New Homes Bonus of £143,320 per annum, payable for a period of 4 years. 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 comprises approx. 6.5 ha of agricultural land located to the west and north of the village of Lee Mill, approx. 2 km west of the town of Ivybridge. Lee Mill is a modest village built along the Plymouth Road, sitting immediately north of the A38. Facilities within the village are limited and include a pub, a church and a garage shop. The large Tesco superstore is located just outside the village as is Lee Mill Industrial Estate. There are bus links from the village to Plymouth and Ivybridge.

The sites includes three arable fields bounded by hedgerows, the site topography falls gradually from north west to south east. To the south and east the site adjoins the new housing development at Holly Berry Road and existing housing on New Park Road. Part of the site directly adjoins New Park Road. Agricultural land lies to the west, north and north east.

A public footpath (Sparkwell Footpath 12) crosses the site diagonally from the east (Holly Berry Road) to the north west corner of the site. A further public right of way (Green Lane) runs north south adjacent to the north east site boundary

It is proposed that vehicular access will be taken from New Park Road with pedestrian access to Holly Berry Road retained.

A public open space has recently been provided as part of the adjacent Holly Berry Road development

The Proposal:

This is an outline planning application for up to 110 dwellings with only access to be agreed at this stage. An illustrative masterplan has been submitted however to demonstrate how 110 dwellings could be accommodated within the site. The illustrative plan shows the following housing mix:

7 x 1 bed apartments
5 x 2 bed FOG
26 x 2 bed dwellings
53 x 3 bed dwellings
19 x 4 bed dwellings

This mix is indicative and could change at reserved matters stage.

The Design and Access Statement sets out the rationale for the illustrative layout, explaining the applicants intent to create a new neighbourhood in a strong landscape setting at the north western edge of Lee Mill, providing landscape breaks within the scheme to break the scheme into smaller parcels when viewed from the south west and to retain existing trees and hedgerows where possible.

A substantial area of land in the north west corner of the site is indicated as public open space (a hilltop park), connected back to the village by the public footpath, which will generally follow the same route but with some diversion necessary. This amenity area is shown as being visually separated from the housing development by a landscape buffer of tree planting.

Allotments with parking are shown in the south west corner of the site

Overall the illustrative scheme shows 2.36 ha of informal open space and 0.71 ha of allotments, plus attenuation ponds

Attenuation ponds are located at the lowest part of the site on the north east boundary, justification for this is set out in the Flood Risk Assessment. It is stated that these ponds will reduce existing greenfield runoff rates.

Vehicular access is shown off New Park Road, this is not a reserved matters and detailed drawings of this access form part of the application.

A parking court for existing residents to alleviate the demand for on street parking is indicated within the southern part of the site, behind the rear of properties on New Park Road.

30 % affordable housing is proposed to be distributed across the site

Consultations:

- County Highways Authority: No objection subject to Section 106 Obligations and conditions
- Highways England: No objection
- DCC PROW: No objection subject to conditions
- DCC Archaeology: No objection subject to conditions
- DCC Education: No objection subject to financial contributions towards secondary school infrastructure and school transport
- DCC Flood Risk: No in principal objection
- SHDC Biodiversity: No objection subject to conditions
- SHDC Landscape: No objection subject to conditions
- SHDC OSSR: No objection subject to
Conditions securing:
 - Submission and agreement of details (including on-going management and maintenance) of the public open spaces including surface water drainage and allotments at reserved matters stage; and
- S106 clauses securing:
 - Occupants (to be calculated based on Table 3 of the SPD) x £595 towards *'Provision of a MUGA at Bottlepark and/or Extension of Clubhouse at Erme Valley Playing Fields, Ivybridge and/or provision of an all-weather pitch at Ivybridge Community College.'*
 - Occupants (to be calculated based on Table 3 of the SPD) x £380 towards *'improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area'*
 - Public access and on-going management and maintenance of the on-site public open space in perpetuity.
- Environmental Health Section: No objection subject to conditions
- Natural England: Site is within the zone of influence for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA and new housing here is likely to have a significant impact on its interests. As such mitigation is required

- Police AOL: Detailed advice provided.

SHDC Affordable Housing: I am not convinced that there is an identifiable need for more affordable homes in the parish of Sparkwell. A parish level housing needs survey was undertaken in March 2013 and that identified a need for 11 new affordable homes over the next 5 years. This need has since been met by a development in Sparkwell, where development is currently underway for 22 homes, 11 of which are affordable.

If this development was to come forward, it would not meet a local housing need but a district wide housing need.

Policy DEV8 in the emerging Plymouth and South West Devon Joint Local Plan states, “within rural areas all residential developments of 11 dwellings or more will provide a minimum of at least 30% affordable housing.”

If this application is approved we would require more detailed discussions with the applicant on the type and tenure of the affordable homes to meet our statutory housing needs.

