

# PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

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

**Application No:** 25/1720/15/O

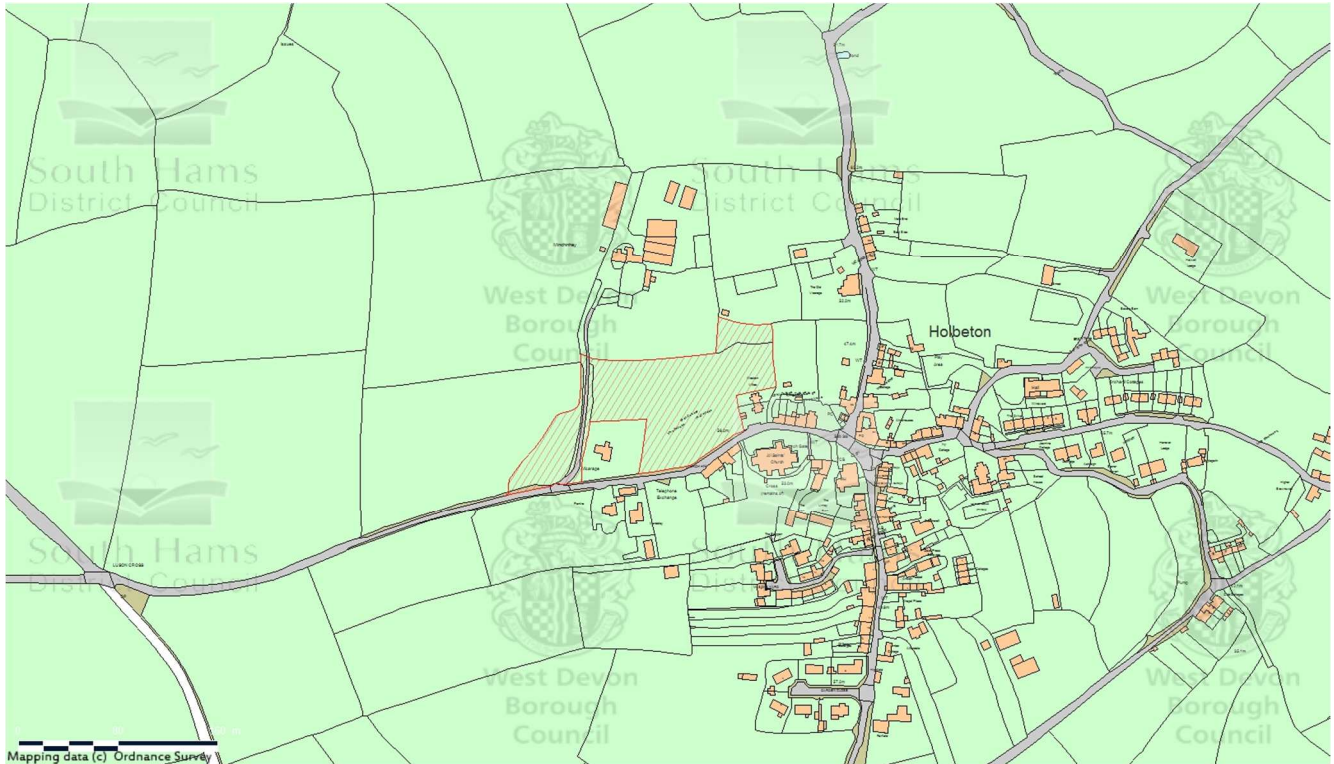
**Agent/Applicant:**  
Savills incorporating Smiths Gore  
York House  
Blackbrook Business Park  
Taunton  
Somerset  
TA1 2PX

**Applicant:**  
Trustees of Flete Estate  
Haye Farm  
Holbeton  
PL8 1JZ

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

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

**Reason item is being put before Committee:** This application has previously been considered by this Committee and a resolution to grant Conditional Approval was made. The validity of this decision has been challenged on a number matters and it has been decided that it is appropriate to return the application to the Committee to consider the concerns raised.



