

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: East Allington **Ward:** Allington and Strete

Application No: 2412/22/OPA

Agent/Applicant:

Mrs Lucy White - Lucy White Planning Limited
49 West Town Road
Backwell
Bristol
BS48 3HG

Applicant:

Mr N Jillings - Place Land Limited
Hitchcocks Headquarters
Hitchcocks Business Park
Willand
EX15 3FA

Site Address: Land South of Dartmouth Road at SX 771 485, East Allington



Development: READVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associated access

Reason item is being put before Committee

Referred by the Ward Member, Councillor Lawford, for the following reason: *“The lack of genuinely affordable housing that will benefit the parish and the fact that there isn’t even a proper shop in the Village. Finally the vast majority of the parish don’t want them and my main concern is the lack of genuinely affordable houses.”*

Recommendation: Conditional approval subject to completion of Section 106 Agreement

S106 Heads of Terms

- Minimum 30% Affordable Housing
- OSSR
 - 19.1m² per person on-site public open space
 - Public access and on-going management and maintenance of the public open space in perpetuity
 - Either an off-site contribution towards allotments amounting to £15.71 per person capital and £12.90 per person maintenance, or on-site provision.
 - £258 per person capital and £480.42 per person maintenance towards improvements to, and maintenance of, off site play facilities in East Allington.
 - £379 per person capital and £442.47 per person maintenance towards improvements to, and maintenance of, off site sports and recreation facilities in East Allington.
- Landscape and Ecology Management Plan
- Open Space and SUDS
- School Transport Contribution
- £3,000 Highway contribution towards adjustment of the 20mph speed limit order to accommodate the site access roads into the 20mph zone that exists already for the village.

Conditions

1. Submission of Reserved Matters
2. Time Limit
3. Accord with plans
4. Highway details
5. Highways works required prior to construction of dwellings
6. Construction Management Plan (CMP) (pre-commencement, date agreed 05/10/23)
7. Details of pedestrian link to Lister Way (pre-commencement, date agreed 05/10/23)
8. Surface water drainage (pre-commencement, date agreed 05/10/23)
9. Construction Environmental Management Plan (CEMP) (pre-commencement, date agreed TBC)
10. Unsuspected contamination
11. Trees details (Reserved Matters stage)
12. Landscape and Ecological Management Plan (Reserved Matters stage)
13. Development in accordance with submitted Ecological Appraisal, Bat Activity Report, Dormouse Presence/Absence Report, Breeding Bird Survey and Biodiversity impact assessment: losses and gains
14. Lighting Strategy (Reserved Matters stage)
15. Repeat Hazel Dormouse with Reserved Matters (unless otherwise agreed with the LPA)
16. No vegetation clearance during bird nesting season
17. Boundary Plan with biodiversity enhancements (Reserved Matters stage)

18. Repeat badger survey (pre-commencement, date agreed 05/10/23)
19. Repeat Cirl Bunting surveys with Reserved Matters (unless otherwise agreed with the LPA)
20. Biodiversity Net Gain of no less than 10%
21. Housing mix (Reserved Matters stage)
22. Low carbon development (Reserved Matters stage)
23. Electric vehicle charging (Reserved Matters stage)
24. Waste Management (pre-commencement, date agreed 05/10/23)
25. Employment and Skills Plan (pre-commencement, date agreed 05/10/23)

Informatives:

S106 Agreement

Advice re Designing Out Crime

Key issues for consideration:

Principle of development, access.

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

The Government has previously stated that the New Homes Bonus scheme will be ending and that they will be inviting views on how they can reform the New Homes Bonus scheme for 2023-24, to ensure it is focused where homes are needed most.

A Policy paper is due to be issued by the Government in December 2022, which will state whether the New Homes Bonus scheme will continue for one more year into 2023-24. If it does continue, the Council's allocation of New Homes Bonus for 2023-24 will be based on dwellings built out by October 2022.

Site Description:

The application site is approximately 2.91ha and is greenfield agricultural land. The site immediately adjoins the built up area of East Allington.

The north of the application site benefits from gated vehicular access, which is also leased to the Parish Council by the landowner for recreational purposes and the west of the site adjoins an established residential area (Lister Way), alongside some allotments. It is understood that the landowner has further agricultural land to the south west, although this has not been included for consideration within this application.

To the south and east, the application site is defined by tall hedgerows, with a public right of way running parallel with the boundary which provides access from the village facilities to the open countryside to the east.

There are established footpaths which provide access to the majority of the village facilities, including a church, primary school, public house and convenience shop. The 20mph zone extends throughout the village and the roads through the centre of the village benefit from street lighting.

The Proposal:

This application is for outline planning consent for residential development with detailed approval for access. All matters of detail except access are reserved for later determination.

The original application submission included a parameters plan and indicative layout plan for up to 35 dwellings. In response in particular to the comments from the Landscape and Heritage Specialists a Landscape and Visual Appraisal and Heritage Statement were submitted along with a parameters and indicative layout plans. The application was subsequently re-advertised for public comment. Following further concerns again in particular regarding landscape and heritage impacts, the application description was amended to remove reference to a number of dwellings and the indicate layout was withdrawn from consideration. The application was then re-advertised again.

Consultations:

All responses are available to view in full on the Council's website. Following the final round of consultation the position is as follows.

- County Highways Authority – Initial objection withdrawn subject to conditions
- DCC Archaeology – No comments to make
- DCC Education – Financial contribution towards school transport required
- DCC LLFA – No in principle objection, pre-commencement conditions required
- DCC Waste – Further details requires at Reserved Matters stage
- DCC PROW – No comments received
- Environment Agency – No comments received
- Historic England – Not offering advice. Seek views of your specialist conservation and archaeological advisors
- Natural England – No objection
- South West Water – No objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy
- Torbay and South Devon NHS Foundation Trust – No contributions towards primary care sought at this time
- Designing Out Crime Officer – Advice only
- SHDC Affordable Housing – Support
- SHDC Environmental Health Section – Conditions recommended
- SHDC Landscape – No objection to some form of residential development

- SHDC Heritage – No objection to some form of residential development
- SHDC OSSR – OSSR contributions to be secured through S106
- SHDC Tree Specialist – No objection on arboricultural merit (further details required at RM stage)
- SHDC Waste – Further details required (which would come forward at RM stage)
- LPA Ecology – No objection subject to conditions
- East Allington Parish Council – Object

Initial comments:

“PARISHIONERS MEETING 6TH SEPTEMBER 2022 RE PLACELANDS OAP

[It was] noted that other consultees such as Highways had not yet given their views but set out two changes that had been made following their meeting with Parishioners. Several views were expressed on the plans but it was explained that they were only illustrative and any future developer would put forward their own ideas, this was really an application for the principle of development on that site. There were concerns about the number of ‘low cost dwellings on the application (35) and concerns that they could become holiday homes. The wish was expressed by the Parishioners that they should be Housing Association homes and thus available for reasonable rent. It was pointed out that the number of ‘low cost’ was not 30% of the total proposed.

