

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Bigbury **Ward:** Charterlands

Application No: 4214/18/FUL

Agent/Applicant:

Mrs Valerie Scott - Valerie Scott Planning
Glen Cottage
Bigbury
Kingsbridge
TQ7 4AP

Applicant:

Mr Rob Ellis - South Hams District Council
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Plymouth Road
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TQ9 5NE

Site Address: Land at Holwell Farm, St Ann's Chapel, TQ7 4AP

Development: Residential development to provide 13 dwellings with associated access, car parking, public open space and landscaping

Reason item is being put before Committee: The applicant is South Hams District Council.



Recommendation: Recommendation: Delegate to Head of Development Management Practice (HoP), 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 HoP, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement.

The terms of the Section 106 Obligation are:

- 8 x affordable dwellings (60%), 3 of which will be discounted sale (30% - 40% discount subject to education contribution) and 5 will be affordable rent.
- Implementation and management of LEMP
- Secure public access to POS and on-going management and maintenance, including SUDs features.
- Written scheme of works to be agreed and undertaken to improve long term legibility and viability of the nearby Holy Well Scheduled Ancient Monument

Conditions

1. Time
2. Accords with plans
3. CEMP
4. LEMP
5. Materials details/samples to be agreed and roof to the finished with natural slates fixed in the traditional way using nails not hooks
6. Levels to be agreed
7. Boundary treatment details, including any retaining walls, to be agreed and to provide permeability for wildlife and details of boundary treatments to ensure protection and retention of new and existing boundary hedgerows and planting to be agreed and implemented.
8. Details and materials of hard and soft landscaping to be agreed
9. Footpath to eastern site boundary to be provided prior to occupation of first dwelling
10. Parking areas to be provided prior to occupation
11. PD removed – roof alterations, boundary treatments, hard surfaces
12. Pre-commencement percolation testing
13. Pre-commencement surface water management scheme
14. ground water monitoring scheme
15. Pre-commencement construction phase surface water management scheme
16. Tamar Estuary mitigation
17. No external lighting unless agreed
18. Details of integral bird nest sites to be agreed and provided
19. Unsuspected contamination
20. Details of electric charging points to be agreed and provided
21. Acoustic fence to be provided on northern boundary of Holywell Stores
22. Details of kerb types, heights, road details etc are to be agreed
23. Tree protection details

Key issues for consideration:

The requirement to give great weight to conserving and enhancing the South Devon AONB, the impact on the setting of the Holy Well Scheduled Ancient Monument, impacts on biodiversity, highway safety and access, the way in which the proposal meets the needs of the Parish.

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

It is estimated that this development has the potential to attract New Homes Bonus of £17,378.40 per annum however The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

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 0.66 hectares of agricultural land is located on the northern edge of St Ann's Chapel, a small rural village. Despite its small size the village has a number of local facilities including a shop and post office, a pub, a village hall and children's playground. The village facilities serve the wider community of the Parish including Bigbury which shares the village hall.

The site is the southern corner of a much larger field, currently there are no field boundaries on the proposed north west and north east edges of the development site. The site slopes downwards from south west to north east.

New housing is sited to west of the site and the shop Holywell Stores and car park are sited to the south. The site proposes to take vehicular access from the B3392 and pedestrian access from Holywell Road.

St Ann's Chapel is dominated by a busy cross roads where there is limited visibility for traffic arriving at most of the junction points.

North East of the application site, in the corner of the main field is a Scheduled Ancient Monument (SAM), the Holy Well. This monument is fenced off from the main field but is very overgrown. This SAM is on the Heritage at Risk Register as a result of vulnerability due to scrub and tree growth.

The Pickwick Inn to the south of the site is a Grade II Listed Building.

The site is within a curlew habitat buffer zone. It is within the Tamar Estuary zone of influence. The site is also within the South Devon Area of Outstanding Natural Beauty.

The application site is the preferred site within the emerging Bigbury Neighbourhood Plan (reg 15 stage) for residential development of up to 13 dwellings, identified to meet the housing needs of the Parish

The Proposal:

The application proposes 13 dwellings of the following mix:

- 4 x 2 bed semi detached
- 1 x 2 bed detached
- 2 x 2 bed semi-detached bungalows
- 1 x 3 bed detached bungalow
- 3 x 3 bed detached
- 2 x 3 bed semi detached

The size of the house vary from 80.9 to 98.8 sq. m and comply with National Space Standards

Plots 4 and 1 will be provided as serviced plots with footings and given to the landowner, to be completed at the same time as the rest of the development

Plots 5, 6 and 7 are to be sold on the open market. It is stated that these units will be subject to a principal residency clause to prevent use as a second home within the terms of sale.

The remaining 8 dwellings will be affordable. Three would be available for discount purchase with a discount of between 30 to 45 % off market price (depending of the extent of financial contribution required for education and /or recreation) and the remaining for available for affordable rent at 60% of market rate.

The dwellings are designed as a 'rural cluster' of units set around a central open space, accessed via a shared surface cul-de-sac road. A pedestrian link to the eastern boundary will provide pedestrian access to the village facilities

The dwellings will be of timber frame construction and seek to achieve passivhaus certification. External materials include mainly painted render and natural slate roofs but also include natural stone and some timber cladding to break up the massing and minimise landscape impact

The design includes the use of solar photovoltaic arrays within the south facing roof slopes.

The proposed dwellings have a variety of forms and roof heights, full details of the design approach are set out in the supporting Design and Access Statement.

Each property has a minimum of 2 parking spaces.

The dwellings are clustered around a public open space to the south.