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

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

The Section 106 should secure the following:

- 35% on site provision of affordable housing
- £38,306 towards infrastructure at Ivybridge Community College
- £13,851 toward school transport
- Ongoing management and maintenance of open space, SUDs features, landscape and wildlife features in accordance with LEMP in perpetuity
- Provision of footpath link to Church Hill
- £380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field or other play facilities to be agreed by the local Parish Council
- £595 per occupier for improvements to the Holbeton playing field to allow increased use for sports
- Public access and on-going management of the allotment area in perpetuity
- Public access, use in perpetuity and ongoing maintenance and management of the car park

## Conditions

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

- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented
- Removal of PD – roof alterations, means of enclosure, hardstandings, boundary treatments.
- Garages and parking areas to be provided in accordance with approved details prior to occupation
- Vehicular access and road to be provided in accordance with phasing plan to be agreed
- No external lighting in public areas other than that agreed in lighting strategy
- Development in accordance with Ecology Report
- Materials to be agreed
- Boundary treatments

### **Key issues for consideration:**

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

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

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

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

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

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

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

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

## **Site Description:**

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

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

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

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

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

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

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

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

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

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

## **The Proposal:**

Whilst this is a stand-alone application it is possible that if planning permission for application 25/1721/15/O for 11 houses at Vicarage Hill is approved the affordable housing quota for that site may be provided on the Church Hill site. This however does not materially affect this application which is in outline.

The proposal at Church Hill is for the construction of 14 dwellings of which 35% (5 units) would be affordable homes, a community car park, community allotments, public open space and a footpath link through to Church Hill. It is anticipated that the scheme will also reduce existing surface water flooding problems associated with Minchinhay.

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

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

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

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

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

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

#### **Consultations:**

- County Highways Authority: No objection subject to conditions
- Environmental Health Section: No objection subject to conditions
- SHDC Ecology: No objection subject to conditions and implementation of a LEMP to be secured in a 106 Agreement.
- AONB Unit: No objection subject to conditions.
- DCC Archaeology: No objection subject to pre-commencement condition requiring a programme of archaeological work
- SHDC Landscape: No objection subject to conditions
- Open Space, Sport and Recreation: No objection subject to financial contributions to secure the following:

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

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

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

£38,306 towards infrastructure at Ivybridge Community College

£13,851 toward school transport

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

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

- SHDC Conservation: No objection

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

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

- Town/Parish Council: Support subject to:
  - The applicant must provide the additional information as identified in the Lead Local Flood Authority Response document compiled by Richard Rainbow and as annexed to these minutes, and observe strict adherence to the pre-commencement conditions as set out in the aforementioned document.
  - Further consideration, from a safety aspect, be given by the applicant to pedestrian access, both from the car park to the housing (ie car to door) and also from the site to the village.
  - As a heritage site, the applicant responsible is to acknowledge the monk's path and treat it sympathetically along with any other special unique characteristics the development may uncover
  - Restriction on second homes and holiday lets

### **Representations:**

There are approximately 26 objectors who have submitted representations which include the following reasons:

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

- Adverse impact on conservation area or a listed building
- Adverse impact on setting of Grade 1 listed church
- Impact on important trees
- Design and appearance
- Car parking provision
- Loss of ancient link across the site
- Likely to become second homes

Two letters in support has been received which raises the following issues:

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

Since the Council resolve to approve this application on 2 August 2017 a number of complaints have been submitted raising issues that include the following:

- A comment should have been obtained from the AONB Unit on the revised scheme, the LPA was legally obliged to elicit comments from them before the meeting.
- Consultation comments from DCC Archaeology were not reported to the Committee
- Many letters of objection were not visible on the web site
- The number of letters of objection was significantly mis-represented.
- The two application sites are linked, their cumulative impact should be considered and the development classed as Major Development in the AONB where para 116 of the NPPF applies.
- The officer did not mention the AONB location on the site visit
- Members were not specifically told to look at visual impacts from the church lych gate when on site, nor were they conducted up Fore Street.
- The Conservation buffer zone was not included on the map shown to Members at committee.
- The application was rushed to committee at only 2 weeks notice.
- The Officer Report gave undue weight to para 49 of the NPPF
- It was not made clear that there is no right of way across the Church yard
- Failure to consider disabled access
- New Homes Bonus given undue weight in the Officer Report
- Contravenes Council's own site assessment