The problem that concerned people most was the access which was considered unanimously to be unsafe and problems with the lane access to the village also not able to carry increased traffic.

THE PARISH COUNCIL MEETING ON THE 7 TH SEPTEMBER 2022

“...The views of Parishioners were considered. Particularly the number of homes proposed, 35 and it was agreed that should be held to 30 and that 40% should be requested for local housing. A Housing survey would be asked for. It was also important that it was a mixed development with 2, 3 and 4 bedroom homes and gardens of a reasonable size. Also sufficient parking.

Matters raised were the drainage issues, the required tests and responses from the Environment Agency and DCC had been that further information was required, and landscaping trees etc., use of further land (part of the site) and reserved matters such as 106 agreements etc.

Overall the matter of highway access through the lanes and the access to the site were of great concern and in particular the proposed road access to the site was not acceptable. Danger to children accessing the recreation area who would then have to cross a busy road was totally unacceptable.

The Council therefore recommend refusal of this application.”

Comments following re-consultation March 2023:

“Primary Objection is the access road. The council have appointed their own Highway Consultant, report attached. The Council accept all his findings and ask for the recommendations to be implemented.

The proposed access would mean children accessing the recreation area would have to cross a busy road and the council as leaseholders of the recreation ground feel that there may be other options leaving access to the recreation area and footpath without crossing a road.

There is concern that drainage plans are not clear and they must show alleviation of any run off to adjoining properties in Lister Way.

The council wish that when and if detailed plans of the dwellings are submitted that sustainability is the first priority. The footpath at the rear of the dwellings on the east of the site means that security for those dwellings would be compromised.

Over everything the narrow lane onto which the proposed road will access is totally unacceptable and the traffic movement at this point is high and unsafe, and the main roads to the village are also too narrow and cause traffic problems.

Finally questions were raised over the granted permission for 5 dwellings to the north of the proposed site and to the number of dwellings built in the Parish or granted permissions in the years since the Plymouth and South West Devon Joint Local Plan in pre submission March 2017. The plan was adopted in 2019. The Vice Chairman gave the figures as 29 New dwellings - 9 are in use 20 have approval or PIP but yet to be started 11 new builds 5 on the site directly opposite the Placelands site.”

Comments following re-consultation September 2023:

“The Council have considered this application and find that there is no material change to the original and their previous objections remain, particularly the access to the proposed estate. One amendment in the application is also of concern, that of the number of dwellings being omitted. The original application was for 35 dwellings and the Council consider that a number of 35 or less should be clearly stated. The site plan is missing from this revised version so there is no indication of how much of the site may be used in any future application.

The drainage issue should be clearly addressed with a detailed design. It is considered to be most important to be sure that there is no detrimental impact on the bordering properties. Details of any 106 agreement should be given.”

Representations:

Following three rounds of public consultation 18 objections have been received, with issues raised summarised as follows (representations are available to view in full on the Council's website):

- No benefits and serious disadvantages to the community of East Allington
- Over development
- Greenfield site
- East Allington is not a sustainable location
- JLP contains indicative figure of 30 dwellings for East Allington. 18 dwellings either approved or awaiting a decision in the past 12 months
- SHDC should bring developments forward through a Neighbourhood Planning process
- Proposal does not comply with TTV26
- Landscape Character Guidelines do not support development in this location

- Major impacts on landscape, road network, culture and character of the village
- Traffic generation – 70-100 extra cars travelling on single track lanes with no significant public transport
- Combined with 5 dwellings already given approval on Dartmouth Road opposite this site, traffic would converge at a very narrow section of Dartmouth Road
- Access to site dangerous for pedestrians, visibility at junction is poor
- Single track lane is already dangerous, accidents involving pedestrians and a motorcycle have occurred
- Not evidenced that 160 two way vehicle movements per day on average would not have a detrimental impact
- Footpath proposed across access for children to get to the play park – completely inappropriate
- TRICS data based on villages outside south west – trip generation will be much higher
- No employment within village
- Allotments in Lister Way have been/will be sold to a developer – more traffic on already congested estate/village
- Housing not needed here
- Proposal does not achieve minimum 30% affordable housing requirement
- No housing need survey completed to find out what the community actually needs
- Houses do not sell quickly in East Allington when marketed, suggesting there is little or no demand
- Parking proposals not sufficient – many people living in East Allington have large/multiple vehicles due to rural location and trade vans
- Loss of green space
- Flood Risk/Drainage – all properties adjacent to proposal site suffer from surface water run off issues to rear gardens. Development at higher ground would cause more issues.
- Sewage system in village cannot cope with existing dwellings in the village
- Loss of natural light to existing properties on Lister Way, ground floor rooms would be in direct line of sight of bedrooms of neighbouring estate
- Will the local school be able to cope
- East Allington Primary School currently oversubscribed
- Existing problems in the village not being addressed – need more parking, trees for shading, provision for dog-walking, anti-social behaviour
- Impacts on noise and air quality – insufficient information, should be a risk assessment at planning application stage
- Purely financial benefit to the developers at the expense of the local community
- Can anything be done to prevent the sales as Holiday Homes/Air B&Bs otherwise new dwellings will not provide local housing
- If Outline consent granted, site could move on house builder with could result in lower quality housing and a reduction in the affordable housing element
- Need contribution towards facilities for young people (play park, skate park, all weather pitch) and new land for allotments
- Impacts on noise and air quality
- Following amendments to proposal the application is now invalid, description of proposal is incorrect, nature of proposal is unclear.
- With illustrative layout plan removed from proposal, application no longer contains a site layout or block plan in accordance with validation requirements.
- Sites of less than 5 dwellings are not excluded from the housing figure in TTV25. TTV housing targets have now been achieved.

One letter has been received which expresses some support for the proposal, but that this is subject to a number of matters being addressed including highways safety, flood risk, affordable housing, parking provision and size of units (need to reduce the number of units and enlarge the gardens).

On letter in support of the application has been received, which in summary considers bringing more people into the village would have positive benefits for the parish.

