

PLANNING APPLICATION REPORT

Case Officer: Bryn Kitching
Staverton

Parish: Dartington **Ward:** Dartington and

Application No: 3842/20/OPA

Agent/Applicant:

Miss N Stacey PCL Planning Ltd
13a - 15a Old Park Avenue
Exeter
EX1 3WD

Applicant:

The Dartington Hall Trust and Baker
Estates Ltd.
C/O Agent - Pcl Planning Ltd
13a-15a Old Park Avenue
Pinhoe
Exeter

Site Address: Land At SX 783 624, Broom Park, Dartington

Development: READVERTISEMENT (additional information and updated highway access plans) Outline application with all matters reserved, except for access, for up to 80no. residential units and associated public open space and infrastructure



Reason item is being put before Committee At the request of the Head of Development Management Practice because the proposal has generated significant public interest.

Recommendation: Delegate approval to Head of Development Management, in conjunction with Chairman to conditionally grant outline planning permission, subject to a Section 106 legal obligation for the following:

Affordable Housing

30% of the dwellings to be Affordable Housing Units (65% Social Rents and 35% Intermediate)

No more than 50% of the Market Housing Units can be Occupied until 50% of the Affordable Housing Units have been completed and are ready for Occupation.

No more than 75% of the Market Housing Units can be Occupied until all of the Affordable Housing Units have been completed and are ready for Occupation.

Open Space/Accessible Natural Greenspace

To provide a policy compliant area of Accessible Natural Greenspace (“Open Space”). As the application is in outline only, the area is to be calculated with reference to a formula. Based on a development of 80 average sized dwellings, this would amount to a minimum area of 3,438m²..

The Open Space will be delivered and managed in accordance with an Open Space Specification, long-term management mechanism and completed before more than 75% Dwellings can be occupied. It shall be kept available for public use (free of charge) in perpetuity.

Equipped Play

The Development will either:

- deliver an on-site Local Equipped Area of Play (LEAP) of at least 400m² in area with a minimum of 6 play experiences, a 20m buffer between the activity zone and habitable room façade of dwellings and focusing on up to 8 year olds; OR
- pay a financial contribution towards improving equipped play provision at Meadowbrook, Dartington.

The contribution will be calculated in accordance with the Plymouth and South West Devon JLP Developer Contributions Evidence Base. 80 average-sized dwellings would result in a contribution of £46,440 capital together with a commuted sum of £86,475.60 towards the long-term maintenance costs of the improvements.

The contribution would be payable prior to the Occupation of 75% of the Dwellings.

Sports Facilities

The Development will pay a contribution towards the cost to the Council of carrying any of the following projects:

- drainage improvements at Dorothy Elmhirst football pitch
- repair and improvement of Meadowbrook outdoor community swimming pool
- fencing and resurfacing Meadowbrook tennis courts
- Creation of a BMX track within woodland within Dartington Parish
- Refurbishment of Meadowbrook Community Centre

or such other projects as may be agreed between the Owner and the Council.

The contribution will be calculated in accordance with the JLP Evidence Base. 80 average-sized dwellings would result in a contribution of £68,220 capital together with a commuted sum of £79,644.24 towards the long-term maintenance costs of the improvements.

The contribution is payable prior to the Occupation of 50% of the Dwellings.

Allotments

The Owner shall use reasonable endeavours to deliver Allotments on land within its control. The Allotments must have an area of no less than 1,500m² and will comprise 6 full size plots (10 x 25m) or 12 half size plots (10 x 12.5m) and will have a water supply and car parking spaces. No more than 75% of the Dwellings can be Occupied until the Allotments have been laid out to the reasonable satisfaction of the Council and a scheme for the long-term management of the Allotments has been submitted to and approved by the Council

In the event that, despite using reasonable endeavours, the Owner cannot deliver the Allotments on land that it controls, the Owner will pay a contribution to the Council towards the cost of delivering Allotments elsewhere. The contribution must be paid to the Council before more than 75% of the Dwellings have been Occupied.

The Allotments Contribution will be calculated in accordance with the JLP evidence base. Based on 80 average Dwellings, this would amount to a contribution of £5149.80.

Travel Plan

A Travel Plan must be submitted and approved by the County Council prior to Occupation. The Travel Plan seeks to encourage the use of alternative transport options to single-occupancy car-use.

The Owner will undertake a survey of the residents of the Development after the Occupation of 50% of the Dwellings but prior to the Occupation of 70% of the Dwellings. The survey is intended to ascertain which measures will be the most effective to encourage residents to use sustainable modes of transport. The findings of the Travel Plan survey must be reported to the County Council within 20 Working Days of the completion of the Travel Plan Survey.

The County Council and the Owner must co-operate in good faith to agree a package of measures that are considered to be the most effective at achieving sustainable travel behaviours and reducing reliance on single-occupancy car use. These measures may include the Owner delivering on-site measures and/or it may include the payment of all or part of the Community Travel Plan Contribution (£300 per Dwelling) to the County Council for the delivery of more strategic travel planning measures such as:

- appointing a Community Travel Plan Co-ordinator; and/or

- implementing an E Car Club in the village; and/or
- implementing an E Bike Hub in the village; and/or
- implementing the Car Sharing Scheme; and/or
- providing sustainable travel vouchers for residents

Primary Health Care

Secure a primary health care contribution to be made available to the NHS for works to increase capacity of doctors surgeries in the catchment area (Leatside and Catherine House).

The primary health care contribution will be calculated in accordance with the Devon Health Contributions Approach: GP Provision document. Based on 80 dwellings, this would amount to a contribution of £42,440.

Ecology

The submission of a Landscape and Ecology Management Plan (LEMP) and Construction Ecological Management Plan (CEcoMP) prior to, or with the reserved matters applications.

The LEMP and CEcoMP shall cover the development site, surrounding dark corridors and woodland areas identified in the submitted Ecological Impact Assessment (EclA), and include the full details of the provision (and subsequent monitoring) of the mitigation measures set out in the EclA and Habitats Regulation Assessment.

The LEMP should include the proposed Woodland Management Plan and demonstrate how the development will deliver a 10% Biodiversity Net Gain as set out in JLP Policy DEV26.

Zebra Crossing

The Development will pay an £11,000 contribution towards the long-term maintenance of the Zebra Crossing which is to be delivered as part of the Development. The construction of the Zebra Crossing will be secured by condition.

Conditions (list - full conditions at end of report)

1. Submission of reserved matters.
2. Reserved matters to be submitted within 3 years.
3. Commencement of development within 2 years following approval of last of the reserved matters.
4. Reserved matters to accord with Parameter Plan.
5. Access to be constructed in accordance with approved plan.
6. Main access to be constructed prior to other works commencing.
7. Off-site highway works to be constructed prior to occupation.
8. Construction Management Plan.
9. Estate roads condition (full details minus street lighting).
10. Internal roads to be provided prior to occupation.
11. Waste audit statement.
12. Remediation strategy.
13. Unexpected contamination.
14. Archaeology.

15. Electric vehicle charging points.
16. Low carbon development in accordance with DEV32.
17. Open market housing mix.
18. Surface Water drainage details

Key issues for consideration: Local Housing Need, Highways, Air Quality, Historic Environment, Local Infrastructure, Drainage, Trees and Hedgerows, Landscape Impact, and Ecology

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The application site is located on the northern entrance to Dartington to the west of the A384 and to the south of Broom Park and Week Lane. To the south east of the site is Dartington Primary School.

The site measures approximately 4.3 ha and is irregular in shape. It is approximately 400m long and 250m wide at its widest point. To the south is a wooded area with the Bidwell Brook and Dorothy Elmhirst Recreational field beyond. To the west is Week Community Orchard and the hamlet of Week itself. Broom Park is to the north west of the site and St Mary's Church Cemetery is on the north east boundary. St Mary's Church, a grade II* listed building is on the other side of the A384, approximately 90m from the application site.

The site is undulating with the highest point near to Broom Park at approx.39m AOD and dropping down to 21m AOD towards the southern boundary and Bidwell Brook. Where the site meets the A384 on the eastern boundary, ground levels are about 28m AOD

The field is in agricultural use and has two vehicle access points, one off the A384 and the other off Week Lane to the north. The eastern part of the site was temporarily used as a school site between 2014 and 2018, but the land has since been restored to its former condition.

The site forms part of the allocation for residential development of approx. 80 dwellings set out in Policy TTV24 (5) of the adopted Plymouth and South West Devon Joint Local Plan (JLP). It is in Flood Zone 1 (Low probability) and not within a Critical Drainage Area.

The site is on the edge of the SAC Greater Horseshoe Bat (GHB) Sustenance Zone for Bulkamore Iron Mine SSSI/SAC (a GHB hibernation roost 3.2 km west of the site) and is in the SAC GHB Landscape Connectivity Zone.

The Proposal:

This application is for outline planning permission for up to 80 dwellings with access the only detailed matter being considered. Other matters which are reserved include appearance, landscaping, layout and scale and are therefore not for consideration as part of this application.

A single point of access is proposed off the A384 at a point approximately halfway between the cemetery to the north and the school playing fields to the south. This involves widening the carriageway to allow for a right turn lane to be constructed and realigning the existing verge and footway/cycleway to the west. The road would be resurfaced along the full extent of the highway works (approx. 100m). Visibility splays of 2.4m x 55m are proposed in each direction and the existing shared footway/cycleway would be extended into the site.

The application also proposed off-site highway works/pedestrian improvements which involve the provision of a zebra crossing on the A385 adjacent to the Dorothy Elmhirst Recreational field. This is to provide improved pedestrian links to the retail facilities on the south side of the A385.

30% of the housing is to be affordable, which would provide up to 24 units, and the application proposes to fix the open market housing mix at this stage by suggesting a planning condition that would secure the following:

- 1 and 2 bed units – 22-26%
- 3 bed units – 38-43%
- 4+ bed units – 33-40%

Although the submitted application included a number of indicative plans including an illustrative masterplan, green infrastructure plan and framework plan, following the receipt of a number of consultation responses, the applicants have submitted a parameter plan that sets out a number of development criteria that subsequent reserved matters applications would follow. This includes a maximum height of two storey dwellings across the entire site, lower density development on the upper slopes and medium density on the lower slopes, a dark development (without streetlights within the residential areas), development set back from the western boundary with management of the existing hedge and additional strategic landscaping, and surface water attenuation on the lowest part of the site, adjacent to the Bidwell Brook.

The northern and western edges of the site have a 20m wide buffer which is to provide a dark corridor for bats, strategic landscaping and has potential for multi functional green infrastructure. On the southern boundary, this buffer is proposed to be 10m wide. These buffers are outside of the red line but are in the blue land identified as under the control of the applicant. Within part of the 20m buffer adjacent to the cemetery, the indicative plans show the potential for allotments to be provided within the blue land.

Consultations:

Please note that full responses of all consultees can be found at <https://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203842>

Dartington Parish Council – object

Initial comments 22/01/2020:

Missing Information – Heritage Impact Assessment is not sufficient for the LPA to carry out its duty under s.66 of the 1990 Act. Week has significant group value and has not been assessed properly. The statement of significance for St Mary's Church listed at Grade II* does not fully demonstrate an understanding of the significance of this church or its setting. Lack of information submitted on Greater horseshoe bats as set out in Natural England Letter. Very little in the way of detail regarding green infrastructure in the green infrastructure plan.