### **Relevant Planning History**

None



## ANALYSIS

### Principle of Development/Sustainability:

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

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

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

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

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

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

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

At present this Council has a demonstrable 5 year housing land supply through sites that have been identified in the emerging Plymouth and South West Devon Joint Local Plan (JLP) but the evidence base for the allocations has yet to be tested; as such limited weight can be given to this supply.

The adopted Development Plan housing supply policies relate to supply up to 2016 and is now out of date. As such paragraph 49 applies to the consideration of housing applications in the area. Policies CS1 and DP15 are therefore considered to be out-of-date.

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

*In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are "significantly and*

*demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise.*

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

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

Para.115 of the NPPF states that:

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

Paragraph 116 of the NPPF states that:

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

The definition of major development can cause some confusion. For the purposes of para 116 of the NPPF this matter is not to be determined by reference to the definition of ‘major development’ for the purposes of the Town and Country Planning (Development Management Procedure)(England) Order 2015, which refers to major development being 10 or more dwellings. Instead the advice of the National Planning Practice Guidance is that the definition of major development it will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.

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

The AONB Unit have stated that they do not consider this application, on its own, constitutes major development in the AONB but together with the application at Vicarage Hill they do consider the cumulative impact of the schemes would result in major development in the AONB. Officers do not agree with this assessment for the reasons set out above.

This application is presented to Members as a stand-alone scheme; as and when the application for development at Vicarage Hill is re-presented to Members the issue of cumulative impact may become relevant. It is not considered to be considered relevant at this stage.

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

## **Affordable Housing**

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

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

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

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

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

In this instance it is proposed to provide 35% affordable homes on site, this will result in the provision of 5 affordable homes. It is possible that if planning permission is granted for the Vicarage Hill site that additional units of affordable housing will be provided on this site; this will not impact on the overall number of homes to be provided

The Church Hill site is well related to the village and the illustrative layout indicates an attractive layout set around a large open common. This should provide a pleasant living environment.

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

## **Landscape:**

Policy DP2 of the LDF states that:

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

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

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

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

Para 115 of the NPPF states that

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

The AONB Unit did not provide a consultation response on the revised layout at Church Hill in advance of the application being previously considered by the Committee on 2 August 2017. The AONB Unit were consulted on this and sent a number of reminders which they did not respond to. The AONB Unit have now provided a detailed consultation response (received on 16/11/2017) which addresses this application and the Vicarage Hill application. Their full comments are appended to this report.

The AONB Unit do not object (take a neutral stance) to the proposed development in isolation but state that if the LPA is minded to consent this application appropriate conditions must be used to ensure the proposed layout is achieved; the final design and materials of the housing respects and enhances the very coherent character of Holbeton; the strategically positioned open space is appropriately managed; and that the boundary Devon hedges and their banks are safeguarded and continue to provide visual amenity and ecological function.

The AONB Unit comments that the Church Hill application appears to better match local housing need and shows clear evidence of design and layout mitigation having been carefully considered for the site, though in their view some landscape and scenic beauty impacts remain. They consider the application both accords and conflict with AONB Management Plan Policies in roughly equal measures

The AONB Unit object to this proposal if combined with the Vicarage Hill site but take a neutral stance if the application is considered in isolation.

The full comment from the AONB Unit is as follows, much of which relates to the Vicarage Hill application rather than this application at Church Hill:

#### South Devon AONB Consultation Response:

##### Consultation response to planning application

*The South Devon AONB Unit **objects** to the combination of planning applications 25/1720/15/O and 25/1721/15/O, **objects** to 25/1721/15/O if considered as a stand-alone*

scheme and has a **neutral position** to planning application 25/1720/15/O if considered as a stand-alone scheme.

