

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Sparkwell **Ward:** Newton and Yealmlton

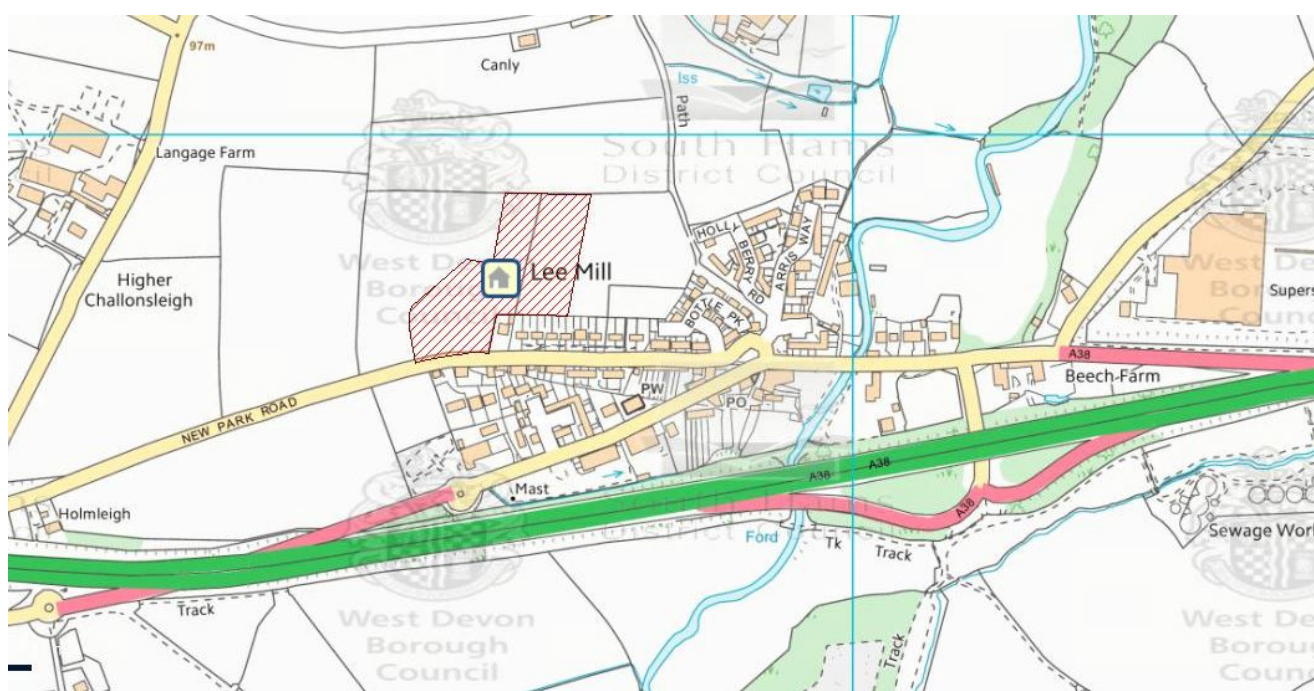
Application No: 3197/19/OPA

Applicant:

Mr N Jillings Place Land LLP
23 Southernhay East
Exeter
EX1 1QL

Site Address: Land adjacent to New Park Road, Lee Mill, Nr Ivybridge

Development: Outline application with some matters reserved for residential development of up to 25 residential units including vehicular access, estate roads, landscaping, open space, drainage, infrastructure and all associated development.



Reason item is being put before Committee: Councillor Thomas and Councillor Baldry have the following concerns:

- Lack of local facilities: no local shop, no community hall, no school.
- Traffic impacts on New Park Road which is a busy road
- Improvements to play and schooling in Ivybridge will not assist the situation of the village

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.

The terms of the Section 106 Obligation are:

- 30% affordable housing which shall include 70% social rent and 30% intermediate home ownership.
- Occupants (to be calculated based on Table 3 of the SPD) x £595 towards *'Provision of a MUGA at Bottlepark and/or improvements to sports facilities in Ivybridge as identified in the South Hams Playing Pitch Strategy 2015 and subsequent updates.'*
- Occupants (to be calculated based on Table 3 of the SPD) x £380 towards *'improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area'*
- Public access and on-going management and maintenance of the on-site public open space in perpetuity.
- On-going management and maintenance of retained boundary features in accordance with LEMP
- Primary school infrastructure: £29,863
- Secondary school infrastructure: £82,203
- Primary school transport: £31,504
- Secondary school transport: £12,433
- £6000 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill
- Contribution of £15,00 towards the unclassified road 301 in Sparkwell
- Implementation of LEMP and SUDs
- Clause securing delivery of offsite delivery of compensation/appropriate Biodiversity Net Gain in the event that it is not possible to evidence sufficient onsite provisions at Reserved Matters when applying the Defra Biodiversity Metric Calculator. This may be by way of a monetary sum or offsite delivery of habitat creation or enhancement on land owned by the landowner, and should be consistent with the detail within the JLP SPD.
- Prior to first occupation of any residential unit, a contribution in accordance with Table 3 of the Plymouth Sound and Estuaries European Marine Site Recreation Mitigation and Management Scheme (November 2019) shall be paid to the Local Planning Authority

Conditions (full wording at end of report)

1. Std outline time condition
2. Reserved matters to be submitted
3. Accords with plans
4. Submission and agreement of details (including on-going management and maintenance) of the public open spaces at reserved matters stage
5. CEMP
6. Proposed estate roads etc details to be agreed and provided
7. Access road – first 20m to be laid out before any other development continues
8. Footway(s) to Holly Berry Road to be provided prior to occupation
9. Housing mix to be agreed at reserved matters stage and shall meet local housing need.
10. Detailed design of surface water management to be agreed at reserved matters stage.
11. Prior to commencement - Construction phase surface water management to be agreed
12. Prior to commencement – exceedance route to be agreed
13. Prior to commencement – details of the adoption and maintenance to be agreed.
14. PROW diversion order to be made prior to commencement of development if required
15. Details of any works to the PROW to be agreed
16. Unsuspected contamination
17. Prior to commencement - to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation agreed with the LPA
18. Lighting strategy at RM showing no more than 0.5 lux within 5m of western and northern boundary features and reflecting recommendations of section 9 of the Bat Activity Report (Ecological Surveys Ltd, Nov 2017).
19. Submission of a LEMP at RM detailing ongoing management and maintenance of retained and created public open space/boundary features.

