

## PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams

**Parish:** Ugborough **Ward:** Ermington and Ugborough

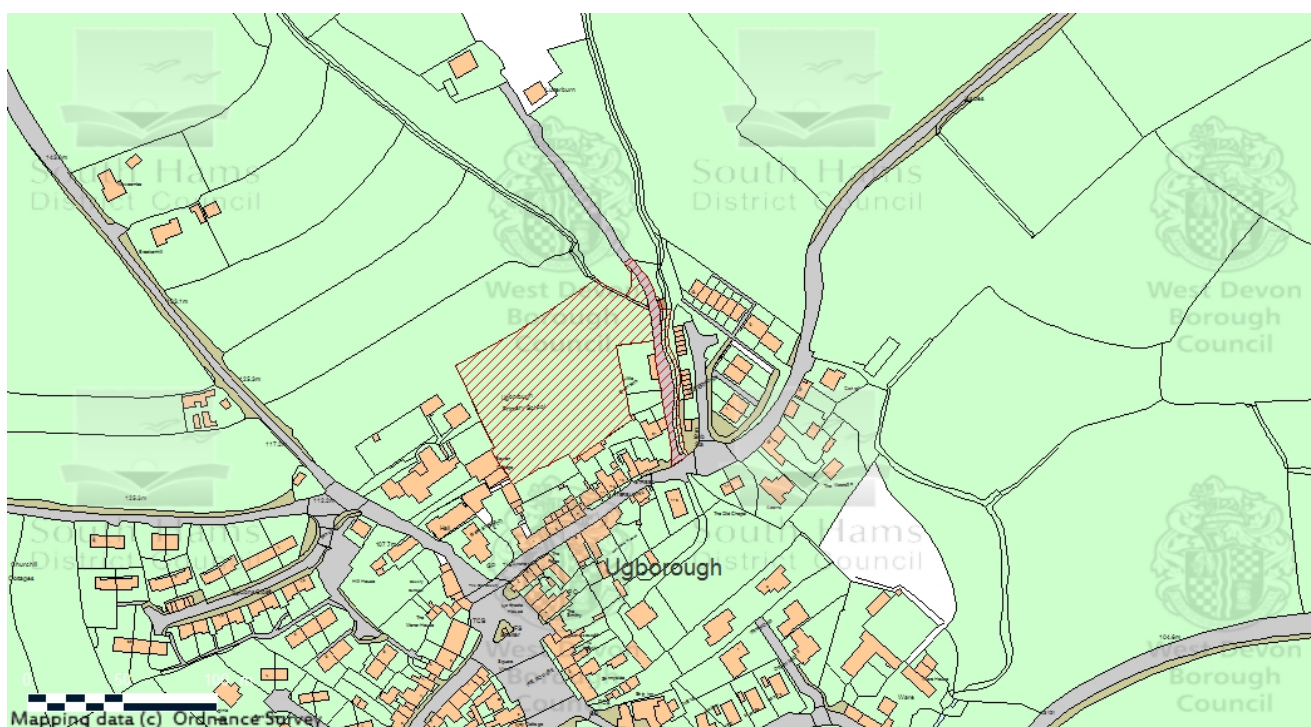
**Application No:** 3460/17/OPA

**Agent/Applicant:**

Mr Simon Baker  
Lutterburn Farm,  
Lutterburn Street  
Ugborough  
Devon  
PL210NG

**Site Address:** Lutterburn Farm, Lutterburn Street, Ugborough, Devon, PL21 0NG

Development: Outline application with some matters reserved for 7 self-build/custom-build dwellings (five open market and 2 affordable self-build plots).



### **Deferred from Development Management Committee 9<sup>th</sup> October 2019**

Reason item is being put to Committee prior: Cllr Holway –

1. *The Flood Risk Assessment has been produced to show that the Emergency Access through the school grounds is not necessary. It does not consider the implications on the residents of Lutterburn Street apart from glibly mentioning that there will be a mix of 'low hazard and danger to some'. The DHS Trend flow figures are considerably higher than those previously used by DCC and it is noted that the water in the access lane is unlikely to exceed a depth of 360mm. It should be noted that when videos were taken of water running down the access lane at a depth of up to 250mm, there was flooding to properties in Lutterburn Street. If water flows down the access lane at a depth of 360mm there will be considerable inundation of properties and it is essential that measures are taken to*

*prevent this. Residents have concerns regarding impact on existing watercourses and vibration caused by construction*

## **Introduction**

Members will recall this application being discussed at Development Management Committee on 13<sup>th</sup> February 2019 where it was resolved to approve conditionally subject to S106. The plans approved at that meeting indicated an emergency flood exit to the north. It was demonstrated that it is no longer needed and has been removed, in all other respects the scheme is the same

The application then discussed at Development Management Committee on 9<sup>th</sup> October to discuss the changes made following a revised Flood Risk Assessment to evidence the removal of the emergency flood exit. At that meeting it was decided to defer so that specialist advisors could be present to advise members.

There are now three new additional conditions, one pertaining to the submission of an emergency flood plan, another relating to compliance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan and lastly a condition requiring the developer to submit a revised Land Drainage Consent.

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

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

## **Conditions**

1. Reserved matters time
2. Reserved Matters details
3. Accord with plans
4. Surface water drainage strategy prior to commencement
5. Surface water adoption and maintenance strategy prior to commencement
6. Construction phase drainage strategy prior to commencement
7. Details of connection to and condition of receiving watercourse prior to commencement
8. Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
9. TEMS Mitigation Strategy
10. Landscape Plan prior to commencement
11. CEMP prior to commencement
12. Accord with details of Arboricultural Work and Tree Protection Plan
13. Highways details prior to commencement
14. Highways construction infrastructure prior to commencement
15. Unsuspected contamination
16. Written Scheme of Investigation
17. Finished floor levels of plot 6
18. Site road and ground levels across flood zone
19. No piping of western watercourse channel
20. No external lighting to be erected upon dwellings without agreement of details with LPA.
21. Accord with LEMP
22. Details of tree retention
23. Dev32 compliance
24. Flood Emergency Plan

## 25. Submission of revised LDC

### Planning Obligations

- 2 plots to be sold with a discount of 20% on the open market rate.
- The plots should be secured for people with a local connection to the parish in the first instance and then a cascade to adjoining parishes and finally to the south hams.
- The discount of 20% should be secured in perpetuity on the built plots also.
- If the applicant cannot dispose of these plots then a fall back where if marketed for 12 months, a commuted sum could be paid to SHDC for provision of affordable housing in the district.
- The secondary contribution sought would likely be £23,017.00 (based on the current DfE extension rate per pupil of £21,921) which will be used to provide education facilities in the area. In addition, DDC will likely seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Ivybridge Community College. The costs required would now be as follows: -  
2.00 secondary pupil  
£5.46 per day x 2 pupils x 190 academic days x 5 years = £10,374.00
- £380 per occupier (with occupancy based on Table 3 of the SHDC OSSR SPD towards improvements to Donkey Lane play area, Ugborough.  
£595 per occupier (with occupancy based on Table 3 of the SHDC OSSR SPD towards improvements to sports facilities at the Old Cricket Ground, Moorhaven and/or Hillhead Cross, Ugborough

### Key issues for consideration:

The main issues are the principle of development, the impact upon the Conservation Area and the setting of listed buildings, flooding and drainage, access and highways safety, land contamination, trees and ecology and any impact upon the amenity of neighbouring dwellings.

