

## COMMITTEE REPORT - UPDATE AND ADDENDUM

<b>Case Officer:</b>	Peter Whitehead		
<b>Parish:</b>	Bere Ferrers	<b>Ward:</b>	Bere Ferrers
<b>Application No:</b>	2215/22/FUL		
<b>Applicant:</b>	Westcountry Land (Kenwyn) Ltd C/O Agent	<b>Agent:</b>	Mr Russell Dodge - Business Location Services Ltd 1 Riverside House Heron Way Newham, Truro  TR1 2XN
<b>Site Address:</b>	Land North of B3257, Bere Alston, Yelverton, PL20 7DG		
<b>Development:</b>	READVERTISEMENT (revised plans & documents including inclusion of pv solar panels on building, inclusion of bus stops & amended footways, amended lighting & amended Biodiversity Net Gain) Erection of community convenience retail store (Coop), access, vehicle parking & landscaping		



## 1. Background

1.1 This planning application was considered by the West Devon Development Management and Licencing Committee at its meeting on 27th February 2024, pursuant to the published Officers Report which set out the Officers recommendation that the application be refused. After a detailed debate Members were asked to vote on the Planning Officer's recommendation. The published Minutes of the meeting set out as follows:

*“The vote went against the recommendation of refusal and the Head of Planning asked the Committee to make another proposal. A Member made the recommendation to approve the application subject to a suitable LVIA Assessment.*

*The Head of Planning stated that an LVIA had already been submitted, which was why there was a reason for refusal based on the impact of the development proposal on the National Landscape (Tamar Valley AONB).*

*The Head of Planning made a recommendation to the Committee that they defer the decision as there would need to be consideration of a S106 agreement which could look to secure obligations on the use and goods in relation to the proposed store and to secure restrictions on the use of the existing store within the centre of the village. In addition, the conditions needed further consideration and discussion with the applicant. There may be more carbon reductions measures that could be put forward.*

*A Member asked that consideration was also given to the National Landscape and to the lighting. Another Member suggested native, semi-mature specimens for landscaping. The Assistant Director for Planning suggested that the application is brought back to Committee as a refusal but with measures in place that were appropriate should the application be approved.*

*Committee Decision: Deferred– the application to be brought back to committee as a refusal but with conditions in place should the Committee wish to approve.”*

1.2 This Addendum to the published Officer Report provides an update on the application and should be read in conjunction with the earlier published report (which appears below). This addendum references amended plans submitted by the applicant since the earlier Committee meeting, and further consultation responses and letters of representation received.

1.3 This addendum also provides an update on planning considerations in the light of these amended plans and updates the Officers recommendation accordingly.

1.4 Finally, as per the Committee's resolution, the addendum lists a number of conditions the Committee may wish to consider imposing in the event that it resolves to grant planning permission for the development.

## 2. Amendments to the application

2.1 Amended plans have been provided by the applicant since the application was considered by the Committee in February; and these plans have been subject to consultation and publicity in the normal way.

2.2 The amended plans include a revised Site Layout which now includes bus stops on both sides of the B3257, one to the frontage of the application site accessed by a footway link leading into the store car park, and a second to the south side of the road, besides the proposed footpath leading to the junction with Bedford St/The Down.

2.3 Revised lighting details have also been provided. Whereas the details earlier provided proposed floodlighting to the rear service/delivery yard and streetlights to the car park and access road, the revised details instead propose bollard lighting to these areas.

2.4 Revised elevations of the store building have also been provided showing the provision of solar panels to the south-facing roofslope of the building which faces towards the B3257.

2.5 Finally, amended plans and details have been provided to consider ecology and biodiversity net gain, arising from the changes to the layout/scheme.