- South West Water: No objection
- SHDC Strategic Planning: Contrary to adopted and emerging development plan policies however this conflict is not significant at present having regard to the status of these plans.
- Town/Parish Council: Objection: The proposed development is an unacceptable expansion of the current Lee Mill community given that:

It exacerbates the current serious problem of traffic movements in New Park Road, Lee Mill which is at a critical level when on street parking is at its most dense. This problem is one which has been addressed by all levels of governance in the past five years – with no solution.

Any provision of off-site parking for the New Park Residents within the development will be remote and unattended; therefore rejected by most residents.

New park Road carries the bus route and also the cycle route to and from Plymouth.

Any proposal for access to the A38 via the Smithleigh junction may overload the current westbound slip. Note: the next junction has one closed slip as too dangerous.

New park Road/Holly Berry Road junction is already used as an informal ‘park and ride’ site for commuters and no viable solution has been found for this hazard.

Any outline consent at this time would be inappropriate as the Joint Local Plan is in the latter stages of consultation, currently it seems far more likely that a site with no access to New Park Road will be a preferred option.

Representations:

Approximately 37 letters of objection have been received raising issues which include the following:

- There has been an increase in road incidents in the vicinity of Lee Mill in the past 5 years (300% increase in fatal and/or serious road incidents and a 33% overall increase - this is a result of the circa 50 new houses built at Holly Berry Road.
- The Local Plan in 1989 identified a need for improvements to mitigate increased traffic on the eastbound sliproad from the A38 which passes through the village. All that has happened since then is the introduction of 3 traffic islands on the Plymouth Road.

- Residential part of New Road is not 6m wide as stated in the Transport Assessment.
- Devon has seen 6% increase in volume of road users over last 20 years compared to 33% at Lee Mill.
- Surface water runoff from the site currently enters gardens at Holly Berry Road. Has this been taken into account in drainage scheme?
- JLP allocates only 20 new homes for Lee Mill
- Other sites in the area are to be sold and may come forward for housing, causing greater traffic problems.
- Local schools are oversubscribed
- Cumulatively will result in a doubling in the size of Lee Mill in the last 7 years with no improvements to local services.
- Flash flooding already a problem in the area, increasing hard surfacing will make this worse.
- Traffic congestion already a problem in the area and this makes it difficult for emergency vehicles to gain access.
- Cars park on New Road making it single lane and easily congested
- Adverse impact on local wildlife.
- Disproportionate to size of village, adverse impact on village character
- Enough houses are being built at Sherford – no need for more
- Bus services are limited
- Poor pedestrian links – no footpath on New Park Road
- Transport Impact assessment is flawed in many of its assessments.
- Due to sloping topography of the site the development will cause loss of light and loss of privacy to adjoining residents
- Access to properties opposite the proposed new access is already problematic and will be made worse – a fatal accident has already occurred here.
- Lee Mill has v few local facilities having no shop, no post office, school or village hall
- Light pollution – adverse impact on Dartmoor
- Loss of green space around the village will reduce amenity
- Empty houses are available in Plymstock
- Doctors are oversubscribed
- Better sites are available such as the Marquis Motorhomes
- New Park Road is the main cycle route into Plymouth (NCN2) – added traffic will make this more dangerous
- Loss of farmland
- Noise disturbance

Relevant Planning History

49/1162/08/F: Erection of 65 dwellings (25% affordable housing) provision of site for future village hall and car park, open space, access, servicing and landscaping, Conditional approval. (This relates to the adjoining new development on Holly Berry Road)

ANALYSIS

Principle of Development/Sustainability:

The principle of the development needs to be reviewed in the context of national and local planning policy.

The Development Plan

Paragraph 38 of the Planning and Compulsory Purchase Act 2004 establishes that a determination must be made in accordance with the plan unless material considerations indicate otherwise. The

adopted Development Plan includes the Core Strategy 2006 and the Development Plan Policies 2010.

Policy CS1 identified settlements where the principle of development is acceptable and this includes the village of Lee Mill. The application site however is outside the settlement boundary where policy CS1 States that development will be strictly controlled and only permitted where it responds to a demonstrable local need.

Policy DP15 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.

The application does not respond to a demonstrable local need for housing nor is it small scale. As such the proposed development does not accord with these development plan policies

Also relevant is the emerging Plymouth and South West Devon Joint Local Plan (sJLP) which has been subject to examination and an Interim Inspector's Report issued. Relevant to the determination of this application are policies including SPT1 (Delivering Sustainable Development) SPT2 (Sustainable linked neighbourhoods and sustainable rural communities) and TTV31 (Development in the Countryside.)

The sJLP sets out, in Policy SPT3, a revised Objectively Assessed Need for housing in the Borough in the context of the Plymouth Housing Market Area and identifies land allocations to meet and exceed that need. Policy TTV31, Development in the Countryside, effectively updates Policies CS1 and DP15 of the adopted development plan, stating, inter alia, that:

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

The proposed development lies outside the draft settlement boundary for Lee Mill and as such should meet the requirements of Policy TTV31 of the sJLP. In particular criterion 1, which requires that housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution. This proposal does not meet the essential, small scale local development needs of the community.

The principle of the proposed development is contrary to the provisions of the development plan and the sJLP.