Consultations:

- County Highways Authority: Holding objection: inadequate information to demonstrate adequate road width and visibility splays etc. – verbal update on highway matters to be given at committee.
- Environmental Health Section: No objection subject to conditions
- SHDC Affordable Housing: Further to my comments below, I can confirm that the Affordable Housing team support the revised tenure mix on this application. The revised mix is:

5 x Affordable Rent units
3 x Discount Sale units

This mix meets an identified housing need in the parish of Bigbury. We are also in support of the housing mix.

- SHDC Landscape: No support, moderate harmful landscape impact identified
- AONB Unit: No comment
- SHDC Ecology: No objection subject to conditions
- DCC Education: No objection subject to the following financial contributions:
Secondary school infrastructure: £42,745
Secondary school transport: £13,471
Primary school transport: £32,984
- Police AOL: Potential for unintentional damage to parked cars from ball games; pedestrian link to east should be overlooked for natural surveillance. Rear gates should be lockable from both sides. Adequate parking should be provided with minimal reliance on tandem or garage parking.

- Historic England: Raise concerns as to whether clear and convincing justification has been provided for selection of this site over any other alternatives throughout the neighbourhood plan process and recommends that the LPA:

Be satisfied that the site is the most appropriate for the delivery of housing taking into account the historic environment

Be satisfied that the number of houses proposed can be accommodated within the site taking into account the setting of the heritage assets

Ensure that all opportunities to avoid or mitigate harm to the designated heritage assets have been designed into the scheme and that there is an appropriate level of screening for the development in views from and surrounding the nationally designated well site.

Ensure that if harm is identified that the LPA is satisfied this harm is clearly and convincingly justified and weighed against public benefits

Consider if there are opportunities to deliver benefits to sustain or enhance the SAM's significant

- SHDC Trees: No objection
- SHDC OSSR: No objection subject to a 106 agreement to secure on – going access to and management of the open space and subject to a financial contribution of £39,591 towards improvements to OSSR facilities at St Ann's Chapel Recreation Ground
- DCC Flood Risk: No in principle objection subject to conditions
- DCC Archaeology: No comments to make but recommends consultation with Historic England regarding potential impact on setting of Scheduled Monument
- Natural England: No objection
- RSPB: No objection subject to additional mitigation measures
- SWW: No objection
- Town/Parish Council: Support – Bigbury Parish Council have been fully involved in the evolution of this application and confirm they fully support

Representations:

2 letters of objection have been submitted raising concerns including the following:

- Bigbury Neighbourhood Plan has no weight.
- This is major dev in the AONB.
- Not identified as a sustainable settlement in the JLP.
- Design and Access Statement is wrong.
- Should be advertised as departure
- Overdevelopment of the village – there are 2 permissions for 12 dwellings in the village already
- Residents may walk along the main road to access the village – this is dangerous
- Children will have to cross a busy junction to get to the school bus stop
- There has been no long term assessment of traffic flow and speed though the village
- Traffic congestion already occurs – how will emergency access be ensured?

- Will light pollution occur – impacts on wildlife and views from neighbour
- Trees and hedgerows have been unlawfully removed already without permission of the landowner
- The Parish are giving little importance the Holy Well ancient monument
- DCC are requiring black tarmac – SHDC has promised a permeable surface in keeping with the area
- Cladding has been removed to cut costs – SHDC had promised no ugly development

1 letter of support raising the following matters:

- Will enhance village and support local businesses
- Will help local people afford to stay in the area

Relevant Planning History

05/2557/13/F – Two new dwellings at land adjacent to Holywell Stores, St Ann’s Chapel – Conditional Approval 12/9/14

4120/17/FUL – 4 No new dwellings, vehicular access and public realm improvements at land East of the Pickwick Inn, St Ann’s Chapel – Conditional Approval

4097/16/OPA for circa 8 dwellings, open space and associated infrastructure with all matters reserved, at site at SX 663 471, St Ann’s Chapel, granted at appeal in Feb 2018

ANALYSIS

Principle of Development/Sustainability:

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

The Development Plan

The proposed development would need to be in conformity with the recently adopted Plymouth and South West Devon Joint Local Plan (JLP) to be acceptable in principal.

The site lies within the village of St Ann’s Chapel, within the South Devon AONB. The JLP does not identify St Ann’s Chapel as being a village that can accommodate further development, therefore each application within the village should be considered on its own merits and in the absence of any presumption in favour of development. Any proposal must be able to demonstrate that it is sustainable and in particular should comply with Policy DEV25 which seeks to protect the AONB.

Despite its small size St Ann’s Chapel contains a pub, shop with post office, village hall and children’s playground; the village is closely associated with other settlements in the area in particular Bigbury. There is a weekly public bus service and school buses collect children from the village.

The evidence base to the JLP considered the sustainability parameters of villages within the local plan area and St Ann’s Chapel was identified as being sustainable in terms of location and facilities.

The application site is in close proximity to the village centre. The location of the application site is considered to be sustainable with regards to access to local services and school transport.

Policy TTV1 of the JLP states that development within villages such as St Ann’s Chapel will only be permitted if it can be demonstrated to support the principles of sustainable development and

sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 (Development in the Countryside) and TTV27 (Meeting Housing Need in Rural Areas).

Policy SPT1 supports growth and change that accords with the following principles of sustainable development:

a sustainable economy;
a sustainable society;
a sustainable environment.

Policy SPT2 sets out a number of criteria against which development proposals should be assessed where development should:

- 1. Have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and includes where appropriate dual uses of facilities in community hubs.*
- 2. Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.*
- 3. Have high levels of digital connectivity, supporting local communities and businesses and enabling data to be open, shared and used to better understand the area.*
- 4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.*
- 5. Promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services.*
- 6. Are well served by public transport, walking and cycling opportunities.*
- 7. Have a safe, accessible, healthy and wildlife-rich local environment, with well-designed public and natural spaces that are family friendly and welcoming to all.*
- 8. Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.*
- 9. Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.*
- 10. Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.*
- 11. Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.*
- 12. Provide positive outcomes in relation to the characteristics, aspirations and measurable standards set out through any supplementary planning document linked to this plan.*

Policy TTV2 states that Policy DEV25 (Nationally Protected Landscapes) sets out the policy approach to considering development proposals in the AONB.

