

# PLANNING APPLICATION REPORT

**Case Officer:** Steven Stroud

**Parish:** Kingsbridge **Ward:** Kingsbridge

**Application No:** 2876/21/FUL

**Agent/Applicant:**

Andrew Lethbridge Associates  
102 Fore Street  
Kingsbridge  
TQ7 1AW

**Applicant:**

G.I. Devon  
11 Longdown Road  
Epsom  
KT17 3PT

**Site Address:** Development Site, Tumbly Hill, Kingsbridge



**Development:** Construction of 3 townhouses

**Reason item is being put before Committee:** Part of the site is owned by SHDC

**Recommendation:**

Conditional Approval

**Conditions** (list not in full):

1. Development time limit
2. Development carried out in accordance with approved plans and documents
3. Solar/thermal PV and ASHP details
4. Final Drainage Scheme/piped route to Estuary
5. Construction Management Plan

6. External materials samples
7. Use of natural stone
8. Landscaping
9. Unexpected contamination
10. Parking provision

**Key issues for consideration:**

Principle of Development/Housing Mix  
Design, Character and Appearance  
Heritage  
Highways and Access  
Residential Amenity  
Flood Risk and Drainage  
Energy Efficiency and Climate Change  
Ecology  
Planning Balance

**Financial Implications:**

The proposed development would result in financial gain because the developer would acquire land under the ownership of the Council. In accordance with the national Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for the local authority. Officers therefore afford no determinative weight to this consideration.

---

**Site Description:**

The application site is on the western edge of, and abutting the Quay public car park, on a parcel of land situated between that car park, Tumbly Hill, and Kingsbridge Leisure Centre. The main site frontage is east facing, with views of the head of the Kingsbridge Estuary and the town to the east and north beyond.

The site is narrow, and steps back in the centre. There is a Public Right of Way which runs across the car park at the front of the site. An element of public footpath which encroached into the site was extinguished in 2009.

The site also lies within the South Devon AONB.

The nearest listed building is the Kingsbridge and Dodbrooke War Memorial (GII), directly to the east.

**The Proposal:**

The Applicant seeks planning permission for the erection of 3no., attached 'Townhouses', with associated works.

The overall building would provide accommodation across four storeys, albeit with the lower ground floor level (roughly at the level of the Quay car park) to provide vehicular parking and storage areas for each dwelling. Access to that undercroft area is proposed off Tumbly Hill, on the northern elevation.

The housing mix would be as follows:

Unit 1 – 4-bed, 216sqm.

Unit 2 – 3-bed, 158sqm.

Unit 3 – 3-bed, 146sqm.

The final bedroom of each unit is described as being appropriate as office/study space but in practice the size of such rooms are similar to the other bedrooms and are therefore treated as such.

The East elevation which faces the public car park has a number of Juliette balconies across the elevation with terraces for the three units at ground floor level (but above the level of the Quay car park), as well as corner balconies. The proposed building has a pitched roof. The car parking area is hidden at ground floor behind a natural stone-faced wall, which will reflect the stone boundary walls located in the area. The walls above the plinth area are proposed as a mixture of render and Cedral-type horizontal cladding. The external doors and windows are proposed as aluminium and the roof is proposed to be natural slate.

In order to achieve the necessary footprint, as part of the proposed scheme the developer would need to acquire land that is in the ownership of the Council. Part of that land is currently used for public car parking on the Quay car park, such that 2no. spaces would be lost. However, a land swap agreement with the Council is also proposed. The land swap would enable the public car park to be remodelled so that there is no net loss of public parking spaces/land; in fact, the submitted land transfer plan (ACL.1260.215C) indicates that 1no. space could be gained. Ultimately, this would be a matter for the Council as custodian of the car park.