2.6 The matter of conditions has also been discussed with the applicant in response to the Committee resolution. The future of the existing Co-op store premises has also been raised with the applicant, given that uncertainty regarding the future use of the premises has been raised by the Council's retail consultant in her report. In addition to consideration of conditions to control the use of the new store, it was therefore raised with the applicant whether the Co-op would be content to enter a s106 Agreement to offer some control over the occupation and use of the existing Co-op store premises going forward. The applicant responded thus "Matters relating to the existing Co-op store are not within our remit or control and I fail to see how in such circumstances that there can be a S106 agreement. This would have to be a matter for the Co-op and any agreement regarding the future of the existing Co-op store is for the Co-op to determine." (NB: Whilst it is understood that the applicant has a conditional contract in place identifying the Co-op as the occupier of the new store, the Co-op is neither applicant or agent in respect of the current planning application).

### **3. Consultation responses**

Bere Ferrers Parish Council:

20/03/24: A condition be added that the Convenience Store (Co-Op) should not be allowed to sell or supply fresh meat or fresh chicken.

12/06/2024 [revised plans] The proposal for bus stops is totally unacceptable, we believe it is essential for the bus to enter the premises to set down and pick up passengers, rather than on the road. In informal discussions with the Developer, the local Bus Company and Devon Highways bus section, they thought that this proposal was acceptable.

It is crucial that Highways reaffirm the 30 mph be moved out to the far side of the entrance to the Bere Alston Bowling Club.

The developer should provide a bus shelter with seats on the southside for buses travelling to the village centre or fund the Parish Council for this provision.

DCC Highways: The amended plans do not vary the highway authority's previous response.

DCC Ecology: Biodiversity Net Gain – content that what has been submitted is achievable, recommends that habitat creation and enhancement measures be secured via a LEMP condition. Lighting - whilst the site may not be valuable habitat, it is in a dark environment and any reduction in lighting is likely to be positive for nocturnal ecology. The replacement

of street and flood lighting with bollard lighting is very much welcomed from an ecological perspective.

Tamar Valley National Landscape: Two responses have been received from the Tamar Valley National Landscape since the last Committee meeting. The first responds to a query raised at the Committee meeting as to whether the responses received from the Tamar Valley National Landscape constituted an objection to the application as the word 'object' or 'objection' was not used in their representations. The Tamar Valley National Landscape responded thus:

*"Policy DEV25 is explicit that development within the Tamar Valley National Landscape (AONB) "Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". It is not a simplistic harm-based policy. It is explicit that positive requirements must be met. I do not feel that the proposal as it stands meets the conservation and enhancement tests so I am therefore happy to confirm an objection to this proposal. I hope this assists you and the planning committee."*

The second response received pursuant to the amended plans sets out "*The only notable change appeared to be the omission of floodlight columns and street lighting columns, whilst this is welcomed we remain concerned that the proliferation of bollard and wall lighting across the site (and likely illumination of signage which would inevitably follow within an application for Advertisement Consent given the operating hours sought) will nonetheless be conspicuous in this rural transition zone. The proposal itself still demonstrates harm as explained in our previous representations, the explicit policy requirement under DEV25 is for 'conservation' and 'enhancement', and we maintain our position on this application.*"

#### Letters of representation

Eight further letters of representation have been received which object to the proposal on the following broad grounds:

- The new store would be a blot on the landscape
- Light pollution would be seen for miles
- A point repeatedly made in support of the proposed store is increased accessibility. Permission granted in 2015 (ref. 00022/2015) for a replacement shopfront to the existing store, including automatic sliding doors for the purpose of increasing accessibility. The applicants thus had opportunity to improve access to the existing store yet did not carry it out.
- Pedestrian safety using the proposed pedestrian crossing and crossing the Bedford Street/The Down, taking into account new housing being built and increased vehicle movements
- Highway safety issues with bus stops being proposed in the narrowest part of the road, congestion caused by vehicles waiting behind stopped busses and issues of visibility/pedestrian safety issues if vehicles are passing busses stopped at the bus stops. Concerns regarding the fact that the bus stops are outside the current 30mph speed limit where the national speed limit currently applies, with no guarantee that the speed limit will be reduced and that neither the County's Speed Limit Policy nor National Guidance is followed.
- Threat posed to diverse and thriving village high street
- Additional highway impacts caused by increased traffic at the junction of The Down/Woolacombe Road resulting from the additional approval of application ref. 2435/23/FUL for 31 dwellings on the opposite side of the B3257.
- Impact of new store on landscape