Access – Insufficient information, adverse impact on A384 frontage including Grade II* church setting, and impact on local character and landscape quality. No information is supplied about the buildings proposed, street furniture, boundary treatments, or signage. Allotments may affect the seclusion of the graveyard. No mitigation measures are proposed at the T junction with the A384 to offset/mitigate potential visual intrusion. Indicative internal access road and layout is completely contrary to the established pattern of settlement which is characterised by irregular and informal clustered settlements. There is no meaningful relationship between Yarnar Beacon and St Mary's Church and there no justification/requirement for a straight link between them.

None compliance with TTV24 – The built estate could sprawl across the hillside, rather than reflecting the local pattern of clustered and irregular settlement. Adverse impact on the tranquillity and rural character of Week. Obstruct significant public views towards Orchard Park and Totnes from Broom Park, and Week Community Orchard. Lack of integration and connectivity with Broom Park. No information to indicate how these sensitive boundaries will be handled. Boundary Strip (dark corridor) will be an extensive and incongruous feature in this landscape setting. NE comments need to be addressed before the application can be determined. Attenuation basin has been sited within the existing woodland area which would therefore be lost. Infiltration and rain gardens should be used. Lack of proper assessment of the Grade II* St Mary's Church, its heritage significance and heritage setting. Without this, no meaningful assessment of the development's impact on the setting of the Church can be made to judge whether it is acceptable or not.

Heads of Terms – Parish has above average age demographic. Parish already has enough sports facilities. £300 cycle/transport vouchers per household does not benefit the community or improve its community infrastructure. It should address lack of good community facilities for older people, provide 3 bus shelters on the A384, improve hedgerows on A384, pedestrian crossing at the A385 petrol filling station, a pedestrian crossing on the A384 to Mead's Field, provide an electronic speed sign on the stretch North opposite entrance to Woodlands Yard, all allotments created on site should pass to the Parish Council and become statutory allotments

Further comments following submission of additional information 8/04/2020:

Initial comments [above] still stand. Loss of GH bat foraging area. Applicant's ecologist confirms significant bat activity but can't confirm or deny a nearby roost. Attenuation basin should not be sited on edge of development where there is significant bat activity. Not enough information about a possible unknown maternity roost. Lack of evidence to back up ecologist's assumptions that there are no breeding males and females. The provision of the dark corridors cannot be judged to be effective or not, as data and surveys are inadequate. No dark corridor provided on eastern boundary. Lack of surveys of Great Crested Newts

Lack of consideration of effects of developments upon whole habitat. All three sites are within the South Hams sustenance zone of the SAC for the GH bat. Cumulative effects have not been assessed. No GH bat baseline surveys, flyways, pinch points, transitory roosts, or resting roosts in the SAC provided. Quantitative impact of all three developments can't be assessed to ensure the favourable conservation status of the bat colonies at Bulkamore and Buckfastleigh. Failure to ensure measures to protect the GH bat in perpetuity

Education – no objection. We have forecast that there is enough spare capacity at both the local primary and secondary schools for the number of pupils likely to be generated by the proposed development and therefore a contribution towards primary and secondary education infrastructure would not be sought.

South West Water – no objection

County Highways Authority – no objections subject to conditions and S106. It is noted this site is allocated for development in the Plymouth and South West Devon Joint Local Plan. The detailed internal road layout would be required at reserved matters stage.

In terms of traffic generation, it can be seen the proposals will have a modest impact on the existing road network and it is not expected that any of the junctions in Dartington will experience future capacity issues as a result of the development.

Whilst the site is only 80 dwellings in size it has been considered necessary from a safety perspective to implement a right turn lane to deal with potential rear end shunt type accidents that might otherwise occur on the A384

It is also noted the applicant has also listened to the Highway Authority requests to install a new zebra crossing on the A385 near the main village post office. An offer to provide a new crossing under the provision of a S278 legal agreement is included with the application.

It has been agreed a Travel Plan could be conditioned with a list of specific measures included that can be implemented or not following a travel plan survey (to be undertaken by the developer on occupation of the dwellings). The list of measures to be explored include the commitment to provide some of the following depending on confirmed demands –

- Appointment of a Travel Plan Coordinator.
- Travel Survey
- E Car Club in the village.
- E Bike Hub in the Village.
- Car Share Scheme.
- Potential Sustainable Travel Vouchers for residents.

This commitment should be included in a S106 legal agreement and equate to a maximum amount of £300.00 per dwelling.

S106 Requests

- £5,000.00 towards a new Vehicle Activated Sign at Huxham Cross.
- Travel Plan in accordance with Travel Plan Statement
- £11,000 towards zebra crossing commuted maintenance costs.

At this stage the Highway Authority has no initial concerns over the safety of the proposals subject to submission of the above additional information and it is expected that with the submission of this extra information the Highway Authority will be in a position to recommend approval subject to conditions to the application.

County Waste Authority – recommend condition. Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement.

The application is not supported by any such statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage.

Historic England – do not wish to comment. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

NHS Devon Clinical Commissioning Group (CCG) – request contributions to mitigate pressures on local healthcare facilities. The CCG's concern is that combined Surgeries of Leatside and Catherine House are already at or over capacity within their existing footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgeries already have 18,949 patients registered between them and this new development will increase the local population by a further 176 persons.

Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document" which was agreed by NHS England and Devon County Council, they request a contribution of £42,240 (£528 per dwelling) to increase capacity at either or both of those surgeries.

Historic Environment Team (DCC) – no objection and recommend condition. In the light of the results of the archaeological works already undertaken the Historic Environment Team do not consider that the significance of the heritage assets with archaeological interest that have been identified here warrants preservation in situ. Confirm that the programme of archaeological works as described in the Written Scheme of Investigations (WSI) are acceptable.

Tree Specialist – No objection on arboricultural merit strictly limited to of the location of site access. The historic internal use of the site leads to potential for change of use on strictly arboricultural merit with the proposed point of access having no arboricultural impact. The presence of the proposed bat corridors around the site periphery will be likely to address most issue of dominance however it is noted this application is outline only, therefore further study will be made of impact of layout against arboricultural features at RM stage.

I note by way of study of the masterplan clearings are depicted within W10.3 & W10.2, these are not visible on aerial imagery and clarification is sought as to their purpose/ or presence. These are carried through to the Tree protection/ removal plans.

A woodland management plan is proposed as a vehicle for securing mitigation for the loss of young woodland to allow the attenuation area, and I believe in respect of GHB activity on site. The absence of such prevents understanding the efficacy of this in terms of ability to offset the percentage of woodland lost.

However in strict response to access location there are no constraining arboricultural features.

Concern arise in respect of the depicted clearings, and principally the impact of the attenuation features, given the absence of a Woodland Management Plan as a vehicle for mitigation.

Police Designing out Crime Officer – no objections. Comment that as the application is for access only to be determined at this stage, detail is too limited, for obvious reasons, to enable a full response but should the planning process evolve for the proposed scheme it is requested that the following information, advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective are considered and implemented where possible

Natural England – No objection subject to appropriate mitigation being secured. Initially responded stating that further information was required to determine impacts on designated sites. Following the submission of that information NE consider that without appropriate mitigation the application could have an adverse effect on the integrity of the South Hams SAC, designated for its important greater horseshoe bat (GHB) population.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured by planning condition/agreement, with details to be submitted and approved at reserved matters stage:

- A Greater Horseshoe Bat Mitigation Plan
- 'Dark corridors' for greater horseshoe bats;
- Detailed lighting design scheme;
- Construction Ecological Management Plan (CECoMP);
- Landscape Ecological Management Plan (LEMP) to include a Woodland Management Plan, 'dark corridors' planting scheme and long-term vegetation management;

Environment Agency – no objection. We have no objections to this application provided that conditions are included in respect of contaminated land. We advise you to consult the Lead Local Flood Authority (DCC) to comment on the details of the surface water drainage scheme for these developments.

Environmental Health Team – No objection subject to conditions. The site has principally been used for grazing for many years, as well as an area of scrub and small previously developed parcel. A Phase 1 contaminated land assessment has been carried out and concluded that there is unlikely to be any contamination of concern. Recommend unexpected contamination condition is included in any approval and we do not require a Phase 2 to be carried out.

An Air Quality assessment has been carried out and a strategy proposed which will apply only during construction. The writer concludes that there will be no negative AQ impacts once constructed and we agree with this, being a small residential development only. Recommend that the standard CEMP condition is included on any approval.

Open Space, Sport and Recreation (OSSR) – no objections subject to planning conditions and S106 agreement. Green Infrastructure Plan shows provision of 0.5ha open space/attenuation pond likely that this policy requirement will be able to be met. Some concerns that the Green Infrastructure and Parameter Plan show the vast majority of the open space to be around the edge of the site, within the blue line. The open space will need

to be well integrated and overlooked, with some open space within the red line boundary, as well as links into the peripheral open space.

Allotments - The policy requirement for allotments is such that we would normally seek an off-site contribution rather than on-site provision for a development of this scale. However, given that the Parish Council allotments in Week are all occupied, with an existing waiting list, the proposed provision of on-site allotments is welcomed. Full details of the allotments will need to be agreed at reserved matters stage.

Equipped Play - It is noted that the Planning Statement says (paragraph 4.4) that an on-site area of play is proposed towards the south of the site, and an indicative play area is shown on the recently submitted Parameters Plan. If on-site play is taken forward, thought will need to be given to safety adjacent to the proposed attenuation feature in this location. There are significant proposals for improvements to play provision at the Meadowbrook site within walking distance of Broom Park (adjacent to the Meadowbrook Community Centre & Outdoor Swimming Pool) which could be funded by the development as an alternative to on-site provision

Provision at Meadowbrook will cover all age ranges and is adjacent to other community facilities, as well as the primary schools. Agreement between the developer and Council regarding on site play provision versus an off-site financial contribution would be required at reserved matters phase, and this would need to be set out in the s106 agreement.

Playing Pitches/Sport Facilities - An off-site financial contribution towards improvements to, and on-going maintenance of off-site facilities will be required. Based on JLP Developer Contributions Evidence Base, this would amount to £68,220 capital and £79,644.24 twenty year maintenance costs.

Landscape Specialist – No Landscape objection to the proposed development as presented for Outline Planning Approval, but note that considerable work is needed to secure an appropriate layout, and the detailed design of buildings and landscape, to ensure that development respects scenic quality and maintains the area's distinctive sense of place and reinforces local distinctiveness.

Affordable Housing Specialist – No objection. Overall percentage and number of Affordable Housing units is policy compliant. Level is 30% comprising 16 Social Rented and 8 intermediate.

Local Lead Flood Authority – no in-principle objections from a surface water drainage perspective, assuming that the pre-commencement planning conditions are imposed on any approved permission. Testing shows that infiltration may be viable in places within the site. Above-ground features will be assessed and prioritised across the site. These features should be included to provide a SuDS Management Train to treat water as well as provide opportunities for interception loss.

Ecology - No objection subject to all avoidance/mitigation/compensation/net gain requirements being secured.

Heritage Specialist – No heritage objection to the proposed development but considerable work is needed in masterplanning and detailed design of buildings and landscape to ensure that the minor 'less than substantial harm' identified is avoided or mitigated.

Representations:

In total, 210 letters of objection are reported during the 2 rounds of public consultation.