### **Consultations:**

Please note that full responses of all consultees can be found at:

<https://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/212876>

All consultation responses and representations received have been considered in full and taken into account, being summarised below:

Kingsbridge Town Council – objects:

*'KTC: Recommend Refusal for the following reasons:*

- *Parking. Rather than the 6 spaces proposed, 3 bed x 2 units and 4 bed x 1 unit should provide 7 car parking spaces in accordance with Supplementary Planning Document Policy DEV29.3 Parking provision: residential.*
- *Construction Management Plan.*
  1. *All deliveries will need to negotiate the busy Quay Car Park within the earmarked build window of autumn 2021 to late 2022 therefore paragraph 6. does not provide enough detail to overcome potential vehicular and pedestrian safety matters. For example, parking adjacent to the development may need to be suspended when large delivery vehicles are scheduled.*
  2. *Daily construction hours should be limited to 0800-1700 Monday to Friday (and Saturdays 0800-1300) without exception given the close proximity of Kiln House sheltered housing.*
  3. *Devon County Council Public Rights of Way should be consulted regarding the temporary diversion during construction and potential permanent realignment of Public Footpath No.1.*

4. *All construction should be halted for the duration of Kingsbridge Fair Week 16 to 23 July 2022. Contact details of the on-site manager should be provided i.e. email and mobile phone number.'*

Local Highways Authority – refer to Standing Advice/ no objection.

- Following concerns raised by officers in relation to parking provision and the practicality of manoeuvring space/ability to exit the site in forward gear onto Tumbly Hill, the Applicant provided an amended drawing making changes to storage and circulation areas, and a reconfiguration of the parking spaces.

The Local Highway Authority has confirmed in writing that it has no objection to the development.

South West Water – no objection

**Representations:**

1 no. public representation objecting to the development has been received and covers the following points (2 separate comments from the same occupier):

- Siting of underground drainage equipment needs to consider adjacent tide levels/leaching
- Underground crate attenuation would be extremely vulnerable to ground water flooding.
- No extant planning permission exists/the 2008 permission was not lawfully implemented.
- The development would result in the loss of existing public parking provision.
- Inadequate/unsafe access; contrary to Building Regulations
- Risk to safety of PRoW users; parking area impractical likely to lead to reversing out.
- Temporary PRoW diversion would be unsafe.
- Surface water and foul drainage concerns; exacerbate existing infrastructure problems.
- Poor design, failure to recognise the South Devon AONB.

**Relevant Planning History:**

28/0403/06/F

Re-development to provide 6 no. apartments.  
Withdrawn.

28/1571/06/F

Resubmission of 28/0403/06/F for a redevelopment to provide 6 no. dwellings.  
Conditional Approval 10.03.2008.

28/0660/11/DIS

Discharge of conditions 1 - 11 for planning approval reference 28/1571/06/F (for a redevelopment to provide 6 no. dwellings)  
Discharge of Conditions Approved 16.12.2011.

0764/16/NMM

Non-material amendment for fenestration materials, windows, wall cladding and facias, soffits etc of approval 28/1571/06/F.  
Approved 15.04.2016.

0256/17/FUL

Construction of 5 no. apartments.  
Conditional Approval 04.05.2018.

0490/21/ARC

Application for approval of details reserved by conditions 4 and 7 of Planning Permission 0256/17/FUL.  
Discharge of Conditions Approved 15.10.2021.

1652/21/ARC

Application for approval of details reserved by condition 9 of Planning Permission 0256/17/FUL  
Discharge of Conditions Refused 15.10.2021.

The most recent, 2018 planning permission is considered to have lapsed without lawful implementation. This is because important condition precedent matters going to the heart of the permission had not been resolved prior to the deadline for determination of 4<sup>th</sup> May 2021.

There is some debate in relation to the 2008 permission and whether it too remains extant. On the one hand, a public representation suggests that it does not because the development was not lawfully implemented within the time limit. The interested party points to photographs taken in 2021 which ostensibly show that no works had taken place on the site previously, as claimed by the Applicant. On the other hand, the Applicant maintains that it was implemented in time. Officers are aware that material operations, as defined by s56 of the principal Act, can be broad in scope; case law has also established that the digging of a trench for foundations might amount to such an operation even where it is subsequently filled in for safety reasons. Nevertheless, officers are not in a position to gainsay either view.

Typically, such discussions can be important because if the 2008 permission were extant, and it remained a realistic delivery prospect, then it might be considered material to the current decision on the basis of being a “fallback” position for the Applicant to rely upon should the current application fail. It is also noted that the 2008 permission relates to the same site area albeit for an increased number of units and a larger building. Notwithstanding the above, and in the absence of clear evidence either way, officers consider it prudent to adopt a cautious stance. The present application has therefore been considered on its own merits and against the current planning policy framework. It remains open to the Applicant to seek to establish the legal status of the 2008 permission by making an application under ss.191/192 of the same Act should they so wish.