*The two applications have been presented by the applicant as inter-dependent, therefore given the combined quantum of development in the context of Holbeton and the level of associated harm arising to landscape and scenic beauty of the South Devon AONB, these applications in their combined form are considered NPPF para 116 major development with an absence of exceptional circumstances and overriding public interest and should be refused. The presumption in favour of sustainable development is removed in this instance by the application of footnote 9 to Paragraph 14 of the NPPF. Exceptional is to be understood as meaning unusual or rare.*

*Application 25/1721/15/O at Vicarage Hill on its own, is similarly considered to constitute NPPF para 116 major development in the context of the Holbeton part of the South Devon AONB based on the nature of the development and level of harm to the South Devon AONB that would result with an absence of exceptional circumstances and overriding public interest.*

*The circumstances with 25/1720/15/O in isolation are however different and given the part allocation of the site in the current development plan together with modifications made to layout in order to conserve the settings and views of heritage assets, this application is more finely balanced and does not constitute major development. Great weight should be applied to the landscape and scenic beauty in this part of the AONB. If the LPA is minded to consent this application appropriate conditions must be used to ensure the proposed layout is achieved; the final design and materials of the housing respects and enhances the very coherent character of Holbeton; the strategically positioned open space is appropriately managed; and that the boundary Devon hedges and their banks are safeguarded and continue to provide visual amenity and ecological function.*

### Reasons for response

*The potential for harm to the AONB is the foremost consideration in determining whether a development is NPPF para 116 major development or not. In our view the combined scale and impacts of these two applications must be considered as NPPF para 116 major development in the context of the Holbeton area of the South Devon AONB. NPPF paragraph 116 requires that planning permission should be refused unless exceptional circumstances apply and these are demonstrably in the public interest. The same position applies to the Vicarage Hill proposal by virtue of harm to AONB character and scenic beauty that would arise.*

*General exceptional circumstances such as the need for housing does not necessarily equate to exceptional circumstances for the two particular sites that form the subject of these two proposals.*

*The local planning authority must investigate and assess the matters identified in the three bullet points of NPPF paragraph 116:*

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- the cost of, and scope for, developing elsewhere outside of the AONB, or meeting the need for it in some other way; and*
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

*as well as other relevant considerations.*

*The two related tests must then be applied:*

- *do exceptional circumstances exist in this instance? and*
- *having given great weight to conserving landscape and scenic beauty in the AONB can it be demonstrated that this proposed development is in the public interest?*

*The LPA is reminded that by virtue of NPPF para 116 applying to these cases, the planning balance for determining the applications is not an ordinary or standard balancing exercise which would involve merely balancing the ‘exceptional circumstances’ and ‘public interest’ against the harm to the AONB. Instead the balancing exercise must be a weighted one in which there is a strong statutory presumption against development and that the conservation of the AONB’s landscape and scenic beauty are given great weight.*

*The Church Hill application appears to better match local housing need and shows clear evidence of design and layout mitigation having been carefully considered for the site, though in our view some landscape and scenic beauty impacts remain. On its own we do not therefore see this as AONB major development.*

*Both proposals must meet the principal policy tests required by landscape and environment policies of the adopted development plan, and be in accordance with the National Planning Policy Framework.*

*Duty of regard for the AONB purpose*

*In considering these planning applications, the Planning Authority is also reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s85) and of the policies in the Council’s adopted statutory management plan for the South Devon AONB which is a material consideration in determining this application.*

*South Devon AONB Management Plan*

*The South Devon AONB Management Plan policies particularly relevant to both applications include:*

- **Plan/P2** *Development management decisions give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB*
- **Lan/P1** *The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.*
- **Lan/P2** *The use of landscape and seascape character assessments and historic landscape and seascape characterisation will be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance the special qualities of the South Devon AONB.*
- **Lan/P4** *Levels of tranquillity throughout South Devon AONB will be maintained and where practicable enhanced, in order to ensure this special quality is not further devalued.*
- **Lan/P5** *The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought together with improvements to reduce the visual impact of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure; external lighting that creates night time scenic intrusion; and visually dominating buildings that are inconsistent with landscape character.*
- **BioGeo/P3** *Opportunities will be sought to establish well functioning ecological networks at a landscape scale to improve connectivity and resilience, strengthen landscape character and safeguard for the benefit of wildlife and people, those services provided by the natural environment. This approach will also provide for the creation, enhancement or planned*

migration of habitats which are under threat from human activity, climate change or sea level rise, using the Devon Nature Map and its Strategic Nature Areas as guidance.