147 Pre-printed letters received where people ticked some or all the boxes raising the following issues:

- Air quality. The increase in traffic generated by these additional houses will endanger safe air quality. Dartington already exceeds WHO limits for health.
- Increased traffic. 80 new houses built off this main road will increase traffic, especially at peak times, endanger safety and create rat-running along adjacent lane networks.
- Urbanisation of the parish. Design, materials, extensive spacing and regular configuration of road patterns adversely affects rural character. Account must be taken: DEV20 of the Joint Local Plan.
- Water pollution and tree loss from attenuation basin construction.
- Damage to wildlife and habitat. Damage to woodland, loss of trees, loss of foraging habitat and light spill from the development and additional road lighting and traffic, will damage available habitat for Greater Horseshoe and other bats. Loss of habitat to hares, deer, birds and insects. The built area of the field should be reduced. The woodland secured in perpetuity in trust from development or damage.
- Degradation of historic environment. Affecting views, sightlines and the setting of the parish church, and adjacent Domesday hamlet of Week adversely affects the setting of listed and historic buildings.

63 individual letters of objection received which raise the following issues:

- The development will lead to unacceptable increases in the level of traffic on the surrounding roads, which are already overcrowded and dangerously busy.
- Increase in traffic will damage air quality and endanger residents living nearby.
- The corridor passes two major schools and a small academy meaning that children will be in contact with traffic fumes regularly.
- Increase in traffic will be a danger to pedestrians and cyclists commuting to and from Totnes.
- Will have a cumulative effect with the development at Sawmills.
- Development on a greenfield site will destroy animal and plant life.
- The eastern side of the development is not a gap as promised, but a small corridor.
- This will have an impact on the community orchard and houses in Broom Park.
- There should be no development in front of the row of bungalows in Broom Park. This land should be a wildlife area and prevent urban sprawl.
- 80 houses is too many and this number should be greatly reduced.
- Dartington has had more development than any other village in South Hams and has an unfair strain on infrastructure.
- This development will change the character of the village to an urban one.
- Loss of green field to benefit of developer, non-locals and 2nd home owners and no benefit to the local community.
- Combined with the Sawmills application, there is a lack of local infrastructure to support this.
- Agricultural land needs to be retained and productive all year round. Focus should be on developing brownfield sites.
- It won't rebalance the local housing economy.

- Submitted application has changed from the consultation in that the site has extended further west and into the previously proposed wildlife/landscaped area that was to form a buffer with the hamlet of Week.
- There should be no new housing on the northern side of the proposed diagonal tree lined road/path that runs South West to North East
- If the development were built at a slightly higher density, more green space could be retained.
- Public transport links to Totnes need to be improved.
- No commitment to the highest energy efficient buildings and low embodied carbon.
- 80 homes are likely to have 160 cars that will add to congestion and lead to an increase in local rat-running.
- Broom Park is a landmark which can be seen from the hills around Totnes with the white houses surrounded by green. The proposal will spoil those views and the character of the area.
- A new access off the A385 is going to add to congestion and pollution.
- There needs to be a contingency plan in place in case the agreement for use of the cider Press Car Park for school drop off/pick up is terminated. Could the development make funds available for a dedicated car park in their development?
- The existing cycle path that crosses the site is inadequate and should be developed and upgraded to make it suitable and safe.
- There is no logic of increasing the size of the boundary buffers for bats if the housing area is then extended over the landscaped area to the west. Therefore 80 houses are too many for the site and the number should be reduced.
- Building houses close to the community orchard will have a negative effect on dark skies.
- This higher land should be left undeveloped.
- Building on a greenfield site and loss of natural environment and habitat is unacceptable.
- Development will result in increased traffic levels that will spill over on local roads that will become dangerous rat runs with no pavements.
- Development encroached on the historic Hamlet of Week and listed buildings within direct line of sight.
- Development would obstruct views towards Yarners Beacon and back towards St Mary's Church.
- Inefficient use of land if low density development is proposed, a higher density or fewer houses would mean that the development could be on a smaller area.
- Proposed attenuation basin encroaches into the woodland area at the south of the site and would harm wildlife.
- Lack of local employment will encourage people to commute.
- The Cott Lane is used as a rat run with endangers walkers and children walking to school.
- Lack of layout and boundary treatment detail means that it is not possible to understand impact on the school. Boundary should be 20m, not 10m
- Too many bungalows which do not provide for families or children.
- Want to see larger affordable homes. The housing mix prices families out of Dartington.
- The two doctors surgeries in Totnes are already over capacity.
- The green space that is outside of the red line should be part of the application.
- Does the primary school have capacity for additional children?
- Increased concrete will force surface water onto the roads

- Development should be forced to provide solar panels, electric car charging point and respect the vernacular architecture.
- Dartington exceeds WHO limits for healthy air quality.
- Low density houses and bungalows on straight roads would not respect the character of the area.
- Water pollution and loss of trees resulting from construction of attenuation basin.
- Devon has declared a climate emergency and all houses must be net zero by 2050 to avoid temperature rises.
- Water system should be a closed loop. The application will add millions of tonnes of additional water through rainwater runoff and piped water.
- Not enough houses with home office space to allow people to work at home.
- Highway impact would not be 'modest' and no visibility splays are proposed.
- No point in providing electric car charging points as most people can't afford them and don't want them.
- Village lacks infrastructure to support more housing. It needs better cycleways, zebra crossings, community hubs, outdoor space and sports facilities.
- Development should reflect small groupings of houses rather than modern block development.
- Housing should be affordable and in reach of local key works and their families.
- Proposals are different to the pre-application consultation framework Plans.
- Extension of superfast broadband and 4G/5G coverage required
- Key characteristic of Broom Park is that it has rural character and is separated from the village. The policy requires the setting of Broom Park to be respected, but the proposed development would not do this.
- Submitted documents suggest that there are still plans to put access through the woodland area to the south which is ecologically important.
- Development would affect health and wellbeing of the community.
- Development may affect groundwater and water quality of the Bidwell (which flows into the Dart) and contains otters.
- Remain unconvinced of the submitted air quality assessment with unclear basis of the predictions contained within.
- Attenuation pond should be repositioned to the south of the cemetery.
- Not enough information or detail has been submitted to be able to decide whether the proposals comply with all the provisions of Policy TTV24.
- Lack of detail of how access would appear at the gateway to Dartington. What are boundary treatments, street furniture, and signage?
- No landscaping details have been shown that would soften the proposed junction with the A348
- No detail of allotments to understand whether these are in the correct place in relation to the proposed houses.
- Should only be built if it contains a clause that worked in Devon for 3 years.
- Increased use of permissive path resulting from development would result of loss of privacy to residents of Mill House, Week.
- Access should be a roundabout to avoid total gridlock.
- A full Totnes bypass needs to be constructed before any more housing is thought of.
- Layout does not take account of shortage of land available for housing.
- Properties would not meet local need as marketed as an easy commute to Plymouth and Exeter
- No restrictions proposed to stop the new dwellings becoming second homes.
- The proposed new houses are ugly and intrusive.

- If surface water attenuation is required then the site should not be developed.
- Applicant's responses to Natural England's comments are not adequate.
- Application should be accompanied by a CEMP and woodland management plan now.
- Parameter plans indicate a social divide with lower density on one part of the site and higher density on the other. Lack of integration with existing community.
- Suggested location of childrens play area is 'out of sight and out of mind' and is too close to the pond.
- Proper base line species/wildlife study has not been done.
- Building for Life 12 assessment should be carried out and the application should go through a 'design review' process.
- Reiteration, repeat and endorsement of Parish Council comments
- A Habitats Regulation Assessment needs to be carried out to assess the cumulative effects of all the development proposals in Dartington.
- Lack of information to properly assess impact on Listed Buildings/heritage assets
- Any volume housing development in Dartington will contribute substantially to already unsustainable and polluting levels of traffic congestion in Dartington and Totnes.
- Attenuation pond would be highly engineered.
- Urbanisation of the entrance to the village and impact on Grade II* Listed church.
- Great Crested Newts have not been survey for.

Neutral/Undecided

2 letters of comment received which raise the following issues:

- Concern at traffic generation and service infrastructure in the area.
- Request that footpaths, play facilities, landscape screening, tree planting and communal open spaces with seating away from busy roads are included more than is currently presented.
- A substantial contribution to improved access routes into and through Totnes (a bottleneck) should be made by the developers, as well as a contribution towards significantly improved leisure facilities in the catchment.
- No applications should be determined without fully understanding the flyways and pinch points that are used by the Greater Horseshoe Bat population. This should be surveyed using radio tracking and the results published in map form for the public to see.
- Concern at light pollution levels that will change the dark sky character of the area.

ANALYSIS

Principles of Development

In accordance with Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications have to be determined in accordance with the development plan unless there are material considerations that indicate otherwise. For the purpose of decision making for this application, the development plan comprises the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (JLP) and the Devon Waste Plan 2011 – 2031.

JLP Policy TTV1 – Prioritising growth through a hierarchy of sustainable settlements, sets out the principles to be used to distribute new employment and housing across the Thriving Towns and Villages Policy Area. It identifies four categories of settlement type where development will be distributed as part of that hierarchy.

- The Main Towns
- Smaller Towns and Key Villages
- Sustainable Villages
- Smaller Villages, Hamlets and the Countryside

Dartington is identified as being in the smaller towns and key villages category where there are allocations for 911 new homes during the plan period.

JLP Strategic Objective 8 (SO8) – Maintaining the vitality and viability of the smaller Towns and Key Villages, promotes the provision of homes, jobs, services and community infrastructure in settlements such as Dartington as they are characterised by a level of services and amenities that can support the daily needs of the rural population.

The JLP identifies Dartington as a settlement that has an extensive range of services and amenities. It is also well connected to other centres, especially the nearby town of Totnes, which extends the range of facilities that can be accessed within a short distance. This relationship is reciprocal, as many people from around the Totnes area use the services and facilities at Dartington. The village has good pedestrian and bus links to Totnes and the National Cycle Network also connects the two settlements. The primary school has a wide catchment area and the shops at Dartington attract people from the local area and from further afield. The Dartington Hall Estate, which adjoins the village, contains numerous heritage assets of national importance and has established a national and international reputation for its cultural and educational work and events. The Estate also provides significant opportunities for informal recreation, enjoyed by local residents and visitors alike.

Policies TTV23 and TTV24 propose 254 new homes and 11,800 sqm of employment floorspace in Dartington, across a number of sites/areas. Broom Park is allocated for development by policy TTV24 for the provision of 80 homes. This forms part of the allocation of 911 new homes across the smaller towns and key villages. The policy identifies a number of policy considerations / things to be provided for by the development. For Broom Park, these are:

- a. Footpath and cycle access to the main road, connecting to the NCN and on towards the village centre.
- b. An overall site layout and design that respects the setting of the existing housing at Broom Park.
- c. Retention and future management of the hedgerow along the western boundary.
- d. Additional strategic landscaping on the western side of the site to soften the edges of the development onto the undeveloped countryside beyond.
- e. Appropriate flood risk mitigation measures.
- f. Acceptable impact on the setting of St Mary's Church to the east, which necessitates both strategic landscaping that is sensitive to this context as well as an appropriate extent, scale, layout, design and materials.

Through the local plan consultation, examination and adoption process, the site has been considered to be appropriate for residential development and has been allocated as such. Dartington has been identified as one of the settlements that is expected to see a level of growth and development that is commensurate with its role and size within the plan area. The overall principle of residential development on the site is considered to be met and it is therefore necessary to consider areas of detail (that relate to an outline application) and whether they comply with the plan as a whole.