National Planning Policy Framework (NPPF) and 5 Year Housing Land Supply

It is relevant to consider the application in the context of the National Planning Policy Framework, 2018

Paragraph 11 of the NPPF states inter alia, that

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**,

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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.

Footnote 7 to this paragraph states that when considering if policies are out of date this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

Officers note that, with regard to the adopted development plan, South Hams District Council cannot demonstrate a 5 year housing land supply (5YHLS). A 5YHLS has been identified as part of the sJLP however elements of this were subject to challenge within the recent examination; in the absence of an Inspector's report to confirm the acceptability of the identified need and supply the 5YHLS cannot yet be relied upon.

Having regard to the lack of demonstrable 5YHLS the tilted balance in favour of sustainable development applies to the consideration of this planning application whereby planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Consideration of the three elements of sustainability

Environmental Impacts

Design/Landscape:

The application is in outline with matters such as layout, scale and appearance to be agreed as reserved matters.

The site is within the setting of Dartmoor National Park. Paragraph 172 of the NPPF states that great weight shall be given to conserving landscape and scenic beauty of National Parks.

This application has been assessed by the Council's Landscape Specialist who has commented as follows:

Officers were involved in pre-application dialogue on potential impacts on landscape; this included site visits and subsequent comment over scale, form and layout. Whilst not within a protected landscape, the site is on the settlement edge of Lee Mill and within the setting to Dartmoor National Park. On this basis, particular attention has been given to views from the moor where specific concern was raised about distant views and the potential for the new development to adversely increase effects of development within the setting. Recent development has seen the expansion of Lee Mill to the west, and this proposal would see this continuing to the west and north. Following a review of initial material and assessments, initial comments can be summarised as follows:

- *the LVIA is broadly sound and balanced but some initial concern was raised over impacts from part of the site where it affects adjacent footpaths and more sensitive distant views*
- *both the site and some of the more sensitive viewpoints (VP 1, VP5) were visited, including a trip up to Hanger Down (VP 4) within DNP*
- *officers had specific concerns are over the quantum of development, especially the area to the north of the dividing hedge (which runs east to west) where the land roles over to a degree so can be seen more distinctly from the viewpoints around the moorland side – it also has the significant part of the public footpath running across it*
- *at a local level, from the adjacent footpaths/green lane, impacts could adversely affect the amenity of sensitive receptors*
- *less concern arises for the other fields because they are more closely associated with Lee Mill and its context but will need to closely assessed where the proposals extend up the slope to the west*

Landscape Character and Visual Impact

As noted the LVIA is considered to be sound and takes a reasoned approach to assessing the various impacts which could arise from a development in this location. Officers broadly concur with the appraisal and conclusions drawn; the summary of residual effects is fair and the effects on landscape and visual amenity well-reasoned. The proposal is in outline, with a schematic layout showing areas of open space and planned housing. The site is located within Devon Character Area – Plymouth and Modbury Farmlands, and the influences the adjacent area Southern Dartmoor and fringes. It is within the landscape character type recorded as 3E - Lowland plains, and adjacent to 3B – Lower rolling farmed and settled valley slopes to the east.

The site and surrounding landscape is typical of the character – that of a settled farmed landscape with strong rural qualities impacted upon by nearby urban development, infrastructure and more intensive industrial use. Field patterns are irregular, medium to large scale, and principally pastoral locally (grazed around Langage dairy farm); the site is clearly influenced by the defining and dominant characteristic of Dartmoor to the north, in particular part of the site rolls over to a more northern aspect and therefore more readily associated with the moorland fringe. However, the site is also associated with the A38 corridor and Lee Mill to the south and east. Here the landscape is less sensitive to change and impacts would have a reduced overall impact.

Limited public access sees the landscape in parts seem remote and tranquil although less so around the site; settlements are often small in scale, but recent expansion has seen Lee Mill grow in a linear pattern, influenced by the A38 to the south and more industrial uses to the east (good access to highway infrastructure for the industrial estates and hypermarket).

The landscape has seen considerable change as a result of mineral extraction and urban development, with the local condition adversely effected by this, although parts are good; development around Lee Mill should be controlled and well considered in the context of, and potential impacts on, Dartmoor.

The current outline proposal is broadly acceptable in terms of form and scale, where the higher slopes are left undeveloped, with limited overall impact on the wider landscape character. But given the quantum of proposed development, it could have an adverse effect around local public routes where receptors will have a higher sensitivity to development as routes extend out into the adjoining rural landscape. This should be controlled and addressed at Reserved Matters stage should the application be approved. The long views across the landscape to and from Dartmoor will be protected and largely unaffected by the proposals as set out in the outline. Onsite hedgerows are retained and enhanced.

Particular attention should be given to the location and relationship open space has to the built form, especially through the central part along the existing footpath e.g. usable and functional space with natural surveillance. Retention under agricultural use would be preferred for the more peripheral areas. Development within the northern parcel should be limited in scale and addressed through reduced building heights and clustering of buildings in a more informal farmstead pattern to avoid

adverse impacts on the wider landscape and views from Dartmoor and its fringes where it would be read in a rural context. Opportunities to increase planting and secure the existing peripheral vegetation will be important to the context, and should be managed in a sustainable manner in order to achieve guidelines for planned development.