- **Hist/P1** The identification, protection and active conservation of the AONB's cultural and historic environment will be promoted and supported.
- **Hist/P2** The entire South Devon AONB landscape will be regarded as a single unified heritage asset of national importance, given the number and extent of designated and non-designated historic features and the age and complexity of the field, road and settlement pattern.
- **LanMan/P3** The retention and sensitive management of trees and woodlands will be promoted, especially the hedge banks, hedgerow trees, historic parkland trees, ancient woodlands, small woods, orchards veteran and ancient trees which are of particular importance in the AONB. The planting of orchards, specimen trees and some new woods will be encouraged, subject to existing biodiversity interests and the careful selection of sites and species to reflect and strengthen local landscape character.
- **Trans/P2** The landscape and cultural features of the AONB's road network will be protected and conserved – including hedge banks, flower-rich verges, and locally distinctive highway “furniture” such as mileposts and stone bridges.

Taken in combination, the Vicarage Hill and Church Hill applications conflict with the majority of above AONB Management Plan policies. The Vicarage Hill application in isolation conflicts with all of the above AONB Management Plan policies and Annex 3 to the AONB Management Plan: adopted AONB Planning guidance. The Church Hill application in isolation, both accords with and conflicts with the above AONB Management Plan policies and Annex 3 to the AONB Management Plan: adopted AONB Planning guidance in roughly equal measures.

#### *South Devon AONB Special Qualities*

*The AONB special qualities most pertinent to this application are considered to be:*

- *Deeply rural rolling patchwork agricultural landscape.*
- *A landscape with a rich time depth and a wealth of historic features and cultural associations.*
- *An ancient and intricate network of winding lanes, paths and recreational routes.*
- *Iconic wide unspoilt expansive panoramic views*
- *A breadth and depth of significant habitats and species.*

#### *Landscape and Visual Impacts*

*The applicant's LVIA is noted however it relates to early versions of scheme design and was not updated. Whilst the assessment methodology that has been followed is broadly sound the presentation of viewpoint photos at 3 panoramic images to a page does not follow best practice and distorts impacts to some degree. Additionally although a wireframe of an earlier version of the Church Hill site has been included in Appraisal photo 12, the same does not appear to have been provided for the Vicarage Hill site from a viewpoint that represents a worse case scenario i.e. from Fore Street looking northwards or southwards down the narrow intimate section of Vicarage Hill lane that will be substantially altered by part removal and part alteration to the existing mature double height Devon bank.*

*Aside from the accuracy of visual impact representations and conclusions, we believe the landscape impacts associated with the Vicarage Hill site are underplayed, partly due to the choice of viewpoints. Holbeton's landscape is very susceptible to change and is a high value landscape making an important contribution to the South Devon AONB.*

*The in-combination effects of introducing 25 new dwellings, access roads, street lighting, car parking, relocation of the village hall to a more prominent location, tree removal, introduction of visibility splays, disturbance to double height Devon banks and the introduction of*

*urbanising features represents a scale, pace and character of development that is disproportionate to and does not respect Holbeton's strong and distinctive village character.*

*The Vicarage Hill site would cause the spread of development away from the village centre to a largely isolated field resulting in the northern edge to the village moving significantly northward and reducing the clear separation between Ford and Holbeton. Intervisibility with the hamlet of Ford would arise as the screening effect achieved from the existing Devon hedge line would not prevent buildings visible on the skyline.*

*Overall, I would contend that for some viewpoints there are major to moderate adverse effects on village character and appearance arising from the Vicarage Hill site.*