One further letter supports the principle of new housing in the village but objects to the application submitted with concerns regarding the proposed access arrangement, the number of dwellings proposed and the percentage of affordable housing. One letter stated as an objection was seeking a progress update on the application.

Relevant Planning History

- 1207/21/PR6 Scoping Only – Pre Application Enquiry for – Outline residential application for up to 30 dwellings. Partial Officer Support.

ANALYSIS

1. Principle of Development/Sustainability

Policy Framework

1.1 JLP Policy SPT1 seeks to support growth and change that delivers a more sustainable future for Plymouth and South West Devon, including a sustainable economy, environment and society. JLP Policy SPT2 applies principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the area, including by requiring development to support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other things: have reasonable access to a vibrant mixed used centre; provide higher density living appropriate to the area, in sustainable locations; have a good balance of housing types and tenures; are well served by public transport, walking and cycling opportunities; have safe, accessible health and wildlife rich local environment; have services/facilities that promote equality and inclusion; and provide a positive sense of place and identity.

1.2 The application site is located to the east of the village of East Allington which is defined as a sustainable village within JLP Policy TTV1. TTV1.3 states that in sustainable villages, *“development to meet locally identified needs and to sustain limited services and amenities will be supported”*. JLP Policy TTV25 includes the following: *“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.”* Figure 5.8 of the JLP states that East Allington is able to accommodate around 30 new dwellings.

1.3 Paragraph 11.29 of the JLP SPD states: *“Policy TTV25 makes provision for 550 homes to be brought forward in Sustainable Villages and looks to Neighbourhood Plans (NPs) to allocate suitable sites. Where a NP is not prepared the LPAs will support development that meets local need, responds positively to the indicative figures and satisfies NPPF and JLP policies.”*

1.4 Paragraph 11.31 of the JLP SPD states: *“Policy compliant development proposals of 5 or more dwellings within or adjoining a sustainable village that are not allocated for residential development within a made neighbourhood plan, may be considered to be making a positive contribution to the housing supply figure in Policy TTV25. In this scenario the contribution towards meeting the identified housing needs for a settlement in figure 5.8 of the JLP will override the Policy TTV26 requirement to demonstrate that the proposal requires a countryside location and an occupation need.”*

1.5 With regards to other relevant requirements of TTV26 requirements (disregarding TTV26.1 as the site is not considered to be “isolated”) – in relation to TTV26.2(i) the impact of the proposal on the nearby PROW is considered later in this report. In relation to TTV26.2(v) - the supporting Planning Statement indicates the application site is on lower grade agricultural land, but no site specific technical report has provided in support of this assertion. Natural England data shows the site and surrounding area around East Allington to be Grade 3, but does not make a distinction between 3a and 3b (with 3a falling within the definition of “Best and Most Versatile”). However the data also indicates that all of the land immediately around East Allington is Grade 3, along with much of the land in the wider area. Paragraph 11.59 of the JLP SPD includes the following: *“Development proposals on land that is classified as 3b may be resisted if 3b is considered to represent the best quality agricultural land within the surrounding landscape character area or areas”* In the context of the extent of Grade 3 land in the surrounding area, Officers do not consider an in principle objection on this basis should be pursued in this instance.

1.6 The JLP SPD also includes the following at paragraph 11.39: *“The LPAs, in preparing the JLP housing supply figures, included an allowance for “windfall developments”. These are, generally, small scale proposals of less than 5 dwellings that gain approval but have not been predicted or formally allocated. The figure included in the JLP calculations for “windfall developments” is largely based upon past development activity of this type. This is projected forward to provide a predicted estimate of the amount of residential development that will arise from “windfall provision” and be delivered from April 2017 to March 2034. Such provision falls outside the 550 units allocated to fulfil the Sustainable Village allowance identified in Policy TTV25 and cannot be counted in the Indicative Figures. As such, not all approvals and completions since March 2017 can be counted towards the Indicative Figures.”* (*emphasis added*)

1.7 The SPD also makes it clear that the Indicative Figures for the Sustainable Villages are “indicative” and *“should not be seen as minimum/maximum numbers”* (paragraph 11.35). Reference has been made in third party objections (including that submitted by East Allington Parish Council) to previous consents within East Allington which mean the Indicative Figure of 30 dwellings for East Allington has already been reached/would be exceeded by the development subject of this application. With reference to a specific case cited - 1899/22/PIP (to the north of this application site) approved 5 dwellings and cannot therefore be counted towards the Indicative Figure for East Allington. Officers do not consider the proposal for residential development on the site subject of this report can be resisted in principle on the basis it would exceed the housing requirement for East Allington.

1.8 Concerns have been raised by objectors regarding lack of employment opportunities within the village and questioning whether East Allington is a sustainable village. The application must be determined in accordance with the Development Plan, and this specifically identifies East Allington as a settlement where new housing development is anticipated.

Housing Need/Mix/Affordable Housing

1.9 In terms of whether the proposal responds positively to the identified local housing need, it has been established through Case Law that housing mix needs to be considered at Outline planning stage. Policy DEV8 of the JLP seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership and create sustainable, inclusive and mixed communities. DEV8 advises that needs across the plan area include homes that redress an imbalance in the housing stock and homes suitable for households with specific needs. There is also a need for dwellings suited to younger people, working families and older people who wish to remain self-sufficient. An imbalance is defined as being different by a variance of more than 10 per cent from the LPA average for any housing type or size, as established by the Office for National Statistics (ONS) data (Paragraph 4.22 of the JLP SPD). 2011 ONS Data for East Allington indicates that the village is roughly in accordance with the South Hams average in terms of housing size/bedroom numbers, but that there is an undersupply of detached properties. However, the key message in the SHMNA is that more smaller homes are required to meet the needs of newly forming households to 2034. DEV8 (and SPT2.4 and SPT2.5, which should be read alongside DEV8), aims to improve the accessibility of housing to a wider range of household sizes, types and incomes, aligning with the SHMNA.

1.10 Whilst further details would need to be agreed at Reserved Matters stage (and would be conditioned as part of any Outline consent), there is no in principle reason why an acceptable mix of open market dwellings (which would need to include smaller units) could not be achieved. With respect to the Affordable Housing offer, the Council's Affordable Housing Officer has provided the following comments in relation to the current proposal:

“Response: Support

I refer to Policy Dev 8 of the Plymouth and South West Devon Joint local Plan, which states: “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.”

The most recent amendment to this application states that they are committed to delivering the 30% inline with the Joint Local Plan.