Meeting Local Housing Need

Policy DEV8 of the JLP requires a mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence. Although this is an outline application where the detailed design of houses is reserved for subsequent consideration, it is still necessary to secure the mix at this stage (or impose a specific condition requiring a suitable mix to be submitted and agreed as part of the reserved matters). In this case it is proposed to fix the open market mix at this outline stage and the following range has been put forward:

- 1 and 2 bed units – 22-26%
- 3 bed units – 38-43%
- 4+ bed units – 33-40%

This could be secured by a planning condition to ensure that any reserved matters application was in accordance with the above range. Part of the proposals put forward include the provision of home offices within the dwellings and it is suggested that where a home office is proposed, this should be counted as a potential bedroom for the purposes of agreeing the housing mix. As it would be difficult to control how an individual occupier chooses to live in a property, it is considered to be a reasonable way forward to allow people to live in a flexible manner.

DEV8 also requires that developments of 11 or more dwellings to provide a minimum of 30% affordable housing. The application proposed as such, meaning that if 80 dwellings in total were to be provided, 24 of these would be affordable. The Affordable Housing Specialist has set out in her consultation response that this should comprise 16 social rented units and 8 intermediate. It would be necessary to secure this provision as part of a Section 106 Legal Agreement which has been put forward by the applicants.

Overall, it is considered that the application would meet local housing needs in terms of mix and a fully policy compliant level of affordable housing. As such, the requirements of Policy DEV8 have been met.

Highways/Access

The application is accompanied by a Transport Assessment that has been considered by the County Highways Authority. In their consultation response, they conclude that “In terms of traffic generation, it can be seen the proposals will have a modest impact on the existing road network and it is not expected that any of the junctions in Dartington will experience future capacity issues as a result of the development. The Highway Authority is in broad agreement with the contents of the Transport Assessment and has no concerns in relation to this matter.”

The Transport Assessment (TA) demonstrates that the site is well connected to the National Cycle Network and footways to a number of local facilities, including the school, playing fields, play areas, bus stops, retail, community facilities and employment areas. Residents of the development would not therefore be reliant on motor cars to access these local facilities and accessibility is considered to be good.

In terms of motor vehicle movements, the TA has modelled the A384/A385 Shinners Bridge Roundabout as well as the A385/A381 Redworth Junction in Totnes. It demonstrates that the Shinners Bridge Roundabout would still operate within capacity and the Redworth Junction

would have an imperceptible impact of 20 and 19 additional traffic movements during the AM and PM weekday local highway network peak hours respectively. When considered in combination with the Sawmills proposals, this rises to 30 and 28 traffic movements (or 1 extra vehicle passing through the junction every 2 minutes).

Off-site highway works include the provision of a Zebra crossing on the A385 between the Dorothy Elmhirst Recreational field and retail facilities on the south side of the A385. This would encourage walking by providing a safe crossing route to some of the local facilities and would improve the existing situation of informal crossing points. Although it is required to complete the desire line from the proposed development to the village centre and some of the employment areas, it would have additional benefits for the wider community and could be secured via a Grampian style planning condition. The Highway Authority are supportive of the proposal that they would secure by a Section 278 Agreement. A commuted maintenance payment of £11,000 can be secured under a Section 106 Agreement.

Access into the site would be from a single point off the A384 which involve road widening and the creation of a right turn lane. Although details of lighting have not been submitted at this stage, it is known that the junction would need to be lit appropriately and in such a way that ecological dark corridors can still be provided. In terms of highway safety, the Highway Authority have confirmed that they are happy with the access as proposed and that they consider that a right turn lane is necessary for the development to avoid the potential for rear end shunts.

During the processing of the application, discussions have taken place between the applicants, the Highway Authority and the planning officer to formulate a suitable framework for a Travel Plan to be secured. It is considered that apart from some of the physical measures to encourage walking, cycling and use of public transport, travel planning is best carried out at the point when there are people living in the development and it can directly respond to their needs. However, it is also necessary to secure commitments to funding strategic travel planning measures as part of an outline application. As such, it is proposed that a list of specific measures is put forward which can form a menu of options that can be selected as appropriate to the equivalent value of up to £300 per dwelling. These include:

- Appointment of a Travel Plan Coordinator.
- Travel Survey.
- E Car Club in the village.
- E Bike Hub in the Village.
- Car Share Scheme.
- Potential Sustainable Travel Vouchers for residents.

Although the travel planning is aimed at influencing the behaviours of new residents, some of the options above could have wider benefits to the local community. For example, the creation of an E Car Club or E Bike Hub would be available to more than just the occupants of the new dwellings. It is considered that this is an acceptable way forward and that the proposals would comply with the provisions of Policy DEV29.

The Highways Authority in their consultation response suggest that the applicant should provide £5,000 towards the provision of a new Vehicle activated Sign at Huxham Cross. This follows a request made by some residents at Huxham Cross for such a sign to be installed but the justification of how this is linked to the proposed development is not fully set out or justified. The highway authority acknowledge that it is debatable as to whether this meets the

legal tests for inclusion into a Section 106 agreement and they conclude that if this is not secured, the application should not be refused. On that basis, it is considered that such a contribution would fail the first and second legal tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations, namely, it is not necessary to make the development acceptable in planning terms, and it is not directly related to the development.

Air Quality

A large number of objections and representations have been received relating to air quality and that increase in traffic generated by additional housing will endanger safe air quality. The application is accompanied by an Air Quality Assessment and an Air Quality Strategy which have been reviewed by the Council's Environmental Health specialists. The assessment considers air quality in 3 parts - the suitability of the site for residential development, the construction phase, and the operational period.

The site is near a busy road, however, the submitted assessment predicts that concentrations of nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) will be well below National Air Quality Objectives (NAQOs). As such, there is no requirement for mitigation regarding the suitability of the site for residential development

During construction, which will involve earthworks and general building construction, there is potential for dust and particulate matter (PM₁₀) to affect nearby properties and the school. This can be mitigated using a number of measures, which are identified in the submitted Air Quality Strategy and can be secured via a Construction Management Plan (CMP).

The operational phase will see additional traffic generated by the development which will result in an increase in concentrations of nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}). This has been modelled as part of the Air Quality Assessment at a number of receptors both within Dartington and the Air Quality Management Area (AQMA) in Totnes. The modelling looks at levels both with and without development taking place and concludes that any increase at the receptors is negligible and below the National Air Quality Objectives (NAQOs). The modelling does not take into account any of the proposed transport related measures that are proposed to reduce traffic generated by the development. However, as transport related measures are proposed as part of the Transport Assessment, these are included as part of the Air Quality Strategy and involve the provision of walking and cycling infrastructure, encouraging the use of sustainable transport modes (through the Travel Plan), installing electric vehicle charging points for all properties, and enabling working from home through the inclusion of home office space. This seeks to achieve at least a 10% reduction in vehicle trips to and from the site from that which has been modelled as part of the Air Quality Assessment.

The councils Environmental Health Team have considered the proposals and have not raised any objections to the methodologies or conclusions. They agree with the report that there will be no negative air quality impacts once constructed.

Historic Environment

Local Planning authorities have a duty under Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 to have special regard to the preservation of a listed building, its setting, and any features of special architectural or historic interest.

The Councils Heritage Specialist has confirmed that the site allocations [Broom Park and Sawmills] were thoroughly assessed from a heritage perspective as part of the Joint Local Plan and the Heritage Impact Assessment helped inform the Plan allocations. He has walked the sites and footpaths in the locality to make a fresh assessment based on the information provided a part of the applications, considering the potential impacts on both designated and non-designated heritage assets. He has provided a detailed response, listing the potential impacts, while acknowledging that an outline application does not include detailed design and layout. As this is an outline application, it is necessary consider whether the level of development proposed can satisfactorily be accommodated on the site in such a way to avoid significant harm to any heritage assets. Levels of detail would come at a later stage and would need to be fully considered at that point.

It is considered that the parameter plan sets out a basic framework as to how development could come forward on the site in such a way that it would minimise potential impacts on off-site heritage assets by way of buffers, strategic landscaping and building heights. Further detail would be submitted at reserved matters which would need also demonstrate a development that does not result in undue harm to heritage assets. The specialist considers that there is no heritage objection to the proposed development but considerable work is needed in masterplanning and detailed design of buildings and landscape to ensure that the minor 'less than substantial harm' identified is avoided or mitigated.

One area of detail which is to be considered at this stage is the proposed access which would be approximately 100m from the boundary of Saint Mary's Church. New road junctions can have an adverse impact on the setting of a listed building and the Heritage Specialist raised a concern if the junction were to become a roundabout. However, the detail design of the junction is a simple t-unction that would include a right turn lane. New signage around the junction and street lighting would be installed (detailed design to be submitted) and it is considered that this would be at a level that would not affect the setting of the church, due to the distance involved and the existence of existing signage and lighting already in closer proximity. Any new lighting of the junction would need to be bat friendly, limited in height and orange in colour. The submitted parameter plan shows that development would be set back from the access with strategic landscaping on the roadside edge.

Local Planning authorities have a duty under Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 to have special regard to the preservation of a listed building, its setting, and any features of special architectural or historic interest.

Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), the heritage specialist has found that there is potential for minor 'less than substantial harm' to the setting of St Mary's Church and therefore this needs to be weighed against the public benefits of the proposals.

The proposal would bring about public benefits. The provision of new housing, including a percentage of affordable housing, is a significant benefit. There would be short-term benefits associated with the creation of construction jobs, and longer-term benefits in terms of additional expenditure and use of services in the local area both of which attract modest weight. Such benefits are also likely to be realised relatively quickly due to the modest size of the development. Improvements to connectivity, including the provision of a new zebra crossing would have wider public benefits than to just the residents of the application site. The collective weight of these benefits is considered to outweigh the minor less than substantial harm to the significance of St Mary's Church.

Following the original comments received from the Historic Environment Team at Devon County Council, the applicants have submitted a Written Scheme of Investigation which has been confirmed to be acceptable.

Prehistoric activity is indicated by finds of substantial numbers of flint tools recovered from the plough soil as well as the truncated remains of archaeological features such as ditches and pits revealed in the evaluative trenches excavated across the site. However, these investigations have also shown that the site has been subject to a significant level of agricultural truncation and that the features encountered are likely to be the bases of the more substantial archaeological features that have survived this process. The presence of prehistoric pottery within the ploughed soil is likely to indicate that prehistoric archaeological features have been disturbed by agricultural activity and the artefactual material within them has been redistributed into the topsoil.

In the light of the results of the archaeological works already undertaken, the Historic Environment Team do not consider that the significance of the heritage assets with archaeological interest that have been identified here warrants preservation in situ, and that any impact upon them by the development should be mitigated by a programme of archaeological work to be undertaken in advance of construction work commencing.

Local infrastructure

A number of comments have been received relating to the capacity of the local infrastructure to support additional residential development in the village. JLP policy DEV30 (Meeting the community infrastructure need of new homes) requires:

“The development of new homes (including student housing) should contribute to the delivery of sustainable communities with an appropriate range of community infrastructure, such as schools, primary health care infrastructure, sports / recreation and community facilities / village halls.

Major housing developments will be considered in the context of the sufficiency (or otherwise) of the community infrastructure to meet the demands generated by the development. Where there are existing or anticipated capacity issues, financial contributions to appropriate projects will be sought to enable the community impacts of the development to be mitigated. Where possible, developments should directly incorporate community infrastructure and services as integral parts of the development.”

The Education Authority have calculated that the proposed increase of up to 80 family type dwellings will generate an additional 20 primary pupils and 12 secondary pupils which would have a direct impact on Dartington Primary School and King Edward VI Community College. They have forecast that there is enough spare capacity at both the local primary and secondary schools for the number of pupils likely to be generated by the proposed development and therefore a contribution towards primary and secondary education infrastructure is not being sought.