Policy TTV26 relates to development in the Countryside. The site is not isolated therefore part 1 of this policy does not apply. Other TTV26 policy requirements are as follows:

Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*

v. *Avoid the use of Best and Most Versatile Agricultural Land.*

vi. *Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

Policy TTV27, Meeting Local Housing Needs in Rural Areas is particularly relevant to this application and the policy states the following:

Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that:

- 1. It meets a proven need for affordable housing for local people.*
- 2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40% of the homes or 40% of the land take excluding infrastructure and services.*
- 3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.*
- 4. The proposal meets the requirement of all other relevant policies of the Plan*

The key policy tests regarding the principal of development are therefore whether the proposed development meets the tests of policies SPT1, SPT2, DEV25 and TTV27. Also of particular relevance is Policy DEV21 which considers development affecting the historic environment.

Bigbury Neighbourhood Plan

The Bigbury Neighbourhood Plan (BNP) is at a reasonably advanced stage being at Regulation 15 stage but still carries limited weight until it has been examined.

The BNP includes details of a recent housing needs survey undertaken for the parish; the results of this survey were used to support a search for a suitable site to deliver mainly affordable housing within the parish. A number of sites were assessed in detail and a public consultation process undertaken. The preferred site resulting from this process is the application site which is identified for 13 dwellings within the emerging BNP under emerging Policy BP1.

Policy BP1 states that provision will be made for the development of a maximum of 13 dwellings on the site to the rear of the Holywell Stores. At least 60% of the dwellings will be affordable and include a range of two and three bedroom properties including some bungalows. The highways access should be from the B3392 to the north of St Ann's Chapel and a pedestrian link should be provided to link into Holwell Lane to provide safe and easy access to the Holywell Stores and the school bus stop in front of the store. A pedestrian link to the Hilltop development should also be provided to enable safe access to the Memorial Hall, children's playground and playing fields and the other school bus stop. An area of public open space should be provided on site to serve the needs of the residents.

The BNP also proposes a principal residence policy whereby any new dwellings within the parish should be restricted to occupation as a primary residence only, this is to prevent to loss of new build dwellings to second/holiday homes as this is a problem in the area.

A detailed assessment of the application is required to assess if it complies with the Local Plan, the Neighbourhood Plan and National Planning Policy Guidance

Landscape

The application site is located within the South Devon AONB where JLP Policy DEV 25 requires, inter alia, that the LPA will:

- Refuse permission for major developments within protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.
- Give great weight to conserving landscape and scenic beauty in the protected landscapes.
- Require development proposals located within or within the setting of a protected landscape to conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes
- Assess their direct, indirect and cumulative impacts on natural beauty.
- Support proposals which are appropriate to the economic, social and environmental wellbeing of the area or desirable for the understanding and enjoyment of the area.
- Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.

This is consistent with the National Planning Policy Framework, 2019 which at para 172 states that:

Great weight should be given to conserving and enhancing 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 these issues.....The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

The landscape impact of the development proposal has been considered by the Council's Landscape Specialist who has commented as follows:

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- JLP Policies Dev23 and Dev25
- The South Devon AONB Management Plan and its Annexes.

In respect of the principle policy tests in the NPPF, this application is considered to constitute "major development" in the context of paragraph 172, due to form, scale and nature. In line with paragraph 172, it will be necessary to consider whether there are any exceptional circumstances that weigh against the presumption of refusal contained within this paragraph, and whether the proposal is in the public interest. As set out below, there are considered to be detrimental effects on the landscape and environment of the AONB that should be given great weight in the planning balance.

Landscape comments

The proposed development is for 13 new dwellings on the immediate north-east boundary of St Ann's Chapel, within a neighbouring agricultural field; it is within the South Devon Area of Outstanding Natural Beauty. Located within the Devon Landscape Character Area – Bigbury Bay Coastal Plateau and Local Character Type - 1B: Open coastal plateau, key characteristics are present locally and reflect the special qualities and high sensitivity of the protected landscape.

The application is supported with a Landscape Appraisal Report (Rathbone Partnership; dated 04.12.2018) and covers landscape character, visual amenity and planned mitigation. This report has been reviewed in the context of the application and location. The report appears sound and well-reasoned, identifying the high sensitivity of the landscape, and the cumulative impacts of the proposed new dwellings and the resulting adverse effects on the village and local landscape;

importantly this is also relevant in the context of other recently approved schemes and already delivered dwellings within St Ann's Chapel as a whole. Officers broadly concur with the report and its assessment, findings and conclusion.

The proposed development is located within a sensitive landscape which is given the highest level of protection; recognised for its natural beauty and special qualities. The local landscape is gently undulating with views opening up as routes are travelled to the sea and inland to Dartmoor. Fields are medium to large in size, and edged by low cut Devon hedgerows. Farmsteads are scattered and nestle into the dips as with Holwell Farm to the east, sitting low down at the head of Challon's combe. In some contrast to this, St Ann's Chapel is more prominent within skyline views when seen across the wider plateau landscape. The special qualities and features include distinctive, unspoilt, and very exposed skylines.