Percentage of affordable housing – 30%.

Tenure – Information not available

Size of the affordable units

Information not available

Space Standards

Information not available

Layout

Information not available

Housing Need

There is a total of 13 applicants registered on Devon Home Choice with a Local Connection to East Allington, 6 of these households in high housing need. It is worthy of note that should a development be confirmed we often see a spike in applicant with housing need because they see an increased possibility of positive outcome.

S106 requirements – *We would expect the properties delivered to be subject to S106 that reflects the Joint Local Plan and the council's Local Allocations Policy.*

Parking – *Information not available*

Housing Crisis – September 2021

In September 2021, South Hams District Council declared a Housing Crisis.

This is in response to the almost complete lack of any rented accommodation available for six months or longer that local people and those working in the area can access and the excessive rise in house prices locally due to second home-owners and those moving in from other areas since the pandemic, which has made house prices completely inaccessible for the great majority of local people.

Delivery of 30% affordable housing would contribute to meeting this need.

In Summary

The Affordable Housing Team supports this application which has committed to deliver 30% affordable home in compliance with the Joint Local Plan."

1.11 The above would need to be secured via a Section 106 Agreement in advance of any Outline approval being granted. On this basis the proposal would accord with the JLP with respect to affordable housing provision. Concern has been raised by objectors that as this is an Outline application the site could be sold on and the affordable housing element reduced. Were the site to be sold on the completed Section 106 agreement would still apply. Any future proposals to reduce the affordable housing element would be subject to viability assessment.

1.12 Notwithstanding the above, TTV25 also requires assessment of all development proposals against other policies within the JLP. Further consideration these matters as they relate to this Outline application is therefore set out below.

Landscape and Heritage

1.13 Concerns were initially expressed by both the Landscape and Heritage Officers regarding the indicative layout. Further details and a revised indicative layout plan were then submitted (and were subject to public consultation) seeking to address the concerns raised but the objections were withheld.

1.14 In response to the second consultation the following consultation response was received with respect to landscape:

"Since my last consultation response, dated 18/11/2022, there have been revisions to some of the documents that I commented on. Of relevance to Landscape:

- *Settlement pattern is now included in the baseline Landscape evaluation in the LVIA report, and the need to reflect village character is referenced in the Landscape Design objectives.*
- *Views of St Andrew's Church are specifically mentioned in the Visual baseline summary, and the Landscape Design and GI objectives given in the LVIA report now include the following statement:*

“ensure the layout responds to the landscape and visual opportunities and constraints, preserving views and responding to the landscape context. Key views of St Andrew's Church should be maintained where possible, framing views of the church through the built areas. The importance of these views is highlighted in the character assessment description; characteristic square stone church towers that act as local landmarks (e.g Woodleigh, Loddiswell, East Allington and Halwell).”

- *The revised parameters plan (Rev D) is broadly the same as the previous version (Rev A), with minimal change to the proposed development area, although with some additional POS and other areas of soft landscape / habitat creation.*
- *The revised illustrative site plan (Rev E) shows an amended layout, showing a reduction in vehicle routes within the development, and an increase in pedestrian-only circulation. Along the eastern PROW, there appear to be more 'gaps' between built form, although the benefit of these in allowing views of the church is questioned, when the PROW itself is contained behind a new hedgeline.*

*Although the LVIA now emphasises the importance of retaining the existing PROWs and the views that are obtained from them, routes should not be fully contained behind new hedges and tree planting, and the important viewpoint corridors should ideally be identified on the parameters plan and maintained within any illustrative layout. Earlier consultation responses from both the SHDC Heritage Specialist and myself (SHDC Landscape Specialist) emphasised the importance of careful consideration of the proposed layout and architectural treatment, and the importance of viewpoint corridors of the Church. There is still an absence of sufficient information on the proposed scale, mass and appearance of the proposed built form, and the indicative arrangement is still that of a modern cul-de-sac arrangement, so whilst the stated intentions to **reflect village character** and **maintain key views** are both welcomed, the level of detail provided does not convincingly demonstrate that this will be achieved.*

Having considered the revised information, my opinion remain unchanged:

The application site is capable of accommodating some form of residential development. I do not object to the principle of some form of residential development on this site, but considerable work is needed to secure an appropriate site layout and detailed design of buildings and landscape.

If Officers are minded to recommend approval of this outline application, the indicative site layout should not be accepted as a basis to move forward to a Reserved Matters application, as it fails to adequately demonstrate that the development will conserve and enhance landscape and townscape character and scenic and visual qualities, as required to accord with adopted policy DEV23.”

1.15 In addition to the above the Heritage Officer also provided the following comments:

“There still appears to be a lack demonstrable evidence of how the preservation of significant public viewpoints of the Church has informed the amended site layout.

Para 7.5 of the LVIA discusses the potential visual effects of the development on the church but doesn't to any degree explain or demonstrate how public views have steered the development proposals in terms of site layout.

Although the production of a 'Heritage Statement' is welcomed the Statement itself fails to acknowledge that the way that the Church is experienced (particularly from the public footpaths) is very much part of its 'setting' and that appreciation and experience contributes to the heritage asset's overall significance.

The following statement: “The tower will be visible from the application site, but the development will neither compete with the tower's prominence nor obstruct any views in which its heritage values can be experienced” (Para 5.2) is highly challengeable given the evidence before us, especially as the PROW appears to be 'hidden' behind a new hedge line.

Para 4.9 (HS) states: “The illustrative layout incorporates sight lines that allow view of the church tower through and from within the proposed development. These are considered to be landscape rather than heritage enhancements. No heritage mitigation is proposed”. I would have to disagree with this statement. As there is a potential to impact on the Church's setting and thus its overall significance it is vitally important that appropriate mitigation to address potential harm is considered and demonstrated.

The level of detail provided within this amended application does not convincingly demonstrate that this will be achieved.

To end I would echo my colleagues (LS) final paragraph: Having considered the revised information, my previous comments remain unchanged:

The application site is capable of accommodating some form of residential development. I do not object to the principle of some form of residential development on this site, but considerable work is needed to secure an appropriate site layout and detailed design of buildings and landscape.

If Officers are minded to recommend approval of this outline application, the indicative site layout should not be accepted as a basis to move forward to a Reserved Matters application, as it fails to adequately demonstrate that the development will preserve the special interest of the identified heritage asset (the Church).”