---

### Site Description:

The application site is open land and an existing access driveway located adjacent to Ugborough village. The site abuts the Ugborough Settlement Boundary which is to the south, east and west. The site is also directly adjacent to the Ugborough Conservation Area to the south and west. The existing site access and roughly its eastern third are within Flood Zone 3.

To the south is the terrace of various properties which front away from the site on to Lutterburn Street, which also provides vehicular access at the south east corner. This is achieved by turning off Lutterburn Street onto the existing lane, which currently provides access to two existing properties, Lutterburn Barn and Lutterburn Farm further to the north. To the north of the application site is the school playing fields, to the east is the modern development of housing and associated garages at 'Undertown' and to the west are the rear elevations of the various properties which front Ugborough Road.

The beech tree directly adjacent to the site entrance is the subject of a specific Tree Preservation Order. This is within the walled garden of the grade II listed building 'Vine Cottage', which is directly to the south of the site, its curtilage boundary wall bounds the access and lane.

### The Proposal:

Outline planning permission is sought with some matters reserved for 7 affordable self-build/custom-build dwellings. All matters aside from access are reserved. The scheme effectively reuses the existing access which is proposed to be widened over an existing watercourse ditch, which is to be covered with

a drainage grate as opposed to culverted. Physical works at the site access include the reintroduction of cobbles across the visibility splay and the small scale removal of wall to provide necessary width. The access splay is within the applicant's ownership but was 'given' to the highways authority in 1976 and has a lamppost and small bench.

The modified access lane also provides a 'chicane' element to provide separation between the lane and the immediate environs of the front elevation of Lutterburn Barn, which currently opens its front door directly in to the road.

Indicative plans identify 7 detached units set within their own curtilage. It also identifies an indicative road layout including turning heads, and a collective bin store within the site. In addition to the parking provision for each unit, the site plan identifies two parking spaces serving the existing conversion Lutterburn Barn.

### **Consultations:**

- County Highways Authority

No objection subject to conditions

- Environment Agency

No objection subject to conditions. Please note that the EA have issued four consultation responses, which are available to view within the electronic file. The last response states:

On the basis that your Authority is satisfied that the proposed minimum finished floor levels for Plots 6 and 7 (as shown on drawing SW1 Rev A of the submitted Surface Water Drainage Statement, Teignconsult) of 107.2mAOD and 107.7mAOD respectively, are achievable, we are able to withdraw our objection, provided that conditions are included on any permission granted to secure:

- the implementation of these finished floor levels;
- the levels of the new site road; and
- the maintenance of the western watercourse in a piped channel.

However, before determining the application we strongly recommend that you consult your Emergency Planner with regard to the acceptability of access and egress to and from the development in a flood and content yourselves that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF).

Conditions were suggested and will be attached to the permission

- DCC Archaeologist

No objection subject to condition

- DCC Education

No objection subject to planning obligation as follows: There is currently capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards primary education would likely not be sought. Devon County Council will however likely seek a contribution towards additional education infrastructure at the local secondary school that serve the address of the proposed development. The secondary contribution sought would likely be £23,017.00 (based on the current DfE extension rate per pupil of £21,921) which will be used to provide education facilities in the area.

In addition, DDC will likely seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Ivybridge Community College. The costs required

would now be as follows: -

2.00 secondary pupil

£5.46 per day x 2 pupils x 190 academic days x 5 years = £10,374.00

- SHDC Drainage

No objection subject to condition

- DCC Drainage

Devon County Council Flood Risk Management completed a flood study of this area of Ugborough due to being informed of a significant and real risk of flooding that was being experienced there by the local community. This study identified the likely sources of risk and proposed solutions in order to reduce them. Primarily in the Lutterburn Street area of Ugborough. The study identified that watercourse flows to the north of Lutterburn street are collected from two small catchments and split into two watercourses that sit either side of a hedge bank as they approach Lutterburn street between Undertown and a track that serves a couple of residential properties.

The Eastern watercourse which serves the largest catchment discharges into 2no. 300mm pipes under Lutterburn Street and the smaller western catchment discharges into a large box culvert under Lutterburn Street.

The DCC flood study for the area recommended that the flow from the larger eastern watercourse be transferred into the larger box culvert at the southern section adjacent to Lutterburn Street. The study also identified that in doing this there was potential that risk would be increased downstream and therefore a sluice should be placed to throttle the flow back to the current situation until works downstream have been complete.

The applicant has incorporated these elements into planning application 3460/17/OPA in line with the Land Drainage Consent application that has been agreed. DCC Flood Risk Management are therefore supportive of the these elements of the wider proposal as they reflect the recommendations of the larger flood strategy for the area which give flood benefit to the local community.

Further information was submitted to remove the requirement to have an emergency Flood Access, DCC Local Lead Flood Authority commented on this proposal to state

*I have reviewed the report produced to consider the safe access and egress from the site during potential flood conditions. As I have previously stated it is not a responsibility of the Lead Local Flood Authority to provide a formal response or approval to this, however based on the evidence provided in the FD2320 Risk Assessment of access for proposed development at Lutterburn, Ugborough it is my opinion that the risk of flooding to the site access is minimal and therefore would not require any additional form of access & egress measures.*

*The following questions need to be satisfied:*

- *Are the residents safe to remain in their properties?*
- *Is there sufficient high ground above the highest predicted flood level for the people to safely congregate?*
- *Is the maximum duration of any restrictive flood considered to be low, without placing the residents at risk from lack of supplies, contact, etc.?*
- *Would the depth of any flooding restrict access by emergency vehicles?*
- *What is the likely risk of occurrence?*

*Based on the information provided I believe that the extreme flood event from the 1 in 100 year event plus 40% for climate change would:*

- *not place the properties at risk of flooding, therefore residents would be safe in their homes;*
- *only be for a duration of just over 2 hours, therefore not a risk to people's health;*
- *create a maximum flood depth of 360mm, therefore not restricting access for emergency vehicles (or 4x4s)*
- *have a probability of occurrence of 1% in any one year and therefore considered a low risk.*

*These points are confirmed in the report, which also states that there is sufficient high ground via a safe route to Lutterburn Farm. It is therefore believed that the provision of an additional bridge over the minor watercourse is not required at this location.*

- Emergency Planning

No objection on basis that access gate and emergency escape route can be provided outside of Flood Zone.