As noted, the anticipated impacts of the development are recognised and overall, are considered to have a moderate, adverse harmful effect on the landscape character and local visual amenity. However, considerable thought has been given to mitigate these impacts to ensure identified harm is limited, with some positive attributes and outcomes in order to achieve enhancements. This is reflected in the style of the buildings, the layout and choice of materials, and also importantly, within the proposed landscape designs. The landscape scheme includes the introduction of new Devon hedgebanks, slightly elevated dense boundary tree planting and internal landscape features and green spaces. Whilst the landscape proposals makes a positive contribution to mitigating the new development, it also contributes to mitigating recent other developments which are considered to have harmful visual impacts, and therefore similarly benefit from the new screen planting and better assimilation into the landscape and fringes of the village.

In summary, the overall impacts of the proposed development are recognised as negative and as a consequence fail to conserve and enhance the landscape character and visual amenity. This is contrary to landscape policies Dev 23 and Dev 25, and therefore the development cannot be supported on landscape grounds. However, officers recognise the well-considered design and levels of mitigation which will contribute to reducing these adverse impacts, and similarly those arising from more contemporary development on the fringes of the village. It is also understood that a number of other sites have been considered for delivering this form of community housing, and the impact on landscape was believed to be greater. Should officers be minded to approve this current proposed development, any harm will need to be balanced against the identified exceptional public interest and Parish support, where the tests of Para 172 are met.

Assessment as major development in the AONB

The Landscape assessment concludes that the proposed development represents major development in the AONB and as such the application needs to be assessed against the criteria set out in in para 172 of the NPPF:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

A housing needs survey undertaken to inform the BNP led the NP steering group to look for a site for 10-12 affordable houses within the parish, it was acknowledged that some market housing may be required for viability. Increasing demand for holiday homes in the area has impacted on house prices increasing the need for the delivery of affordable dwellings for local people.

There are two extant but unimplemented planning consents for housing in St Ann's Chapel, 4120/17/FUL delivering 4 open market dwellings in the centre of the village with no provision for affordable housing and 4097/16/OPA for circa 8 dwellings, open space and associated infrastructure with all matters reserved, at site at SX 663 471, St Ann's Chapel, granted at appeal in Feb 2018 subject to a S.106 undertaking to provide either 30% of the dwellings (2.4 units) on site as affordable homes or an equivalent off site financial contribution.

Neither of these two permitted schemes guarantee the provision of on-site affordable homes and even if the scheme for 8 dwellings were to provide on-site units this would equate to only 2 dwellings. The local need has been identified as 10-12 units.

There is therefore a clear unmet demand for affordable homes within the Parish of Bigbury.

The new dwellings would help to support existing local facilities to the benefit of the local economy.

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;

The entire parish of Bigbury is washed over by the ANOB and much of it is also designated as Undeveloped Coast where there is an even greater restriction on development. It would not be possible to provide for the housing needs of the parish outside of the AONB; elsewhere in the parish such as at Bigbury the combined AONB and Undeveloped Coast designation would likely result in a more harmful development.

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

In the search for sites the NP steering group considered a variety of possible sites assessing sites constraints including those listed above. As will be expanded on below the only detrimental impacts arising from the selected development is a moderate harmful landscape impact as a consequence of additional built form on the edge of the village. The impacts however are moderated through sensitive design and landscaping.

The proposed major development is considered to meet the criteria set out in para 172 of the NPPF.

Nevertheless there will be some harm to the AONB notwithstanding the sensitive design and mitigation of the existing unsympathetic development to the south. This needs to be weighed against any benefits arising from the development

Design

The design approach is described in the supporting Design and Access Statement. The aim has been to provide a rural cluster of buildings of a variety of heights and forms to add interest and prevent uncharacteristic uniformity in this small village that has evolved organically over time. The scheme includes single and two storey dwellings, detached and semi-detached. Materials include render, natural stone and natural slate. Some timber cladding is proposed; this does not form part of the local vernacular except on outbuildings, so its use on principal elevations has been limited. Natural timber is generally a more recessive material than painted render within the rural landscape however so rear elevations facing out to the countryside still incorporate timber cladding to soften the visual impact of the development.

The density of the development is appropriate for this rural setting and the dwellings are set around a central green public open space. Public open space is limited in St Ann's Chapel where the village core is currently dominated by vehicles; this new area will be a positive, tranquil amenity feature for the village.

Pedestrian access is provided onto Holywell Road which links into pedestrian routes to the village hall and play area and provides safer access to the village shop and school bus pick up area, it also helps to integrate the new village into the village by creating through passage for walkers.

The proposed development proposes low carbon, passive house standard construction, the details of which are described in the Design and Access Statement. The proposed development is considered to accord with the principles of Policy DEV32 (Delivering low carbon development) of the JLP.

The mix of house size, type and tenure responds to the results of the local housing needs survey and is considered to be appropriate, in accordance with Policy DEV8 (Meeting local housing need in the thriving towns and villages policy area) of the JLP

Adequate private and public outdoor amenity space is provided.

Due to possible noise nuisance from cooler units at Holywell Stores an acoustic fence along the boundary between Holywell Stores and the application site has been requested by the Council's Environmental Health Specialist

The design of the proposed development is considered to be acceptable and is in accordance with Policies DEV1 (Protecting Health and Amenity), DEV8 (Meeting local housing need in the Thriving Towns and Villages Policy Area), DEV 10 (Delivering high quality housing) and DEV 32 (Delivering low carbon development) of the JLP.

Heritage

The application site is within the vicinity of the Pickwick Inn a grade II Listed Building. It is also approx. 100m south west of the Holy Well Scheduled Ancient Monument. Historic England have been consulted and have commented on this application. They helpfully set out the significance of the designated heritage assets as follows:

The development is located within the same field, and within the setting of, the nationally important scheduled monument (SM 33752; NHLE 1019315) and Grade II listed building (NHLE 1309152) of the remains of a medieval holy well. The site of the well appears as a marshy depression in the corner of the field. It measures 43m from east to west and 58m from north to south and a scarp into the hillslope on the west side is up to 2m high. The depression now contains two concrete tanks which catch the water for farm purposes.