- Loss of stone bank adjoining Down View to create footway - has this been agreed with the respective landowner and assessed for visual and natural impacts?
- The solar panels are a token gesture as 4kw is what the government suggest for a 2-3 bed house and will not meaningfully offset the power needs of a convenience store of the size proposed.
- The proposed stone is Cornish granite which is not in keeping with the local area/buildings in the village
- At the last Committee meeting there was repeated use of the word 'town' when referring to Bere Alston. Bere Alston is a village not a town and is an increasingly rare thing: a village with a viable, functioning High Street. Its amenities should be expected to fall in line with a village and not a town.
- The proposed store is not of sufficient size to carry the stock lines that would replicate those found in the larger supermarkets and will only provide facility for top-up shops. Neither the size of the proposed store, nor its price-point, support the notion that it will replace the 'weekly shop' done in Tavistock or Plymouth supermarkets. This weakens arguments in a favour of the application that centre around sustainability, a sustainable community and economic benefit.
- Travelling to Tavistock for a 'weekly shop' may also be carried out as part of a combined trip; a work commute, school commute, a leisure activity, to meet friends, drink, dine, or s to use the other independent retailers within the town. There has also been little mention of the huge surge in home delivery shopping from the main supermarket chains to the peninsula, which continues to be a growth market.
- The location of the proposed store is atypical and that Co-op convenience stores in Devon and Cornwall are typically centrally located. Reference has been made to the store approved in Fowey, which is on the edge of the town, but Fowey has a completely different character and economic basis to Bere Alston, being a busy tourist destination, whereas Bere Alston's core facilities are almost solely reliant on year-round residents.

Other matters have been raised in these representations broadly as follows:

- References and comparisons are also made regarding the cost of goods sold in Co-op vs other supermarkets, and it is asserted that the cost of shop in the store would negate any saving made in travel costs (i.e. by avoiding the need to drive to Tavistock to shop). This is not considered to be a material consideration. As stated in the Officers Report any permission granted would not be personal to the Co-op.
- Representations also refer to statements made at the earlier committee meeting regarding the level of public support for the proposal expressed at a public meeting and in response to a questionnaire. However, irrespective of the merits or otherwise of the respective views, the number of people supporting or objecting to an application is not a material planning consideration.

One further letter of representation has been received which supports the proposal on the following broad grounds:

- the current retail facilities in Bere Alston are cramped and inaccessible to many
- the delivery lorries cause congestion in the village
- the new location will provide parking which is often difficult in Fore Street
- the new store will not negatively impact the village and will provide a greater range of goods not currently available in the village.

## 4. Considerations

4.1 The application is recommended for refusal by Officers for four reasons as set out in the published Officers Report. It is of course necessary to consider whether any of the amendments now tabled by the applicants resolve any of these issues and/or impact upon the Officers recommendation.

### Retail impact

4.2 The matter of planning conditions has been discussed with the applicant/agent as per the Committee resolution, and the conditions listed below include conditions to limit the overall retail floor area, limit the percentage of comparison goods sold and limit the type of goods sold. Although these conditions would mitigate the impact of the development on the stores in the village centre to an extent, the Council's retail consultant considers that the new store would still have a significant adverse impact upon the village centre. It has already been noted above that the applicant has no control over the future of the existing Co-op store and from discussions with both the applicant and Co-op it is understood neither would be content to enter into a legal agreement that would control the use/occupation of the existing store premises in the future.