Following the submission of further information to remove the requirement for an emergency flood route and following the comments made by DCC Local Lead Flood Authority the following comment was made

a stay put approach has not previously been accepted however emerging guidance states that a stay put approach can be acceptable where access for emergency vehicles can still be achieved. As Martin has said where the flood water level is 360mm it is acceptable but only just so for an emergency vehicle to go through the water, we certainly wouldn't be advocating driving through this depth of water unless it was a life critical emergency.

On this basis I am happy that the applicant can demonstrate a safe means of access and egress, however I suggest that any permission is conditioned on the basis that prior to occupation a flood emergency plan for the household is developed and agreed with the local planning authority.

- Ugborough Parish Council

*Objection – 'Object. Not taken into account the affordable housing requirements in the emerging Parish Plan & Joint Local Plan; Prefer flooding report to be published and flooding to be resolved before development is considered; Public open space should be included within the development; Inadequate access arrangements; Safety concerns over 'shared space' proposals.*

Following the submission of further information to remove the requirement for an emergency flood route and following the comments made by the Parish Council

*Object. No development should take place until flood alleviation measures are completed under Lutterburn Street and all sites downstream*

- SHDC Ecologist - Further to my initial comment on 26<sup>th</sup> Sept I have met with the applicant and consultant ecologist to discuss this site and proposal.

An acceptable way forward which would minimise impact upon, safeguard and potentially enhance the wildlife interest of the site was agreed at the meeting, and this has since been reflected in resubmitted plans, and a LEMP.

Specifically:

- The features of particular potential value for wildlife (including bats) will have a 5m buffer. Namely the tree lined hedgerow of the northern and northwestern boundaries. Efforts will be made (as detailed in the LEMP to bring these boundaries back into

active management and improve structural diversity for the benefit of wildlife). The buffer will be maintained as a tall sward. The boundaries of rear gardens to be formed by fence and newly planted hedge (which will be maintained within the buffer in accordance with the LEMP).

- The features of lesser potential value for wildlife will have a 2m wide planted buffer/hedgerow creating a new connected feature for wildlife – namely the southern and southwestern boundaries. This to be managed in accordance with the LEMP with the intention of creating a bushy hedgerow.

The LEMP includes reference to suitable bat and bird provisions for within the fabric of the new dwellings which as yet have not been provided – I have included a condition accordingly.

Recommendation: No objection. If minded to approve please apply the following conditions:

- No external lighting to be erected upon dwellings without agreement of details with LPA.
- Details of inbuilt provisions for bats and birds to be agreed with LPA at Reserved Matters reflecting Appendix 2 of the LEMP.
- Landscape details/scheme with respect to newly planted hedgerows. This could be combined with the condition above as a 'Landscape and Ecological Mitigation and Enhancement Strategy' and provided at RM stage.
- Management of hedgerow and buffer features in accordance with the LEMP – ongoing management to be secured in perpetuity by s106 clause as appropriate

- Historic England – Do not wish to offer any comments, refer to specialist conservation and archaeological advisers
- Wales and West utilities – presence of gas pipe in the vicinity, information relayed for applicants information
- South West Water - The modelling work we have undertaken has identified that the existing public combined sewerage network in the vicinity of this site are currently able to accommodate this proposal. The proposed point of connection for this development is located on the 225mm diameter combined public sewer located in Lutterburn Street.

- SHDC Tree Officer -  
Appraisal

The submitted information has been reviewed in accordance with the relevant Policies of the South Hams District Council Local Development Framework December (2006), West Devon Borough Council LDF Core Strategy Development Plan (2006-2026) and the emerging Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.

Review of the submitted information has been undertaken and it is considered that accurate description of the site and level of constraint posed by the trees is made. If undertaken in their entirety in relation to the matters subject to this application will appropriately preserve and/ or enhance the constraining arboricultural features present.

The previous usage of the site has left an open internal aspect with constraining tree features abutting boundaries and significantly at the entrance due to protected beech tree T23 of the report. The only points of concern relate to the close proximity of Plot 1 to the buffer strip and its vegetation, leading to likely immediate poor relationship and pressure to manage vegetation and the widened access that may affect the protected beech tree, T23.

## Conclusions

The previous land use allows ability for construction of dwellings without significant detriment to the majority of surveyed vegetation however the access may be a pinch point if it significantly and detrimentally affects the longevity of the protected tree.

The applicant may be able to demonstrate no harm will ensue to T23 or suggest suitable mitigation/engineered solution that ensures its retention.

#### Recommendation

With respect of the application to gain planning consent for the following matters I can make the following recommendation –

Approval on arboricultural merit subject to revised layout in respect of Plot 1 and further detail specifying the retention of T23.

*Upon clarifying the application, specifically that layout is a reserved matter, the Tree Officer recommended a condition relating to T23*

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Method Statement of specialist constructional techniques for the means of creating the element of the access that traverses the RPA of the protected Beech tree shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the tree and allow capacity for continued root, stem and crown growth. No development or other operations shall take place except in complete accordance with any approved Method Statement.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area.

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

The outline application is for the provision of seven new self-build dwellings (five open market and two affordable) and is not able to incorporate play and sports facilities in accordance with policy on site.

The closest play area is at Donkey Lane, providing a swing set and multi-activity unit. The Ugborough Parish OSSR Plan identifies the need for additional equipment for younger children e.g. springers at the play area. It is considered likely that new residents would make use of, and add pressure to, the existing play area, and accordingly an off-site contribution of £380 per occupier should be sought as follows to assist with making the facilities sustainable and meeting the needs of the new residents:

- £380 per occupier (with occupancy based on Table 3 of the SHDC OSSR SPD towards improvements to Donkey Lane play area, Ugborough).

With respect to playing pitches, the new residents are likely to seek to use recreational facilities in the wider area. Within Ugborough there are various facilities for team sports, including within the east of the parish, and closest to the site at Moorhaven and Twinaways at Hillhead Cross. Both of these sites are flagged up within the South Hams Playing Pitch Strategy and the Ugborough Parish OSSR Plan as requiring investment to meet the needs of the growing parish population.

The old cricket ground at Moorhaven requires investment in ground works to restore the pitch for both football and cricket use, and the Hillhead Cross site requires provision of a shelter for changing purposes, and secure storage for equipment. It is considered likely that new residents would make use of, and add pressure to, these existing sports facilities, and accordingly an off-site contribution of £595 per occupier should be sought as follows to assist with making the facilities sustainable and meeting the needs of the new residents:



- £595 per occupier (with occupancy based on Table 3 of the SHDC OSSR SPD towards improvements to sports facilities at the Old Cricket Ground, Moorhaven and/or Hillhead Cross, Ugborough.