NHS Devon Clinical Commissioning Group have responded to the consultation with information that the development is in the catchment of the Leatside and Catherine House surgeries which have a total capacity for 18,111 patients. The current combined patient list size is 18,949 which is at 105% of capability and while it is understood that surgeries cannot refuse to register new patients within their catchment, if it is over subscribed, it would lead to

reduced services and longer waiting times for current and new patients. As such they are requesting financial contribution to increase capacity at the local surgeries and mitigate the impact of new development. Based on the “*Devon Health Contributions Approach: GP Provision document*” which was agreed by NHS England and Devon County Council, they are requesting £42,240 (£528 per dwelling) as part of a Section 106 Agreement. Based on the JLP Policies, SPD and Developer Contributions Evidence Base document, it is considered that such a requirement would pass the legal tests for developer contributions and should be sought should the committee agree to granting planning permission.

Children’s play could either be provided on site by the developer, or they could pay a financial contribution towards improving equipped play provision nearby at Meadowbrook. Both options are put forward by the developer who will commit to either delivering an on-site Local Equipped Area of Play (LEAP) of at least 400m² in area with a minimum of 6 play experiences, a 20m buffer between the activity zone and habitable room façade of dwellings and focusing on up to 8 year olds; or pay a financial contribution towards improving equipped play provision at Meadowbrook. The contribution would be £46,440 capital together with a commuted sum of £86,475.60 towards the long-term maintenance costs of the improvements. Either of these options is considered to be appropriate in terms of meeting the needs of residents of the new development, although it is acknowledged that the policy prefers onsite delivery where possible but off-site contribution could have greater benefits to the wider community.

Given the size of the development, onsite provision of playing pitches/sports facilities is not appropriate but off-site financial contribution would be sought based on the figures in the JLP Developer Contributions Evidence Base. That would amount to £68,220 capital and £79,644.24 twenty year maintenance costs. The following projects have been identified potentially suitable for receipt of funding to meet the needs of the proposed development:

- Dorothy Elmhirst football pitch – need for drainage improvements.
- Meadowbrook outdoor community swimming pool – in need of major repair including new lining.
- Meadowbrook tennis courts – need for fencing and resurfacing. Aspiration to provide Multi-Use Games Area here with potential changing/toilets within adjacent Community Centre.
- BMX track within woodland – planning permission secured.
- Meadowbrook Community Centre used for skittles, yoga and taikwando and by the football and sub aqua clubs - in need of refurbishment.
-

Although not specifically referred to in Policy DEV30, allotments are covered by DEV5 which seeks to support and encourage local food growing by seeking the provision of new allotments where there is a deficiency of provision. It is understood that the allotments at Week are full and that there is a waiting list for any that come available. On that basis, it would be necessary for any development to either make financial contribution toward the provision of allotments off-site, or to have on-site provision to meet the needs of the development. The recommended amount of allotment space per person is 1.5 sqm and a development of 80 dwellings would require 270 sqm (based on 2.25 person per dwelling). However, the minimum size for allotment provision would be 6 full size plots (or 12 half size plots), requiring 1,500 sqm of space and would clearly be more than what is required by the policy. Given the size of the application site and the space that would be available within the site (or in the 20m buffer) it would be possible to provide allotments that could be made

available to new residents and the wider community. The applicants have put this forward and onsite allotment provision of 1,500 sqm could be secured via a S106 agreement.

Drainage

Surface water drainage design is a matter that is reserved for subsequent consideration as part of a detailed layout design. At an outline stage, the local planning authority needs to be satisfied that a suitable surface water drainage scheme can come forward without resulting in an increase of either on-site or off-site flood risk. The application is accompanied by a Flood Risk Assessment and Drainage Strategy which identifies that the site is currently 100% permeable and drains to the south and the Bidwell Brook. The strategy makes assumptions on the likely coverage of non-permeable surfaces that would come forward at the detailed design stage and sets out how through infiltration and onsite attenuation, surface water can be managed in such a way to follow best SUDS practice.

Above ground SUDS components such as swales, filter beds, rain gardens, tree pits along with other appropriate features will be prioritised to ensure an appropriate SUDS management train is provided, in accordance with the published Devon County Council guidance.

The detailed drainage design will need to ensure that post development run-off rates do not exceed current greenfield runoff rates, taking into account the 100 year design storm plus 40% in peak rainfall intensities to allow for climate change.

The Local Lead Flood Authority (LLFA) has considered the proposals and have no in principle objections subject to a suitable planning condition.

Woodland and Hedgerows

The red line application site covers mainly agricultural fields, however the southern part of the site crosses into an area of young woodland. This is shown on the parameter plan as being the potential location for a surface water attenuation basin (although the exact position and design of such a feature would come forward as part of a reserved matters application). On the basis that an outline application reserves both this detail, the landscaping that would go with it, and a wider woodland management plan, it is not possible at this stage to come to a firm conclusion whether this would be acceptable or not. That decision would come at a later date when detailed design is to be considered.

Regarding the proposed access which is to be determined at this stage, there are no constraining arboriculture features.

It is considered that the site is of a sufficient size to accommodate new tree planting both within the redline development area and in the blue line buffer zone. It would be necessary to secure the submission of a Woodland Management Plan to come forward at the detailed design stage and could be secured via a section 106 agreement.

Landscape Impact/Design

Although matters such as layout, scale, appearance and landscaping are reserved, when determining the principle of development, the local planning authority need to assess whether the quantum of development proposed could be accommodated on the site in a satisfactory manner. The application is for up to 80 dwellings which is the amount that is set out in Policy

TTV24 of the JLP. The red line application site is 4.3 hectares and 80 dwellings would result in a density of 19 dwellings per hectare. This does not take into account the dark corridor on the outside edge of the site which could provide (in part) some of the open space. The allocation area in the JLP map measures approximately 6.1 hectares and if this area is used for calculation of density (acknowledging that it would include non-developable greenspace), that would be 13 dwellings per hectare.

In comparison to the potential density of the application site, the adjoining site at Broom Park is 20 dwellings per hectare and this calculation includes the central area of green space and the allotments. Based on these calculations, it is considered that in principle, the site can easily accommodate 80 dwellings in a manner that does not harm the setting of St Mary's Church or Broom Park and can be of a scale/layout that is sensitive to the edge of settlement character.

Following initial comments from the landscape officer that raised concerns about the lack of detail to be able to determine whether the approach to site layout, landscape mitigation and enhancement will be appropriate, a parameter plan has been submitted which sets out some basic principles. This does not go into any great detail and features such as long straight roads that are shown in some of the indicative plans have not been included in the parameter plan. This leaves the road layout assessment to a later date as part of the reserved matters and does not propose to fix this at the outline stage. The parameter plan also confirms other development principles such as a maximum of two storey development, lower density on the higher slopes and western boundary, a dark development without streetlights, development set back from the entrance off the A384, incorporation of landscaped amenity space and a layout that responds to site levels while providing views of Yarnier Beacon and St Mary's Church.

The policy requirement for accessible green space within a development of 80 dwellings is 3,438 sqm. The submitted Green Infrastructure Plan shows an indicative 5,000 sqm. within the red line area. It does not include any of the space within the proposed 10m and 20m dark corridors which would comprise approximately 2 hectares (20,000 sqm.) of green space which can be multi functional. It is considered that a combination of green space both around the edge and within the development would result in the full amount being provided and this can be secured via a section 106 agreement.

Ecology

The application includes the submission of an Ecological Impact Assessment carried out by EAD Ecology which follows the standard practice of first carrying out a desk study and then an Extended Phase 1 Habitat Survey. This identified the potential for protected and notable species within the survey area and the following Phase 2 surveys/assessments have been carried out.

- Hedgerow survey April 2020
- Great green bush cricket survey July- August 2020
- Reptile survey April-August 2020
- Breeding bird survey April-June 2020
- Cirl bunting survey April-August 2020
- Badger survey May 2020
- Hazel dormouse survey April-October 2020
- Bat Roost Survey – preliminary roost assessment April 2020

- Bat activity survey April-October 2020

During the initial consultation period, both Natural England and the Council's Ecology adviser at Devon County Council (DCC) raised a number of questions which were put to the applicants and their ecologists. This resulted in the submission of additional information which has been through a 2nd consultation process and both Natural England and DCC have responded to confirm that they have no objections to the proposals.

The submitted Ecological Impact Assessment and additional information proposes a number of avoidance, mitigation, compensation and enhancement measures that could be secured through the inclusion of suitable planning conditions or Section 106 agreement requiring the submission of a LEMP and CECoMP. This would also include the submission of a Woodland Management Plan as part of the LEMP that would cover the areas north of the Sawmills site and south of the Broom Park site. On the basis that this would involve land outside of the application site (but within the blue land under the applicants' control) and would involve longer term maintenance and management, it is considered that these should be secured by section 106 agreement.

The site is on the edge of the Special Area of Conservation (SAC) Greater Horseshoe Bat (GHB) Sustenance Zone for Bulkamore Iron Mine SSSI/SAC (a GHB hibernation roost 3.2 km west of the site) and is in the SAC GHB Landscape Connectivity Zone. Following the South Hams SAC guidance (2019), this application could have a likely significant effect on GHB foraging and commuting habitat within a Sustenance Zone and commuting routes within the Landscape Connectivity Zone. As such it is necessary for the council, acting as the competent authority, to carry out an Habitat Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017 (as amended) to determine if the proposal may affect the protected features of a habitats site before deciding whether to permit it. This assessment has been carried out and a copy is appended to this report. It includes a number of mitigation measures to ensure no adverse effect on the integrity of the SAC and this has been agreed by Natural England. The HRA considers the application in combination with other applications in the area, including Sawmills, Broom Park, the proposed attenuation basin and proposed two storey building at the River Dart Academy.

The HRA concludes that provided the mitigation measures set out above are secured there will be no adverse effect on the integrity of the South Hams SAC alone or in-combination with other proposals or projects.

It is therefore concluded that based on the specialist advice received from Natural England and ecology specialists at DCC, that the proposals would not result in any significant harm to ecology and that the proposals are acceptable.

Conclusion

The site is allocated in the JLP for residential development of about 80 houses. The outline proposals would secure an appropriate scale of development including 30% affordable housing and an open market housing mix that meets the local housing need. Appropriate mitigation can be secured through the use of planning conditions and a legal agreement to ensure that the proposals accord with the provisions of the Development Plan. All statutory consultees and specialist advisers have no objections to the proposals and as such the application is recommended for permission.

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 of 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 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. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22 December 2020).

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

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

TTV24 Site allocations in the Smaller Towns and Key Villages

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
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

Dartington has an active Neighbourhood Plan group but are not yet at Regulation 14 stage. The group has published a Pre Regulation 14 Draft of the Dartington Neighbourhood Plan and consultation took place in summer 2020. The consultation has closed and Steering Group members are considering the comments.

Once a plan proceeds to a formal Regulation 14 consultation, some very limited weight could be given to aspects where clear community support can be demonstrated. The decision maker will have to assess the quality of consultation, level of support and the general conformity of proposed policies with the NPPF and JLP. At the current stage of the neighbourhood plan, it has extremely limited material weight.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to sections 5, 8, 9, 11, 12, 14, 15 and 16 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020
- SPD Developer Contributions Evidence Base (June 2020)
- Devon County Council (DCC) Waste Management and Infrastructure Supplementary Planning Document (July 2015)
- DCC Health Contributions Approach: GP Provision Development Contribution Methodology (February 2018)
- South Hams Special Area of Conservation (SAC) Habitats Regulations Assessment Guidance (October 2019)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed conditions:

1. Details of the appearance, landscaping, layout, and scale, (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 comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

4. Application for approval of reserved matters shall be in accordance with the submitted Parameters Plan (drawing no. 191105 P 01 01) dated February 2021

Reason - For the avoidance of doubt and to comply with policy TTV24 of the Plymouth and South West Devon Local Plan 2014 – 2034

5. Vehicle access to the site shall be carried out in accordance with the details shown on drawing 49071/5501/SK01 Rev H

Reason - For the avoidance of doubt and in the interests of highway safety.