4.3 Accordingly, the Officers' recommendation remains unchanged in this regard.

### Landscape Impact

4.4 As set out in the Officers Report, the site lies within the Tamar Valley National Landscape.

4.5 The amended plans and details provided by the applicant include the provision of solar panels on the south-facing front roofslope of the building and an amended lighting plan which substitutes the provision of floodlights and street lights in the car park for bollard lighting. Changes to the site layout are also proposed to allow for the provision of bus stops within the highway. These include the provision of a footway (to serve a bus stop) to the east side of the proposed access. Minor changes to landscaping are also proposed including a reduction in tree planting (from 63 proposed trees to 60).

4.6 The Tamar Valley National Landscape Officer was consulted on the revised plans and their consultation response is set out above. In brief, although the reduction in lighting is welcomed, they consider the lighting will nonetheless be conspicuous in this rural transition zone and continue to object to the proposal on the basis that the proposal still demonstrates harm, and neither conserves nor enhances the National Landscape.

4.7 Your officers concur with this view, and the Officers' recommendation thus remains unchanged in this regard.

### Sustainability of location

4.8 It is recognised that the site layout has now been amended to include bus stops to both sides of the B3257. Whilst bus services do already stop on The Down, it is noted that this is a request stop and it is considered that the provision of formal bus stops closer to the proposed store would encourage greater use of buses than the existing request stops.

4.9 That said, given the location of the store on the periphery of the village and the Officer's conclusion that the proposed store is not large enough to compete with stores outside the village and that residents would therefore still be likely to drive to Tavistock etc for main food shopping and, notwithstanding the submitted Travel Plan, it is still considered

that the proposal would result in a significant increase in the number of trips requiring the private car and thus fail to support a move towards low carbon development.

4.10 Accordingly, the Officers' recommendation remains unchanged in this regard.

#### Residential amenity

4.11 The final reason for refusal in the Officers Report relates to the perceived impact of the new store on the residential amenity of the adjoining dwelling, Highfield. At the last meeting, Officers updated the published reason for refusal to delete reference to light impact/pollution on Highfield given amended lighting plans.

4.12 The amendments tabled since the meeting do not indicate any further reduction in impact on the occupiers of Highfield and thus the reason for refusal remains as tabled at the last meeting.

#### Other matters

4.13 As noted, the amended Site Layout includes bus stops either side of the B3257. A number of the additional letters of representation raises concerns regarding this arrangement, relating to the safety of pedestrians crossing the road and possible congestion while buses are stopped at the bus stops. The Parish Council has also stated this arrangement is unacceptable, considering it essential for buses to enter the premises to set down and pick up passengers. The plans have, however, been reviewed by the County Highway Officer and no concerns have been raised.

4.14 The amended site layout/landscaping plans have also necessitated amended Biodiversity Net Gain calculations/proposals. It is noted that these have been reviewed and accepted by the County Ecologist.

4.15 It is noted that the submitted plans make reference to 'natural Cornish stone walling silver/grey granite' being used for the facing of the building, and that this has been raised in letters of representation. It is agreed that Cornish granite would not be an appropriate finish for the building. However, amended materials could be secured by condition, and this is not therefore tabled as a reason for refusal.

## **5. Conclusions**

5.1 In summary and conclusion, amendments have been tabled by the applicant in response to various points raised by the Committee. Whilst the amendments are welcomed by Officers, ultimately they do not overcome the concerns that led to the Officers recommendation of refusal or result in the removal of any of the four reasons for refusal. The Officers recommendation thus remains as tabled at the earlier Committee.

5.2 Notwithstanding this, draft conditions are listed below (as per the Committee resolution) for the Committee's consideration and in the event that the Committee resolves to grant planning permission for the development, subject to the developer first entering into an appropriate legal agreement to provide, at their own expense:-

- (i) the footways, carriageway widening and other associated works all as generally detailed on plan drawing no. Proposed Site Masterplan Drawing no. PL-01 Rev M, prior to the proposed opening of the development hereby proposed, and;
- (ii) a contribution of £5,000 towards the investigation, consideration and, if approved following the due democratic process, the installation of any associated signage and additional ancillary lighting or illumination.

