

## PLANNING APPLICATION REPORT

**Case Officer:** Oliver Gibbins

**Parish:** Inwardleigh **Ward:** Okehampton North

**Application No:** 0321/20/OPA

**Agent:**

Mr Jeremy Maddock  
Elford Maddock Architect'l Practice  
23 Fore Street  
Bere Alston  
Yelverton  
PL20 7AA

**Applicant:**

Mr & Mrs Seale  
Orchard House  
EX20 3QS

**Site Address:** Land at SX 571 979, North of Brandize Cottage, Folly Gate, EX20 3AQ

**Development:** Outline application with all matters reserved for 10 new houses (6 local needs housing market and 4 open market)

**Reason item is being put before Committee: Cllr Leech has requested this application is reported to the Committee for the following reason:**

There are a lot of concerns from residents, as well as the Parish Council re this proposed development, plus it is development in the open countryside. I would also want to see the full extent of the proposed 106 contributions for this application before making any decision one way or the other.



**Recommendation: Delegate to Head of Practice to Approve subject to the completion of a S106 agreement with the following heads of terms:**

60% affordable housing, this scheme will provide for 6 open market discount houses for local people and restricted through a local connection clause. The tenure will be secured through legal agreement and provide at a 20% discount on the open market sale price.

£21,771 towards village hall, sports and recreation. This will be spent on supporting the refurbishment of the Follygate village hall.

£95,538 towards local education including primary school at Okehampton, St James C of E Primary School and Okehampton College as well as school transport.

£5,000 towards a traffic regulation order for the imposition and installation of an extended 30 m.p.h. speed limit

Access and maintenance of the onsite open space.

**Conditions:**

- 1.Reserved matters Commencement
- 2.Reserved matters standard condition – Details of all matters except access.
- 3.Adherence to plans
- 4.Highways details to be provided
- 5.Highways access road and layout
- 6.Highways highway details
- 7.Highways Highway free of obstruction
- 8.Highways Highway construction method
9. Landscape and Visual Impact Appraisal
- 10.Detailed hard and soft landscape proposal to include ancillary structures, long term maintenance and hedgerows;
- 11.Arbicultural Impact Assessment and Tree (and hedgerow) Protection Plan based upon the detailed site layout.
- 12.Waste Management Plan and Skills and Training
13. DEV32 carbon reduction/climate change
- 14.DEV10 and SPD JLP external space standards
15. DEV8 Local Housing need
16. No external lighting
17. Landscape and Ecology Management Plan
- 18.Lead Local Flood Authority adoption and maintenance
19. Lead Local Flood Authority overflows
20. Lead Local Flood Authority surface water design
21. Lead Local Flood Authority ground water monitoring
22. Lead Local Flood Authority requested percolation tests
23. Lead Local Flood Authority SUDS layout
- 24.Electric vehicle charging points
- 25.Unexpected contamination

**Key issues for consideration:**

The principle of the development and the impact on the amenity and the character and appearance of the area.

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**Site Description:**

The application site is 0.7 hectare site located to the north of Follygate.

The site is would be considered to be in the countryside and would have been used for agriculture in the past.

The site is enclosed by hedgerows and the topography is relatively level.

There is a grade II listed Butterford Cottage located to the north of the site.

**The Proposal:**

This application is for outline planning permission with all matters except access reserved for 10 houses, 6 of these would be affordable housing and 4 would be open market houses and an area of public open space.

**Consultations:**

- County Highways Authority - From a highway safety point of view, there are no objections to the proposed development subject to the provision of an estate street access with suitable geometry and visibility together with adequate on-site car parking.
- Open Space, Sport and Recreation - Full details of any proposed on-site public open space would be required at reserved matters stage, with public access and on-going management and maintenance being secured via a s106 agreement.Plus request for off site contribution as per heads of terms.
- Lead Local Flood Authority - Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission.
- Town/Parish Council- The Councillors voted to Object, for the following reasons: - 1. It would be development in the open countryside, outside of the settlement boundary. 2. The proposed site is in close proximity to a listed building Butterfield Cottage. 3. Drainage issues, the site is very wet land and often waterlogged. A soakaway system was therefore not thought to be suitable. Have percolation tests been carried out? 4. Folly Gate has already exceeded its required allocation of 10 new properties.
- Housing Officer - the development has the support of the Council's housing officer who has identified a need for 10 households in affordable housing need in the local area. There has been no affordable housing developed for many years. The affordable housing stock is council accommodation which was transferred through the large scale voluntary transfer. This will have been subject to the right to buy and many have been sold. This has therefore dwindled the stock numbers leaving limited options for young people to get on to the housing ladder whether this is to rent or buy at an affordable level.