20. Submission of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include mitigation and enhancement proposals for construction and operational phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate proportionate measurable net gain in biodiversity including a completed Defra Biodiversity Metric Calculator, reflecting recommendations within sections 7 and 8 of the Ecological Appraisal (Ecological Surveys Ltd, May 2017).
21. Tree and hedge protection details to be provided in RM
22. Provision of parking and turning areas prior to occupation
23. Removal of PD – boundary treatments, hard standings, roof extensions
24. Electrical charging points – details to be provided and implemented
25. The reserved matters application for layout shall include details of how the development meets the requirements of JLP policy DEV32 and represents low carbon development.
26. All residential units shall meet as a minimum National Space Standards
27. At least 20 per cent of dwellings shall meet national standards for accessibility and adaptability (Category M4(2) Building Regulations).
28. Details of pedestrian links to be agreed at reserved matters

Key issues for consideration: The site lies outside of the built up area of Lee Mill within the countryside and is not an allocated site for development. Lee Mill however is identified in the Plymouth and South West Devon Local Plan (JLP) as being capable of accommodating around 20 new dwellings over the plan period. A key issue therefore is whether the principle of the development accords with the JLP and whether detailed matters such as highway safety, residential amenity, landscape impact and impact on biodiversity are acceptable.

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

The Government has advised that the New Homes Bonus scheme will end after the 2020-2021 financial year and 20-21 is the last year's allocation. The 2020-21 NHB allocation for the Council will be based on dwellings built out by October 2019. A statement about a replacement scheme is expected in the New Year.

This application will be built after the October 2019 cut off for the New Homes Bonus funding, so no NHB funding will be received.

However, the Council does not know whether a replacement scheme is likely or not to pay the Council similar funding levels.

For information, under the New Homes Bonus scheme an amount of £1,337 was payable to the Council for an individual property, with an extra £280 if the property was for affordable housing.

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

Site Description:

The site comprises approx. 1.15 ha of agricultural land located to the west of the village of Lee Mill, approx. 2 km west of the town of Ivybridge. Lee Mill is a modest size village built along the Plymouth Road, sitting immediately north of the A38. Facilities within the village are limited and include a pub, a church and a garage shop. The large Tesco superstore is located just outside the village as is Lee Mill Industrial Estate. There are bus links from the village to Plymouth and Ivybridge.

The sites includes a smallish field immediately west of Holly Berry Road and the south eastern portion of a larger field further west which continues south to meet New Park Road. The site is bounded by hedgerows except for where it subdivides the larger field, at present there is nothing to define this boundary. The site topography falls gradually from north west to south east.

To the south and east the site adjoins the new housing development at Holly Berry Road and existing housing on New Park Road. Part of the site directly adjoins New Park Road. Agricultural land lies to the west, north and north east.

A public footpath (Sparkwell Footpath 12) crosses the site diagonally from the east (Holly Berry Road) to the north west corner of the site.

It is proposed that vehicular access will be taken from New Park Road with pedestrian access to Holly Berry Road retained and provided

A public open space has recently been provided as part of the adjacent Holly Berry Road development adjacent to the playground of Bottle Park.

The Proposal:

This application is in outline with only the detail of access to be agreed. The proposed development is for up to 25 dwellings of 1-4 bed homes and associated infrastructure and open space.

Vehicular access is proposed from New Park Road and pedestrian access is provided into Holly Berry Road in the position of the existing footpath access and a second link is also proposed further south also linking into Holly Berry Road

The application is supported by an illustrative masterplan which shows a layout including the following housing mix:

- 3 x 1 bed apartments
- 4 x 2 bed apartments
- 4 x 2 bed dwellings
- 9 x 3 bed dwellings
- 5 x 4 bed dwellings

25 Total

30% of the dwellings are proposed as affordable housing.

The supporting Design and Access Statement describes how the illustrative layout seeks to respond to the constraints and characteristics of the area and has been formed around green infrastructure to minimise landscape and visual impacts. The illustrative drawing indicates the buildings will not exceed 2 stories in height

A parking court is indicated immediately north of the rear gardens of existing dwellings on New Park Road, many of these existing dwellings have no convenient on plot parking; this parking area is intended to provide parking for these residents who currently have to park in the road.

The illustrative plan shows a substantial area of public open space of 0.26 ha on the northern part of the site which contains and maintains the route of the public footpath.

Consultations:

- County Highways Authority: No objection subject to conditions and a financial contribution of £6000 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill and a contribution of £15,00 towards the unclassified road 301 in Sparkwell
- DCC Archaeology: No objection subject to conditions
- SHDC Ecology: No objection subject to Section 106 Obligations and conditions.
- SHDC Affordable Housing : No objection subject to agreeing the details of the type and tenure of the affordable units at reserved matters stage and within the S.106
- SHDC Landscape: No objection
- SHDC OSSR: No objection subject to conditions and financial contributions as follows:

Occupants (to be calculated based on Table 3 of the SPD) x £595 towards 'Provision of a MUGA at Bottlepark and/or improvements to sports facilities in Ivybridge as identified in the South Hams Playing Pitch Strategy 2015 and subsequent updates.