Holy wells are water sources with specifically Christian associations. The custom of venerating springs and wells as sacred sites is also known to have characterised pre-Christian religions in Britain and, although Christian wells have been identified from as early as the 6th century AD, it is clear that some holy wells originated as earlier sacred sites. The cult of holy wells continued throughout the medieval period. Its condemnation at the time of the Reformation (c.1540) ended new foundations but local reverence and folklore customs at existing holy wells often continued, in some cases to the present day.

This well, dedicated to St Ann, is an unusual survival. Its design, with a sunken reservoir, spilling out via a conduit in the side, is typical of wells whose waters were believed to have healing powers. This is supported by the presence of the 15th century chapel of St Ann, to the south west. The area covered by the scheduling has the potential for undisturbed or waterlogged remains associated with the veneration of the well.

The well lies close to other monuments associated with earlier prehistoric activity, a Neolithic long barrow and two Bronze Age round barrows which are also scheduled (SM 33748; NHLE 1019239). The proximity of these barrows to the holy well, its chapel and Bigbury parish church which is 800m to the south east, suggests continuity of a more ancient tradition of veneration in the area.

The monument is currently published on Historic England's Heritage At Risk Register as a result of vulnerability due to scrub and tree growth. Its overgrown nature is noted in the submitted documentation.

Any archaeological remains preserved on the development site potentially associated with the holy well or the tradition of veneration over a longer period, would make a positive contribution to the significance of the scheduled monument and listed building. The archaeological evaluation identified ditches associated with the extant field enclosures system, illustrating the organisation of the land around the holy well.

Historic England note that the application as submitted does not include proposals which might offer benefits in heritage terms to sustain or enhance this designated monument such as in the interest of the holy well's long term management and visual appreciation as an asset of importance to the community.

Historic England question whether clear and convincing justification has been provided for selection of this site over any alternative and for any harm caused to heritage assets by the scheme. Historic England in their detailed response recommend that the LPA consider a number of issues.

In accordance with para 185 of the NPPF the LPA must be satisfied that the site represents the most appropriate site for delivery of the required housing taking into account historic environment. Officers have reviewed the site selection process outlined in the BNP and consider that notwithstanding the proximity of the designated asset this is the most appropriate site for the delivery of a community housing scheme within the Parish

Robust landscaping planting on the site boundaries and the use of sensitive design and materials will minimise the visual impacts on the asset. The development site will be over 100m from the site of the monument and as such it will retain its rural setting and relationship with the village. Any harm to the setting of the monument is considered to be minimal.

In accordance with paragraphs 194 and 196 of the NPPF it is considered that any adverse impact on the setting of this asset is justified by the delivery of much needed affordable homes within the Parish and represents a significant public benefit that outweighs the less than substantial harm to the setting of the asset.

It is also proposed to offset any harm through a clause within the S.106 Obligation to require a written scheme of works to be agreed and implemented to seek to preserve and enhance the special characteristics of the asset and to improve its legibility and understanding.

There will be no significant adverse impact on the setting of the listed Pickwick Inn

Regard has been given to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and special regard has been given to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

The impact on heritage assets is considered to be acceptable subject to the S.106 obligations referenced above and having regard to the overriding public benefits that arise from this proposed development. The development accords with Policy DEV21 of the JLP in that great weight has been given to the conservation of the asset and any harm to its setting is fully justified against the public benefits of the development and reasonable efforts have been made to mitigate the extent of harm and to enhance the asset.

Trees:

The application has been considered by the Council's Tree Specialist who has commented as follows:

The site is noted as having little vegetation/ hedges/ trees/ wooded groups of any potential arboricultural significance to the application and as such no further detail is required in accordance with BS5837:2012 Trees in Relation to Demolition, Design & Construction

Impact on trees is considered to be acceptable.

Biodiversity

The Council's biodiversity specialist has reviewed this application. It is noted that the application is supported by a Preliminary Ecological Appraisal (Tor Ecology, 12th Dec 2018) which recorded limited ecological value in the site habitats, or potential likelihood of the site having significant protected species interest.

The site comprises part of an arable field, with the field bordered by heavily managed and species-poor hedgebanks on the north, south and west boundaries. Boundary features (notably access track bordered by hedgebanks to the south east) have some potential for use by foraging and commuting bats. The site has some potential for supporting nesting birds, and reptiles (in the wider field).

The ecological appraisal includes a range of proposals which can enhance biodiversity value at this site, including:

- New hedgebanks on the north and eastern boundaries of the site (to be managed in accordance with a LEMP)
- Bird and bat boxes, and bee bricks integrated into fabric of new dwellings
- Enhancements to southern boundaries with new planting and improved management
- Species-rich meadow planting and SUDS feature with wet meadow planting
- Fruit tree planting
- Log pile for reptiles and small mammals

The proposal can be considered to be policy compliant, with respect to protecting and enhancing habitats, and NPPF para 175.

It is recommended planning conditions requiring the submission of a CEMP and LEMP be applied. It is also commented that due consideration should be given within the LEMP to the ongoing management of the newly planted hedgerow, and avoiding/minimising potential for resident interference with the hedgerow – i.e. to ensure it can be managed holistically to maximise wildlife value. (E.g. by excluding from curtilages, or erected a post and wire fence set back from the new hedgerow).