The opportunity of discount market properties would enable young people an option. The stock in Folly Gate is predominantly 3 bed houses which is too large for what is needed or bungalows which lend themselves to older people not singled or couples.

Many applicants may not have registered on either Devon hone choice or help to buy as they do not perceive anything coming forward to meet their aspirations

- Landscape Officer - No objection subject to securing reserved matters.
- Tree Officer - No objection on arboricultural merit
- Planning Policy Officer – has looked at the proposal, and commented that the site would certainly fit the TTV27 requirement of being adjacent to or near the edge of settlement. “Folly Gate is named as a sustainable village, and as such I think the principle can be supported, subject to some clarifications.

It should be noted however that the 40% threshold for open market dwellings is not considered to be the default position with regard to TTV27 sites, instead the open market element should only comprise what is required to cross-subsidise the AH (Affordable Housing) offer. In that regard, I think what is missing is some high level viability work that shows why 40% is required – the site is green field, already owned by the applicant, so unless there are a load of suspected abnormal costs buried in the field, I'm not convinced that the 40% threshold is required – why not 20 or 30%. There is no justification either way.

The other element of TTV27 that should be noted, and may need to be conditioned, is that the open market housing should not only comprise no more than 40% of the overall scheme, but it cannot comprise more than 40% of the land area either. And we will want to condition the housing mix to be considered, for all tenures, at RM too.

We should also be conditioning the DEV32 requirements of 20% carbon reduction from build regs baseline from onsite renewables.”

- Devon CC – Waste – Waste Management Plan required.
- Devon CC – Education - The application has been considered and in order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested;
- Devon and Cornwall Police - . From a designing out crime and disorder perspective I would like to advise that the police have no objections to the proposal at this stage.

## **Representations:**

31 letters of objection are reported responding, identifying the following;

Concern about the legitimacy of support letters;  
Development should conserve the countryside and redevelop brownfield sites;  
Highway suitability;  
Urbanising impact;

Sustainability and lack of access to facilities;  
Integration with existing village;  
Car dependent;  
Existing sites coming forward;  
No local need;  
Ecology;  
Impact on privacy and amenity;  
Design and density;  
Impact on listed buildings;  
Impact on dark skies and ecology;  
Agricultural land;  
Parking;  
Security and layout Sewage;  
Not brownfield;  
Flooding;  
Traffic;  
Need;  
Lighting;  
Wildlife.

30 letters of support identifying:

Need for affordable housing;  
Support villages to thrive;  
Important for young people.

### **Relevant Planning History**

None

### **ANALYSIS**

Principle of Development/Sustainability:

Policy TTV1 of the Joint Local Plan identifies a settlement hierarchy within the plan area. Folly Gate is identified as a Sustainable Village where development to meet locally identified needs can be supported.

Policy TTV25 identifies that provision of 550 homes will be sought from the sustainable villages as part of the overall housing supply for the TTV Policy Area.

Within sustainable villages without neighbourhood plans the LPA will still support development that meets the identified local needs of communities and development which responds positively to the indicative housing figures. All development proposals, whether in villages which have neighbourhood plans or not, will be considered against the other policies in the plan.

There is no Neighbourhood Plan in Follygate and it is understood that there is no emerging plan either.

Policy TTV27 – Meeting local housing needs in rural areas identifies that proposals for residential development on sites adjoining to 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 percent of homes or 40 percent of the land 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.

Paragraph 77 of the National Planning Policy Framework identifies that in rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to support should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

This application is for outline permission only and seeks to establish the principle for residential development for 10 houses. This comprises a mix of 4 market houses and 6 affordable houses.

As this proposal provides 60% affordable housing and 40% market housing the proposal needs to be considered as a rural exceptions site in terms of Policy TTV27. The proposal has support from the Planning Policy in terms of the site fitting within the adjacent to or near to an edge of a settlement requirement. Follygate is a sustainable village and as such the scheme has policy support in terms of the principle.

It has been confirmed by the Affordable Housing Specialist that there is a proven need for affordable housing for local people in this part of the Borough. The tenure offered by the applicant is for open market discount housing. This is an affordable housing product that will deliver at least a 20% discount on open market housing for local people. The S106 agreement will control and cap this affordable housing product in perpetuity. It must be considered that this does provide a real benefit to assist in meeting local housing needs and weighs strongly in favour of this application. Subject to the clauses of the S106 being agreed it can be concluded that this development will meet Policy TTV27 (1 and 3).