Occupants (to be calculated based on Table 3 of the SPD) x £380 towards '*improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area*'

- Strategic Planning: No objection subject to the housing mix meeting local housing needs.
- South West Water: No objection
- DCC Flood Risk: - No objection subject to conditions
- SHDC Tree Specialist: No objection
- DCC Education. No objection subject to the following financial contributions:
 - Primary school infrastructure: £29,863
 - Secondary school infrastructure: £82,203
 - Primary school transport: £31,504
 - Secondary school transport: £12,433
- Police AOL: Detailed advice provided to inform the reserved matters. Concern raised over illustrative location of POS which should be well overlooked and access from parking area provided for New Park Road residents
 - DCC PROW: Public footpath No. 12 Sparkwell is affected by this application. A new kissing gate to British Standard (Gaps, gates, stiles) will be required on the northern boundary of the orchard. If the footpath requires temporary closure during any phase of development a formal legal closure order will be required with suitable temporary diversion in place. It appears the footpath is to be retained in the same location. If it is to be moved, a diversion order will need to be made by the planning authority under the Town and Country Planning Act prior to development commencing. Confirmation of these matters would be required before agreement can be confirmed.
- Town/Parish Council: Object

New park road is already considered to be hazardous due to the lack of roadside parking. Any increase in traffic density constitutes creates a severe hazard at the lee mill end of the road, new park road is busy also hazardous and cannot support further regular vehicle density. This was highlighted in a survey census in 2018. In addition the access to the new provision will involve entering the n p road in a seriously hazardous position section which has suffered previous incidents.

There is no recent housing needs survey to support the application.

Representations:

Approximately 35 letters objecting to this development have been received raising issues which include the following:

- Too much traffic in village already – congestion and houses vibrate
- Additional traffic will increase higher safety problems.
- Inadequate facilities in village to support more housing
- Where is the village hall going to go?
- No need for more housing in Lee Mil
- SHDC officer said there was no need for more affordable housing in Parish
- Traffic studies have not been updated and don't take account of additional Sherford traffic.
- No safe pedestrian access from bus stop
- If approved remaining land (from previous application) should be handed to Parish to prevent further development.
- Likely to lead to more housing in the future
- Loss of amenity of views and dog walking
- Lack of pavements on New Park Road make it dangerous for pedestrians
- Existing drainage problems will get worse
- Houses will block natural sunlight to existing dwellings
- Traffic calming should be provided
- Will increase air pollution
- There is no shop, post office or school in the village
- Does not comply with JLP which should deliver 20 homes over 25 years not in one development.
- Will be overbearing on existing development
- Adverse impacts on wildlife
- Adverse impact on village character

Relevant Planning History

49/1162/08/F: Erection of 65 dwellings (25% affordable housing) provision of site for future village hall and car park, open space, access, servicing and landscaping, Conditional approval. (This relates to the adjoining new development on Holly Berry Road)

1303/18/OPA: Outline application with all matters reserved except for access, for residential development of up to 110 dwellings with open space, landscaping, allotments, drainage infrastructure, estate roads and associated development : Refused

ANALYSIS

Principle of Development/Sustainability:

A previous application for 110 dwellings on this and a wider site was refused planning permission in 2018 on a matter of principle; the main reason for refusal was as follows:

The proposed development in the countryside will result in a significant extension and expansion of the village of Lee Mill which has already had significant amounts of new housing in recent years that exceed the housing needs of the Parish. The proposed development will add substantially to the cumulative impact of new development in the village that delivered as unplanned development in a short time frame, without adequate supporting infrastructure will adversely impact on the social wellbeing and character of the village. As such the proposed development is not sustainable and is contrary to principles of the NPPF, in particular paragraphs 8, 11 and 92 and is contrary to Policies CS1 and DP15 of the South Hams Local Development Framework and Policies SPT1, SPT2 and TTV30 and TTV31 of the emerging Plymouth and South West Devon Joint Local Plan

Since this refusal the JLP has been adopted, which identifies at Policy TTV25 that Lee Mill is a sustainable village capable of accommodating around 20 dwellings.

Policy TTV25 reads as follows:

Development in the Sustainable Villages

Provision in the order of 550 homes will be sought from the sustainable villages as part of the overall housing supply for the TTV Policy Area. The LPAs support the preparation of neighbourhood plans as a means of identifying local housing and other development needs in the sustainable villages. Development within the sustainable villages, including the indicative level of housing set out in Figure 5.8, should be provided through neighbourhood plans, unless such provision would conflict with other policies of the JLP.

Within sustainable villages without neighbourhood plans the LPAs will still support development that meets the identified local needs of local communities and development which responds positively to the indicative housing figures set out in Figure 5.8. All development proposals, whether in villages which have neighbourhood plans or not, will be considered against the other policies of this plan.

There is no Neighbourhood Plan, emerging or made for Lee Mill as such there is no preferred development site selected by the community and it is for the LPA to assess this proposal on its own merits.

The strategic aspects of this proposal have been considered by the Council's Strategic Planning Specialist who has commented as follows:

The application is broadly in accordance with policies TTV1 and TTV25 of the adopted Plymouth & South West JLP, in which Lee Mill is recognised as a Sustainable Village that has been given an indicative housing figure of 20 dwellings in figure 5.8 of the plan.

Since 31st March 2017 there have been no eligible schemes that could count towards the indicative number of 20, and there are no extant consents either.