This does not mean, however, that it cannot be useful to consider those previous decisions taken by the Council in relation to the impacts of similar development on the site. This is because consistency in decision taking is an important public principle.

## **ANALYSIS**

### Principle of Development/Housing Mix:

The application site falls within the discernible built up area of Kingsbridge, which is a Main Town within the JLP. It follows that notwithstanding the planning history of the site, there is no

objection in principle to residential development in the location proposed and this would be consistent with decisions taken by the Council in the past.

The application proposes 3no. terraced units; 2 no. 3-bed and 1 no. 4-bed. Local housing data for the Kingsbridge area indicate that detached, semi-detached, and terraced properties are broadly in equal supply albeit with a slightly elevated proportion of terraced properties and a much higher number of flats. There is a need for/undersupply of 1 and 4-bed units, with a significant overprovision of 2 and 3-bed units.

Having regard to policy DEV8 there are aspects of the development which would accord with that policy, and others that would not, where the policy seeks to ensure that there is a range of housing to broadening choice, and supporting proposals that redress any imbalance in existing housing stock. Overall, the introduction of the proposed housing mix, whether taken as a minimum based on flexible home office space or maximum in terms of bed space, would not negatively skew said data so as to constitute a reason for refusal: the proposed development would not exacerbate an existing imbalance in the town, especially bearing in mind the minor scale of development proposed. As such, the proposal accords with JLP Policy DEV8 or, at least, would not directly conflict with it and this is considered to be a matter of neutral weight. It is also observed that the recent 2018 permission permitted 5 no. flats (3 no. 3-bed and 2 no. 2-bed). Arguably the current proposal provides a slightly better mix.

The principle of development of 3 no. terraced dwellings of the bedroom nos. proposed is therefore accepted and would overall accord with policies DEV8, STP2, TTV1, and TTV2.

#### Design; Character and Appearance:

Consistent with previous decisions taken by the Council, the overall scale, form, and appearance of the building is considered to be appropriate, taking into account other buildings within the vicinity and the prevailing character and appearance of the area. Whilst no “fallback” is considered to exist on the evidence available, it is noteworthy that the building now proposed is smaller than those approved by the Council previously.

The materials palette is considered to represent a positive response, with the significant use of natural stone at ground amenity level a positive introduction reflective of the area, whilst at the same time reducing the visual impact of the development and its perceived height (which would in any event sit comfortably within the environs bearing in mind the surrounding topography and development thereabouts, including Kiln House and Kingsbridge Sports Centre). Councillors’ attention is drawn to the context elevation plan in that regard.

The design of the building, with hipped roof elements and stepped levels in height, together with the use of different materials would act to reduce the visual massing of the building. The domestic appearance would be in-keeping with other development and the proposed balconies would add articulation; each elevation would have a clear, public face. As previous decisions have found, the impact on the AONB would be negligible, and of no negative effect, because it is within the built-up area of the town and would be viewed in that context; it would at least conserve the particular and perceptible qualities of the locality. With the landscaping proposed, enhancement can be secured.

The application would therefore accord with policies DEV10, DEV20, DEV23, and DEV25.

#### Heritage

The nearest listed building is the Kingsbridge and Dodbrooke War Memorial (GII), directly to the east approximately 120m away.

In accordance with s66 of the listed buildings Act, special regard has been paid to the desirability of keeping that identified designated heritage asset from harm; in practice this means affording considerable importance and weight/great weight to any harm identified, recognising that any such harm gives rise to a presumption against granting permission (as confirmed repeatedly through case law). Every effort must be made to at least preserve significance.

In this case there is a limited visual connection between the two sites. Even if the application site is considered to fall within the setting of that asset (on account of it falling within the surroundings in which the asset could be experienced, on a very generous view) the development would not pose harm to the significance of the asset not least because of a lack of functional or historic connection between the two sites, but also because the development would be read within its built up context.

It follows that the development would accord with policy DEV21 and the Council can be satisfied that it has discharged its duties under the listed buildings Act.