### **Representations:**

Approximately 77 letters of objection have been received at the time of writing this report from 34 objectors. Concerns raised are summarised as follows:

- The proposed access is no to standard and there is insufficient access visibility
- The vehicular access will create highways safety issues
- The lane will have conflict between cars and pedestrians, particularly by Little Lutterburn
- Will lead to loss of parking for Little Lutterburn
- The lane is not suitable for refuse / emergency vehicles
- There will be the loss of a on street parking space
- Parking provision within the development is inadequate
- Additional vehicular traffic will harm character and amenity
- There will be nuisance and disturbance during construction phases
- Includes the loss of historic fabric
- Will not preserve the character and appearance of the Conservation Area
- Will harm the setting of the listed building
- Is overdevelopment
- Will harm ecology
- Will lead to adverse impact upon neighbours through noise, smell, overlooking and loss of light
- In conflict with the Neighbourhood Plan, particularly UG14
- Will lead to flooding issues, both on site, and further afield
- The flooding report relating to the watercourse / culvert is not sufficient
- Will lead to the loss of private views
- May lead to harm to trees and banks, including the TPO tree at the site entrance
- The tree report may lead to existing trees falling
- There are inaccuracies within the submission
- May lead to structural damage to neighbouring properties
- May lead to structural damage to retaining wall
- The number of houses on the site could increase in the future
- Will result in loss of public open space (bench at access)
- Other applications elsewhere indicate this should be refused
- The school cannot meet the needs arising from the development
- The scheme lacks affordable housing provision
- There is no need for the housing
- Deeds require a right to access
- Development will lead to congestion
- Issues arising from construction vehicles

Following a re-consultation to account for a change in red line and removal of the flood relief route the following material issues were raised

- Detrimental to nearby properties
- Impact to conservation area
- Vehicular access impractical for plant and goods vehicles
- Encroaching onto private land owned by the residents of Undertown gardening committee
- Question the accuracy of Teignconsult report
- SWW combined sewage pipe limited in size
- Flood alleviate should not be made a condition

- Plot 4 overbearing and dominant against a neighbouring property (Rowan Cottage), proposed buffer insufficient
- Flooding event videos received 2016 and 2015

## Relevant Planning History

None identified for this site

## Analysis

### Principle of Development/Sustainability:

Since first reporting this application to South Hams Development Management Committee in February 2019, the Joint Local Plan has been adopted. For the purposes of Joint Local Plan Policies, the site is outside but adjoining a settlement. The Joint Local Plan seeks to steer development to sustainable settlements. SPT2 states

*The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:*

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

Policy TTV1 outlines the hierarchy of sustainable settlements and policy TTV2 supports development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy. Although the site adjoins a settlement, Ugborough is regarded to be a sustainable location for limited growth in both the current Development Plan and the emerging Joint Local Plan. The site is well integrated into the settlement, and walking to its facilities is feasible, for instance the walking distance to what is considered to be the village centre, near the Anchor Inn and The Square, is approximately 190m. Therefore, with regard to access to services, the site is considered by officers to be sustainable and an opportunity to site residential development in an accessible location where it can boost use of facilities and the general vitality of the village.

Outside of the sustainable settlements the Joint Local Plan recognises that there is a need for housing in rural areas, specifically sites that adjoin existing settlement, within policy TTV27, but housing in this location must meet a proven need for affordable housing and where financially viable includes a mix of affordable housing.

*Policy TTV27 states*

*Meeting local housing needs in rural areas*

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

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

Here the proposals are for affordable serviced self-build plots with a proposed Local Connection Tie and 2 plots to be sold at with a 20% reduction in market value in perpetuity. This represents a 28/72% split between affordable and market which would technically fail the policy test. However it is acknowledged that self build products can be considered as affordable housing and when balanced in the round with other Joint Local Plan policies meets a policy requirement of DEV9 which relates to housing need. DEV9.2 states

*2. Self and custom build housing will be supported providing they meet the over-arching sustainable development, general amenity and design policies. The LPAs will:*

- i. Negotiate the identification of suitable plots on major development sites to meet this need.*
- ii. Encourage the provision of serviced plots and co-housing schemes.*
- iii. Be proactive in exploring ways to ensure sufficient plots are consented to meet the duty set out in the Self-Build and Custom Housebuilding Regulations.*

So, whilst the proposals do not fully accord with policy TTV27 the remainder 'Market Housing' is self-build which satisfied a local housing need for serviced self-build plots, on balance officers consider the principle acceptable in this instance

The housing provision in this location is a significant social benefit weighing in favour of this scheme. The Ugborough Neighbourhood Plan passed its referendum in April 2018 and as such forms part of the development plan for the area. Policy UG9 covers self-build in particular, however such development is considered acceptable where it accords with policies UG4, UG5, UG11, UG12, UG13, UG14.

Policy UG4 of the Ugborough Neighbourhood Plan states

*Any proposed housing development must meet the criteria contained within policies UG1, UG2, UG3, UG7, UG11, UG12, UG13 and UG14.*

*Across the plan period South Hams District Council will bring forward site allocations which will deliver significant growth. Outside these allocations developments of less than 10 units will in principle be supported in line with historic growth trends. Any site put forward for larger development (more than 10) must take account of the need for access to public transport, to major roads such as the A38 and to other local services.*

*All new developments will be subject to section 106 contributions appropriate to the impact of the development.*

The pattern of development will be discussed in later paragraphs however a S106 is sought for this application to secure affordable plots and a local connection criteria which weigh in favour of the proposals.

Policy UG5 states

*The use of individual plots where appropriate is encouraged, providing the development complies with planning policy and the relevant policies in this Plan. Small scale residential development of less than 10 or single new homes on infill and redevelopment sites will be supported subject to:*

- proposals being well designed and meeting all relevant requirements set out in other policies in this Plan, and where such development;*
- fills a small, restricted gap in the continuity of existing frontage of buildings or on other sites within a built-up area where the site is closely surrounded by buildings; and*
- where the development is not subject to any highways access constraints*

Although the design of the dwellings will amount to a reserved matter, the site forms an area of open space adjoining the settlement with built development on three side and is considered to comply with the second bullet point being that the site closely surrounded by buildings. The Highway implications are considered later.

Policy UG7 concerns the delivery of affordable housing for exception sites, although not listed in UG9 this is listed in UG4. Specifically, UG7 states that local connection should be secured and that affordable housing should remain in perpetuity and this is to be contained within the S106. Policy DEV8 of the emerging Plymouth and South West Devon Joint Local Plan holds moderate weight at this time, this policy seeks to resist housing proposals that perpetuate an imbalance in housing stock, and also housing that is unlikely to be accessible to specific housing needs groups, including young people, working age families and older people, although the indicative plots are large, this outline application does not consider house sizes, given the nature of self-builders, some may opt to build smaller homes to suit their own needs.