The proposal will contribute slightly over the indicative 20 homes for the village identified, and will make a positive contribution to the delivery of rural homes as part of policy TTV25.

While the proposal for 25 is broadly in keeping with the scale of the village, it does represent an uplift of 25% above the indicative housing figure. That may not be an issue providing that the development delivers a policy compliant housing mix across all tenues. With particular regard to the open market housing mix, it is expected that the proposal should accord with the most up-to-date evidence available for local housing needs, which is the 2017 SHMNA. This identifies a need of around 49% 1 and 2-beds, 33% 3-bed and 18% 4-beds.

I would emphasise that any future applications would be treated very differently in terms of the local housing need requirement once the indicative figure for Lee Mill has been met and the expected contribution to TTV25 has been made.

The principal of delivering 25 dwellings at Lee Mill is therefore supported by the JLP, subject to all other material planning considerations.

Design/Landscape:

The application is in outline with matters such as layout, scale and appearance to be agreed as reserved matters.

The site is within the setting of Dartmoor National Park. Paragraph 172 of the NPPF states that great weight shall be given to conserving landscape and scenic beauty of National Parks.

This application has been assessed by the Council's Landscape Specialist who has commented as follows:

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Section 11 of the NPPF in particular paragraphs; 127 and 170, 172 &173;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The Dartmoor National Park Management Plan and its Annexes.*

Landscape Comments

The proposed development is noted and has been considered with reference to the previous application 1303/18/OPA to which no landscape objection was raised. The current proposal is also considered under a new policy position with the adoption of the Joint Local Plan (relevant policies - DEV23 and DEV25) and revised NPPF.

The current revised scheme is for a more modest development which is restricted in scale and form, principally expanding residential housing to the west (Field 1 and Field 2). As a result the overall potential for landscape impact harm is considerably reduced on the basis it remains for similar residential development. A revised LVIA has been submitted (Issue 05 - 4th June 2019 – AECON) noting the original LVIA and with consideration to the changed policy position and impacts arising from a reduced 25 unit scheme. The LVIA remains sound and officers concur with the findings.

In reference to the previous scheme and full consideration of the resubmitted scheme before officers, the landscape position remains consistent where the proposal broadly accords with current policy; that is the wider landscape character is conserved, with limited adverse harm at a local level and opportunities are sought to enhance landscape character and visual quality through new tree and hedge planting and enhancements to existing landscape features. On this basis, the proposed development can be supported.

Design, scale, appearance and detailed landscaping remain matters reserved for future consideration. As such officers have not given detailed scrutiny to the illustrative layout but would comment that the POS might make a more positive contribution to the scheme if located more centrally rather than set at the far end of the site. The emerging SPD sets out guidance on parking standards and minimum requirements for external amenity space for dwellings and apartments which, depending on the

weight that may be attributed to the document at the time of any reserved matters submission, may be relevant considerations.

Matters relating to design and landscape, in so far as they impact on this outline application and including potential impacts on Dartmoor National Park, are considered to be acceptable

Affordable Housing, Housing Mix and space standards

Policy DEV8 and DEV9 of the JLP include the following key matters that are relevant to this application:

Policy DEV8: Meeting local housing need in the Thriving Towns and Villages Policy Area

The LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home mixed communities. The following provisions will apply:

A mix of housing ownership, meet needs for social and rented housing, and create sustainable, inclusive and

- 1. sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are:*

i. Homes that redress an imbalance within the existing housing stock.

ii. Housing suitable for households with specific need.

iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.

3. Within the whole policy area a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings. Off-site provision or commuted payments in lieu of on-site provision will only be allowed where robustly justified.

Policy DEV9: Meeting local housing need in the Plan Area

The following additional provisions for the delivery of a range and mix of housing to meet local housing needs shall apply to the Plan Area;

1. Affordable housing could include social and affordable rent, shared ownership, and innovative housing models that meet the local demand/need, such as rent-to-buy, starter homes and shared equity as appropriate.

4. A mix of accessible housing units will be sought in new housing schemes, representative of the wider housing mix of the development including:

i. Requiring at least 20 per cent of dwellings on all schemes of five or more dwellings (including conversions), where practicable, to meet national standards for accessibility and adaptability (Category M4(2) of Building Regulations).

The Council's strategic planning specialist has identified a need for the following approximate house types:

Around 49% 1 and 2-beds, 33% 3-bed and 18% 4-beds.

The housing mix shown on the illustrative master plan is around 44% 1 and 2 beds, 36% 3 bed and 20% 4 bed; this is very close to the need identified above but nevertheless at reserved matters stage

justification for the proposed housing types should be provided. A condition is proposed to secure this.

The Council's affordable housing specialist has reviewed the proposal and has commented as follows:

I have looked at this application for 25 units at Lee Mill and have noted that the applicant/agent has provided HoT's. The HoT's state that 30% of the properties will be provided as affordable housing which is compliant with policy DEV 8. The breakdown of the tenure of the property is proposed to be 70% affordable rent and 30% intermediate home ownership.

I need to point out that the emerging SPD states that the affordable rented element should be social rent unless there are viability reasons why this cannot be achieved. This evidence would need to be presented to the local authority to be assessed at the applicant/agents cost and the information contained within the viability appraisal will be published on line.

As this is an outline application, the local authority would want to see a good mix of 1,2,3 and 4 bed properties. However we would not wish to see 2 bed flats included. We would also want to raise the issue of technical space standards and ensure that 2 bed properties would accommodate 4 people, 3 bed properties should accommodate 5 people.

Following this advice it is proposed that the affordable housing should be provided as 70% social rent and 30% intermediate home ownership, the applicant raises no objection to this and this can be secured in the Section 106 Agreement. Details of type and size can be agreed at reserved matters and this is secured through a proposed planning condition to agree housing mix.