As noted by the Council's Affordable Housing Specialist this will make an opportunity for people to gain access to the property market and there has not been the delivery of affordable housing for many years in Follygate. This will therefore make an important and valuable housing contribution to the local area.

Further clarification and assessment has been undertaken with this application in responding to the points raised by the Planning Specialist, in the form of an independent viability

assessment. The viability assessment confirmed that 40% market housing, when combined with other S106 requirements was the minimum level that could be sought in order to cross subsidise the Affordable Housing. In terms of the land take this is an outline application but planning conditions would need to ensure that the 40% of the site is available for market housing. As a result it can be concluded that the proposal complies with Policy TTV27 (2).

The remaining sections of this report will assess how the development will meet the remaining policies of the plan to comply with Policy TTV27 (4). But subject to these policies being met it can be concluded that this development can be supported in principle through Policy TTV27 of the Joint Local Plan.

#### Planning Obligations:

Policy DEL1 identifies that a positive and strategic approach will be taken in relation to planning obligations. Part 3 iv) of the Policy identifies that planning obligations will be used to mitigate the impact of the development on infrastructure, including cumulative impact, through direct provision of financial infrastructure contribution.

This development will provide a major scale of development and place new demands on local infrastructure in the Borough. It is therefore important that new infrastructure comes forward in order to support new residential development.

One key element of infrastructure is sport and recreation and policies DEV3 and 4 seek to support the creation of new or the enhancement of existing sport and recreation facilities.

The JLP sets a requirement of 1.91ha/1000 people accessible natural greenspace. Assuming an average household size of 2.36 (based on 2011 census data for West Devon) and 10 dwellings, there would be a requirement for at least 450m<sup>2</sup> accessible natural greenspace on site or an off-site financial contribution towards improvement of local public open space.

The applicant has revised the plans to increase the site area. As a result the development will be able to provide 450 sq. of natural play space on site. This will be conditioned and an acceptable design and layout achieved at reserved matters stage as it should be noted that public open space should be easily accessible and benefit from a good level of natural surveillance.

With regard to on-site sports and play facilities, as opposed to informal recreation, the site is unable to provide on-site facilities on site and as a result in line with the policy this can be provided off site.

Liaison with the Parish Council has identified that the key priority in the village is refurbishment/replacement of the existing Village Hall. The Village Hall provides an important community facility including opportunities for indoor sports such as yoga, skittles and darts, as well as community events, and refurbishment/replacement would enhance these opportunities. Given the additional pressures that the new residents will bring on the existing village hall, a financial contribution towards its refurbishment/replacement is considered justified to help mitigate this pressure and make the development acceptable in planning terms.

Although the project is not for standard play and sports provision, it is considered reasonable

to use the contributions in the Atkins West Devon OSSR Study as a guide, and on this basis a contribution of £21,771 would be required. Again, it is understood that the requested contribution will need to be assessed and considered in the overall planning balance between the provision of affordable homes and improvements to local facilities to accommodate additional use by new residents.

The applicants have agreed to contribute this amount and it is detailed in the heads of terms. Through achieving this this development will make a meaningful, valuable and important contribution to sport and recreation in the local area. The development therefore complies with Policy DEV4.

The County Highway Authority have requested a contribution of £5000 towards local highway improvements to amend the speed limit in the area.

In terms of education the nearest schools to the development site are located in Okehampton. Okehampton Primary School has no forecasted capacity and a new primary school in Okehampton, St James C of E Primary School has been built. Devon County Council forward funded the delivery of the new primary school in advance of development and requires future development to reimburse the Education Authority as set out in its response to the Okehampton Masterplan.

Devon Local Authority is therefore requesting a contribution towards primary school infrastructure, at the primary new build rate (£16,019.00 per pupil). A development of 10 family dwellings is expected to generate 2.5 primary aged pupil and we are therefore requesting £40,047.00 towards the new Primary School.

A contribution towards land for the new primary school is also sought. Based on a total site requirement of approximately 1.7ha (17,000m<sup>2</sup>) for a 420 place primary school, each family dwelling (2+bedrooms) will need to contribute the equivalent of 10m<sup>2</sup> per dwelling. A development of 10 homes will need to provide 100m<sup>2</sup>. A contribution matching its equivalent value is required. Devon County Council identified resources to purchase the school site and construct the school and will require future development to reimburse the Education Authority as set out in its response to the Okehampton Masterplan. The assessment of land required is as follows:

$17000\text{m}^2/420 = 40\text{m}^2$  per pupil

Four dwellings are anticipated to yield one primary pupil

Therefore, 10m<sup>2</sup> is required per family dwelling A financial contribution will be required to reimburse the appropriate land value at a rate of 10m<sup>2</sup> (£700) per dwelling.