6. Other than site clearance and the highway access works hereby permitted, no part of the development shall be commenced until:

- (a) The access road from the A385 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 details contained in the Construction Management Plan (CMP)

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

7. No dwellings shall be occupied until the off site highway works shown on drawing 49071/5501/SK03 Rev D and 49071/5501/SK01 Rev H have been through a Stage 2 Safety Audit and Designers response, and have been completed.

Reason - In the interests of highway safety and pedestrian/cycle connectivity.

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

Reason - In the interests of highway safety and public amenity.

9. The proposed estate roads, footways, footpaths, verges, junctions, 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 - In the interests of highway safety and to ensure that the site has a suitable access

10. The occupation of any dwelling of the development shall not take place until the following works have been carried out:
- (a) The spine road and cul-de-sac carriageway including the vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - (b) The spine road and cul-de-sac footways and footpaths which provide the dwelling/s with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - (c) The cul-de-sac visibility splays have been laid out to their final level;
 - (d) The car parking and any other vehicular access facility required for the dwelling/s by this permission has/have been completed;
 - (e) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - (f) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

11. No development shall take place until such time as 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

12. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

13. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

14. The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD2436/1/0, dated 02/02/21) and submitted in support of this planning application. 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 (2019), that an appropriate record is made of archaeological evidence that may be affected by the development.

15. 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 good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

The development shall be carried out in accordance with the agreed details and shall be made available for use prior to the first occupation of any building approved by this permission, and retained thereafter as such.

Reason: To avoid air pollution and enable appropriate opportunities to promote sustainable transport modes.

16. 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.

17. The Reserved Matters application/s for layout and/or scale shall be accompanied by details of housing mix, type and size of open market units. The mix of open market units shall provide for between [22-26%] 1 and 2 bedroom properties; [38%-43%] 3 bedroom properties and [33%-40%] 4 and 5 bedroom properties, unless otherwise agreed with the local planning authority. Development shall take place in accordance with the approved details.

Reason: To ensure the development contributes toward delivering a mix of housing sizes that meet the needs of the area in accordance with the provisions of Policy DEV8 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034.

18. 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 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
 - (b) A detailed drainage design based upon the approved Flood Risk Assessment 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.

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

**Appendix – Habitats Regulations Assessment for Broom Park,
Dartington.**

Ref 3842/20/OPA

Conservation of Habitats and Species Regulations 2017

Habitats Regulations Assessment

Date: 8th April 2021

SHDC

Part A The Proposal

1. Type of permission

Outline planning permission

2. Application name & ref.

Broom Park, Dartington - (SX 783624)

3842/20.OPA - <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203842>

3. Brief description of proposal

Outline application with all matters reserved, except for access, for up to 80 residential units and associated public open space and infrastructure.

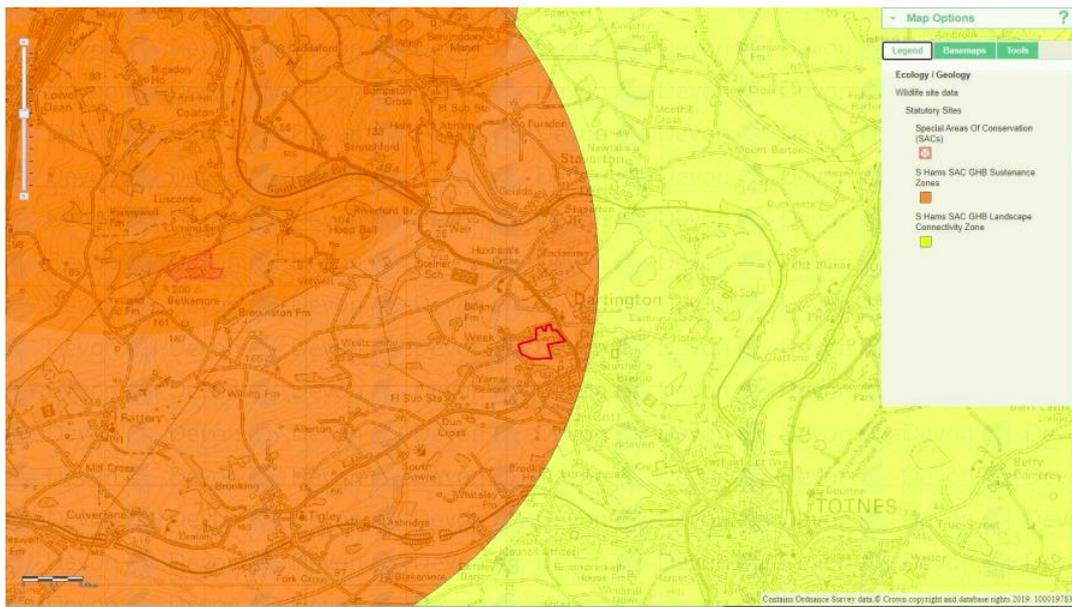
6.3ha site on the edge of Dartington – largely improved grassland, with smaller areas of ruderal, dense scrub and plantation broadleaved woodland in the south. Field bordered by species rich hedges, fences and plantation broadleaved woodland.

Allocated site in the JLP - see Policy TTV24

4. European sites potentially impacted and relevant interest features.

South Hams SAC – Greater Horseshoe Bats (GHBs).

The site is on the edge of the SAC GHB Sustenance Zone for Bulkamore Iron Mine SSSI/SAC (a GHB hibernation roost 3.2 km west of the site) and is in the SAC GHB Landscape Connectivity Zone. See map below. Application site shown in red, orange = SZ and yellow = LCZ (note that the LCZ also covers the SZ).



Following the South Hams SAC guidance (2019) this application could potentially have a likely significant effect on GHB foraging and commuting habitat within a Sustenance Zone and on commuting routes within the LCZ and cannot be screened out from requiring HRA.

South Hams SAC

The SAC comprises five Sites of Special Scientific Interest (SSSIs):

- Haytor and Smallacombe Mines SSSI
- Berry Head to Sharkham Point SSSI
- Buckfastleigh Caves SSSI
- Chudleigh Caves and Woods SSSI
- Bulkamore Iron Mine SSSI

Relevant interest feature:

Annex II species that are a primary reason for selection of this site:

- 1304 Greater horseshoe bat *Rhinolophus ferrumequinum*
South Hams in south west England is thought to hold the largest population of greater horseshoe bat in the UK and is the only one containing more than 1,000 adult bats (31 % of the UK species population). It contains the largest known maternity roost in the UK and possibly in Europe. As the site contains both maternity and hibernation sites it demonstrates good conservation of the features required for survival.

Conservation Objectives

High level 'Conservation Objectives' for the South Hams SAC have been identified by Natural England. The overarching aims are to:

'Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.'

This is to be achieved by, subject to natural change, maintaining and restoring:

- The extent and distribution of the qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- The populations of qualifying species;
- The distribution of qualifying species within the site'.

The application of the Conservation Objectives will be site and planning application specific and dependant on the nature of the site features and the characteristics of the proposed development.

South Dartmoor Woods SAC

In respect of the TTV24 allocation, of which the proposed Broom Park development forms a part, the JLP HRA states *'it is not anticipated that this will lead to increased pressure as South Dartmoor Woods SAC is over 8km from the proposed development, there are many closer alternative sites and Dartmoor National Park Authority actively encourage more resilient sites to be visited.'* It has been agreed with NE that recreational impacts on South Dartmoor Woods SAC can be screened out.

It is considered that there is no potential for likely significant effects on any other European Site due to distance and lack of pollution pathways.

5. Is this application necessary to the management of the site for nature conservation?

No

6. Ecological information associated with the project

- Ecological Impact Assessment (EclA), dated October 2020, submitted with the application. This included information on bat survey, which is considered sufficient for this HRA, and a Shadow HRA. A meeting had been held between NE, SHDC, EAD and the developer to discuss the application on 7th October 2020 and minutes of this meeting are included in the shadow HRA.

- NE's comments on the application dated 6 January 2021
- EAD's response to these comments dated 23 February 2021
- LPA ecologist's request for further information dated 2nd March 2021
- EAD's response to the LPA ecologist dated 12th March 2021
- NE consultation response dated 12th April confirming agreement with this HRA

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203842>

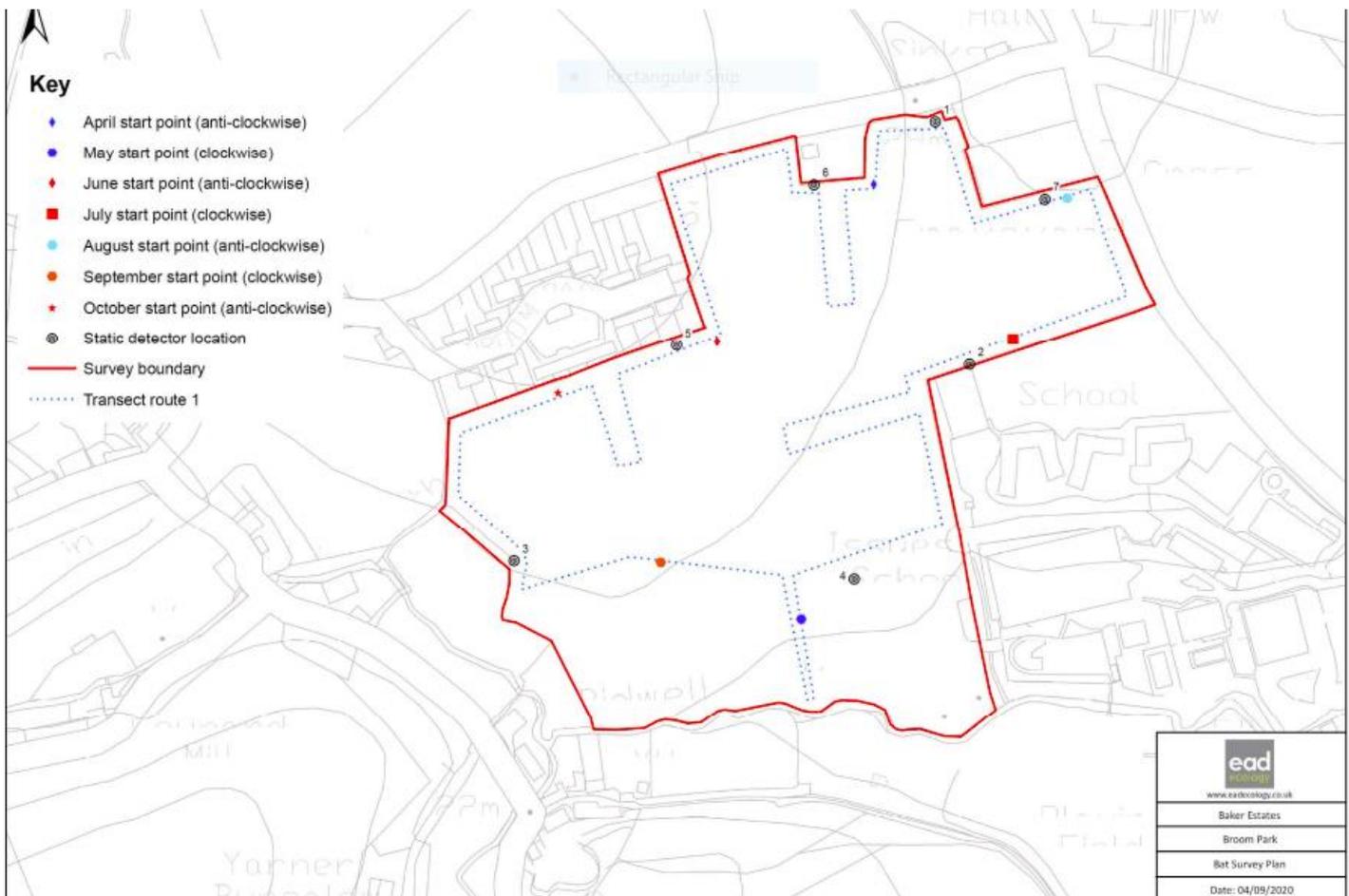
Part B Likely Significant Effect (LSE) Screening Assessment

Sensitive features **Likely significant effects (LSE) assessment – without mitigation measures being considered**

7. Potential Impacts on South Hams SAC – Greater Horseshoe Bats

a. GHB survey results

GHB survey was undertaken between April and October 2020 (for details please see the EclA). Transects and static locations are shown on the map below (taken from the EclA).