The RSPB have reviewed the application and recommend a few amendments and additions:

- Recommend provision of integral nest sites ('swift bricks') at a minimum ratio of one per dwelling.
- Recommend the retained and new boundary hedges around the site do not become garden boundaries and so are not subject to potential mis-management by householders (eg, removal of hedge plants, inappropriate planting and management, dumping of garden rubbish). It may be that a wire fence between the new properties and boundary hedges can avoid this – growth through the fence can be removed by the householder, but vegetation on the field side of the hedge would be unaffected.
- Recommend that retained and created hedges are planted and managed to continue to be hedges, rather than linear woodlands. Additional planting should be to create thick hedges

with hedgerow trees. Management will be difficult if the boundaries become dense linear woodlands, and this will also not be suitable for circl buntings or other hedge nesting species.

- Recommend garden boundaries are made permeable, ideally via garden hedges between properties but if fences are used, these should have at least one 'hedgehog' sized hole at the base to allow hedgehogs to pass through (hedgehogs are a species of concern due to population declines, they will use gardens but must be able to move between gardens as they travel an average distance of 2km each night when foraging, or looking for a mate).
- Recommend additionally that any planning permission is accompanied by a planning obligation that requires enhanced management of the remainder of the boundary hedges in this arable field. The annually and very closely flailed hedges could be managed to have wildlife value (ie, not cut annually and not cut so close to the bank/ground). While the boundary hedges of the arable field, including at the application site, are not currently suitable for circl buntings, this priority species is recorded breeding within 2km. The arable field may have some value for foraging circl buntings in winter due to its current management (barley and grass ley, and then left fallow over winter) providing a seed source, but currently the boundary hedges do not provide the shelter that wintering (and nesting) circl buntings and other birds need.

The application states that street lighting will not be provided and this will be beneficial to biodiversity.

Biodiversity impacts are considered to be acceptable with enhancement arising from the additional hedgerows to be provided and additional measures cited above.

Neighbour Amenity:

Two dwellings north of Holywell Stores are in close proximity to the development site. A parcel of land adjoining their rear gardens, to the north east is excluded from the application site and is indicated as open space (not accessible by the public). This non-public open space is then adjoined by the public open space serving the new proposed development, this creates a significant separation distance between the rear of the existing dwellings and the nearest new dwellings to the north east. The applicant has advised that the non-public space is provided as a buffer to minimise impacts on the existing neighbours.

Proposed plots 13 and 14 are located approx. 35m north of existing property Oakland. Plots 13 and 14 initially included full height first floor bedroom windows facing towards the garden of Oakland. Full height windows however can be more intrusive than standard height windows. As such the scheme has been amended to reduce the height of clear glazing. With the amendments and having regard to the separation distance and proposed landscaping along this boundary, the relationship in terms of overlooking is considered to be acceptable.

Impacts on neighbour amenity is acceptable and accords with JLP policy DEV1

Highways/Access:

The application has been assessed by DCC Highway Authority. The scheme originally included impermeable block pavements as a road surface within the development. The road is intended for adoption. DCC Highways have stated that they would not wish to adopt a road with a surface other than black tarmac, this being the most efficient and cost effective surface to maintain at a time when budgets are increasingly restricted.

The scheme has been amended to propose a black tarmac road surface and this is consistent with all the other adopted road surfaces within the village.

Each dwellings has a minimum of 2 parking spaces provided which is considered adequate.

A local residents has raised an objection on the grounds of additional traffic congestion and highway safety risk for pedestrians. DCC Highway Authority raise no objection on grounds of highway capacity or congestion and raise no objection regarding pedestrian safety. The proposed development proposes a pedestrian link onto Holywell Road, it joins the road where there is adequate visibility and it is possible to cross directly onto a safe route to the village hall and play area, it is also a very short walk to the shop. It is noted that to reach the shop and school bus pick up it is necessary to walk along a section of road with no footway. The historic core of St Ann's Chapel has no footpaths however and locating the development on the east side of the B3392 means new residents will not have to cross the B3392, the busiest road in the village, to access the shop and bus stop.

The Highway Authority in their last formal response at the time of drafting this report have objected to this application due to a number of technical matters they require to be addressed. It appears that all the matters have been addressed but this has not been formally confirmed by DCC. A verbal update on this matter will be provided to the committee.

Drainage:

The application has been assessed by DCC as Lead Local Flood Authority and they have commented as follows:

The applicant has put forward a feasible surface water drainage strategy which proposes infiltration based techniques which are the preferred method of surface water disposal as per the surface water management hierarchy. Please note we would require additional infiltration testing to BRE 365 at the proposed depth of the soakaway devices as well as at the proposed location. We also have a requirement for one years' worth of groundwater monitoring when infiltration is proposed in line with Ciria SUDS Manual C753 and BRE 365.

The propose strategy also includes the use of a pond which will provide an element of amenity and biodiversity to the wider site. We would also recommend that permeable paving is brought forward at the detailed design stage.

We note that the net developable area was used during the greenfield runoff calculation which does not comply with our Devon County Council SuDS Guidance (2017). If further infiltration testing or groundwater monitoring rules out the use of infiltration and an attenuated system is proposed, the runoff rates would require revision.

It is concluded that the proposed development can be adequately drained.

Open Space Sport and Recreation

The application has been reviewed by the Council's relevant specialist who has commented as follows:

SHDC Core Strategy Policy CS8 and SHDC Development Plan Policies DPD (2010) policy DP8 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the SHDC OSSR Supplementary Planning Document (2006).

The application is for the provision of 13 dwellings. The site plan shows the provision of a centrally located public open space and it is considered that this will provide good amenity benefit for new residents, as well as providing opportunities for informal play. The s106 agreement should secure public access, and on-going management and maintenance, of the on-site public open space in perpetuity.