Draft conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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) :

- Site Location and Block Plan Drawing no. L-01
- Proposed Site Masterplan Drawing no. PL-01 Rev M
- Proposed Floor Plan and Elevations Drawing no. PL-101 Rev E
- Site Lighting Layout Drawing no. 2239-01 Rev 2
- Site Lighting Isolines Drawing no. 2239-01-ISO Rev 2
- Luminaires Schedule P2239: Bere Alston Co-Op
- Proposed Drainage Plan C21119-C010 Rev D
- Drainage Maintenance Plan C21119-C011 Rev C
- Exceedance Runoff Plan C21119-C012 Rev C
- C21119 Bere Alston Design Report RevB dated 27/07/2022

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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, the Class E(a) retail floorspace hereby permitted shall be used primarily for the sale of convenience goods, with a maximum of up to 10% of the GIA devoted to the sale of comparison goods. The premises shall not be used for any other purposes (including any other purpose falling within Class E) unless otherwise permitted by the local planning authority. For the avoidance of doubt, the premises shall not offer dispensing chemist services, post office or other post office services or a café or a bakery (with the exception of a bakery solely associated with the bake off of frozen products) and the sale of meat shall be limited to prepacked products (i.e. the store shall not include a butchery counter). Moreover, no service counters shall be permitted or shall operate within the site at any time and any concessions shall be limited to the sale of lottery tickets, a machine for the dispensing of hot drinks for consumption off the premises, paypoint and cash machine.

4. The total retail floorspace of the convenience store hereby permitted shall not exceed 353sq.m gross internal area and the net sales area (defined as all areas to which customers have access, including checkouts and lobbies) shall not exceed 235sq.m.

5. Details of a signboard providing details of other retail shops (Class E(a)) within the village of Bere Alston and identifying their locations on a map, together with details of the prominent location on the exterior of the store building to which the signboard will be fixed shall be submitted to and approved by the local planning authority. The signboard shall be provided in accordance with the agreed details prior to the first opening of the convenience store hereby permitted and shall thereafter be retained (and be updated if or as the retail offer in Bere Alston changes) for a minimum of 10 years from the date of its first display.

6. Notwithstanding the details shown on the plans hereby approved, no development above slab level shall take place until details of an appropriate natural local stone to be used for the facing of the east side elevation of the building have been submitted to and approved in



writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

7. Noise emitted from any refrigeration unit, cooling system, extract ventilation system or any other specific noise source, including the loading bay and air source heat pumps, shall be inaudible beyond the boundary of the adjacent residential premises. Before the development commences, details of any acoustic mitigation required to achieve this noise level shall be submitted to and agreed in writing by the Local Planning Authority and the equipment shall not be used until and unless the mitigation has been installed as agreed. For these purposes, "inaudibility" shall be determined as the specific noise level (after correction factors have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment in accordance with BS4142:2014. Reason: To protect adjoining occupiers from excessive noise."

8. The bicycle rack identified on the submitted plans hereby approved shall be provided prior to the first operation of the convenience store and shall thereafter be permanently maintained, or replaced in kind, throughout the lifetime of the development.

Reason: in the interest of sustainable and low carbon development in accordance with SPT1, DEV29 and DEV32 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

9. The development hereby approved shall be undertaken in compliance with the Written Scheme of Investigation produced by South West Archaeology Ltd ref. WSI no. BACO22WSlv2 dated 31st January 2023.

Reason: To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.

10. The retail business hereby permitted shall not be open for use by customers other than between the hours of 0700 and 2200 on any day of the week.

11. The retail business hereby approved shall not be open to receive deliveries other than between the hours of 0700 and 2200 on any day of the week.

12. No part of the development hereby approved shall be commenced until the access, visibility splays, construction parking and turning area have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

13. No part of the development hereby approved shall be brought into its intended use until the parking facilities and commercial vehicle loading/unloading area have been provided in accordance with the approved details and these facilities shall thereafter be permanently retained for such use throughout the lifetime of the development.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

14. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: In the interests of highway safety and amenity and in accordance with Policy DEV29 of the Plymouth and South-West Devon Joint Local Plan 2014-2034. A pre-commencement condition is required to secure appropriate management of impacts for the duration of the construction period.