In conclusion the landscape character and visual amenity is largely conserved, although the quantum of development is considered large and where feasible could be reduced, in particular within the north parcel of land (LVIA Field 3); overall the proposal accords with policy DP2. No objection subject to conditions.

Protected Landscape

Dartmoor National Park is located to the north and east, where due consideration shall continue to be given to the management plan objectives. Given the distance and intervening rolling landform, impacts on the moor are limited but could potentially be adversely affected by final scale and form.

Arboricultural Impact

The submitted survey is noted. Landscape features including hedgerows and trees are largely retained and should not limit overall approach being taken. Important features shall be retained and protected during development.

Recommendation

No objection subject to conditions

It is considered that the wider landscape impacts of the proposed development are acceptable having regard to the location and quantum of development proposed. Design, scale and appearance remain matters reserved for future consideration.

Ecology

This application has been assessed by the Council's ecology specialist who has commented as follows:

Onsite Biodiversity

The site comprises three arable fields bounded by predominantly species-poor (with some stretches of species-rich) hedgerows. The proposal would lead to loss of the arable fields, and one stretch of species-poor hedgerow, and has the potential to lead to light spillage on hedgerows.

Bat Activity surveys noted a low level of activity at the site with relatively low species diversity, reflecting the habitat types at the site and limited foraging resource for bats. The vast majority of activity was recorded from Common Pipistrelle bats, with 3 passes recorded by Greater Horseshoe bats during automated surveys.

There is potential to retain and enhance the wildlife features of the site (namely hedgerows), and to avoid/mitigate potential impact on hedgerows (the ecologist has advised avoiding light levels of above 0.5lux within 5m of hedgerows), and to enhance wildlife value through new hedgerow and tree planting, wildflower planting, and other features for wildlife (e.g. inbuilt bird and bat boxes). Such measures are outlined within the submitted Ecological Appraisal and should be fully detailed at Reserved Matters Stage within an Ecological Mitigation and Enhancement Strategy. Notwithstanding that this is an Outline proposal only, and the site plan is illustrative only, as currently proposed it is noted that public open space/buffers much of the retained and proposed hedgerow (including the species-rich hedgerow) affording the opportunity to secure beneficial long term management via a Landscape and Ecological Management Plan as opposed to hedgerows being included in residential curtilages and potentially being degraded.

The Illustrative Framework Plan reflects the potential for mitigation and enhancement and the measures are outlined within the submitted Ecological Appraisal – this should be fully detailed at Reserved Matters Stage within an Ecological Mitigation and Enhancement Strategy.

Recommendation: No objection subject to following conditions:

- Lighting strategy at RM showing no more than 0.5 lux within 5m of boundary features and reflecting recommendations of section 9 of the Bat Activity Report (Ecological Surveys Ltd, Nov 2017).
- Submission of a LEMP at RM detailing ongoing management and maintenance of retained and created public open space/boundary features.
- Submission of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include mitigation and enhancement proposals for construction and operational phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate net gain in biodiversity, reflecting recommendations within sections 7 and 8 of the Ecological Appraisal (Ecological Surveys Ltd, May 2017).

Offsite Biodiversity

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan, namely the study completed to consider recreational pressure of residents from new development upon the Tamar European Marine Site (*EMS Recreation Study Document 04. Survey of recreational use within the Plymouth Sound and Estuaries European Marine Site: Scoping report and survey results*, MBA, March 2017).

The Study clarified and confirmed a 12.3km ZOI around the Tamar EMS. The proposed development site within this ZOI for the Tamar EMS, and accordingly the recreational pressure of new residents associated with the development will require mitigating to ensure they do not have a significant effect on the Tamar EMS (put another way, without mitigation the new residents in combination with other development could have a likely significant effect on the Tamar EMS).

This is considered in more detail in the Habitats Regulations Assessment of the Joint Local Plan (July 2017) which notes that:

'In order to address the impacts arising from the increased recreational pressure, a single mitigation strategy will be agreed with Plymouth City Council, South Hams District Council and West Devon Borough Council and also with Cornwall Council and a mechanism for securing the funding through planning obligations will be set out and agreed in a Supplementary Planning Document (SPD). Using evidence from the Plymouth Sound and Tamar Estuaries Recreation Study (Marine Biological Association, 2017), a single mitigation strategy will identify the interventions required and the SPD will then set out the charge that will be applied to all new dwellings and tourist developments within a 'Zone of Charging' as set out in Policy SPT13 'European Protected Sites – mitigation of recreational impacts from development'.

The Strategic Access Management and Monitoring Strategy (SAMMS) list is currently being finalised, with a view to being agreed through Duty to Cooperate and Natural England (and will ultimately inform the JLP SPD) – this being a costed list of management actions that are required to mitigate impacts of new residents, and towards which commuted sums from development are required to contribute towards delivering.