Subject to the proposed conditions and S.106 Obligations it is considered that it will be possible to deliver a scheme that accords with JLP policies DEV8 and DEV9.

Open Space Sport and Recreation

Plymouth and South West Devon Joint Local Plan policies DEV3, DEV4 and DEV27 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. Until a new Supplementary Planning Document (SPD) is adopted, levels of reasonable contributions for OSSR are detailed within the SHDC OSSR SPD (2006).

The outline application is for the provision of up to 25 dwellings. It is noted that this is a resubmission of application 1303/18/OPA which was for up to 110 dwellings. Based on the accommodation schedule set out in the Design and Access Statement and Table 3 in the SHDC OSSR SPD the development would generate 85.5 new occupants.

Public Open Space

The Illustrative Masterplan shows the main area of public open space in the north of the site around the existing public right of way. There is also an area of public open space fronting New Park Road at the entrance of the site.

The Joint Local Plan sets a standard of 1.91ha per 1000 people for accessible natural greenspace. Based on 85.5 occupants this would amount to a need of at least 0.1633ha (1,633m²) on site public open space and the Illustrative Masterplan clearly demonstrates that this quantum can be met.

Consideration will need to be given to the location, design and layout of the public open space at reserved matters stage. The location and layout should ensure that the public open space is well overlooked and integrated into the scheme to ensure that it will be well used. The space should be designed to be of more interest than simple amenity grassland e.g. through the provision of tree planting, seating etc.

Play

Given the size of development, and the fact that the site is adjacent to an existing Neighbourhood Equipped Area for Play at Bottlepark, no on site equipped play facilities would be expected.

However, in order to cater for the new residents, improvements to the existing play area at Bottlepark will be required through the provision of additional equipment, both to more fully cater for the needs of older children (8-14 year olds) and add to the range of equipment/play experiences offered.

A financial contribution would thus be required in accordance with the SHDC OSSR SPD (2006) to enhance the local play facilities. Applying Tables 3 and 6 of the SPD the following should thus be secured within the s106 agreement:

- Occupants (to be calculated based on Table 3 of the SPD) x £380 towards *'improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area'*

Sports and recreation

The development site is unable to incorporate sports and recreation facilities as required by policy on site.

The Parish Council has identified the need for a Multi-Use Games Area to cater for older children/adolescents, which could be located at Bottlepark in close proximity to the proposed development site. In addition, the new residents will generate increased pressure on existing sports and recreation facilities. The most local major sports and recreation facilities are located in Ivybridge to the east and it is reasonable to assume that the new residents will make use of these facilities.

The South Hams Playing Pitch Strategy (and subsequent updates) includes the following projects in Ivybridge:

- Extension of Clubhouse at Erme Valley Playing Fields for Ivybridge Town Football Club
- Additional All Weather Pitch at Ivybridge Community College
- Extension of Clubhouse for Ivybridge Rugby Football Club

It is highly likely that the new residents would use the existing sports and recreation facilities in Ivybridge. New residents would add pressure to these facilities, which have already been identified as in need of improvement, and the pressure would require mitigating to assist with making the facilities sustainable.

To allow for the provision of a new MUGA and improvements to existing sports facilities in Ivybridge, a financial contribution would be required in accordance with the SHDC OSSR SPD (2006). Applying Tables 3 and 6 of the SPD the following should thus be secured within the s106 agreement:

- Occupants (to be calculated based on Table 3 of the SPD) x £595 towards *'Provision of a MUGA at Bottlepark and/or improvements to sports facilities in Ivybridge as identified in the South Hams Playing Pitch Strategy 2015 and subsequent updates.'*

The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).

Subject to conditions and Section 106 Obligations as specified matters regarding open space, sport and recreation are considered to be acceptable.

Biodiversity

The biodiversity impacts of the development have been assessed by the Council's ecologist who has commented as follows:

Onsite Biodiversity

The site comprises arable fields bounded by predominantly species-poor (with some stretches of species-rich) hedgerows. The proposal would lead to loss of the arable fields within the site boundary, and one stretch of species-poor hedgerow, and has the potential to lead to light spillage on hedgerows.

Bat Activity surveys noted a low level of activity at the site with relatively low species diversity, reflecting the habitat types at the site and limited foraging resource for bats. The vast majority of activity was recorded from Common Pipistrelle bats, with 3 passes recorded by Greater Horseshoe bats during automated surveys. It is noted that the site is a considerable distance outside of the Landscape Connectivity Zone associated with the South Hams SAC, and no likely significant effect on the South Hams SAC will result from the proposal

There is potential to retain and enhance the wildlife features of the site (namely hedgerows), and to avoid/mitigate potential impact on hedgerows. The consultant ecologist has advised avoiding light levels of above 0.5lux within 5m of hedgerows given the recorded light-sensitive bat species at the site – this is likely to be most important along the western and northern boundaries to ensure continued connectivity of the site for bats into the wider landscape. Enhancements for wildlife through new hedgerow and tree planting, wildflower planting, and other features for wildlife (e.g. inbuilt bird and bat boxes) are outlined in the EclA.

The measures as outlined within the submitted EclA should be fully detailed at Reserved Matters Stage within an Ecological Mitigation and Enhancement Strategy.

Notwithstanding that this is an Outline proposal only, and the site plan is illustrative only, as currently proposed it is noted that public open space buffers the northern and southern boundary hedgerow and it would accordingly be straightforward to ensure these are dark corridors. However, the western hedgerow/new woodland buffer is currently shown immediately adjacent to the road. Unless unlit this layout would make it difficult to achieve a dark hedgerow corridor as per the consultant ecologists recommendations. This aspect of layout will require consideration at Reserved Matters, and will require lux contour/isocline modelling to evidence that light levels will be acceptable along this western hedgerow corridor.