1.16 The original description of development for this application was for “up to 35 dwellings” – notwithstanding the word “up to” an approval of an Outline consent on this basis would have established the principle of 35 dwellings on the site. Any subsequent Reserved Matters application could not then reasonably be refused on the basis there were too many dwellings proposed. Whilst the Applicant/Agent sought to address the above landscape and heritage concerns to seek to establish the principle of 35 dwellings on the site as acceptable, Officers were not satisfied that this had been achieved having regard to the above consultee comments.

1.17 After further discussion the application was re-advertised for a third time with an amended description of development removing the number of residential units proposed and the illustrative layout. This generated the following consultee response with respect to landscape:

“Since my last consultation response, dated 25/05/2023, there have been revisions to the description of the application. Vehicular and pedestrian access will be the only matters for

detailed consideration, with all other issues (number of dwellings, detailed layout, appearance, scale and landscape) being matters for determination at reserved matters stage.

I note that the following plans, which were considered in my previous landscape comments, have been **withdrawn**:

- Parameters Plan, 745/004 Rev D
- Illustrative Site Plan, 745/010 Rev E

Therefore this application now seeks only to establish the principle of residential development on the site.

My opinion remain unchanged:

The application site is capable of accommodating some form of residential development. I do not object to the principle of some form of residential development on this site.

1.18 In addition to the above the consultation response with respect to heritage included the following:

*“The initial Heritage Officer view (as aired in both previous consultation responses) that the application site can accommodate some form of residential development still remains as does the sentiment that there is **no objection to the principle of some form of residential development on this site.**”*

1.19 On the basis that the application is now seeking to establish the principle of residential development on the site, with access still considered in detail, the previous landscape and heritage concerns have in the view of Officers been addressed and the principle of the development can now be supported with reference to this issues. Any future Reserved Matters application(s) would need to provide for a detailed scheme that appropriately responded to the site context and its setting (and could be reasonably refused by the Council if not considered acceptable).

2. Highways/Access

2.1 Access is to be considered in detail as part of this application. A number of third party objectors have raised concerns regarding the proposed access and impact of the development on the highway network surrounding the site. East Allington Parish Council have objected on highways grounds and included a report from a Highways Consultant.

2.2 Devon County Council as the Highway Authority objected to the application requiring further technical information. Following discussions between Officers and the Applicant/Agent and submission of further information, the Highway Authority removed their objection with detailed comments including:

“Observations:

The application is an Outline application with some matters reserved. It is notable access is a detailed matter that will not be revisited at reserved matters stage if the application is approved. Therefore this application should demonstrate in detail how all types of access point into the site should be formed for a distance of 20m.

In general, according to traffic data trip rate evidence (TRICS), the proposals can be seen to generate around 160 two way vehicle movements per day on average. In the busiest periods of the day, which are likely to be between 7am and 9am and 4pm - 6pm, the proposals are likely to generate around 18 two way vehicle movements per hour on average. In time-scale terms that equates to roughly a vehicle coming or going every 3 - 4 minutes. There are two main village approach routes leading to and from the A381 into East Allington, with observations confirming the most frequented route is via Firs Cross to the west. The roads are a mix of single track country lanes, with regular inter-visible passing opportunities. There are also long sections of the routes that provide two way domestic traffic flow conditions for a reasonable distance. The proposals will be likely to create additional inconvenience for drivers having to wait in certain places where the road is single track for passing traffic. In terms of whether that is acceptable, the National Planning Policy Framework stipulates that proposals should not be refused unless the residual cumulative impact on the existing road network in terms of capacity is severe. Therefore in terms of principle, it is not considered the impact is severe enough to warrant a highway reason for refusal, noting the existing base traffic flow levels in the area are already moderately low.

Proposed Vehicle Access

Following initial concerns relating to the vehicle access design a revised design has been submitted and is now shown on Drawing 16089-HYD-XX-XX-DR-TP-0001 REV P02 Titled Proposed Access Arrangements. It is confirmed these adjustment now satisfy the previous concerns raised by the Highway Authority.

It is noted East Allington Footpath 15 runs parallel to the main road just inside the hedge line abutting the C147 road. The new junction bellmouth will bisect this public footpath. The footpath will require re-aligning so that it crosses the side road where the junction radii straightens out at the tangent. In order to legally undertake this realignment, the developer will need to first divert the footpath using the Town and Country Planning Act 1990 Section 257.”

2.3 The DCC Highways response goes on to state:

“If a scheme design drawing can be agreed it is recommended the widening works requested above incorporate full main road width carriageway resurfacing for the entire length of the widened road. This will need to be conditioned.

20mph repeater signs will be required in the development if the roads are offered for adoption.

It is recommended the preference is that the site is illuminated if the roads are to be offered for adoption.

In terms of the site entrance on the main C147 road, street lighting should be provided with the entrance design package to extend the existing lighting from the junction of Lister Way/C147 just beyond the new site entrance. This proposed lighting should be included on the drawing so that details can be secured at Section 38 stage.

A combined Section 278/38 legal agreement will be necessary, with DCC party to the agreement prior to commencement of any works.

Proposed Link to the Primary School and Church

Further to lengthy discussions relating to the need for an internal link through the fields the

applicants highway engineer has pointed out that the per house 'child yield' that the Education Authority plan for is 0.25 children / dwelling (8-9 for this development). For the 2022/23 year, there are 108 pupils at the school, with 74 of these living within the village. The remaining 34 live outside the village and are therefore highly likely to be driving to the school.

The proposed housing essentially allows the equivalent of 8 of these children to move to the village, and therefore to be able to walk to the school – hence reducing traffic into the village and also directly up to the school itself. This reduction of vehicles would bring a wider safety benefit for all children walking to school and therefore it is reasonable not impose an objection to the application should an alternative pedestrian link through the fields not come forward. In conclusion whilst it is still a preference to have the link through the fields, an objection cannot be raised by the Highway Authority to require it to be provided.

Pedestrian Link to Lister Way

Details of the proposed link for the section between the proposed estate road and the existing pedestrian path. Details should include lighting, gradients, materials and proposed construction methods.

Drainage

It can be seen an option B drainage strategy is now presented demonstrating a secondary method of draining the site should soakaway testing reveal the ground conditions are unsuitable for this method of surface water disposal. This is accepted and the Flood Risk Team should be encouraged to suggest suitably worded conditions.

S106 Requirements

£3,000 towards adjustment of the 20mph speed limit order to accommodate the site access roads into the 20mph zone that exists already for the village.”