#### Highways and Access:

Access into and out of the site is considered to be safe and suitable for all users, and impacts on the local network would be minimal in light of the minor development proposed. The Local Highway Authority have advised that they have no objection to the development.

The applicant has worked positively to address concerns raised in relation to the arrangement of parking within the undercroft area. Amendments to that plan include reconfiguration and alignments of bin stores and storage areas and re-positioning of allocated spaces which are of the size designed to meet the standards set out within the SPD. Whilst to an extent the success of those arrangements would depend upon the considerate use and relationship between future occupiers (i.e. inconsiderate parking could very quickly lead to conflict / occupiers being forced to take more risky manoeuvres out of the site), it is on balance felt that reasonable use could ensure that vehicles could enter and leave in forward gear.

The number of parking spaces allocated to Unit 1 would not meet the standard typically expected by the SPD, providing only two spaces as opposed to the required three. On balance this is considered to be acceptable, noting that the Local Highway Authority raise no objection and in light of the highly accessible location, which offers a good range of local amenities and public transport options and where it might be expected for occupiers to be less dependent on the private car.

Members of the public would continue to have pedestrian access from Quay car park to Tumbly Hill. However, as referred to in the application documentation a diversion of a public footpath is required. An existing Public Path Diversion Order, administered by the Council under the provisions of the principal Act, exists, and has been confirmed. It has not as yet come into effect, however, as the new route has not been made available, and therefore the Council cannot as yet certify the Order. That Order was processed as part of an earlier planning application for the site, which was dependent upon the developer purchasing part of the Quay Car Park from South Hams.

A 2-metre-wide marked footway is proposed which would result in the loss of some existing parking bays. However, it has also been demonstrated that there need not be a net loss to parking overall and as part of a land swap it is possible for a net gain of 1 no. space to be secured. That would be a matter for the Council as landowner. Previous decisions have not made planning permission contingent upon the satisfactory delivery of the diverted pedestrian access. A Grampian-type condition could enforce that improvement, if Members were so minded, however, on balance, officers are satisfied with the current proposal in terms of the impact upon the adjacent car park and its provision.

A secondary issue is that, until such time as the new diversion route of the Public Footpath has been created and certified, the developer would need to apply for a Temporary Traffic Regulation Order to close the existing legal line of the footpath, prior to commencing work that would impact on the use of the Public Footpath. This is a legal matter for the applicant to ensure is carried out, but does not impact on the planning balance. In any event, officers have no reason to consider that this would not be safe or practical for the duration required.

Comments received in relation to the submitted Construction Management Plan are noted. Members are advised that is effectively the same document as that approved by the Council last year, pursuant to the 2018 permission. It is therefore felt to be unreasonable to reject that Plan on the basis that it has already been considered favourably. A condition is recommended to require compliance with that Plan.

Subject to conditions the application would accord with policy DEV29 in relation to highway and access matters.

#### Residential Amenity:

Due to the degree of separation involved between the proposed development and nearby occupiers (the nearest being Tumbly Hill Day Centre c.20m away, with further flatted units oriented away from the development to the west, and some 40m away to the north), the development is not considered likely to pose any detriment to the amenity of any neighbouring occupants. This is because of the distance involved, the orientation of the proposed units and their openings on the western and northern elevations of the proposed building, and the topography where land rises steeply to the west. It is recognised that similar development on the site has been approved by the Council in the past, on the same basis.

Likewise, the chance of overlooking between the proposed units has been mitigated through the orientation of property and defined breaks between built elements, alongside screening.

Policy DEV10 of the JLP seeks to deliver high quality housing with good living standards, which includes providing sufficient external amenity space and/or private gardens. Such spaces are important where they provide opportunity for storage, sitting out, recreation, and the drying of clothes.

Each unit would be provided with an external private amenity area as part of the terraces at ground floor level. In respect of terraced units the SPD sets a minimum requirement of 50sqm. Unit 1 would exceed that requirement; Unit 2 would fall short of that requirement by a modest amount (c.40sqm); Unit 3 would fall significantly below (c.25sqm). On the other hand, it is noted that each unit would be significantly in excess of the Nationally Described Space Standard and would be provided with additional storage space at the lower ground level. Recreational and play opportunities are a short walk away. On that basis and, on balance, the development is considered to be acceptable where the outdoor terrace amenity space would have some utility



and would nevertheless complement the other space available. A lawned area to the south is also proposed but due to the configuration of building and constrained nature of the site this is likely to suit Unit 1 only.