Every effort should be made within the RM layout to ensure retained and proposed hedgerow/woodland buffer falls within land to be managed in accordance with a Landscape and Ecological Management Plan as opposed to hedgerows being included in residential curtilages and potentially being degraded.

It should be noted that since the consideration of the 2018 application, the revised NPPF has been published which emphasises the need for development to deliver measurable Biodiversity Net Gain. This has been further considered via a Defra consultation which informed the 2019 draft Environment Bill and a proposed mandatory 10% Biodiversity Net Gain from development. Whilst withdrawn upon announcement of the General Election, on 30th January 2020, the Environment Bill was again introduced to parliament, and again will propose mandating Biodiversity Net Gain. This is reflected within the draft JLP SPD, which itself encourages developers to deliver 10% Biodiversity Net Gain.

The mechanism for calculating this will be via the Defra Biodiversity Metric, with the preference that compensation and net gains are delivered onsite, although the JLP SPD allows for delivery of offsite compensation in net gain where this is not possible. At present, given the submission is accompanied by 2017 ecology surveys and is in Outline only, there has been no presentation of a completed Biodiversity Metric calculator – it is not possible currently to assess the likelihood of the development delivery compensation and Biodiversity Net Gain onsite.

Given the lack of the provision of a calculator, it is proposed that conditions and s106 clauses are applied to ensure that at Reserved Matters the submission delivers a measurable Biodiversity Net Gain (of which the LPA will be encouraging 10%, and this figure is anticipated to be in the process of being nationally mandated by the time of the Reserved Matters). In the eventuality that it proves impossible (within the context of delivering 25 units on site) to deliver compensation and 10% Biodiversity Net Gain onsite, then offsite would have to be considered in accordance with the approach detailed within the JLP SPD (which will be adopted by that time). Accordingly, while it has not been demonstrated that measurable net gain has been delivered within this Outline application, this approach can give the LPA confidence that the proposal will be policy compliant at Reserved Matters.

Offsite Biodiversity

The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries European Marine Site, and I note the HRA and Appropriate Assessment has been undertaken accordingly (dated 10/10/2019 on the website). This concluding that a financial sum should be secured to mitigate the in-combination effects of new recreational activity from residents associated with this proposed development.

It is noted that the HRA document dated 10/10/2019 uses out of date figures – the Plymouth Sound and Estuaries European Marine Site Recreation Mitigation and Management Scheme has since been published, and it is the figures within Table 3 of that document (as below) that should be used. It should also be noted for the purposes of the Development Management Committee Report, that as of today (Brexit) I understand that the correct citation for the Habitats Regulations would be a 2019 date (as opposed to the former 2017 date).

Table 3: Rates per size dwelling Size	Av household occupancy	Cost per unit £
1 Bedroom	1.33	236.62
2 bedroom flat	1.86	330.92
2 bedroom house	2.45	435.89
3 bedroom dwelling	2.63	467.91
4+ bedroom dwelling	2.85	507.05
Cost per head	177.91	

Please also note that the requirement for the contribution should in this case be secured via the s106 as opposed to condition,

Subject to necessary recommended Section 106 Clauses and conditions, impacts on biodiversity are considered to be acceptable

Public Right Of Way

It is noted that a PROW crosses the site and might require a diverted route depending on the final layout –DCC PROW team have submitted a consultation response on this matter. Any diversion would require a s257 diversion order (application separately made to the LPA under s257 of the Town and Country Planning Act, 1990) to divert the PROW in relation to facilitating the proposed development. The development would not be able to affect the PROW without the s257 Order being made and confirmed. A s257 can be applied for if diverting a PROW is necessary to enable a development to proceed. The s257 diversion order application has its own consultation, criteria and decision making processes.

Neighbour Amenity:

Notwithstanding objections raised on grounds of potential for overshadowing and overbearance, officers consider that the illustrative layout indicates that it is possible to accommodate 25 dwellings on the site in a way which would not have a significant adverse impact on neighbour amenity. Detailed matters such as overlooking /loss of light would be assessed at reserved matters stage.

A further amenity issue relates to highway impacts. As demonstrated in the representations of local residents and the Parish Council the amenity of Lee Mill, in particular for residents living on and using New Park Road is adversely affected by the amount of traffic using New Park Road. The proposed development of 25 homes using an access from New Park Road will increase traffic movements exacerbating the amenity issue arising such as noise, pollution, perceptions of safety, congestion and general dominance of the area by motor vehicles.

The Highway Authority has identified a need for and means of mitigating these impacts as set out in their highway response below.

Subject to the Section 106 financial obligations requested by the Highway Authority impacts on amenity are acceptable and have the potential to improve amenity generally in the area through improved traffic management

Heritage

The county archaeologist has reviewed this application and commented as follows:

The proposed development will have an impact upon the site of a prehistoric early medieval enclosure, containing evidence of structures or buildings within, that were identified through archaeological fieldwork undertaken in support of the earlier planning application (1303/18/OPA). These heritage assets are not of such significance that they warrant preservation in situ within any development that may proceed here, but groundworks for the construction of the proposed development will expose and destroy these heritage assets. The impact of development upon the archaeological resource here should therefore be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

'To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that may contain archaeological or artefactual deposits to ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

Subject to adherence to this proposed condition impacts on heritage assets are considered to be acceptable.