Officers are cautious about applying assumptions that any self or custom build dwelling will be built and occupied by the person(s) who first obtain the plot or considered as affordable housing in its own right. Such is the uplift in plot value once a dwelling is completed where there isn't adequate restrictions, such dwellings would normally make no positive contribution to improving accessibility to housing or diversifying the housing stock to the benefit of local people earning local wages. The terms of the S106 adequately deal these concerns surrounding self-build and in conjunction with the S106 terms to secure local connection and market rate reduction, the proposals are considered to widen opportunities for housing ownership and address housing needs and also secure local connection in accordance with DEV8 of the JLP and Neighbourhood Plan policies UG7, UG8 and UG9

## The Sequential and Exceptions Tests

The sequential test seek to direct new developments to sites with the lowest probability of flooding. A developer has to gather evidence to allow decision makers to consider whether a sequential test is satisfied. The evidence needs to show that there are no other suitable sites with a lower flood risk.

The applicant's submitted sequential test is wholly an extract from the Council's evidence base work undertaken by the Council prior to the adoption of its Site Allocations SPD, which was adopted in 2010. The work around Ugborough, in 2009, identifies this application site to be the most favourable, and also states that. However, the site was not formally adopted as an allocated site and there are no allocated sites within villages. Two sites were identified within the NDP however these were under consideration or consented. The plan identifies that sites put forward in and around Ugborough village had significant constraints but that sites that were offered may be suitable for development if it can be demonstrated that the identified constraints can be removed, this lead to the plan taking a themed approach to development policies rather than conducting site allocations.

In the intervening periods there have been a number of SHLAA exercises to identify allocations in the area, in 2010 and 2016. These assessments failed to identify any suitable sites. The Ugborough Neighbourhood Plan has not allocated residential sites within the Neighbourhood Plan Area, however more pertinently there are no sites allocated specifically for self-build across the district, officers understand that the authority still requires self-build sites to meet its obligations under the Housing and Planning Act 2016 and there are no site allocations for this purpose which helps the authority meet its commitments under Policy DEV9. There is a need for self-build within Ugborough village, where the neighbourhood plan has a policy for self-build (UG9), this need also extends to the parish and the plan area where the authority must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. As such, officers are satisfied that there are no sequentially preferable sites for further residential self-build development within the Ugborough Parish or the plan area and that the scheme passes the sequential test. NPPF paragraph 159 states *'If it is not possible for development to be located in zones with a lower risk of flooding (**taking into account wider sustainable development objectives** (officers emphasis)), the exception test may have to be applied'*

Once the sequential test is passed an exception test must be carried out, an applicant must;

- Demonstrate that the development gives wider sustainability benefits to the community that outweigh a flood risk
- Demonstrate the development will be safe for its lifetime considering the vulnerability of users and reducing flood risk on the development without increasing flood risk elsewhere

Although there is now a 5 year land supply of residential land for development across the district, The opportunity is here to meet a local self-build need, a provision for local connection clause by condition and a level of market rate reduction for two plots is considered to pass the sustainability requirements of the exceptions test. The proposed planning obligations will form part of a S106. The applicant has put forward a term which in the event the plots are not sold within 12 months, a commuted sum could be paid to SHDC for provision of affordable housing in the district.

## Safe Access and Egress

Previously, it was proposed that an emergency flood access was provided for within the scheme, which was located to the northern boundary, this was later deemed to be undeliverable as it would have required consent from Ugborough Primary School as opposed to Devon County Council as land owner. A reassessment of the requirement for emergency access and egress was undertaken and a study conducted by the applicants drainage engineers. This information was reviewed by the Lead Local Flood Authority and the Councils Emergency Planner, it was found that whilst it is not a responsibility of the LLFA to provide a formal response or approval to safe access and egress, it was

their professional opinion that the risk of flooding to the site access is minimal and therefore would not require any additional form of access & egress measures.

The following questions need to be satisfied:

- Are the residents safe to remain in their properties?
- Is there sufficient high ground above the highest predicted flood level for the people to safely congregate?
- Is the maximum duration of any restrictive flood considered to be low, without placing the residents at risk from lack of supplies, contact, etc.?
- Would the depth of any flooding restrict access by emergency vehicles?

Based on the information provided I believe that the extreme flood event from the 1 in 100 year event plus 40% for climate change would:

- not place the properties at risk of flooding, therefore residents would be safe in their homes;
- only be for a duration of just over 2 hours, therefore not a risk to people's health;
- create a maximum flood depth of 360mm, therefore not restricting access for emergency vehicles (or 4x4s)

These points are confirmed in the report, which also states that there is sufficient high ground via a safe route to Lutterburn Farm. It is therefore believed that the provision of an additional bridge over the minor watercourse is not required at this location. The Councils Emergency Planner reviewed this view and stated that a stay put approach has not previously been accepted however emerging guidance states that a stay put approach can be acceptable where access for emergency vehicles can still be achieved and in this case at a maximum flood depth of 360mm this would allow for emergency vehicles go through water at this depth. It was suggested that any permission is conditioned on the basis that prior to occupation a flood emergency plan for the household is developed and agreed with the local planning authority.

There is an additional opportunity within the scheme to contribute to the alleviation of long term flooding issues and this is also a potential benefit which provides an exceptional consequence of the development as will be discussed.

### Drainage & Flooding

In addition to the typical drainage requirements which need to be addressed for a development of this scale and type, the necessary widening of the access lane leads to the culverting of an existing watercourse. This is within an area, and part of a watercourse, with evidenced flooding issues and significant public concern and scrutiny.

The Environment Agency (EA) has assessed the flood risk and agreed mitigating measures to make the development safe.

Devon County Council (DCC) have also been looking at options to reduce the flooding in the area and have been working with the applicant to achieve a mutually beneficial scheme.

With regard to this specific issue, the applicant is proposing that the culverting works to the eastern channel form part of the wider flood alleviation works in the area in and around the site entrance. These proposed works are in fact the very same as flood works already researched and endorsed by Devon County Council, and works which already have the benefit of watercourse consent. Watercourse consent is required where works are to take place on or near a watercourse, such as the access in this instance. DCC do not grant watercourse consent where unless the results of the work do not make existing situations worse.