2.4 DCC Highways did not offer any further detailed comments in response to the third round of consultation. For clarity drawing 16089-HYD-XX-XX-DR-TP-0001 REV P02 still forms part of the application submission, and the Flood Risk Team at DCC (as the LLFA) have recommended conditions to be imposed on any Outline consent.

2.5 In light of the above the proposal is considered acceptable with respect to highways matters subject to conditions and signing of a Section 106 Agreement. Whilst concerns have been raised by third parties including East Allington Parish Council with respect to highways matters, in the absence of an objection from the Highway Authority Officers do not consider these concerns can reasonably be sustained. When specifically asked for comment on the highway report submitted by East Allington Parish Council, the Highway Authority confirmed they had no further comments to make.

2.6 East Allington Footpath 15 currently enters the application site from road at the north-western corner, running parallel to the road inside the northern boundary hedge. The proposed access junction for this development would bisect the footpath in the north-western corner of the site. The footpath would therefore need diverting to enable the development to proceed. Footpath diversions are considered under Section 257 of the Town and Country Planning Act 1990. The footpath diversion process is dealt with by the District Council but separately from the development management process.

2.7 The applicant would be required to apply to the District Council to divert the footpath, and would need to have confirmation that it can divert the path under s257 before the development

commences. Granting of planning permission does not automatically mean that a footpath diversion application will be successful.

3. Drainage

3.1 Paragraph 167 of the NPPF requires amongst other things that LPAs ensure that development does not increase flood risk elsewhere. JLP Policy DEV35 requires all developments to incorporate sustainable water management measures, with further detailed guidance in the adopted SPD.

3.2 As the proposal is for major development, Devon County Council as the Lead Local Flood Authority (LLFA) have been consulted and initially raised a technical objection. Further information has since been submitted. Their latest response includes the following: *“Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage. The pre-commencement planning conditions previously imposed on our consultation response FRM/SH/2412/2022, dated 11th October 2022 shall be adhered to.”*

3.3 South West Water have not objected to the application, noting in particular: *“South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.”*

3.4 On the basis of the above it is considered there is no in principle objection to the development of the site on drainage grounds. The detailed drainage scheme could be appropriately secured at Reserved Matters stage (and any subsequent application could still be refused on drainage grounds in the event acceptable details were not forthcoming).

4. Ecology/BNG

4.1 In addition to addressing any site-specific ecological impacts arising from survey work, all major development are required to deliver a 10% increase in biodiversity (Biodiversity Net Gain, BNG). The application submission includes an Ecological Appraisal and additional bird and bat surveys, as well as BNG calculations.

4.2 The LPA Ecologist has reviewed the submitted details and raised no objection to the application subject to a number of conditions including to secure the required 10% BNG at Reserved Matters stage. The comments include the following: *“The development site lies within the South Hams SAC Landscape Connectivity Zone for greater horseshoe bats. The majority of habitat on site is modified grassland, unsuitable for GHBs. Hedgerows can be used as commuting routes, but, during bat activity surveys, GHB activity was very low, with no pattern of commuting behaviour.”*

4.3 The LPA Ecologist has recommended that some re-survey work is dealt with by condition (the potential need for which is acknowledged within the submitted Ecological Appraisal). Whilst ecology surveys are not normally required by condition, the LPA Ecologist notes: *“British Standard 42020 2013 (Biodiversity — Code of practice for planning and development) paragraph 9.2.4 states that conditioning additional ecological surveys is applicable in exceptional circumstances. One of the circumstances includes ‘To confirm the continued absence of a protected species within the site’* In this case the original surveys were carried out in 2020, and there is potential for circumstances to change by the time any Reserved Matters application is submitted.

4.4 Subject to appropriate conditions the proposal would accord with the provisions of JLP Policies SPT12 and DEV26.

5. Low Carbon Development

5.1 JLP Policy DEV32 includes a Plan Area target to halve 2005 levels of carbon emissions by 2034. It also states: *“All major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.”*

5.2 This application was submitted prior to the adoption of the Plymouth and South West Devon Climate Emergency Planning Statement, which is therefore not a material consideration in this case.

5.3 The original application submission was accompanied by an Energy and Sustainability Statement. Air Source Heat Pumps are expressly referenced as a viable option for the site. Whilst this statement was based on the indicative layout (which no longer forms part of the application), it gives sufficient comfort that a residential development on the site could be achieved in accordance with the requirements of DEV32. Further details to fully address the requirements of the JLP Policy DEV32 could reasonably be conditioned to come forward at Reserved Matters stage. A separate condition is also recommended with respect to electric vehicle charging points.

6. Design

6.1 Detailed design matters (including compliance with space standards as required by JLP Policy DEV10 and the adopted SPD) would be considered at Reserved Matters stage. Appropriate conditions would need to be included on any Outline approval. Car parking space provision would also be considered further at Reserved Matters stage.

7. Neighbour Amenity

7.1 The amenities of the dwellings within the site would be considered in more detail at Reserved Matters stage with particular reference to JLP Policy DEV1 and the adopted SPD. Due regard has been given to the amenities of already existing dwellings within the vicinity of the site including those on Lister Way. Officers are satisfied there are no in principle amenity concerns such that Outline consent should be refused on this basis. Further consideration would be given at Reserved Matters stage.

8. Planning Obligations

8.1 DCC Education have been consulted and initially provided the following comments:

“Regarding the above planning application Devon County Council has identified that the proposed increase of 33 family type dwellings will generate an additional 8.25 primary pupil and 4.95 secondary pupils which would have a direct impact on East Allington Primary School and Kingsbridge Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below.

We have currently forecast that there is enough spare capacity at the local primary and secondary school for the pupils expected to be generated by this development and therefore contributions towards primary or secondary education would not be sought.

We will however require a contribution towards school transport costs due the development being 2.25 miles from Kingsbridge Community College. The costs required are as follows:

4.95 Secondary pupils

£3.55 per day x 4.95 pupils x 190 academic days x 5 years = £16,693

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.”

8.2 As the reference to the number of residential units proposed has since been removed from the application, DCC Education have confirmed “*The situation remains the same for East Allington primary and Kingsbridge secondary schools. As they have removed reference to dwelling numbers it might be easier to have a per dwelling rate listed for school transport contributions.*” This will need to be secured through the completion of a Section 106 Agreement. Concerns have been raised by objectors regarding East Allington being oversubscribed – having regard to the above comments of the Education Authority this concern has not been evidenced.