The County Council are therefore requesting £7,000.00 towards primary school land.

The secondary school within the development area is Okehampton College which has no forecasted capacity for the secondary aged pupils expected to be created by this development, so a request is made for secondary infrastructure at the secondary extension rate (£21,921.00 per pupil). A development of 10 dwellings is expected to generate 1.5 secondary aged pupils, so we are requesting £32,881.00 towards secondary infrastructure. Because of the distance from the development site to Okehampton, a contribution towards primary and secondary school transport is requested. The school coach going to Okehampton from Folly Gate costs £2.76 per pupil per day. We are therefore requesting for primary:



£9,177.00 (being £2.76 x 190 days in the academic year x 7 years at primary school x 2.5 primary pupils). For secondary transport, we are requesting £3,933.00 (being £2.76 x 190 days in the academic year x 5 years at secondary school x 1.5 secondary pupils). Devon's early year's service is requesting a contribution towards early years provision, which is £250.00 per dwelling, based on the estimated delivery cost of provision. We are therefore requesting £2,500.00 towards early years provision in the new primary school.

It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to the County Council's policy and result in unmitigated development impacts.

If approved this development will be deemed built and therefore affect the forecast pupil numbers for future developments in this area.

If this application reaches the stage of preparing a S.106, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123. The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children from Folly Gate to Okehampton. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonable.

The total amount requested from Devon County Council for education is £95,538. This is a significant amount of capital and the applicants have undertaken a viability exercise which has robustly assessed the amount of contributions which the development can accommodate without making the scheme economically unviable.

The submitted Viability Report concludes that the total amount of planning obligation which could be achieved on the site with a 30% Discount Open Market Housing product on 60% of the total housing would be £95k.

However this was further reviewed during the application process and further viability work was undertaken to assess a scheme that provided a 20% open market discount, which is a policy compliant level of discount on the affordable housing product.

With a 20% discount it was concluded that the scheme would still be viable with the full S106 contribution requested. This includes education, open space sports and recreation (the village hall), and the contribution for highway improvements. To be clear the S106 will secure through legal agreement the following:

£95,538 for Devon County Council as education authority;  
£21,771 for West Devon BC to contribute towards off site open space, sports and recreation;  
£5,000 for Local Highway Improvements.

This results in this development contributing the full amount of infrastructure contributions requested and will deliver sustainable development and as well as providing 60% affordable housing for local people will deliver £122,309 of local infrastructure improvements.

In considering the benefits of this development the proposal is delivering 60% affordable housing to meet an identified local need and has planning policy support. The scheme is also providing improvements to local infrastructure in terms education and sport and recreation space and as such there are clear benefits for the area.

#### Design/Landscape:

The site is generally visually contained, with dense, Devon hedgebank field boundaries containing hedgerow trees that screen the field from view from the unnamed lane on the west boundary and from properties within the village. The hedgebank along the lane is notably species-rich and provides a strong visual boundary to the site. Any opening to create access into the site should be carefully designed to minimise loss to this important landscape feature. It is likely that the other field boundaries, which are similarly important features within the landscape, contain a variety of woody plants and trees, and the development should therefore ensure that they are protected and retained.

Appropriate development in this location could be assimilated into the settlement pattern of the village, although building heights beyond two storeys should be avoided. The local vernacular building materials are stone and slate, noting that much of the modern residential development has rendered and painted finishes (often white). The design and materials of the development should reflect the local vernacular, and this includes all areas of hard landscape within the development.

The soft landscape proposals for the development should also be designed to conserve and enhance local landscape character.

In assessing the wider the landscape character and visual amenity, the overall position is conserved, but it is acknowledged that at a local level, changes will occur from a loss of a small area of pasture land adjacent to the existing settlement, and the construction of a vehicle access to the site from the existing highway affecting the hedgebank. The site hedgerows should be otherwise retained.

The detailing of the highway visibility splay and the site entrance will be important considerations, and should be sympathetic in scale and design to the rural location and the landscape character. The long views across the landscape will be protected and largely unaffected by the proposals as set out in the outline.