The site is unable to provide equipped play and sports facilities in line with policy. However, the new residents will generate increased pressure on existing off site facilities.

The nearest OSSR facilities are in close proximity to the development site at St Ann's Chapel Recreation Ground, adjacent to the village hall. The facilities comprise a football field, play area and skate park. The recent play audit, undertaken in 2017 as part of the evidence base for the Joint Local Plan, scores both the skate park and play area as 2 out of 5 (weaknesses, needs improvement) noting that the site is tired, new equipment is required and the skate area could also be improved. The Greenspace Audit, also undertaken as part of the evidence base for the Joint Local Plan, also notes the site is under invested with poor quality youth/community recreation facilities including junior goalposts in need of investment.

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 it sustainable.

A financial contribution would thus be required in accordance with the SHDC OSSR SPD (2006). Applying Tables 3 and 6 of the SHDC OSSR SPD (2006), and based on the provision of 7 x 2 bed and 6 x 3 bed dwellings as shown in the Design and Access Statement, the contribution to be secured via the s106 agreement would be as follows:

- £39,591 towards *'improvements to OSSR facilities at St Ann's Chapel Recreation Ground'*

It is noted that the scheme provides significant affordable housing and thus contributions may affect the viability of the scheme. It is understood that the requested contribution will need to be assessed and considered in the overall planning balance between providing affordable housing and locally improved facilities to accommodate additional use by new residents.

Since submitting this application a representative from the Parish Council has advised that the Parish Council have identified alternative means of funding improvements to the recreation ground and mindful of the impacts on viability of delivering truly affordable homes within the parish they would not object to this scheme not making financial contributions towards the recreation ground.

Viability

Devon County Council Education Authority have, as is usual in SHDC, requested contributions taking into account all 13 of the proposed new units. They have been asked to consider taking contributions for just the 5 market units and have responded as follows:

While Devon County Council would request for all 13 family units and would ideally be supported for full contributions we understand that viability issues on sites can affect our requests and ultimately the decision to support our contributions rests with the district council.

In the scenario that DCC would not be supported for contributions against the Affordable Housing units within the St Ann's Chapel, development, the following contributions would be requested.

Secondary – £16,440

Primary Transport – £16,492

Secondary Transport – £6,735

Overall then the scheme has been identified to make the following financial contributions:

St Ann's Chapel recreation ground improvements: £39,591

Education (infrastructure and transport) for all 13 units: £89,200

Or

Education contributions for the 5 market units only: £39,667

The applicant is seeking to deliver a community housing project which will offer truly affordable homes within the parish.

In 'standard' commercial residential schemes affordable rents are normally 80% of market rate and discounted sale affordable homes sold with a 20% discount of market rate.

The proposal in this case is that the 5 rented units will be let at less than Local Housing Allowance rents which represent circa 60% of market rental value.

On the 3 discounted purchase units the discount of market value will depend on the amount of education contributions payable as follows:

- No education contribution – 40 – 45% discount of market value
- With £39,667 education contribution – 35%-40% discount of market value
- With full education contribution of £89,200 – 30-35% discount of market value but the applicant considers this could tip the balance in terms of affordability to in excess of 200K for a 2 bed and 240k for a 3 bed.

These calculations assume no contribution is being made towards OSSR on the basis that it is indicated that there are funds for the local recreation ground already identified.

This is a difficult balance where there is a valid aim of minimising house prices of the affordable units but to be sustainable the development must be able to deliver necessary supporting infrastructure. On this basis officers recommend that this application be approved subject to a contribution towards education based on the 5 market homes only, which would result in the discount market homes being sold with a discount of 35-40% of market value.

Principal residency restrictions

The emerging BNP at Policy BP4 proposes a policy whereby new market homes will only be approved where they are subject to a Section 106 Obligation to ensure occupancy as a principal residence.

The JLP does not contain such a policy therefore this Council could only apply this policy when it is in a made Neighbourhood plan. The BNP does not currently carry sufficient weight for this Council to be able to apply this policy.

The applicant has indicated an intent to invoke this clause through a condition of sale, but this would be outside of the planning process.

Planning Balance

The proposed development is contrary to Policy DEV 25 and the NPPF in that it does not conserve and enhance the AONB, it will result in moderate landscape harm, mitigated to some extent by the sympathetic design of the scheme and robust landscaping which will help to screen the unsympathetic harsh landscape impact of the two new houses that adjoin the site. Great weight should be given to conserving and enhancing the AONB.

The adverse landscape impact indicates that the proposed development does not pass the environmental test of sustainable and therefore this unallocated development is not a proposal that would normally be considered acceptable.

Policy TTV27 however states that proposals for residential development on sites adjoining or very near to an existing settlement which would **not otherwise be released for this purpose** may be

permitted provided a number of criteria are met. The proposed development meets all of these criteria in that:

- It meets a proven need for affordable housing for local people
- It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, of no more than 40% of the homes or 40% of the land take excluding infrastructure and services.
- Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.
- The proposal meets the requirement of all other relevant policies of the Plan

In addition the proposed development will provide affordable housing that is discounted much more significantly than in standard commercial schemes.

The proposed development is in accordance with Policy TTV27.

The proposed development will deliver a high quality development of truly affordable homes for which there is an identified need and will lead to enhancement of the nearby scheduled ancient monument which is currently on the 'at risk' register. The significant benefits of this development outweigh the moderate landscape impact and as such it is recommended that planning permission be granted.

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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment
SPT14 European Sites – mitigation of recreational impacts of development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

Bigbury Neighbourhood Plan – Regulation 15 stage

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. 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:

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. Prior to commencement of any part of the site the Planning Authority shall have received and approved 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 the frequency of their visits;
- (f) 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;
- (g) 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;
- (h) hours during which no construction traffic will be present at 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 commencement of any work;
- (o) Details of noise impacts and controls
- (p) Dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites

This approved CEMP 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 interests of the safety and convenience of users of the highway, the in interests of residential amenity and in the interests of biodiversity.