8.3 Open Space Sport and Recreation (OSSR) – latest consultee response has confirmed the following would need to be secured through the Section 106 Agreement:

- 19.1m² per person on-site public open space
- Public access and on-going management and maintenance of the public open space in perpetuity
- Either an off-site contribution towards allotments amounting to £15.71 per person capital and £12.90 per person maintenance, or on-site provision.
- £258 per person capital and £480.42 per person maintenance towards improvements to, and maintenance of, off site play facilities in East Allington.
- £379 per person capital and £442.47 per person maintenance towards improvements to, and maintenance of, off site sports and recreation facilities in East Allington.

8.4 In the case of the contributions above, the number of people per dwelling should be calculated in accordance with the average household size set out in the JLP Developer Contributions Evidence Base:

| Dwelling size | 1 bed | 2 bed flat | 2 bed | 3 bed | 4 bed | 5 bed |
|------------------------|-------|------------|-------|-------|-------|-------|
| Average household size | 1.33 | 1.86 | 2.45 | 2.63 | 2.85 | 3.13 |

8.5 Affordable housing – as detailed above a 30% policy compliant contribution is to be secured through the Section 106.

8.6 The Agent has submitted a draft legal agreement and confirmed in principle willingness to commit all of the above contributions. In the event the overall Officer recommendation is supported this case, Officers would progress the completion of the Section 106 Agreement with the Applicant/Agent prior to the issuing of any formal planning decision. On this basis the proposal would accord with the provisions of JLP Policy DEL1 in particular.

9. Other Matters

9.1 JLP Policy DEV19 requires all major development proposals to provide a site related employment and skills plans in order to support local employment and skills in the construction industry. No such details have been provided with the application as submitted, and would need to be conditioned in the event of any approval.

9.2 SHDC Waste team would provide further comments on any Reserved Matters proposal. DCC Waste have requested a condition to secure further details as part of any Reserved Matters submission.

9.3 Noise and air quality matters would be addressed through the Construction and Environment Management Plan (as requested by the Environmental Health Officer).

9.4 It has been suggested in third party representation that SHDC should bring sites like this forward through Neighbourhood Plan process. Neighbourhood Plans are community-led documents and whilst LPAs provide support to the process they are not responsible for preparing them. In the absence of a Neighbourhood Plan applications must still be determined in accordance with adopted planning policies and guidance.

9.5 Following the revisions to the proposal concern has been raised regarding whether application is still valid – Whilst it is appreciated that the evolution of this application since its original submission may have caused confusion, Officers are satisfied that the current application when read as a whole (including the latest supporting letter from the Agent in addition to amendments to the Application Form) is sufficiently clear for the Council to make a decision.

10. The Planning Balance

10.1 East Allington is a named “Sustainable Village” within the JLP where some new residential development is anticipated. There is currently no Neighbourhood Plan being prepared in this Parish, and the application therefore falls to be considered in accordance with the JLP and relevant national policies and guidance. Officers consider the principle of some form of residential development on this site would accord with the overall spatial strategy contained within the JLP, with specific reference to Policies SPT1, SPT2, TTV1, TTV2 and TTV25. Whilst the “need” for residential development on this site has been questioned by third party objectors,

Officers do not consider the principle of residential development on this site could be resisted on this basis at this time.

10.2 The application has been amended since its original submission, principally to address concerns from technical consultees regarding landscape and heritage impacts. The scope of the application has been reduced to seeking to establish the principle of residential development on the site along with the means of access. All other matters would be reserved for future consideration. It would be for a future Reserved Matters application to demonstrate that the quantum of development and detailed design it was proposing was acceptable. Officers are now satisfied that in principle some form of residential development could be accommodated within the site, and the application is recommended for approval on this basis subject to conditions (which will ensure further details come forward at the appropriate stage) and completion of a Section 106 Agreement. Officers would emphasise that the granting of this Outline consent would not compel the Council to approve any future Reserved Matters applications if the detail within such an application was not considered to be acceptable. Any developer of the site would need to undertake significant further work to develop a detailed scheme which appropriately the landscape and heritage constraints of the site in addition to all other detailed policy requirements.

10.3 Concerns expressed by Devon County Highways have been resolved subject to conditions and signing of an appropriately worded Section 106 Agreement. On this basis Officers do not consider refusal of the application on highways safety grounds could be sustained. Other technical matters would be dealt with as part of Reserved Matters/conditions discharge.

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

Planning Policy

Relevant policy framework

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

On 26 March 2019 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2020 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
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
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

There is currently no Neighbourhood Plan area designation for East Allington.

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:

- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (SPD) (adopted)

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.

Draft conditions in full:

1. Details of the appearance, layout, scale and landscaping (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

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 development hereby approved shall in all respects accord strictly with the following drawing numbers:

- 001 Rev B Location Plan
- 16089-HYD-XX-XX-DR-TP-0001 Rev P02 Proposed Access Arrangements

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. 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 and in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034.

5. No dwelling 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 in accordance with the approved Construction Management Plan (see condition 6 below).
- E) The main road at the vehicle access shall be re-surfaced for its entire width for the full length that the main road has been widened.

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, and in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034.

6. PRE-COMMENCEMENT: Prior to commencement of any part of the development 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; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local 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.

Development shall take place in accordance with the agreed CMP, unless amendments have been agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity and in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034. This is needed prior to commencement to ensure it is adequately planned for at an appropriate stage.

7. PRE-COMMENCEMENT: Prior to commencement of the development details of the pedestrian link to Lister Way shall be provided and approved by the Local Planning Authority and Highway Authority. Details shall include - any lighting, gradients, materials and proposed construction methods. The link shall be constructed in accordance with these details prior to occupation of the first dwelling.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034. This is needed prior to commencement to ensure the link is delivered in a timely manner,

8. PRE-COMMENCEMENT: Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Land at East Allington, Devon Drainage Strategy (Report Ref. 16089-HYO-XX-XX-RP-5002-P04, Rev. P04 dated 27th May 2022 and Response to Lead Local Flood Authority Comments (Document Ref. 16089-HYD-XX-XX-TN-D-5100, Rev. P01 dated 26th September 2022) and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

(f) Evidence there is agreement in principle from the landowner/DCC highways/SWW

(g) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works necessary to accommodate the surface water flows from the development.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

9. PRE-COMMENCEMENT: Notwithstanding the submitted details, a Construction and Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority before works commence. Construction of the development shall not be carried out other than in accordance with the approved CEMP.