The indicative design and layout of the new development lacks any detail. Development within the site should be limited in scale and there will be opportunities to mitigate at RM by controlling the layout, mass, form and orientation of the dwellings, to ensure that the development will conserve and enhance the local character.

A Landscape and Visual Impact Appraisal should be undertaken to inform the design of the scheme, and the development of a landscaping scheme that will enhance the proposals, and to ensure that the development does not conflict with the LCT landscape guidelines.

In terms of heritage Butterford Cottage, located to the north of the site is a grade II listed building. Brandize cottage located to the south is a thatched cottage but it is not listed and is a non-designated heritage asset. .

Policy DEV21 of the JLP identifies that the significance, character, setting and local distinctiveness of heritage assets should be considered to determine the impact. Great weight shall be given to the conservation of designated heritage assets. Development which harms the significance of locally important non designated heritage assets or their contribution to the character of a place will only be permitted where it can be justified on the basis of a balanced judgement.

In terms of this application it is at outline stage only with all matters reserved. As confirmed by the Landscape Officer the site is well screened to the north by hedgerows and separated by a field. It is not considered that this development will result in any harm to the designated heritage asset or setting.

Whilst Brandize Cottage is a traditional thatched cottage it is not listed. The development of the site to the north will be subject to a reserved matters application where careful consideration will be given to the layout, scale, bulk and massing, and design will be given. It is considered that a well designed development would not give rise to harm to the non designated heritage asset.

Policy DEV8 requires that new housing provides a size, type and tenure appropriate to the area. This proposal has the support of the Housing Officer and the delivery of 6 local needs housing will make a valuable important contribution towards meeting local housing need.

It is important that the new housing seeks to address any imbalance of the existing housing stock. The data the Council holds is at Parish level only and Follygate falls within the Inwardleigh Parish. This shows that there is a 5% 1 bed, 25% 2 bed, 43% 3 bed and 28% 4 beds. As this is an outline application any reserved matters application will need to respond to this need (secured by condition here). It is however noted that the viability work has identified that the market housing is larger to improve the viability of the proposal.

In terms of space standards Policy DEV10 and the Supplementary Planning Document requires that National Space Standards are achieved as well as sufficient garden areas and parking. This will need to be considered at Reserved Matters Stage but secured through condition at this outline stage.

#### Neighbour Amenity:

The site is located to the north of existing dwellings and as such any future application would need to consider the impacts of the development on the amenity of these properties. But the size of the site together with the separation distances available result in the development not be considered to give rise to a significant loss of residential amenity. The layout and orientation of the dwellings will need to be considered at reserved matters stage.

#### Highways/Access:

From a highway safety point of view, there are no objections to the proposed development subject to the provision of an estate street access with suitable geometry and visibility together with adequate on-site car parking.

A contribution towards the investigation and, if approved, the imposition and installation of an extended 30 m.p.h. speed limit (currently in place because of the street lighting) is also recommended.

#### Drainage:

Devon County Council Lead Local Flood Authority have removed their objection from the scheme, subject to a series of planning conditions which will be agreed through future applications.

The site is not in a flood risk zone and it is not considered that matters to deal with surface water could not be mitigated through condition and in line with the advice from Devon CC.

Devon County Council as Waste Authority have also requested that a Waste Audit Statement is submitted with any future applications. This will be conditioned.

#### Trees:

The submitted information has been reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.

Review of the submitted information has been made and it is considered that there are no significant arboricultural constraining features present internally to the site. Mature bounding hedges with trees within may be affected by any RM consent principally attention is drawn to concerns regarding the relationship between trees on the Southern elevation and proposed units. Easement of the units to the North would be encouraged at final layout stage to achieve arboricultural support at that stage.

The following would be required as part of any future RM application. a. Baseline Tree Survey, Arboricultural Impact Assessment, Tree Protection Methodologies, Tree Constraints Plan, Site Monitoring Schedule.

#### Ecology

As this is outline with all matters, except access reserved it has not been possible to assess the full impact of the development on ecology. It is important that this is considered at the outset of any future design and layout as this will need to shape the form of the development it respond to any constraints. Therefore a baseline ecology survey will be conditioned and this would need to be evidenced to inform and development a Landscape and Ecology Management Plan.

#### Energy

Policy DEV32 of the JLP requires that major development needs to be considered in relation to the energy hierarchy and incorporate low carbon or renewable energy generation to achieve regulated carbon emission levels of 20% less than that required to comply with Building Regulations Part L.

As this is an outline application this will be conditioned to ensure that it can be delivered and considered at reserved matters stage.