Until the time that the SAMMS list has been formalised and the per dwelling figures updated by virtue of an adopted JLP SPD, the existing per dwelling figures are being used from the Plymouth Travel To

Work Area, as have previously been used by Cornwall Council, Plymouth City Council and SHDC and as are reflected in the proposed condition.

A HRA Screening and Appropriate Assessment of the proposed development has been undertaken and is available to view on the web site

Recommendation – no objection subject to condition

Condition:

- Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Informative: This condition can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Tamar European Marine Site (informed by the SAMMS list) calculated in accordance with the following table (or any subsequent SPD approved at the time the contribution is sought) once the dwelling mix is formalised. At that time the Applicant should contact the Council's Development Management team to arrange payment of the contribution

PROW

I note that a PROW crosses the site and the proposal would require a diverted route at the eastern extent of the site – I note that DCC PROW team have submitted a consultation response on this matter. The proposed route would require a s257 diversion order (application separately made to the LPA under s257 of the Town and Country Planning Act, 1990) to divert the PROW in relation to facilitating the proposed development. The development would not be able to affect the PROW without the s257 Order being made and confirmed. A s257 can be applied for if diverting a PROW is necessary to enable a development to proceed. The s257 diversion order application has its own consultation, criteria and decision making processes. Equally, the requirement for a diversion of the PROW should not be perceived as a material consideration in terms of decision making for this Outline planning application.

Nonetheless this is a useful opportunity to advise the applicant that the success of a diversion order should not be assumed and is subject to its own consultation, and the whole process can be quite time consuming. If the outline planning permission is granted, the applicant is advised that contact should be made with the LPA to commence an informal consultation process, with a view to running any formal consultation concurrently with any subsequent Reserved Matters application.

The impacts of the scheme on biodiversity are considered to be acceptable subject to mitigation as recommended above.

Neighbour Amenity:

The illustrative layout indicates that it is possible to accommodate 110 dwellings on the site in a way which would not have a significant adverse impact on neighbour amenity. Detailed matters such as overlooking /loss of light would be assessed at reserved matters stage.

A further amenity issue relates to highway impacts. As demonstrated in the representations of local residents and the Parish Council the amenity of Lee Mill, in particular for residents living on and using New Park Road is adversely affected by the amount of traffic using New Park Road. The proposed development of 110 homes using an access from New Park Road will increase traffic movements exacerbating the amenity issue arising such as noise, pollution, perceptions of safety, congestion and general dominance of the area by motor vehicles.

The Highway Authority has identified a need for and means of mitigating these impacts as set out in their highway response below.

Subject to the Section 106 financial obligations requested by the Highway Authority impacts on amenity are acceptable and have the potential to improve amenity generally in the area through improved traffic management

Heritage:

Devon County's archaeologist has commented on this application having regard to the report setting out the results of the archaeological field evaluation at the site. This has confirmed the presence of a, as yet undated, ditched enclosure containing evidence of structures or buildings within.

These structures and enclosure could date to the prehistoric or early medieval period, but as heritage assets are not of such significance that they warrant preservation in situ within any development that may proceed here.

However, since development here will expose and destroy these heritage assets, it is advised in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 199 of the *National Planning Policy Framework (2018)* that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Subject to adherence to this proposed condition impacts on heritage assets are considered to be acceptable.

Highways/Access:

Significant concerns have been raised by local residents about the traffic impacts of this application. Comments are made that New Park Road is very busy, taking traffic from the A38 through the village, on street parking on New Road restricts the width of the road forcing a 'give and take' situation for road users, this causes congestion. It is also commented that footpaths on New Park Road are not continuous and this causes highway safety issues.

This application has been considered by the Highway Authority who have commented as follows:

Introduction

The proposed site is bounded to the south and east by existing residential dwellings (i.e. the Holly Berry Road development) and to the north and west by agricultural land.

The site is bordered to the south by New Park Road which is approximately 6.0m wide past the site. The link operates under the national speed limit to the west of the site and a 30mph limit to the east, from which point it is lit.

New Park Road to the east connects to Plymouth Road as the minor arm of a simple priority junction. From Plymouth Road, access to the A38(T) Devon Expressway (eastbound) is available at the Lee Mill junction, leading to Ivybridge and Exeter as well as Totnes and Torbay via the A385.

The Lee Mill A38 (T) junction also offers access westbound from Plymouth Road, via a priority junction with Plymouth Road and an underpass beneath the A38(T). Plymouth Road also provides access to Lee Mill Industrial Estate and Hospital via Beech Road. New Park Road to the west transitions into Moorland Road and leads to the A38(T) Devon Expressway at the Smithaleigh junction (westbound), leading to Plymouth and further west to Liskeard. The section of Moorland Road between Lee Mill and the Lane to Langage Farm is subject to a 7.5T weight restriction.

Holly Berry Road to the east of the site is of varying width, which connects to New Park Road near to the junction with Plymouth Road. The street terminates at a turning head and private parking courts adjacent to the eastern boundary of the proposed development site.

To the east of the site, there is a green lane known as 'Harris Way to Challonsleigh', which is identified as public highway between Holly Berry Road to the south and a PROW and single-track lane to the north. The route comprises an informal earth and stone track, and its use is predominantly for leisure based trips.