DCC, the executive regulatory authority for works to watercourses in Devon, has endorsed the flood alleviation work and has identified that the work will not prejudice the current situation at Lutterburn Street. This is on the basis that a throttle is installed to control water flows to ensure that the watercourse

at Ware Farm is not prejudiced, and to allow Devon County Council's proposed alleviation works at the point to be carried out in the future. The watercourse consent was a proposal where the majority of flow was transferred from the western side of the existing hedge bank to the eastern, at the northern end. Then at the southern end of the track, a new inlet is formed into the existing large culvert under Lutterburn Street, at the moment water flows into a small pipe which throttles it and causes flooding. This then has to have a slot board installed to manage the flow to existing rates heading downstream near Ware Farm due to the risk there. This can only be removed when works downstream are completed by DCC. Notwithstanding this, DCC were satisfied in granting watercourse consent, that the works to the watercourse will not result in any situation being worse than existing and once the alleviation scheme is completed at Ware Farm the situation will result in betterment

Following the submission of a revised FRA, it was recommended that the pipe below the site access should be upgraded from 600mm to 750mm. On the subject of Land Drainage Consents, the 750mm pipe is a departure from the 600mm that was proposed in the original LDC, in addition to the additional road crossing in the latest plans a new consent is required to mop up the departures from the previously submitted plan, a condition will be attached to ensure this is completed prior to commencement.

With regard to on site flooding issues, the preferred method would be to have individual soakaways at each plot to spread the loading across the site as per best practise SuDS. Infiltration testing has been carried out on part of the site and indicates that the site maybe suitable for soakaways, the testing was not over the whole site so further testing will be required to confirm that each plot can have its own soakaway. The infiltration rate was also very good for the area so a further assessment of the geology will be required to ensure the water doesn't re-emerge lower down the site or within the 3rd party properties.

Due to the sensitive nature of the site, a fall back scheme has also been submitted (Lutterburn Surface Water Drainage Addendum V1 25.09.18) and demonstrates that the whole site can be attenuated for a 1:100year +30% cc event and then discharge to the water course at the green field rate of 1.5l/s. Concern has been raised in relation to the use of attenuation tanks, these are an acceptable means of handling surface water and each scheme should be determined on the basis of its own context and to take a sequential approach to drainage solutions.

This will ensure that there is a drainage solution but the use of soakaway must be further explored and used where possible to reduce the flows to the adjacent water course. The site is to be offered as serviced self-build plots so the drainage scheme will need to be confirmed and agreed before the plots are sold.

In terms of foul drainage, SWW have confirmed that the public sewer has capacity for the foul drainage only, no surface water can discharge to the sewer.

These various flood alleviation works and strategies are secured through the use of various, appropriately worded planning conditions.

### Design and Landscape

Ugborough is formed most identifiably by historic properties which in many cases are high density on smaller plots with limited curtilage. However, the village has grown with modern development. The indicative layout identifies seven detached properties in a typical modern layout. Officers are satisfied that the urban design is acceptable for the village, given the piecemeal build out of the village over the years.

The final design of each dwelling as well as layout will be determined at Reserved Matters stage. In terms of the indicative layout, the development is considered acceptable taking account of the historical pattern of development in the village and is considered to comply with NDP Policy UG11 where development should be appropriate in terms of its scale, character and location with the settlement to

which it is associated and respects the setting of designated or non-designated heritage assets should the layout be submitted as illustrated

Neighbourhood Plan Policy UG2 states that Development will be supported where it maintains the distinctiveness and character of local skylines, views and vistas, although this is an outline application, its envisaged the development will result in 7 two storey dwellings, given the sites location adjoining the settlement, the development is not considered to read as out of context in the landscape, although the site sits higher at the northern end and buildings at the higher points could be more visible in wider views, the proximity of the site to the rest of the village will mean the buildings will just be read as part of the settlement.

#### Low Carbon Development

Since the reporting of the application to South Hams Development Management Committee in February, the Joint Local Plan was adopted and through policy DEV32, required that new development should identify opportunities to reduce the energy load of if over its lifetime,

Developments should identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure.

And

Development proposals will be considered in relation to the 'energy hierarchy' set out below:

- i. Reducing the energy load of the development.
- ii. Maximising the energy efficiency of fabric.
- iii. Delivering on-site low carbon or renewable energy systems.
- iv. Delivering carbon reductions through off-site measures.

No details were submitted as the application was submitted before the adoption of the Joint Local Plan, however since the determination is taking place after its adopted a condition will be attached to seek details of these matters prior to development above dpc level

#### Conservation Area

The site itself is above and behind the properties which are fronted on the north of Lutterburn Street. The density of these properties, in addition to the relief of the land, leads the site to be discreetly located within the landscape, and with a surprising lack of relationship with the Conservation Area despite the proximity between the two.

Policy UG13 states that *Development in or around Ugborough village should where possible protect the existing pedestrian connections within the built up area of Ugborough village. Any development on the limits of Ugborough village should integrate with existing connections to Ugborough village square.*

Views into the site from the public realm are limited to a significant distance, where the site can be viewed from the main public highway when approaching from the north east it will read as a continuation of the settlement and will link to an existing lane within the village. As such, Officers are satisfied that the residential development of the site in the manner proposed will preserve the character and appearance of the Conservation Area, especially given the historical pattern of development in and around the settlement.

#### Vine Cottage

In terms of impacts to the nearest Listed Building, Vine Cottage (Grade II listed), Officers have given special regard to the desirability of preserving the listed building or its setting or any features of special



architectural or historic interest which it possesses. Officers consider that the principle way the building is experienced is from Lutterburn Street as opposed to from the site itself to the rear and its setting is principally along Lutterburn Street as opposed from the site to the rear. The access meanwhile does comprise its setting, particularly as the side elevation of Vine Cottage sits alongside the access track. As such Officers conclude that the proposed development is not considered to impact negatively upon the setting or character of the listed building.

The site access will be widened and adjoins a listed building, concern has been raised with regard to the works which will take place on this access and impacts this may have on the structural integrity of the curtilage wall and side elevation which forms the side of the access, the works necessary to widen the access will take place on the right hand side of the access entrance which also sits outside the conservation area boundary.

The drainage works which will run the access road will link to an existing SWW pipe which runs the extent of Vine Cottage, deep engineering works are not envisaged adjoining the cottage and SWW have confirmed the existing pipe has capacity to serve the proposed development, meaning excavation and improvement of this pipe is not at present required. The access widening will take place at the junction which will involve the movement of a lamp post and community bench opposite Vine Cottage to be slightly shifted to the east to create the wider access.