## Conclusion

This development will deliver an exception site which will help meet local affordable housing need as well as provide important local infrastructure. Subject to conditions to mitigate the impact of the development this application is recommended for approval,

### ***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. 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 of 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

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV25 Development in the Sustainable Villages

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

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  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
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**

None

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 77 and 79 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: JLP SPD.

### **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.

### **Conditions in full**

1. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

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

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

2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following: (a) the design and external appearance of the proposed building(s); (b) its/their siting; (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels); (d) the materials for their construction (e) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards); (f) all other works including walls fences means of enclosure screening. (g) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

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

3. The development hereby approved shall in all respects accord strictly with drawing number(s) Amended Site Location Plan REV8 432 received by the Local Planning Authority on 18/10/2020

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, 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.

5. 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) 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

6. 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 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 cul-de-sac shared surface, 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 street lighting cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the cul-de-sac have been provided and erected.

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

7. When once constructed and provided in accordance with condition 3 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Reason : To ensure that these highway provisions remain available

8. No development shall start until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason :- In the interest of highway safety

9. Not later than the submission of the first reserved matters following this approval, a Landscape and Visual Impact Appraisal (LVIA) shall be submitted to and approved in writing by the Local Planning Authority. The LVIA shall assess the impact of the development on the landscape and inform the design, siting and layout of the reserved matters application.

Reason: As this is an outline planning permission further consideration of the development on the landscape needs to be fully understood.

10. The building works/change of use shall not be implemented until a landscaping scheme and Detailed hedgerow removal and replacement to accommodate the site access, to include any ancillary structures, has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed plots/development.



The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

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

11. A Tree Survey to BS 5837;2012 and Hedgerow Protections Plan should be submitted alongside the reserved matters submission of layout details (this should be undertaken by a qualified Arboriculturalist). This survey should include layout design showing the Root Protection Area and representing the effect that the mature height and spread of retained trees will have on the layout through shade, dominance etc. An accompanying plan should identify the Construction Exclusion Zone.

Reason: To ensure adequate protection of landscape features

12. Not later than the submission of the first reserved matters following this approval, a Waste Management Plan which deals with construction waste and a Skills Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To provide local skills and training and minimise waste.

13. Not later than the submission of the first reserved matters following this approval a scheme to demonstrate how the requirements of JLP policy DEV32: Delivering Low Carbon Development will be delivered shall be submitted to the Local Planning Authority and approved in writing. Development shall take place in accordance with the approved details prior to the occupation of the dwelling/building to which they relate.

Reason: To ensure the development contributes toward delivering a low carbon future for West Devon and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy.

14. Not later than the submission of the first reserved matters following this approval, a scheme to demonstrate compliance with the Nationally Described Space Standards and demonstrating adequate external amenity space or private gardens, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: in the interests of providing high quality housing, good living standards and meet the needs of the housing needs of the area, in accordance with policy DEV10 of the Joint Local Plan.

15. Not later than the submission of the first reserved matters following this approval, a scheme to demonstrate compliance with Policy DEV8 of the Plymouth and South West Devon Joint Local and demonstrate that the development meets local housing needs shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the development meets local housing needs.

16. There shall be no external lighting within the site unless otherwise agreed in writing with the Local Planning Authority. Any submitted lighting scheme shall include details of the position, type, luminance and cowling of all external lights to the building and external areas. Upon the commencement of the use the external lighting shall accord strictly with the approved details.

Reason: To safeguard the appearance of the locality and biodiversity.

17. Prior to commencement of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the LPA and the development, including any future development under reserved matters applications, shall be undertaken in accordance with the LEMP as approved. The LEMP shall detail ongoing management of the boundary features and structure planting to maximise wildlife value and deliver a net gain in bio-diversity. The LEMP should also include details of provision of inbuilt/tree mounted bat and bird boxes, and reptile hibernacula with details of ongoing management and replacement.

Reason: in the interests of ecology.

18. 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.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

19. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

20. 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. 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.

21. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme (should infiltration is viable), undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning 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.

22. 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. 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.

23. 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. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Statement Storm in relation to Planning Application 0321/20/OPA Proposed 10 New Dwellings with All Matters Reserved land North of Brandize Cottage EX20 3AQ (Rev. B, dated 12th May 2020). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

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

24. Unexpected Contamination 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.

25. Prior to the occupation of the development hereby approved each of the dwellings shall be provided with electric vehicle charging points.

Reason: To provide low carbon facilities.