*Recent planning appeal decisions would suggest that the critical issue to address in determining this application is whether the proposals harm the character and appearance of the South Devon AONB. The cumulative effects of these proposals with other consented development throughout Holbeton over the last 10 year period feels at odds with the character and scenic beauty of the village. Taken together it is clear to us that the quantum of the proposals would markedly alter the character and scenic beauty of Holbeton and that the change would not be consistent with landscape character.*

### Lighting

*The area covered by this application is currently unlit. Contrary to policy, the proposals will introduce lighting into two areas of agricultural fields/woodland and therefore increase rather than limit or reduce the effects of light pollution on the natural nightscape of the South Devon AONB. This would not conserve and enhance natural beauty.*

### Conclusion

*The proposals in combination, and alone in the case of the Vicarage Hill site, would result in detrimental effects on the environment and landscape of the South Devon AONB. Harm to the AONB and its special qualities arising from the Vicarage Hill proposal could not be effectively moderated. After having given great weight to conservation of landscape and scenic beauty, the proposals in combination and alone in the case of Vicarage Hill, do not achieve sustainable development.*

The Council's landscape specialist does not object to this application and has commented on the revised illustrative layout as follows:

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

### Landscape Character and Visual Amenity

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

*The application is accompanied by an LVA (Savills; dated July 2015), this is noted and is broadly sound in the approach and conclusions drawn. However, the officer appraisal has been considered in light of the most recent concept plan which differs from that included in*



*the LVA; it is also acknowledging this is an outline application and design may subsequently be further altered. Careful consideration has been given to the baseline position established by the LVA and the most recent concept plan considered in that context.*

*In considering the application, officers have also referred to the most up to date Landscape Character Assessments (JLP evidence base), in particular with a focus on the Landscape Character Types and accompanying analysis. The site is within 1B – Open coastal plateaux. It is adjacent to the settlement boundary and, as a result of the topography, well contained visually, with limited or negligible impacts more widely. Key landscape features are retained, and their context understood in terms of the proposed scheme and layout, ensuring that the overall character is conserved. Boundary hedge-lines will need to be secured for retention either within a management company or by deed, in particular along the Church Hill lane.*

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

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

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

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

## **Trees**

The Council's arboriculturalist has commented as follows:

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

Impact on trees is acceptable.

## **Heritage/Design**

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

Policies DP1 and CS7 of the LDF require that all development will display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape. The NPPF states that good design is a key aspect of

sustainable development and should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (para 56 and 58).

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

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

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

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

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

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

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

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

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

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

When this application was last considered by this committee the report failed to include reference to a consultation response from DCC Archaeology which raised a holding objection requiring on site investigation to take place prior to the determination of the application.

These on site works have now taken place and a report prepared and submitted to DCC, it is available to view on the website. This work has confirmed the presence of a prehistoric or Romano-British ditched enclosure lying partially within the proposed development site. DCC do not consider the significance of this heritage asset to be such that they would advise preservation *in situ*. However, groundworks for the construction of the development will expose and destroy archaeological and artefactual deposits associated with this early settlement site. As such it is recommended that a planning condition be applied to secure a programme of archaeological work to secure an appropriate record is made of the archaeological evidence, in accordance with Policy DP6 of the development plan and para 141 of the NPPF.

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

## **Ecology**

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

Para 118 of the NPPF states that:

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

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

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

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

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

Ecological impact is considered to be acceptable.

### **Neighbour Amenity:**

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

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

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

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

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

### **Highways/Access:**

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

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

It has been pointed out that the footpath through the Church yard is not a public right of way; officers are not aware however that there is any intention to restrict access through the church yard.

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

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

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

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

### **Drainage:**

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

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

The final comments from the DCC engineer are as follows:

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

South West Water raise no objection to this application.

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

### **The Planning Balance**

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

Para 14 sets out two criteria:

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

#### Benefits of the development:

Provision of 14 new houses

Provision of 5 affordable homes within Holbeton

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

Provision of community allotments.

Provision of public open space

Betterment of drainage/flooding problems

Economic benefit to the local economy during construction

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

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

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

Significant adverse Impacts of the development:

None

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

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

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

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

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

It is recommended that conditional planning permission be granted.