Highways/Access:

Significant concerns have been raised by local residents and the Parish Council about the traffic impacts of this application. Comments are made that New Park Road is very busy and that on street parking on New Road restricts the width of the road forcing a 'give and take' situation for road users, this causes congestion. It is also commented that footpaths on New Park Road are not continuous and this causes highway safety issues.

This application has been considered by the Highway Authority who have commented as follows:

The Highway Authority notes this resubmission drastically reduces the number of dwellings proposed in relation to the previous application 1303/18/OPA. From an access perspective most of the same principles apply in that cycle/pedestrian access shall be provided to Holly Berry Road and vehicle access will be taken from New Park Road. It is notable one of the pedestrian access points towards Holly Berry Road has been removed because the site has reduced in its overall footprint and this is deemed acceptable.

The Highway Authority has been in contact with the applicant's transport consultant to clarify a couple of matters that remain slightly unclear –

1. Currently the planning application red line boundary stops short of the highway before reaching Holly Berry Road. The Highway Authority is content a permissive link or ideally an adopted link can be provided as access rights exist to connect to Holly Berry Road. If a Permissive Path link is required a Permissive Path Legal Agreement will need to be appended to the S106 legal agreement.

2. I note a parking area is proposed for New Park Road residents and having spoken with the transport consultant working on the scheme the intension is that this parking area will be accessible by foot from the rear gardens of the dwellings located on the northern side of New Park Road.

3. The Highway Authority notes the internal road gradient is proposed at 1:10 internally within the site meaning the adjacent footways will be the same gradient. Inclusive Mobility recommends a minimum gradient of 1:12 for disabled access. It is appreciated the internal layout is indicative at this stage and therefore it has been agreed that at this stage a note shall be added to the drawing to require a 1:12 gradient for the footways within the site. This drawing should be submitted directly to the Planning Authority from AWP prior to determination.

4. A kissing gate is proposed still at the northern pedestrian access point to Holly Berry Road. I think again to comply with Inclusive Mobility and the DDA 1990 the application

should be looking to agree a gate design with the PROW team at DCC and submit it with the application.

5. It is considered a Travel Plan for this number of dwellings is unnecessary. It is recommended that 50 dwellings is the lower threshold unless there are road capacity issues, which in this case it has been demonstrated adequately there won't be.

6. The proposals will increase pedestrian footfalls towards Holly Berry Road from the site towards the Green lane to the north. There are issues with safety at this point as there is a lack of visibility for users of the green lane/road, which crosses the internal estate road north/south. Legally cars, motorbikes and quads can use the green lane and there have been some near misses as a result of users not giving way to the internal estate road. The Highway Authority would like to try and improve the visibility for users of the lane to improve safety for both pedestrians and motorists using the existing internal estate road. As the proposals will increase the number of pedestrians walking this way it is necessary to ask for a contribution towards the scheme. The improvements would consist of - to tarmac roughly a 5 metre section of the green lane north of Holly Berry Road with kerbs so that a give way line can be introduced for the green lane. In doing so a drainage design will need to be also provided and it is estimated with these works will equate to around £15,000 which should be secured through a S.106.

S106 Requests

£6000.00 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill. To be paid on occupation of 25 percent of the dwellings.

The Highway Authority notes the proposals will likely increase traffic to and from Plymouth on a daily basis. In order to re-enter Lee Mill from the Plymouth direction north, it would be likely drivers from the development would slip off the A38 onto the C646 road. This road has narrow and intermittent footways and it is deemed appropriate to seek mitigation for the existing residents through S106.

To be paid prior to occupation of 25% of the dwellings.

£15,000 towards improving the Unclassified Road 301 in Sparkwell. To be paid prior to occupation of the first dwelling.

To be paid prior to the occupation of 25% of the dwellings.

The financial contributions towards a capacity, safety, amenity and air quality mitigation scheme will be used in the design phase of a proposed new slip road from the A38 which will divert a significant amount of traffic away from the village centre which will significantly improve matters of amenity, air quality and highway safety within the village and will mitigate the impacts of the additional traffic arising from this development.

The development proposes two pedestrian links to the east into Holly Berry Road which provide a safe pedestrian route for new residents into the village facilities including the play park.

Subject to the mitigation measures provided by the Section 106 Obligations recommended above the highway impacts of this development are considered to be acceptable.

Drainage

The management of surface water related to this application has been assessed by DCC as Lead Local Flood Authority who raise no objection subject to conditions.

South West Water raise no objection

Economic impacts:

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area with some increase in the demand for local goods and services.

Social Impacts

The delivery of an additional 7.5 (approx.) affordable homes is a significant social benefit. Lee Mill is an appropriate location for affordable housing with job opportunities on the adjacent industrial estate and large supermarket and with bus links to Ivybridge and Plymouth.

The previous application for 110 dwellings was in part refused due to concern about the social impact of significantly increasing the population of Lee Mill and how this will impact on the local community particularly as unplanned development of such a scale did not bring with it the infrastructure and local service improvements that can come with planned development and this weighed against the development.

This revised scheme of 25 homes will have a much reduced social impact on Lee Mill and it has already been agreed within the JLP that Lee Mill can accommodate around 20 new dwellings. It is considered that 25 homes are broadly within the scope of being 'around 20' and that the principle of the quantum of the proposal development accords with Policy TTV25.

The financial contributions requested towards highway improvements in the area could improve the amenity of the area which is a social benefit.

The illustrative drawing shows a large area of public open space within the scheme which would be a social benefit for the village.

On balance the social benefits weigh in favour of the development.

Planning Balance

The principle of the proposed development is supported by Policies TTV1 and TTV25 of the JLP and there are no significant adverse impacts that would arise from this development. The proposed development will deliver market and affordable housing in accordance with local need. There will be no material adverse environmental impacts arising from the development and positive social and economic impacts.