This needs to be a pre-commencement condition as the agreed details need to be implemented immediately upon commencement of development or prior to the commencement of development.

4. Prior to the commencement of development a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
 - plans showing locations of individually planted trees, shrubs, hedges and areas of grass, including details of boundary treatment and soft landscaping to the Site, vegetation screening and fencing;
 - Details of the infiltration basin and landscaping to be designed to maximise biodiversity;
 - Details of the design and location of all swift boxes and bat tubes/boxes
 - Details of measures to protect and enhance habitat.
 - Details of the phasing of landscaping works across the development site; and
 - Details of management and maintenance responsibilities for the landscaped areas including monitoring of protected species
 - Details of lighting to be used on site within the construction and operational phases of development to minimise impacts on protected species

The approved LEMP shall be strictly adhered to during the construction and operational phases of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

This needs to be a prior commencement condition to ensure proper measures to protect biodiversity are put in place before any work is done on site

5. Notwithstanding any details indicated on the approved plans, prior to their installation details / samples of facing materials, and of roofing 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 roofs of all dwelling houses shall be constructed using natural slate roofs, nailed in the traditional way and not clipped, with slate material samples to be submitted to and agreed with 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.

6. Prior to the excavation of any footings of the dwellings hereby approved details of the finished floor levels and levels of all external works including outdoor amenity areas shall have previously been agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual amenity

7. Details of the proposed new boundary treatments, including garden gates, 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 of the dwelling(s) to which they relate. The details shall indicate how boundaries will be permeable to wildlife and how they will provide protection of existing and proposed boundary hedgerows and tree planting.

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

8. Prior to the first planting season following commencement of the development hard and soft landscaping details which shall include detailed landscape designs and specifications for the site shall be submitted to and approved in writing by the Local Planning Authority.

The landscape designs and specifications shall include the following:

- (a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;
- (b) 1:200 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site;
- (c) The landscape treatment of roads through the development;
- (d) A specification for the establishment of trees within hard landscaped areas including details of space standards;
- (e) Details of changes of level across the site to be carried out.
- (f) Details of ground preparation prior to importation of topsoil, including decompaction of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension;
- (g) Arrangements for stripping, storage and re-use of top soil;
- (h) Arrangements for importation of top soil if proposed, including volume, source, quality, depth and areas to be treated;

- (i) Details of earthworks associated with the development, including volumes of any cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- (j) Details, including design and materials, of ancillary structures such as bin stores and signage;
- (l) A timetable for the implementation of all hard and soft landscape treatment

All hardsurfacing, planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in accordance with the approved timetable for implementation. Any trees or plants which, within a period of 5 years from the completion of any phase 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 as those originally planted, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual and residential amenity

9. The footpath and cycleway linking the development site to Holywell Road shall be provided in accordance with the approved details prior to the occupation of the first dwelling.

Reason: In the interests of pedestrian safety

10. Vehicle Parking and turning shall be laid out in accordance with the approved plans and shall be made available for use by occupants of the dwellings(s) to which it relates prior to the occupation of the related dwelling(s). Parking areas, including garages, shall be retained for the primary purpose of the parking of private vehicles only, for the lifetime of the development.

Reason: In the interests of the safety and convenience of users of the highways and in the interests of amenity.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no development of the types described in Classes B, C and F (hardstandings and roof extensions/alterations) of Schedule 2 of Part 1 or within Class A of Part 2 of Schedule 2 (gates, fences, walls) of the Order shall be undertaken without the express consent in writing of the Local Planning Authority.

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 and to safeguard residential amenity; and to safeguard parking and circulation areas.

12. 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 of the proposed infiltration devices/permeable surfaces.

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place

13. 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 & Drainage Strategy December 2018 Proposed Development St Ann's Chapel, Bigbury Rev 01, 100234316-ARC-XX-XX-RP-CE-1501

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.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance

14. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period to be agreed, 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 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 the site is an appropriate means of surface water drainage management.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

15. 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.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance

16. 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 policies SPT12, SPT14 and DEV26 of the proposed JLP

17. There shall be no external street lighting unless otherwise previously agreed in writing by the Local planning Authority

Reason: In the interests of amenity and biodiversity

18. Prior to development continuing above slab level details of how a minimum of one integral bird nesting box will be incorporated into each of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority

The nesting boxes shall be provided in accordance with the approved details prior to the occupation of the related dwelling and shall be retained for the lifetime of the development.

Reason: In the interest of biodiversity

19. 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

20. Prior to construction above slab level 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.

This agreed scheme shall be implemented as agreed and available for use prior to first occupation of any building approved by this permission, and retained as such.

Reason: In the interests of air quality and the environment

21. Prior to the occupation of any dwelling hereby approved details of an acoustic barrier of a minimum of 2m in height to be provided along the common boundary with Holywell Stores shall have been provided in accordance with details previously agreed in writing by the Local Planning Authority. Once provided the barrier shall be retained and maintained for the lifetime of the development

Reason: In the interest of residential amenity.

22. The proposed estate road, cycleways, 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 and to ensure a satisfactory form of development

23. Prior to the commencement of development details showing how the existing hedges and/or trees will be protected throughout the course of the development shall be submitted to and approved in writing by the local planning authority. The details shall include a tree and hedge 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 tree and hedge protection plan.

Reason: In the interests of visual and residential amenity.

This needs to be a pre-commencement condition to ensure the protection of the trees/hedges before any activity commences on site.

Informative: Condition 16 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