Paragraph 128 of the National Planning Policy Framework makes it clear that in determining applications, it is relevant to consider *the significance of any heritage assets affected, including any contribution made by their setting*. It is necessary to consider whether the relevant heritage asset is of any great significance in itself, and whether its setting makes any great contribution to the character and appearance of the listed building, especially if newer buildings now form that setting. Paragraph 128 goes on to advise that *the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*. Officers are content that the special interest of the listed building will not be unduly impinged upon if the development proposals for the reasons outlined and as such the development is not considered to unduly impact upon the special character of the listed building or the conservation area and is therefore in accordance with paragraph 129 of the NPPF and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Neighbour Amenity:

Although this application seeks approval of access only, an indicative layout has been provided and it's envisaged a similar layout will be provided at reserved matters stage but this is not set as a reserved matter at this stage and will be subject to a reserved matters application at a later date, the following assessment is taken from an indicative layout and is for illustrative purposes only.

The nearest properties to the application site is a dwelling to the east known as Little Lutterburn, a dwelling to the south east and a row of dwellings to the south fronting Lutterburn Street. Rowan Cottage is to the west as well as Ugborough Primary School.

In terms of the impacts to Little Lutterburn, plot 6 will present the closest impact. The separation distances between the identified rear elevation of plot 6 to the boundary of Little Lutterburn is approximately 12m and 22m to its closest elevation.

In terms of the impacts to the Vine Cottage, Plot 6 will again present the closest impact. The side elevation of plot 6 is identified to face this property where its likely obscure glazed windows could be, however these details are a Reserved Matter. The separation distances between the identified side elevation of plot 6 to the boundary of this dwelling is approximately 20m and 26m to its closest elevation.

In terms of the impacts to the dwellings to south along Lutterburn Street, Plots 4, 5 and 6 will present the closest impact. The separation distances between the identified side elevation of plot 5 to the boundary of these dwellings is approximately 16m and 28m to the closest neighbouring elevation.

Plot 4 has the closest proximity to a neighbouring boundary being 6m to the south and 13.5m to the west boundary. However, the properties south of Plot 4 have much larger rear spaces, the distance between Plot 4 and the nearest neighbouring rear elevation is approximately 32m. To the west, the nearest elevation is 18m

With almost all of these distances involved, the impacts arising from overlooking based on this indicative layout are not considered to be detrimental nor is this considered to present a sense of overbearing to neighbouring properties. Plot 4 has a greater impact in terms of boundary separation distances in particular, however the elevational separation distances and proposed boundary treatment will mean the amenity impacts are again minor. These impacts will be assessed in greater details through reserved matters once a final layout is submitted and design details for each dwelling are received.

#### Highways/Access:

Policy UG4 of the neighbourhood plan states;

*Subject to other policies in the plan, new development will be supported where it is associated with a settlement and in a location that allows safe access to the A3121 and B3213, leading to the A38, in order to minimise additional traffic on the lanes around and streets within that settlement. Proposals for any new development must include a proportionate assessment of:*

- *the level of traffic the development is likely to generate;*
- *the potential impact of this traffic on safety of pedestrians, horse-riding, cyclists and farm animal movements;*
- *the potential impact on parking and congestion within the Plan Area;*
- *noise; and*
- *measures needed to mitigate any impacts*

Following the Highway Authority's initial planning response, the applicant made contact with the Highway Authority to discuss some issues raised through consultation and confirmed -

1. Little Lutterburn have no ownership of the access lane and that they park their second car on the lane for their convenience with the permission of the land owner. Two permanent parking spaces have been allocated for Little Lutterburn in the scheme which are adjacent to their property.
2. The minimum width of the lane will be 4.8 meter with passing spaces.
3. It is planned for the access road to be "shared surface "
4. Its planned for the road to remain private.
5. A communal bin store will be placed within 20m of the public highway.

There are 3 parking spaces per plot and on-site refuse and recycling storage at an agreed collection point. Vehicle swept path analysis were submitted in May 2018 and these were sent to DCC highways for comment, it was concluded that the Highway Authority would have no objections in principle to the proposals, noting the local road conditions and recommended conditions pertaining to access details to be provided prior to commencement, implementation of parts of the scheme to be implemented before construction begins and the submission of a Construction Management Plan to be submitted prior to commencement.

#### Ecology

The submitted PEA highlights the potential value of the field for foraging bats, describing the site as of medium habitat quality for bats. The features of particular potential value for wildlife (including bats) will have a 5m buffer. Namely the tree lined hedgerow of the northern and north western boundaries.

Efforts will be made (as detailed in the LEMP to bring these boundaries back into active management and improve structural diversity for the benefit of wildlife). The buffer will be maintained as a tall sward.

The boundaries of rear gardens to be formed by fence and newly planted hedge (which will be maintained within the buffer in accordance with the LEMP.

The features of lesser potential value for wildlife will have a 2m wide planted buffer/hedgerow creating a new connected feature for wildlife – namely the southern and southwestern boundaries. This to be managed in accordance with the LEMP with the intention of creating a bushy hedgerow.

The LEMP includes reference to suitable bat and bird provisions for within the fabric of the new dwellings which as yet have not been provided and will be secured by condition, along with adherence to the LEMP along with the submission of an Ecological Enhancement Management Plan. These measures will minimise impact upon, safeguard and potentially enhance the wildlife interest of the site

### Planning Balance

The application seeks to provide 7 plots for self-build adjoining a sustainable settlement within the South Hams, although there will be some impact arising from a piecemeal construction the proposals, subject to signing of the S106, the development will provide wider options for housing choice within the District.

The terms of the S106 adequately ensure the development makes a positive contribution to improving accessibility to housing and diversifying the housing stock to the benefit of local people by providing affordable options and securing a local connection clause for sales. Whilst there are minor environmental impacts arising from the development of a green site with its associated ecological merit, advisors are satisfied that impacts can be adequately mitigated for through appropriately worded conditions. The location is deemed sustainable by virtue of its proximity to the centre of Ugborough and the social benefits arising from the provision of affordable housing options in the area and imposition of a local connection clause in a location adjoining a sustainable settlement are considered to outweigh the harms identified. In terms of flood risk, although there are sequentially preferable site for residential development, there remains little available sites for self-build, the site is sustainably located for a self-build development with an appropriate S106 heads of terms and provides a scheme which aims to alleviate flooding down Lutterburn Lane and across Lutterburn Street, the development therefore meets a number sustainable development objectives.

Paragraph 11 of the National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development and that authorities should approve development proposals that accord with an up-to-date development plan without delay

The development is considered to accord with adopted policies and the adopted neighbourhood plan and is recommended for conditional approval subject to S106

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

### **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied

for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
PLY61 Strategic infrastructure measures.  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV27 Meeting local housing needs in rural areas  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

#### **Ugborough Neighbourhood Plan**

UG3: Traffic flow  
UG4: New housing  
UG5: Infill sites  
UG9: Self-build/custom build  
UG11: Landscape character  
UG11 (a) Biodiversity  
UG12: Design  
UG14: Supporting sustainable development

#### **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.

#### **Schedule of Conditions**

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

planning permission. The development to which this permission relates shall 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
- (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).