Transport Implications

As can be seen in the Transport Assessment a speed and vehicle flow survey has been commissioned on New Park Road and the results can be seen on Pg. 11 of the submitted Transport Assessment. The access junction proposed from New Park Road has been designed in accordance with Manual for Streets and the visibility splay accords with the recorded 85th percentile vehicle speeds. The proposed junction can be seen in the appendices of the Transport Assessment. The design is accepted by the Highway Authority. New Park Road does not offer nor can offer a separate footway along its entire length, with the closest section located approximately 160m east of the site access.

Holly Berry Road provides a footway along most of its length with a small section of shared space road with an adjacent grass verge. Alternative, dedicated pedestrian routes past and through the adjacent public open space connect to pedestrian facilities along Bottle Park and further east along Holly Berry Road. From these points, the remainder of Lee Mill can be accessed via the local footway network.

It is hoped and intended three pedestrian or cycle links shall be upgraded and provided to Holly Berry Road and therefore there will be safe access provision. The access designs can be seen in the appendices of the Transport Assessment.

In terms of vehicle traffic the Highway Authority notes the findings of the Transport Assessment identify no capacity issues likely to be created on the local highway network near the site. This is not disputed by the Highway Authority noting the robust evidence base that has been presented. It was agreed the site access and New Park Road/Plymouth Road would be assessed and neither of these junctions are predicted to become over saturated as a result of the development. It can be seen in both peak hours (8:00am - 9:00am and 16:00pm - 17:00pm) the development will generate around 80 - 90 two way vehicle trips. This on average is less than two vehicles a minute and therefore the Highway Authority has no cause for concern purely looking at the site on a piecemeal basis.

Whilst no direct local highway capacity impacts are predicted to occur directly from this development, the combination of the emerging Local Plan sites and receipt of unallocated/departure planning applications in the area has meant the Highway Authority has had to review its position and look at the local highway impact from a cumulative perspective.

In particular evolving and escalating local concerns have become apparent from the consultation on this application and thus there are significant objections to the LPA to the development on traffic grounds – both road safety and amenity. These have created political demand for highway mitigation measures to be sought around Lee Mill and the Highway Authority is under pressure to develop

schemes to mitigate, safety, capacity, air quality and amenity impacts for the residents of Lee Mill. In order to address this issue the Highway Authority is changing its recommendation to request significant S106 funding. At this stage since the applicant has not had chance to respond to the request the Highway Authority is not objecting, but it may look to change its recommendation should the request be refuted.

S106 Requests

£6000.00 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill. To be paid on occupation of 25 percent of the dwellings.

The Highway Authority notes the proposals will likely increase traffic to and from Plymouth on a daily basis. In order to re-enter Lee Mill from the Plymouth direction north, it would be likely drivers from the development would slip off the A38 onto the C646 road. This road has narrow and intermittent footways and it is deemed appropriate to seek mitigation for the existing residents through S106.

£15,000 towards improving the Unclassified Road 301 in Sparkwell. To be paid prior to occupation of the first dwelling.

£300.00 per dwelling towards travel vouchers

Public Rights of Way

The existing public right of way (PROW) (Sparkwell Footpath 12) crosses the site from Langage Farm to the northwest to Holly Berry Road in the east. Any reserved matters application will need to consider the legalities and time constraints of any proposed diversion.

A diversion under 257 would be most appropriate, i.e. the diversion being necessary to enable development to take place in accordance with planning permission (either in the case where permission has already granted or if permission were granted in respect of a planning application).

As a diversion is a separate legal process I don't believe it can be made a condition of planning consent, i.e. planning consent only being granted upon the path being diverted, nor a planning obligation. I believe a condition could however be worded such that, for example, permitted works should not commence, or the permitted access not brought into use (whatever would be most appropriate in this particular case), until a diversion order has been made, confirmed and brought into force. Public Rights of Way should be consulted to obtain a suitably worded condition.

Drainage

It is noted the drainage strategy shows the Highway Surface Water is to be routed to attenuated storage oversized pipes. One is route to connect into an existing South West Water surface water pipe in New Park Road and the other is routed at an attenuated rate to a watercourse. South West Water will need to be content with this approach. The Flood Risk Team should also be consulted. The Drainage Strategy does not identify where the watercourse outfall point is not what infrastructure at the outfall is already in place. This information should be sought so that an assessment of its suitability can be made.

Subject to the mitigation measures provided by the Section 106 Obligations recommended above the highway impacts of this development are considered to be acceptable.

Drainage

The management of surface water related to this application has been assessed by DCC as Lead Local Flood Authority, initial objections have been overcome through the submission of additional supporting information. No objection is now raised subject to conditions.

South West Water raise no objection

Environmental impact conclusion:

The loss of any greenfield site will generally lead to a negative landscape impact; in this case the impact has been assessed as not being significant but nevertheless weighs against the development. No other significant adverse environmental issues arise.

Economic impacts:

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area with some increase in the demand for local goods and services.