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 in accordance with DEV2 of the Joint Local Plan.

16. Details of an Electric Vehicle Charging Point shall be submitted to and approved by the Local Planning Authority prior to the development proceeding above slab level. The approved details shall then be installed prior to the first operation of the convenience store and thereafter shall be maintained and kept in good working order as specified by the manufacturer.

Reason: In accordance with DEV32 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

17. Notwithstanding submitted information, prior to commencement, a carbon reduction

statement shall be submitted to and agreed in writing by the Local Planning Authority, detailing how the development will meet with the objectives of Policy DEV32. As a minimum the details shall include how the development will contribute to reducing its carbon emissions to a level commensurate to half that of 2005 carbon emission levels by 2034, stating the amount of carbon savings that will be gained how it contributes to meeting the policy requirements. The development then shall be carried out in accordance with the approved details and thereafter be so maintained.

Reason: To demonstrate that the development can deliver low carbon benefits through the life of the development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034

18. Prior to commencement of the development (including any site clearance), a construction and environmental management plan (CEMP) shall be submitted to an approved in writing by the Local Planning Authority. The CEMP shall include the following: a. Risk assessment of potentially damaging construction activities. b. A reptile mitigation strategy. c. Details of fox/badger/small mammal holes in boundary fencing and their implementation. d. Identification of "biodiversity protection zones". e. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). f. The location and timing of sensitive works to avoid harm to biodiversity features. g. The times during construction when specialist ecologists need to be present on site to oversee works. h. Responsible persons and lines of communication. i. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. j. Use of protective fences, exclusion barriers and warning signs. k. Containment, control and removal of any Invasive non-native species present on site. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SPT12 and DEV26 of the Plymouth and South West Devon Joint Local Plan. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and to ensure that such works are appropriately planned and agreed. A pre-commencement condition is required to secure appropriate management of ecology from the outset of development.

19. Notwithstanding the submitted details, no development shall take place until details of both hard and soft landscape works shall have first been submitted to, and approved in writing by the Local Planning Authority. The Landscape Plan shall include details of:

- (i) Existing features for retention and means of protection during the development;
- (ii) Features to be removed with clear justification for the proposed removal;
- (iii) The location, species, density and size of proposed tree, shrub and hedge planting;
- (iv) The means of establishment, protection and maintenance of the trees, shrubs and hedges;
- (v) Materials, heights, levels and details of hard landscaping;
- (vi) Materials, heights and details of fencing and other boundary treatments;

All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details. All work shall be completed before the end of the first available planting season following completion of the development hereby permitted.

Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with the same species, size and number as originally approved. The landscaping plan shall be strictly adhered to during the course of the development.

Reason: To ensure appropriate landscaping is provided to integrate the site into the local area, and in the interests of the protection and enhancement of biodiversity and protected species/habitats. This condition is imposed in accordance with DEV20, DEV23, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan.

20. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post construction phases. It should also include details of the on-going management and maintenance of the site for a minimum of 30 years in line with the objectives of the Biodiversity Net Gain Plan. The development shall be carried out in strict accordance with the agreed details and the management and maintenance of the site shall thereafter be carried out in accordance with these details.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with policies SPT12, DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

A pre-commencement condition is required to secure appropriate management of landscape and ecology from the outset of development.

21. The development hereby approved shall be undertaken in accordance with the actions set out in the Biodiversity Net Gain Report (Tyler Grange 14601\_R02b\_JS-CW dated 8th May 2024).

Reason: In the interest of biodiversity pursuant to policy DEV26 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

22. The development hereby approved shall not be brought into use until the surface water drainage arrangements have been provided in full on the site, in accordance with the submitted details, and these arrangements shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the scheme is properly drained and so as to not increase the flood risk to the surrounding area in accordance with DEV35 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.