The CEMP shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- c. The location and timing of sensitive works to avoid harm to biodiversity features.
- d. The times during construction when specialist ecologists need to be present on site to oversee works.
- h. Responsible persons and lines of communication.
- i. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j. Use of protective fences, exclusion barriers and warning signs.
- k. Details of noise and dust suppression measures.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species and local amenity, and in accordance with Policies DEV26 and DEV2 of the Plymouth and South West Devon Local Plan 2014 – 2034. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and to ensure that such works are appropriately planned and agreed before being implemented.

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

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

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately in accordance with JLP Policy DEV2.

11. The Reserved Matters application/s for layout shall be accompanied by a Tree Survey, Arboricultural Method Statement and Tree/ Hedge Protection Plan and details of how this has been used to inform the design process in accordance with BS5837:2012.

Reason: To protect trees of public amenity value in accordance with Policy DEV28 of the Plymouth and South West Devon Local Plan 2014 – 2034.

12. The Reserved Matters application/s for layout, appearance and landscape will include the submission of a Landscape and Ecological Management Plan (LEMP). The LEMP should detail management and maintenance of existing and new landscape, wildlife and open space features reflecting recommendations contained in the submitted Ecological Appraisal (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022), Bat Activity Report (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022), Dormouse Presence/Absence Survey Report (Ref. DPASR_East Allington_Placeland LLP_October 2021), Breeding Bird Survey (Cirl Bunting) Report (Ref. CirlBunting_EastAllington_Luscombe_August_2020) submitted in support of the Outline application. The LEMP should be prepared in conjunction with the detailed landscape design. The LEMP will incorporate a Green Infrastructure Plan and will include clear enhancement, avoidance and compensation measures showing how impacts on wildlife will be avoided / minimised and how a net gain for biodiversity at the site will be achieved. The development shall thereafter be carried out in accordance with the approved LEMP.

Reason: In order to protect and enhance biodiversity, including protected species and to ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with DEV23, DEV26 and DEV28 of the Plymouth and South West Devon Local Plan 2014 – 2034.

13. The development shall be carried out in accordance with the recommendations, mitigation, and enhancement measures contained within the submitted Ecological Appraisal (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022), Bat Activity Report (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022), Dormouse Presence/Absence Survey Report (Ref. DPASR_East Allington_Placeland LLP_October 2021), and Breeding Bird Survey (Cirl Bunting) Report (Ref. CirlBunting_EastAllington_Luscombe_August_2020) unless otherwise agreed in writing by the Local Planning Authority. This condition shall be discharged when the consultant ecologist confirms in writing to the Local Planning Authority that the recommendations have been implemented.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

14. The Reserved Matters application/s for layout, appearance and landscape will include the submission of a detailed Lighting Strategy for agreement with the Local Planning Authority. The strategy will minimise indirect impacts from lighting associated with the pre-construction, during construction and operational phases, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. This strategy will also follow the requirements set out in the submitted Ecological Appraisal (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022) and Bat Activity Report (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-

May 2022). The development shall thereafter be carried out in accordance with the approved Lighting Strategy.

Reason: In the interests of safeguarding ecology and protected/priority species and landscape character and appearance in accordance with Policies DEV26 and DEV23 of the Plymouth and South West Devon Local Plan 2014 – 2034.

15. Unless otherwise agreed with the Local Planning Authority the Reserved Matters application/s for layout will include the submission of a repeat hazel dormouse survey, along with associated mitigation/compensation measures. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

16. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: In the interests of safeguarding ecology and protected/priority species in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

17. The Reserved Matters application/s for layout, appearance and landscape will include the submission of a Boundary Plan which includes biodiversity enhancements, for approval in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

18. PRE-COMMENCEMENT: Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034. This condition must be dealt with prior to commencement to ensure that any mitigation/compensation measures are in place prior to any works being undertaken on site which could result in unacceptable ecological impacts.

19. Unless otherwise agreed with the Local Planning Authority the Reserved Matters application/s for layout will include the submission of repeat Cirl Bunting surveys, along with associated mitigation/compensation measures, and this shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

20. The approved Reserved Matters must result in a Biodiversity Net Gain of no less than 10% as calculated using an updated Defra BNG Metric. The updated Metric spreadsheet must be supplied to, and approved by, the Local Planning Authority as part of the Reserved Matters application/s for layout, appearance and landscape. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of and providing for net gains to biodiversity in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

21. The Reserved Matters application/s for layout and/or scale shall be accompanied by details of housing mix, type and size of units and how this responds to local housing need. Development shall take place in accordance with the approved details.

Reason: To ensure the housing delivered on this site meets evidenced local need and accords with Policies DEV8 and DEV10 of the Plymouth and South West Devon Local Plan 2014 – 2034.

22. The Reserved Matters application/s for layout and appearance 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. These details shall include (but not limited to) a solar master plan to show how access to natural light has been optimised, and incorporation of low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L. Development shall take place in accordance with the approved details prior to the first use of any 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 in accordance with Policy DEV32 of the Plymouth and South West Devon Local Plan 2014 – 2034.

23. The Reserved Matters application/s for layout shall be accompanied by full details of proposed electric vehicle charging points. These details shall include the location, number and power rating of the charging points. The electric car charging provision shall accord with the guidance contained within the Plymouth and South West Devon Local Plan 2014 – 2034 Supplementary Planning Document (JLP SPD). The development shall be carried out in accordance with the agreed details and each charging point shall be made available for use prior to the occupation of the dwelling it would serve and retained thereafter as such.

Reason: To avoid air pollution and enable appropriate opportunities to promote sustainable transport modes in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034.

24. PRE-COMMENCEMENT: Prior to or as part of the Reserved Matters a Waste Audit Statement has been submitted to and approved in writing by the local planning authority. The Waste Audit Statement shall demonstrate how the construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy.

Reason: To minimize and manage waste in accordance with the provisions of Policies DEV31 of the Plymouth and South West Devon Local Plan 2014 – 2034 and W4 of the Devon Waste Plan 2015. This condition must be agreed prior to commencement in order to ensure construction and remediation waste is adequately dealt with.

25. PRE-COMMENCEMENT: Prior to or as part of the Reserved Matters an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include detailed measures to support local employment, skills and training development opportunities in the construction industry and in relation to the development from site preparations through to the end of the construction phase. The approved Plan shall be implemented and adhered to during the construction of the development and in accordance with those details approved.

Reason: In accordance with policy DEV19 this condition is required on the basis that to properly provide for the required plan-led growth it is necessary to ensure a commensurate growth in the area's employment base, where it is recognised to require investment both in job growth and skills. This condition must be agreed prior to commencement in order to ensure that local construction employment and skills opportunities are maximised from the site and construction preparation stage before development commences.