Social Impacts

The delivery of an additional 33 (approx.) affordable homes is a significant social benefit, notwithstanding the comment from the Affordable Housing Specialist that this is likely to satisfy a district wide demand rather than a local demand. Lee Mill is an appropriate location for affordable housing with job opportunities on the adjacent industrial estate and large supermarket and with bus links to Ivybridge and Plymouth.

Concern has been raised about the social impact of significantly increasing the population of Lee Mill and how this will impact on the local community. Unplanned development such as this does not bring with it the infrastructure and local service improvements that can come with planned development and this weighs against the development.

The financial contributions requested towards highway improvements in the area could improve the amenity of the area which is a social benefit.

The illustrative drawing shows a large area of public open space within the scheme which would be a social benefit for the village.

On balance the social benefits weigh in favour of the development.

Other Matters

Open Space, Sport and Recreation:

This application has been assessed by the Council's Open Space Sport and Recreation Specialist who has identified that based on the accommodation schedule set out in the Design and Access Statement and Table 3 in the SHDC OSSR SPD the development would generate 395 new occupants. Comments from the officer are as follows

Public Open Space

The Illustrative Framework Plan shows the main area of public open space to be in the west of the site, comprising a Hill Top Park to the north and allotments to the south. In addition there are strips of public open space along the north and southern boundaries, SUDS along part of the eastern boundary and a strip of public open space running from west to east across the site, coinciding with an existing hedgerow to be retained.

The Design and Access Statement states that there is a total provision of 3.07ha of Public Open Space, comprising 0.71ha allotments and 2.36ha informal public open space. The SHDC OSSR SPD doesn't set out quantity standards for public open space but the proposed standard of 2.18ha of accessible natural greenspace per 1,000 people set out in the OSSR Study (2017), which forms part of the Joint Local Plan evidence base, could clearly be met at the site.

Full details of the public open space would need to be submitted for approval at the reserved matters stage. Where possible the SUDS features should be designed to be useable areas of open space contributing to amenity, landscape and biodiversity objectives as well as drainage. It is noted that an existing hedgerow to be retained currently bisects the proposed Hill Top Park and, subject to biodiversity constraints, it is considered that it would be useful to provide pedestrian linkage between these areas.

Play

The public open space provides opportunities for informal play but no formal equipped play is currently proposed on site.

The site is adjacent to an existing Neighbourhood Equipped Area for Play at Bottlepark. The existing playarea is well used and maintained. However, in order to cater for the new residents, improvements to the play area will be required through the provision of additional equipment, both to more fully cater for the needs of older children (8-14 year olds) and add to the range of equipment/play experiences offered.

A financial contribution would thus be required in accordance with the SHDC OSSR SPD (2006) to enhance the local play facilities at Bottlepark. Applying Tables 3 and 6 of the SHDC OSSR SPD (2006) the following should thus be secured within the s106 agreement:

- Occupants (to be calculated based on Table 3 of the SPD) x £380 towards *'improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area'*

Sports and recreation

The development site is unable to incorporate sports and recreation facilities as required by policy on site.

The Parish Council has identified the need for a Multi-Use Games Area to cater for older children/adolescents, which could be located at Bottlepark in close proximity to the proposed development site. In addition, the new residents will generate increased pressure on existing sports and recreation facilities. The most local major sports and recreation facilities are located in Ivybridge to the east and it is reasonable to assume that the new residents will make use of these facilities.

The South Hams Playing Pitch Strategy (and subsequent updates) includes the following projects in Ivybridge:

- Extension of Clubhouse at Erme Valley Playing Fields for Ivybridge Town Football Club
- Additional All Weather Pitch at Ivybridge Community College

It is highly likely that the new residents would use the existing sports and recreation facilities in Ivybridge. New residents would add pressure to these facilities, which have already been identified as in need of improvement, and the pressure would require mitigating to assist with making the facilities sustainable.

To allow for the provision of a new MUGA and improvements to existing sports facilities in Ivybridge, a financial contribution would be required in accordance with the SHDC OSSR SPD (2006). Applying Tables 3 and 6 of the SHDC OSSR SPD (2006) the following should thus be secured within the s106 agreement:

- Occupants (to be calculated based on Table 3 of the SPD) x £595 towards '*Provision of a MUGA at Bottlepark and/or Extension of Clubhouse at Erme Valley Playing Fields, Ivybridge and/or provision of an all-weather pitch at Ivybridge Community College.*'

The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).

RECOMMENDATION: No objection subject to:

Conditions securing:

- Submission and agreement of details (including on-going management and maintenance) of the public open spaces including surface water drainage and allotments at reserved matters stage.

S106 clauses securing:

- Occupants (to be calculated based on Table 3 of the SPD) x £ 595 towards '*Provision of a MUGA at Bottlepark and/or Extension of Clubhouse at Erme Valley Playing Fields, Ivybridge and/or provision of an all-weather pitch at Ivybridge Community College.*'

- Occupants (to be calculated based on Table 3 of the SPD) x £ 380 towards '*improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area*'

- Public access and on-going management and maintenance of the on-site public open space in perpetuity.