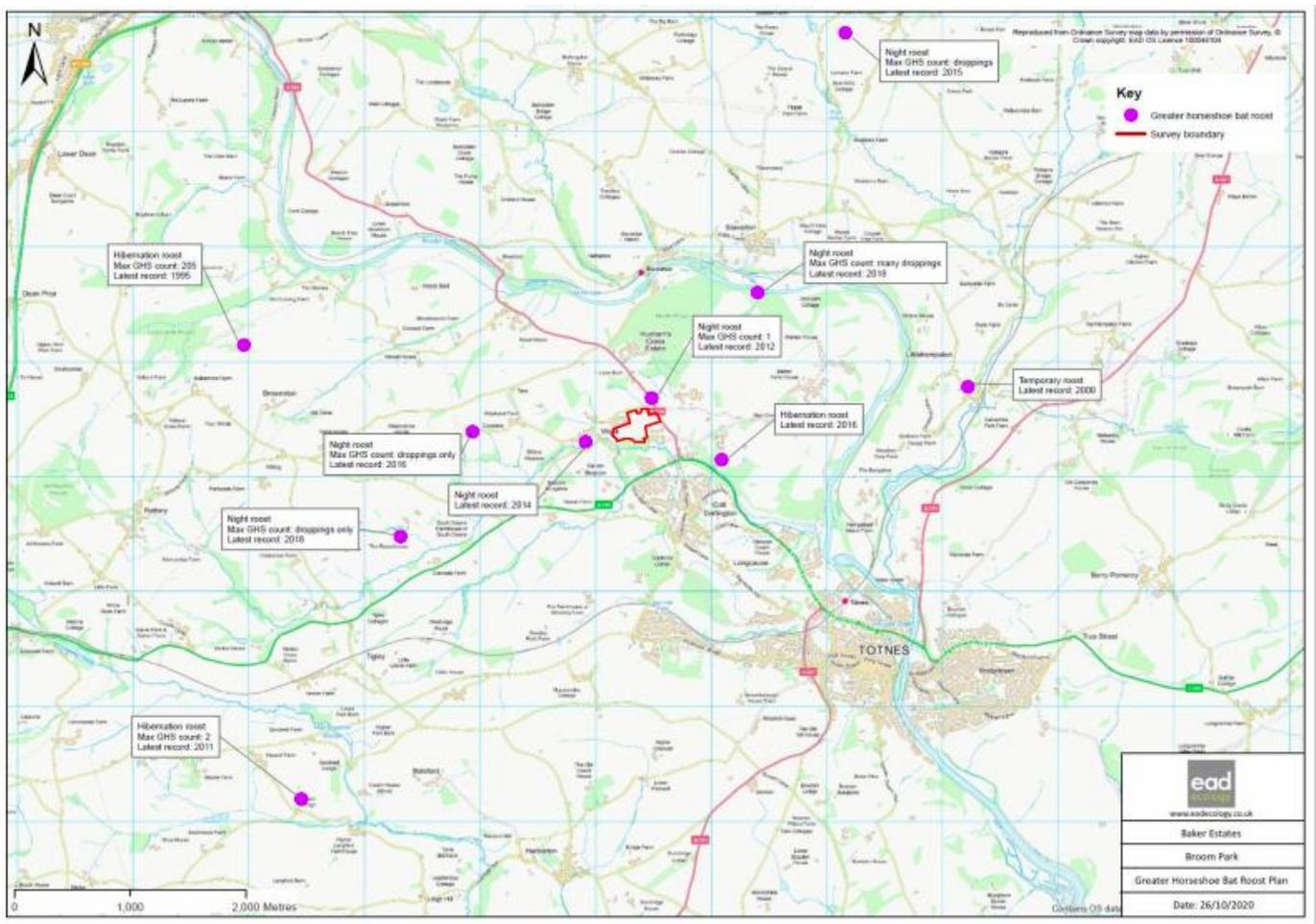
The EclA concludes:

- GHS activity recorded during the static detector surveys was considered to be 'High', when compared to other sites surveyed by EAD Ecology in SW England (overall Bat Activity Index (BAI) 0.29 registrations/hour).
- The highest activity was recorded in May and June, with highest levels recorded along the northern boundary of the site. Elevated levels of GHS activity at Position 5 (on the northern site boundary) in September reflect periods of concentrated activity over a low number of nights, potentially reflecting proximity to a feeding perch located close to the site boundary.
- Temporal activity patterns indicate that the site is used by both commuting and foraging bats

- *GHS registrations on the bat transect surveys reflected the results of the transect surveys, with most registrations along the northern boundary, and a single record in the south west of the site.*

A more detailed breakdown of the GHB data was requested and this is given in Annex 1 of a letter from EAD to the LPA dated 12 March 2021.

The survey showed that GHBs were recorded along the site boundaries throughout the survey period from April to October inclusive. Activity was generally highest in the spring and summer and very low in October. ‘Very high’ numbers of registrations on Sep 10th at Static location 5 indicated a GHB feeding from a perch on the edge of the site and not high numbers of GHBs. EAD states that the highest level of activity was on the northern boundary. However, GHBs clearly use the northern, western and southern boundaries of the site for commuting and foraging and the numbers are not hugely different between the boundaries. EAD states that a high proportion of the recorded GHB activity occurred in the period 1-2 hours after sunset, which reflects the key foraging period for GHBs, with less concentrated activity recorded throughout the main hours of darkness. Whilst EAD states that numbers of GHBs are ‘high’ in a SW context they also state that survey results (numbers and time of night that the bats are recorded) indicate that the numbers indicate that the bats are likely to be from a small nearby roost e.g. one of the night roosts found on the edge of the site. Note that foraging bats can be recorded a number of times (possibly many times) on bat detectors thereby increasing the number of registrations. The results do not suggest that there is a significant roost such as a large maternity roost near to the application site. There are no known maternity roosts in this area and no indication of a maternity roost from other surveys in the vicinity. The numbers of registrations of GHBs recorded on the statics is set out in EAD’s letter dated 12 March 2021.



b. Impacts on wintering foraging habitat within the Sustenance Zone of the Bulk more Iron Mine hibernation roost

Whilst this site lies within the Sustenance Zone for Bulkmore Iron Mine hibernation roost it is considered that any foraging activity is likely to take place within 2kms of the roost. It has therefore been agreed with NE that it is very unlikely that this proposal will impact on foraging habitat used by GHBs hibernating in the Bulkmore Iron Mine roost and that LSE associated with this potential impact can be ruled out (see Minutes from meeting with NE on 7 October 2020 and the JLP HRA 2018).

c. Impacts on commuting routes within the LCZ

As stated above GHBs have been recorded using the boundaries of the site for commuting and foraging (noting that GHBs tend to forage within 5 m of hedges whilst moving around the landscape). At the meeting of 7th October 2020 NE and SHDC agreed that impacts on the boundaries of the site as a result of this proposal could cause loss, damage and disturbance (lighting) to GHB commuting routes and associated foraging habitat at a landscape scale and (as per the 2019 SAC Guidance) mitigation is required to avoid a LSE on the SAC GHB population. The landscape around this site is shown below for context. It could possibly be argued that, at the scale of the LCZ, impacts on the commuting routes through this site would not, alone, have a LSE on the SAC GHB population. However, the Local Plan lists a number of allocated sites in Dartington and there are two current planning applications for non-allocated sites. These allocations and proposals are set out below. Without mitigation to protect flight lines and foraging habitat associated with these flight lines the in-combination impacts of these proposals on commuting routes in the LCZ could impact on landscape permeability for GHBs and therefore have a LSE on the SAC. Appropriate Assessment is therefore required.

The landscape around Broom Park.



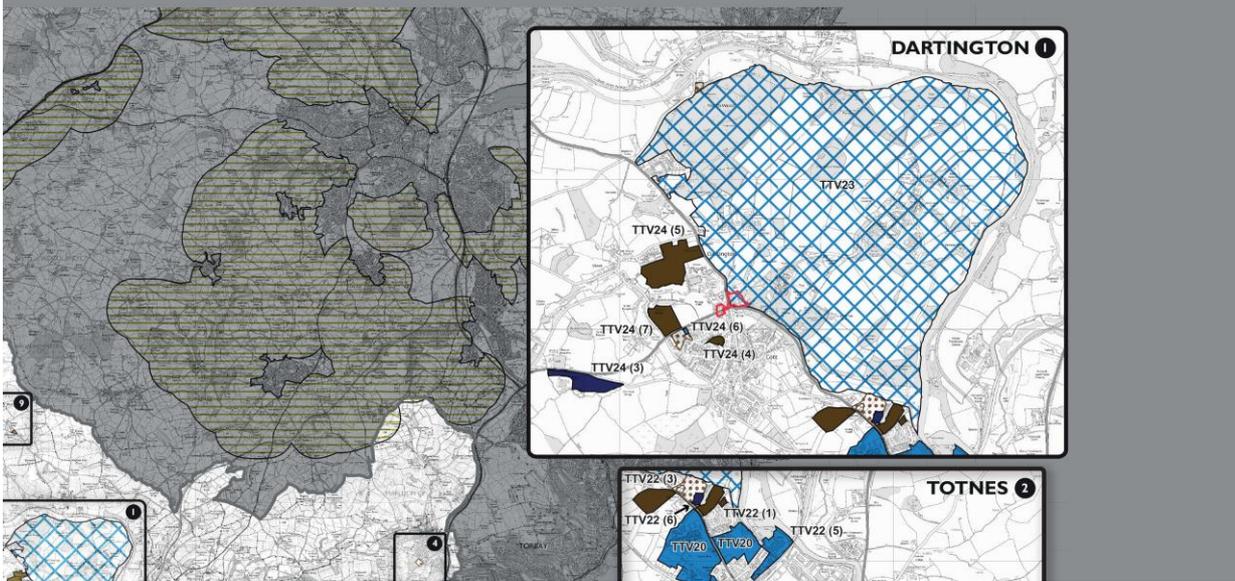
Dartington JLP allocations

The Dartington JLP site allocations are listed in Policies TTV24 and TTV23 and listed and shown below (also see the Local Plan map at [The new plan for South Hams, West Devon and... | The Plymouth Plan \(plymswdevonplan.co.uk\).](#))