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

## **Planning Policy**

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

The relevant development plan policies are set out below:

### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

### ***Development Policies DPD***

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside

### **The Countryside and Rights of Way Act 2000**

### **South Devon AONB Management Plan**

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

### **Emerging Joint Local Plan**

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

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

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

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

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT11 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV30 Empowering local residents to create strong and sustainable communities  
TTV31 Development in the Countryside  
DEV1 Protecting amenity and the environment  
DEV2 Air, water, soil, noise and land  
DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV5 Community food growing and allotments

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Accessible housing  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Conserving the historic environment  
DEV22 Development affecting the historic environment  
DEV24 Landscape character  
DEV27 Nationally protected landscapes  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)  
DEV30 Trees, woodlands and hedgerows  
DEV31 Specific provisions relating to transport  
DEV34 Delivering low carbon development  
DEV35 Renewable and low carbon energy (including heat)  
DEV37 Managing flood risk and Water Quality Impacts

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

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

### **Proposed conditions**

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

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

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

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

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



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

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

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

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

Reason: In the interests of visual amenity

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

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

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

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

7. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Reference: HOL-HYD-PH1-XX-RP-D-5001 SO P1.2 (Rev P1.2, dated June 2016).

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

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

8. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local

Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

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

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

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

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

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

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

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

11. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal Report by Blackdown Environmental dated 03.07.15 shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

12. Notwithstanding the details provided, there shall be no external lighting of public areas including highways unless otherwise agreed in writing by the Local Planning Authority through the submission and agreement with the LPA of a lighting strategy

Reason: To protect the countryside from intrusive development and in the interests of ecology

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

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

14. Prior to the commencement of development hereby permitted, a construction environmental management plan (CEMP) shall be submitted, detailing measures to mitigate or reduce the impact of the construction activities. This plan shall detail hours of operation and hours of deliveries, methods of controlling noise from construction activities, a dust impact assessment and mitigation assessment, location of contractors compound, location of the storage of materials, wheel washing facilities, details of delivery routes for construction traffic from and to the A379, provision of car parking for contractors, details of a temporary direction signing scheme. Once approved all construction activities shall be carried out in accordance with this management plan.

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

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

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

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

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

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

19. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types described in Schedule 2, Part 2, Classes A and B including gates, fences, walls or other means of enclosure and

means of access shall be erected or constructed between the buildings and the estate roads unless permission is granted by the Local Planning Authority.

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

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

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

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

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

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

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

(b) in tandem with each phase of the development as set out under condition above, and must be implemented not later than the planting season following the completion the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

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

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

(i) A landscape and ecology mitigation and management plan

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

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

A detailed landscaping and layout scheme for the area of allotments. The approved scheme shall be implemented not later than the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting or until development of the village hall commences.

Reason: In the interests of the amenity of the area

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

Full details of the proposed pedestrian access to Church Hill included means of construction, visibility splays, materials and landscaping. Development shall take place in accordance with the approved details

Reason: To secure adequate connectivity to the village and in the interest of the amenity of the area and in the interest of highway safety.

26. The proposed road, footways, footpaths, verges, junction, sewers, drains, retaining walls, service routes, surface water outfall, roof maintenance/vehicle overhang margins, embankments, and street furniture shall be constructed and laid out in accordance with details to be approved by the LPA in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the LPA.

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

27. Prior to the commencement of development on site a suitable highway drainage strategy solution shall be submitted to and approved by the LPA including a flood exceedance route plan. Development shall take place in accordance with the approved details,

Reason: In the interests of highway safety.

28. Prior to the commencement of development ground investigations shall be undertaken to the satisfaction of the LPA to demonstrate how the 1:2:5 batter slopes adjacent to the road are to be made safe and these details shall be submitted to the LPA and approved in writing. Development shall take place in accordance with the approved details.

Reason: In the interest of highway safety

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

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

Reason: To ensure, in accordance with paragraph 141 of the NPPF that an appropriate record is made of archaeological evidence that may be affected by the development