Planning Balance

The proposed development would conflict with various policies in the Development Plan in respect of location, but the weight to be given to this conflict is very limited due to a number of factors including the age of the development plan and the Council's lack of a five year housing land supply.

The development would provide 110 new dwellings including 30% affordable housing which has a significant social benefit and boosts the supply of housing in accordance with the aims of national government.

The financial contribution towards mitigating the adverse amenity arising from high levels of traffic on New Park Road would provide a social benefit.

There will be economic benefits arising from this development.

There will be limited adverse environmental impacts through the loss of a greenfield site on the edge of the town, the visual impact of this and the loss of agricultural land.

Overall, and considering the tilted balance in favour of sustainable development, it is considered that the adverse impacts identified do not significantly and demonstrably outweigh the benefits of this development. It follows that this development can be considered to be sustainable. This is a significant material consideration that outweighs any conflict with the local plan.

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

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 an 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

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

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

DEV20 Place shaping and the quality of the built 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

DEV32 Meeting the community infrastructure needs of new homes

DEV33 Waste management

DEV34 Delivering low carbon development

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. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

(a) The scale of the development;

(b) The layout of the development;

(c) The external appearance of the development;

(d) The landscaping of the site.

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

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

2. 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.

3. The details hereby approved shall in all respects accord strictly with drawings numbers xx

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

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

5. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

6. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway

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

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

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

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

7. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

E) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

8. PRE-COMMENCEMENT - No development shall take place until such time as details showing how the existing trees and hedges that will be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity.

9. 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.

10. 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 xxx

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.

11. 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.

12. 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.

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, 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.

14. PRE-COMMENCEMENT: No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) provision of wheel wash facilities;
- (j) hours during which no construction traffic will be present at the site;
- (k) the means of enclosure of the site during construction works;
- (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
- (n) a road condition survey using photographic evidence neat to each proposed entrance to the site;
- (o) details of noise impacts and controls;
- (p) a dust impact assessment and proposed control in accordance with the institute of Air Quality Management guidance for dust assessment from construction sites

This approved CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, including taking into account school pickup and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

15. Prior to commencement of development the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management

Reason: In the interests of air quality, the environment and the amenity of the area.

16. Full details of the on-site public open space, including surface water drainage and allotments and including details of their on-going management and maintenance, shall be submitted as part of the reserved matter application regarding landscaping and/or site layout.

Reason: To ensure the provision of open space is appropriately planned into the development to ensure a satisfactory form of development

17. The landscaping scheme to be submitted at Reserved Matters shall incorporate details of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include mitigation and enhancement proposals for construction and operational phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate net gain in biodiversity, reflecting recommendations within sections 7 and 8 of the Ecological Appraisal (Ecological Surveys Ltd, May 2017).

Reason: In the interests of biodiversity and wildlife conservation.

18. PRE-COMMENCEMENT - Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters.

The LEMP shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of biodiversity and wildlife conservation.

19. As part of any reserved matters application to agree layout a detailed lighting strategy shall be submitted to the local planning authority. Such a scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall demonstrate no more than 0.5 lux within 5m of boundary features and reflect recommendations of section 9 of the Bat Activity Report (Ecological Surveys Ltd, Nov 2017). The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

20. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class C (roof addition or alteration);
- (b) Part 2, Class A (means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality; to safeguard residential amenity; and to safeguard parking and circulation areas.

21. No dwelling shall be occupied until the garage and/or parking area relating to that dwelling has been provided in accordance with the approved details and is available for use. The garages/parking areas shall be retained for the parking of vehicles in perpetuity.

Reason: In the interest of amenity and the safety and convenience of users of the highway.

22. Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of WDBC adopted policy SP19 and policies SPT11, SPT13 and DEV28 of the proposed JLP.

23. The footways leading to Holly Berry Road required by this permission shall be constructed up to a suitable useable standard prior to occupation of any of the dwellings.

Reason - In the interests of pedestrian safety.

24. Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for:

- i. details of any proposed improvements to the existing public right of way;
- ii. design of public right of way route, including surfacing, width, gradient, landscaping and road crossing points; and
- iii. any proposal for diversion and/or temporary closure of public right of way and alternative route provision.

Reason: In the interests of the amenity and safety of the public.

25. No development insofar as it affects the public right of way shall commence until such time as a diversion order under S 257 of the Town & Country Planning Act 1990 (as amended) has been made and confirmed.

Reason: In the interests of the amenity and safety of the public.

26. Any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: in the interests of the amenity of the public.

27. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason : To ensure, in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.'

Informative: Condition 22 can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Tamar European Marine Site (informed by the SAMMS list) calculated in accordance with the following table (or any subsequent SPD approved at the time the contribution is sought) once the dwelling mix is formalised. At that time the Applicant should contact the Council's Development Management team to arrange payment of the contribution

Dwelling size	Contribution per dwelling
1 bedroom	£17.16
1 bedroom flat	£23.99
2 bedroom house	£31.60
3 bedrooms	£33.93
4 bedroom house	£36.76
5 bedroom house	£40.38