2) The development hereby permitted shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved in writing 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 site levels together with proposed slab levels;
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for parking and turning of vehicles in accordance with the Devon County Council's parking standards;
- (h) all other works including walls fences means of enclosure and screening.
- (i) the location, extent and layout of open spaces
- (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and their connection with existing roads.
- (k) details of bat boxes reflecting Appendix 2 of the Landscape and Ecological Management Plan
- (l) proposals for how each plot would meet the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area.

3) The development hereby permitted shall be carried out in accordance with the approved plans.

Revised plan - Proposed Site Plan A.01 Rev H – received by the Local Planning Authority on 09/09/2019

Block Plan Su.01 Rev A - received by the Local Planning Authority on 09/09/2019

Site Location Plan T.01 Rev A - received by the Local Planning Authority on 09/09/2019

Existing Site Survey Drg Su.02 - received by the Local Planning Authority 03/11/2017

Existing Site Sections Drg Su.04 - received by the Local Planning Authority 03/11/2017

Existing Site Survey Drg Su.03 - received by the Local Planning Authority 03/11/2017

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) Notwithstanding the submitted details, Prior to works commencing on the first dwelling (excluding servicing) all plots shall have been fully serviced to include surface water drainage connections which shall be in accordance with a surface water drainage scheme for the whole site which shall first have been submitted to and approved in writing by the Local Planning Authority. Details to include:

- a. Soakaway testing, across the site, to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

Consideration should also be given to the geology and confirmation that the infiltrated water will not re-emerge downstream and affect 3rd party properties will be required.

If it is found only part of the site is suitable for infiltration then these areas must be used to reduce the quantity of water discharging from the site.

b. Soakaways and attenuation storage to be designed for a 1:100 year event plus 40% for climate change.

c. The site is within a known flooding area so the attenuated systems that discharge to the water course must be limited to the green field runoff rate for Return period. Where the rate is below 1 l/s then then a suitable minimum rate can be considered that takes in to account maintenance and long term performance.

d. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

e. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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

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

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

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

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

7) No part of the development hereby permitted shall be commenced until an assessment of the condition and capacity of the receiving ditchcourse is undertaken, and approved in writing by the Local Planning Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving ditchcourse which will be required to facilitate the development. This scheme must then be installed and in operation prior to commencement on any plot

Reason: To ensure that the receiving ditchcourse is of a satisfactory condition to receive the surface water runoff generated from the proposed development.

8) An Ecological Mitigation and Enhancement Strategy shall be submitted at Reserved Matters, to be fully integrated with the Landscape Scheme, including details of newly planted hedgerows, details of inbuilt provisions for bats and birds and management of hedgerow and buffer features in accordance with the submitted Landscape and Ecological Management Plan.

Reason: In the interests of biodiversity

9) Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and DEV28 of the adopted Plymouth and South West Devon Joint Local Plan.

10) No development shall take place until full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include

- arrangements for stripping, storage and re-use of top soil;
- arrangements for importation of top soil, including volume, source, quality, depth and areas to be treated;
- details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of lighting including function, location, design and intensity;
- details of new ground profiles including retaining bunds and banks;
- details of land drainage to avoid waterlogging of garden areas enclosed by hedgebanks;
- materials, heights and details of fencing and other boundary treatments, including new soft boundary treatment for the site boundary;
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- maintenance schedules for the establishment of new planting and its ongoing management;

All elements of the Landscape Scheme shall be fully implemented in the first planting season following reasonable completion of the development and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking

place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) Details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(o) complaint handling procedure including dedicated site manager contact name, telephone number and email address to be displayed on the site boundary visible from Lutterburn Street.

Once approved all construction activities shall be carried out in accordance with this management plan for the duration of the construction period.

(p) details regarding limitations of vehicle weight using Lutterburn Lane

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users. A pre-commencement condition is necessary to minimise the effects of construction on local residents and for highway safety reasons.

12) No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development, until the erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details shown on the Tree Protection Plan and associated Tree Survey. Within the Protection Zone nothing shall be stored or placed, nor bonfires lit, nor any works take place, nor shall any change in ground levels or excavations take place unless they are agreed in writing in advance by the Local Planning Authority. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until all tree felling or tree surgery works as agreed in writing by the Local Planning Authority have been completed. All tree works shall be undertaken in accordance with British Standard 3998 (Tree Work).

Reason: In order to protect trees of public amenity value

13) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

14) No part of the development hereby approved shall be occupied until:



- The 4.8m wide access road has been laid out, kerbed, drained and constructed up to base course level for the first 70 metres back from its junction with the public highway and
- The ironwork has been set to base course level
- A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

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 [amended] investigation and risk assessment and, where necessary, a[n amended] 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) 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 Planning Authority. 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 Planning Authority.

Reason To ensure, in accordance with Joint Local Plan Policy DEV21 and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development

17) The finished floor level for the dwelling on Plot 6 shall be set no lower than 107.2mAOD and the finished floor level for the dwelling on Plot 7 shall be set no lower than 107.7mAOD in perpetuity.

Reason: To reduce flood risk to the development.

18) The new site road shall be set at existing ground levels where it crosses Flood Zones 2 and 3. Prior to commencement of development the applicant shall submit level surveys of the site pre and post development to confirm that no ground raising has occurred within Flood Zone 2 and 3.

Reason: To reduce flood risk to the development and elsewhere.

19) The western watercourse channel beneath the widened existing access road shall be permanently maintained using a drainage gate and not filled in.

Reason: To reduce flood risk to the development and elsewhere.

20) No external lighting to be erected upon dwellings without agreement of details with LPA.

Reason: in the interest of protect species and biodiversity

21) Management of hedgerow and buffer features to fully accord with the submitted Landscape, Ecological Management Plan by Green Lane Ecology received by the Local Planning Authority on 24/12/2018

Reason: in the interest of protect species and biodiversity

22) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Method Statement of specialist constructional techniques for the means of creating the element of the access that traverses the RPA of the protected Beech tree shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the tree and allow capacity for continued root, stem and crown growth. No development or other operations shall take place except in complete accordance with any approved Method Statement.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area.

23) No plot shall be occupied until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address the matters required pursuant to National Planning Practice Guidance and include the following information:

- Flood warning procedures (in terms of receipt and transmission of information and to whom);
- Site evacuation procedures and routes; and,
- Subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

Reason: To limit the risk to future users from flooding.

24) Prior to development above slab/dpc level details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To demonstrate that that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

25) Prior to commencement new Land Drainage Consent application covering the revised surface water management proposals, must be submitted to and approved by Devon County Council details of this shall then be submitted to the Local Planning Authority prior to commencement. The works to the water courses shall be completed prior to any other works taking place, carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To reduce flood risk to the development and elsewhere.