The application is considered to accord with policies DEV1, DEV2, and DEV10.

#### Flood Risk and Drainage:

The site is within Flood Zone 1 but careful attention has been paid to the application due to its proximity to the estuary and known flooding issues in the locality. Flood Zones 2 and 3 lie adjacent to the east.

No residential accommodation is proposed on the ground floor (as relating to that lower land level), where it is proposed as parking and storage. In light of previous favourable decisions relating to development of the site in similar circumstances, the application is considered to be acceptable in this respect.

Foul water would connect to the existing mains which is acceptable. In relation to surface water drainage, soakaways are not feasible due to limited space and proximity to the estuary. On that basis, attenuation and discharge to the estuary is proposed. South West Water raise no objection to that approach albeit where 3<sup>rd</sup> party land is involved, requisition may be required. Ultimately, this is a land ownership issue which would need to be resolved outside of the planning process. A condition is recommended to ensure that full design details including demonstration of delivery feasibility are provided by an appropriate trigger.

The application is therefore acceptable in relation to flood risk and drainage matters in compliance with policy DEV35.

#### Energy Efficiency and Climate Change:

In accordance with JLP policy DEV32, the applicant has completed the Council's standard checklist in order to propose measures that would limit carbon emissions and minimise the use of natural resources in the development over its lifetime, with due regard to the energy hierarchy (criteria 1., 3., and 4. of the policy). Such measures proposed by the applicant include the orientation of buildings with openings positioned to make use of solar gain, general built fabric efficiency including mechanical ventilation with heat recovery to maintain air tightness, air source heating, EV charging, and solar and thermal PV.

Subject to the development being carried out in accordance with those measures, which can be secured by condition, the application is acceptable in this respect and would accord with the policy.

At present the submitted drawings do not identify the siting and/or arrangement of external measures such as PV and air source heat pumps. Amended drawings are awaited in that respect and are anticipated to be received prior to Committee, which will necessitate an amendment to the approved drawings condition accordingly.

#### Ecology:

The Applicant has completed the Council's standard checklist for wildlife and geological triggers. Due to the nature of the site and development proposed, the development is unlikely to pose any adverse impact in relation to priority and/or protected species. The landscape

scheme proposed would offer some benefit and a net albeit minimal gain to biodiversity versus the existing situation. The submitted DEV32 checklist also proposes the inclusion of bird, bat, and bee boxes/bricks in the build. The application is therefore considered to accord with policy DEV26.

### Planning Balance:

The recent case of *Corbett*<sup>1</sup> has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.

The development would be sited in a sustainable location, in one of the Main Towns of the JLP. The massing of the proposed building is considered to be appropriate given its location and the scale of neighbouring buildings. The eastern elevation will be open to public view from the Quay car park, the estuary, Embankment Road, as well as residential roads on the eastern side of the estuary. Viewed from the east elevation, the new building would not appear as an overly dominant building within the landscape, given its position adjacent to other buildings of similar scale.

The natural stone plinth, in contrast to the timber clad and rendered walls, would have the effect of breaking up the visual mass of the building and would reinforce local distinctiveness. The building would appear to be three storeys from the east elevation on top of the stone plinth. The proposal is considered to be appropriate in terms of scale, design and materials. The landscape approach is also considered to be positive and would offer some relief at ground amenity level. The development would result in an acceptable relationship with the adjacent properties. The building would not appear overly dominant and overbearing and there would not be detriment to the amenity of neighbouring occupants.

The limited amenity areas afforded to Units 2 and 3 are, on balance, considered to be acceptable bearing in mind the overall size of the properties and the additional storage space provided at the lower ground level. Likewise, whilst the development would not particularly improve upon any existing housing imbalance in local stock, it would not materially exacerbate any such imbalance either.

Overall and in the round, the application is considered to accord with the development plan as a whole.

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

### **Planning Policy**

#### Relevant policy framework

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

---

<sup>1</sup> *R (Corbett) v Cornwall Council* [2020] EWCA Civ 508.