TTV23 - ~ 120 dwellings at Dartington Hall Estate

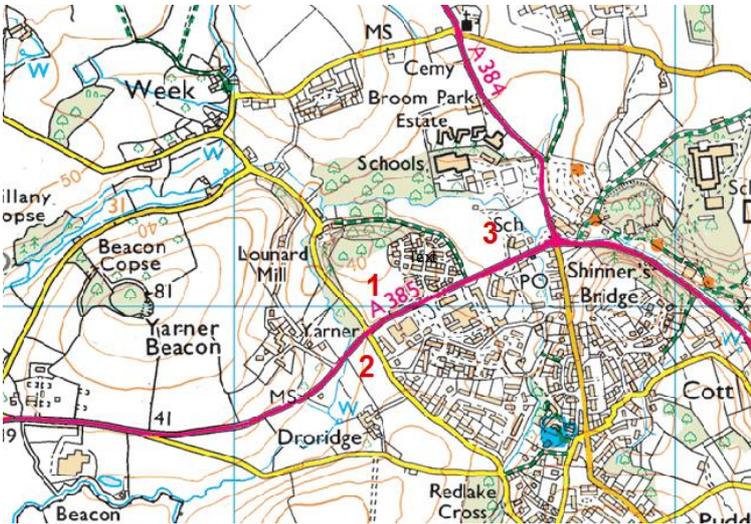
TTV24

- 3 – Beacon Park employment site
- 4 – Brimhay Bungalows – 14 homes
- 5 – Broome Park – 80 homes
- 6 – Higher Tweed Mill – employment site
- 7 – Sawmills – 40 homes



Current applications are listed and shown below:

1. **Sawmills** - 3841/20/OPA - - <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203841>. An outline application for up to 40 residential units and associated public open space and infrastructure. HRA completed setting out agreed mitigation requirements for dark corridors and lighting on site.
2. **Attenuation basin** - 3808/20/FUL <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203808>. Construction of attenuation basin and associated works. No HRA yet completed for this site.
3. **River Dart Academy** –3792/20 [Application Details - South West Devon Planning Search \(southhams.gov.uk\)](http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203792). An application for a new two storey building within an existing car park and new car park and multi-use games area within an existing car park and garden. Without mitigation there is potential for impacts on any GHBs using the Bidwell Brook corridor. No HRA yet completed for this site.

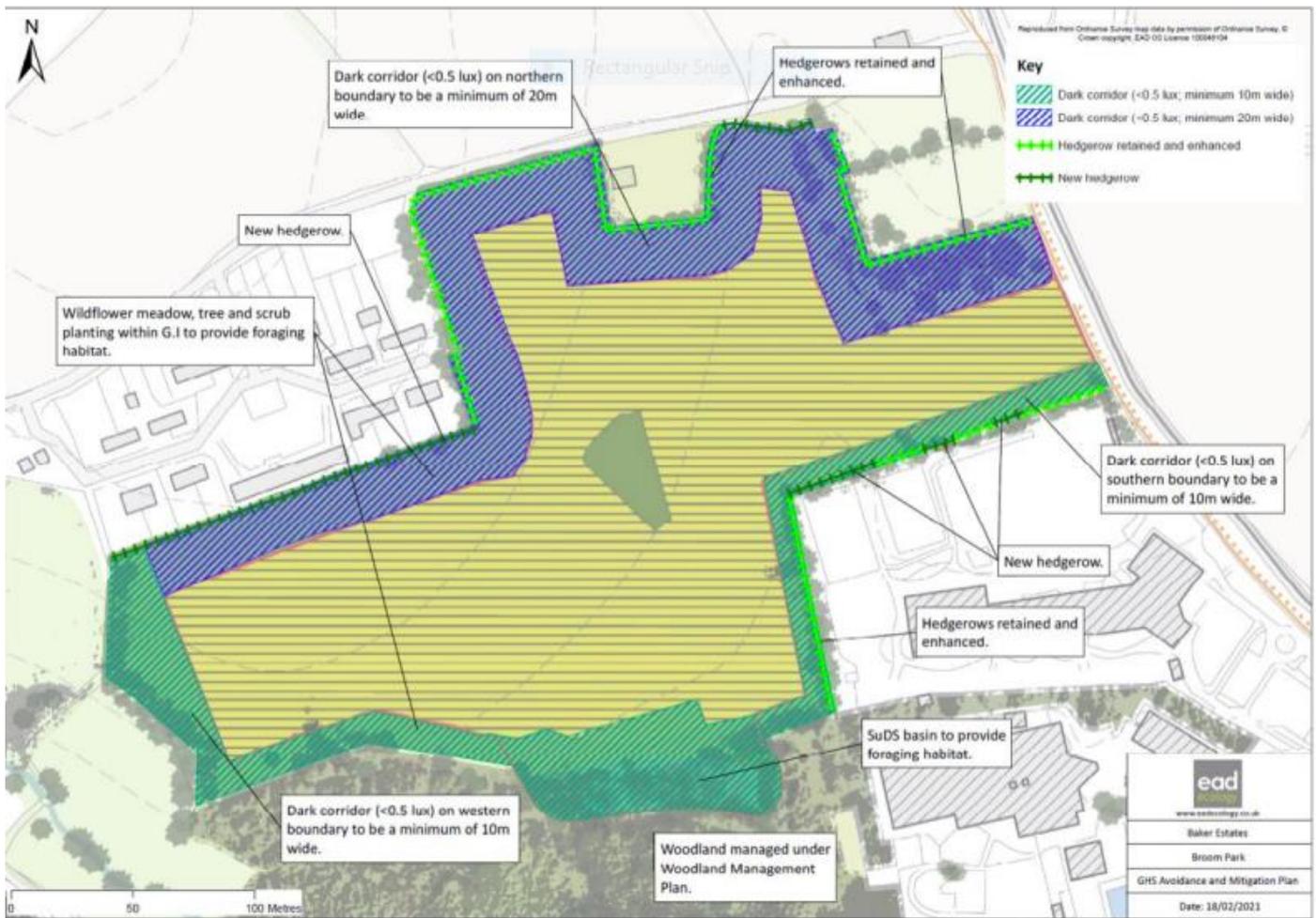


8. Conclusion: Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?

Without consideration of mitigation measures it is deemed that this proposal could, alone and/or in-combination with other plans and projects in the Dartington area, have a Likely Significant Effect on the South Hams SAC due to direct and indirect impacts (loss of habitat, lighting etc) on commuting routes (and associated foraging habitat used by commuting bats) at the landscape scale within the SAC LCZ. An Appropriate Assessment is therefore needed.

Part C: Stage 2 Appropriate Assessment

Potential impacts on the SAC are set out in Section 7 above. In order to ensure no adverse effect on integrity of the SAC and meet Conservation Objective requirements for this site, the proposal must ensure that there is no impact on landscape scale permeability within the LCZ (see para 2.2.7 of the 2019 SAC Guidance) alone, or in-combinaton with other plans and projects. In order to achieve this it has been agreed with NE and the developer that the mitigation measures listed below need to be secured to ensure that GHBs can continue to commute (with associated foraging) around the edges of the site. These measures are illustrated in the plan below taken from the application (11/03/2021). Note that the developer has also agreed to provide a 5m dark corridor along the eastern edge of the site to link the southern and northern dark corridors but that this is not shown in the diagram below as the exact location will be determined at detailed design stage.



Mitigation measures to be secured by condition / s106

Construction phase

- A 20m-wide dark GHB corridor will be created and maintained along the northern boundary of the site and a 10m dark GHB corridor will be created along the southern and western boundaries to allow GHBs to continue to use the site throughout the construction period (as shown on the Fig above). A 5m dark GHB corridor will also be created and maintained towards the eastern side of the site to link the northern and southern dark corridors. The exact location of the 5m dark corridor will be agreed at detailed design stage. Construction lighting will be designed to create dark corridors which are 0.5lux or less throughout. These corridors will include habitats favoured by GHBs (including tall, thick hedges, native scrub and wildflower meadow providing GHB prey habitat). All habitat creation details will be set out in the LEMP and approved by SHDC prior to works beginning. The corridors will be in place and functional for GHBs before work begins on site.

It has been agreed that the 20m northern boundary will provide an extra buffer to any lighting from the existing Broom Park development and vehicle lights along the road (noting that GHBs do currently use this boundary and so seem unaffected by any current lighting from outside the site). Given that there are no similar constraints on the southern and western boundary NE and SHDC have agreed that the 10m dark corridor is sufficient.

- Construction-phase lighting will be avoided between March and the end of October. Where lighting is required for security reasons, it will be low-level and motion activated on short timers and directed to ensure that dark corridor requirements are met.
- Operational buildings within site compound(s) will be located a minimum 20m from the northern site boundary and 10m from the southern site boundary and outside the 5m dark corridor.
- All boundary hedges, trees and woodland will be protected throughout construction in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. All protection measures will be specified in a Tree Protection Plan, to be approved by SHDC
- All construction-phase measures will be specified in and implemented in accordance with a Construction Ecological Management Plan (CECoMP), to be approved by SHDC.

Post-construction phase

- The dark corridors will be protected and managed to ensure that they function as GHB flight lines / foraging habitat for the lifetime of this development. Management measures will be set out in a LEMP which is agreed by SHDC and implemented in full unless changes are agreed with the LPA.
- The public and private-realm lighting design for the development will be designed to create dark corridors of 0.5 lux or less other than where Highways lighting required for public safety at the site entrance makes 0.5lux unachievable. Lighting will be amber (3000K or less). A detailed lighting strategy will be submitted to the LPA to demonstrate that this has been achieved. The site will be designed to future proof the dark corridors from any future lighting from houses and gardens. Highways lighting is required at the site entrance and associated visibility splays. This will be designed to minimise impacts on the eastern end of the dark corridors. However, in order to meet Highways requirements, it is recognised that it may not be possible to ensure that the eastern ends of the northern and southern dark corridors are kept below 0.5lux. As these corridors lead GHBs onto a road it is considered that this will not impact on connectivity sufficiently to have an adverse effect on the integrity of the SAC GHB population. Actual flight routes are unknown and GHBs using the northern dark corridor are likely to use the cemetery (especially if accessing the roost in the church) rather than fly into the road corridor. It is acknowledged that GHB use of the eastern end of the southern dark corridor may be reduced due to unavoidable Highways lighting but importantly this corridor does not connect to favourable GHB habitat, GHBs can still fly into the school grounds and fly around the western end of the site to the northern corridor, and use adjacent woodland corridors to the south (including the stream corridor). It is therefore considered that this worst case scenario would not result in an adverse effect on the integrity of the South Hams SAC. Highways lighting will be LED and amber therefore reducing impacts to GHBs. However, every effort will be made to ensure that impacts from Highways lighting are minimised whilst meeting health and safety requirements.
- A detailed Woodland Management Plan will be produced by a suitable qualified ecologist setting out how the woods will be enhanced for the benefit of GHBs (see the plan below taken from the application). This Plan will be submitted as part of the LEMP. These woodlands are within the control of the applicant.
- Compliance monitoring will be undertaken prior to construction (to ensure that bat corridors are in place) and during construction, when lighting is in place, when occupation begins and then at regular intervals for the lifetime of this development (to be agreed with the LPA) to ensure that the dark corridors meet LEMP specifications.
- Both the CECoMP and LEMP will be submitted to and agreed by SHDC prior to work commencing on site and will then be implemented in full.