On balance it is considered that the proposed development accords with the JLP and relevant parts of the NPPF and represents sustainable development. As such it is recommended that planning permission be granted.

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

Planning Policy

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

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
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV13 Consideration of sites for Travellers and Travelling Showpeople
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
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF)

Neighbourhood Plan: None

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions in full

1. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

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

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

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

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

3. The details hereby approved shall in all respects accord strictly with drawings numbers:

Site Location Plan – 170703 L 01 01 Rev A
Preliminary Access Arrangement At New Park Road - PHL-101 Rev A
Preliminary Access Arrangement At New Park Road - SK-102 Rev A
Proposed pedestrian accesses – PHL-102 Rev A

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. Full details of the public open space(s) including details of on-going management and maintenance shall be included as part of any reserved matters application for landscaping.

Reason: To ensure the provision of high quality public open space for the lifetime of the development

5. PRE-COMMENCEMENT: No development hereby permitted shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) 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;
- (h) 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;
- (i) provision of wheel wash facilities;
- (j) hours during which no construction traffic will be present at the site;
- (k) the means of enclosure of the site during construction works;
- (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
- (n) a road condition survey using photographic evidence neat to each proposed entrance to the site;
- (o) details of noise impacts and controls;
- (p) a dust impact assessment and proposed control in accordance with the institute of Air Quality Management guidance for dust assessment from construction sites

This approved CEMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

This needs to be a pre-commencement condition to ensure the interests listed above are protected from the outset of development

6. The proposed estate road, 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

7. No other part of the development hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) 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

8. The footways leading to Holly Berry Road approved by this permission shall be constructed up to a suitable useable standard prior to occupation of any of the dwellings or in accordance with a timetable to be agreed in writing by the LPA and shall be retained and maintained for the lifetime of the development

Reason - In the interests of pedestrian safety.

9. The Reserved Matters application(s) for layout and/or scale and/or external appearance shall be accompanied by details of housing mix, type and size across both open market and affordable housing and details of affordable housing tenure shall also be submitted. Development shall take place in accordance with the approved details.

Reason: To ensure the housing delivered on this site meets evidenced local need.

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Land off Holy Berry Road, Lee Mill Flood Risk Assessment (Report Ref. 0647, Rev. C, dated 7 June 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

Reason for being a pre-commencement condition: A detailed scheme needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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

11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning

Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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

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

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

Reason for being a pre-commencement condition: Exceedance routes needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

13. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

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

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

14. No development insofar as it affects the public right of way shall commence until such time as a diversion order under S 257 of the Town & Country Planning Act 1990 (as amended) has been made and confirmed.

Reason: In the interests of the amenity and safety of the public.

15. Prior to the commencement of any development that may impact on the public right of way crossing the site, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for:

- i. details of any proposed improvements to the existing public right of way;
- ii. design of public right of way route, including surfacing, width, gradient, landscaping and road crossing points; and
- iii. any proposal for diversion and/or temporary closure of public right of way and alternative route provision.

Reason: In the interests of the amenity and safety of the public

16. 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.

17. 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 District Planning Authority.

Reason: To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

18. As part of any reserved matters application to agree layout a detailed lighting strategy shall be submitted to the local planning authority. Such a scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall demonstrate no more than 0.5 lux within 5m of the western and northern boundary features and reflect recommendations of section 9 of the Bat Activity Report (Ecological Surveys Ltd, Nov 2017). The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

19. . PRE-COMMENCEMENT - 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 buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters. The LEMP shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of biodiversity and wildlife conservation

This needs to be a pre-commencement conditions to secure appropriate management of landscape and ecology from the outset of development.

20. The landscaping scheme to be submitted at Reserved Matters shall incorporate details of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include mitigation and enhancement proposals for construction and operational phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate proportionate measurable net gain in biodiversity, including a completed Defra Biodiversity Metric Calculator, reflecting recommendations within sections 7 and 8 of the Ecological Appraisal (Ecological Surveys Ltd, May 2017).

Reason: In the interests of biodiversity and wildlife conservation.

21. Any reserved matters application for layout and/or landscaping shall include details showing how the existing trees and hedges that will be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity.

22. No dwelling shall be occupied until the garage and/or parking area relating to that dwelling has been provided in accordance with the approved details and is available for use. The garages/parking areas shall be retained for the parking of vehicles in perpetuity.

Reason: In the interest of amenity and the safety and convenience of users of the highway.

23. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class C (roof addition or alteration);
- (b) Part 2, Class A (means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality; to safeguard residential amenity; and to safeguard parking and circulation areas.

24. Prior to commencement of development the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management

Reason: In the interests of air quality, the environment and the amenity of the area.

25. The Reserved Matters application(s) for layout shall include a scheme to demonstrate how the requirements of JLP policy DEV32: Delivering Low Carbon Development will be delivered, the details

of which shall be approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details prior to the occupation of the dwelling/building to which they relate and shall be retained and maintained for the lifetime of the development.

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

26. All dwellings shall meet, as a minimum, National Space Standards.

Reason: In the interests of good place making and amenity.

27. Any reserved matters application for layout and/or scale and/or external appearance shall demonstrate that at least 20 percent of dwellings meet national standards for accessibility and adaptability (Category M4(2) Building Regulations).

Reasons: In the interest of equality

28. Notwithstanding Condition 3, drawing number PHL-102 Rev A is approved only in so far as it shows the locations of the 2 proposed pedestrian links into Holly Berry Road however the detail of these links including details of any gates or barriers or surfacing materials shall be submitted and agreed as part of any reserved matters application for layout and/or landscaping.

Reason: In the interest of equality and amenity.