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14th January 2022 DLUHC published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

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  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy 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  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and water quality impacts

**Neighbourhood Plan:**

The Kingsbridge Neighbourhood Plan has reached 'Reg 15' stage and consultation is ongoing, due to close 11<sup>th</sup> March 2022. As a matter of judgement, and in the absence of examination on the submission draft of the plan, the Kingsbridge NP is a consideration of limited weight such that it plays no determinative role in the application at the present time.

### **Other Considerations:**

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Regard has also been paid to the JLP SPD.

The development complies with the policies of the NPPF when considered as a whole. That consideration reinforces the direction of the development plan in approving the development and, in accordance with the presumption in favour of sustainable development (para. 11.c) of the NPPF), planning permission should be granted without delay.

There are no material considerations which indicate that the direction of the plan should not be followed in this case.

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

### **Proposed Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

*Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall in all respects accord strictly with drawing number(s) and documents:

- Site Location Plan ACL.1260.001 A
- Existing Site Survey ACL.1260.219
- Site Works Plan ACL.1260.215 C
- Proposed Drainage Strategy ACL.1260.216 B
- Proposed Block Plan ACL.1260.218
- Proposed Site/GF Plan ACL.1260.212 A
- Proposed Floor Plans ACL.1260.209 C
- Car Parking Plan ACL.1260.220 A
- Proposed Elevations 1260.210 B
- Proposed Hard and Soft Landscaping Plan ACL.1260.214 A
- Policy DEV32 Checklist / Sustainability Measures

*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. No dwelling shall be occupied until the sustainability measures identified within the policy 'DEV32 Checklist/Sustainability Measures' document including solar/thermal PV

panels and air source heat pump to serve that dwelling have been fully implemented and installed.

*Reason: To ensure that the proposed development is carried out in accordance with the details and DEV32 checklist forming part of the application to which this approval relates. This condition is required to meet the requirements of policy DEV32.*

4. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Design steps as below:
  - i. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%). Please note a pumping system for surface water drainage cannot be accepted, therefore the scheme should rely solely on gravity.
  - ii. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
  - iii. Full design details and sectional drawing showing the specification, routing, and make up will be required.
  - iv. A scaled plan showing the full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership.
  - v. In case drainage network needs to cross third party land then third-party permission will be required.
  - vi. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

*Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development to meet the requirements of policy DEV35.*

5. The development shall be carried out at all times in accordance with the submitted Construction Management Plan (Rev A – Feb 2022). There shall be no deviation from the measures/controls within the Construction Management Plan unless previously agreed in writing by the Local Planning Authority.

*Reason: To ensure an orderly development in the interests of safeguarding amenity, highway safety and access to meet the requirements of policies DEV1, DEV2, and DEV29.*

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

*Reason: In the interests of visual amenity and the character and appearance of the area to meet the requirements of policies DEV10, DEV20, DEV23, and DEV25.*

7. All areas of new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding and pointed in a brown mortar finish recessed from the outer face of the walls. A sample panel or not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

*Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish to meet the requirements of policies DEV10, DEV20, DEV23, and DEV25.*

8. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details on Proposed Hard and Soft Landscaping Plan ref. ACL.1260.214 Rev A shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of works above slab level or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing to be retained) which die, are removed, seriously damaged or seriously diseased, within a period of 5 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

*Reason: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area to meet the requirements of policies DEV10, DEV20, DEV23, and DEV25.*

9. 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 to meet the requirements of policy DEV2.*

10. No dwelling shall be occupied until the vehicle parking provision for that dwelling as shown on the approved drawings has been laid out and made available for use, thereafter not being used or precluded from being used for any purpose other than the parking of vehicles.

*Reason: In the interests of highway safety and in order to provide sufficient parking to meet the needs of the development to avoid on-street parking, or prejudice to the wider public operation of the car park adjacent to meet the requirements of policy DEV29.*

#### **Informatives:**

1. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
2. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.
4. Until such time as the new diversion route of the Public Footpath has been created and certified, the developer would need to apply for a TTRO to close the existing legal line of the footpath, prior to commencing work that would impact on the use of the Public Footpath.
5. It should be noted that if the route of the drainage is within land owned by others, the agreement of the landowner to undertake the works should be sought.