

## PLANNING APPLICATION REPORT

**Case Officer:** Bryn Kitching  
Staverton

**Parish:** Dartington **Ward:** Dartington and

**Application No:** 3841/20/OPA

**Agent/Applicant:**

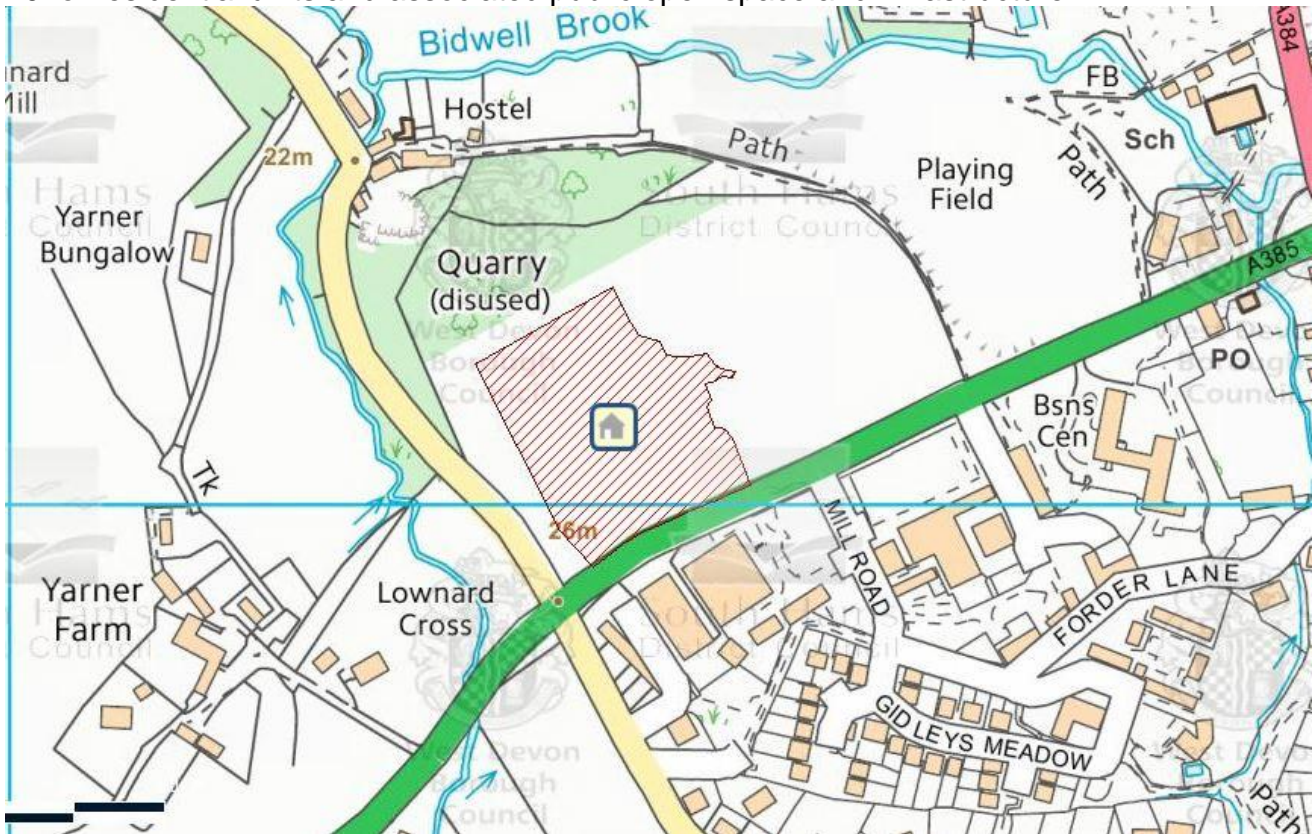
Miss N Stacey PCL Planning Ltd  
13a-15a Old Park Avenue  
Exeter  
EX1 3WD

**Applicant:**

The Dartington Hall Estate and Baker  
Estates Ltd.  
C/O Agent - Pcl Planning Ltd  
13a-15a Old Park Avenue  
Exeter  
EX1 3WD

**Site Address:** Land At Sawmills, North of A385, Dartington

**Development:** READVERTISEMENT (additional information and updated highway access plans) Outline application with all matters reserved, except for access, for up to 40no. 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 40 average sized dwellings, this would amount to a minimum area of 1,719 m<sup>2</sup>.

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 Area of Play (LAP) of at least 100m<sup>2</sup> with 3 play experiences; 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. 40 average-sized dwellings would result in a contribution of £23,220 capital together with a commuted sum of £43,237.80 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. 40 average-sized dwellings would result in a contribution of £34,110 capital together with a commuted sum of £39,822.12 towards the long-term maintenance costs of the improvements.

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

### Allotments

The Development must pay a contribution towards the delivery of Allotments 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 40 average Dwellings, this would amount to a contribution of £2,574.90. If the Broom Park Development over-provides allotments the Allotments Contribution will be reduced to reflect the over-provision at Broom Park.

### 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 40 dwellings, this would amount to a contribution of £21,220.

### 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.

### **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.

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## **Site Description:**

The application site is located on the western entrance to Dartington to the north and west of the recent residential developments at Higher Tweed Mill and Origins (Sawmills east) respectively. To the south west of the site is Lownard Cross, the road junction between the A385, Droridge Lane and the lane to access the hamlet of Week.

The site measures approximately 1.3 ha and is rectangular in shape. The north is a heavy wooded area that drops down to Lownard Cottages, a public right of way and the Bidwell Brook. The southern boundary to the A385 is a mix of original Devon hedgebank and post and rail fence (where the original hedgebank was removed in early 2015 as part of the highway works for the construction of the roundabout). A prominent group of pine trees are located in the south western corner, adjacent to Lownard Cross. These are outside of the application site.

Although the field has an agricultural land use, it appears to be unused at present with little or no management. There are two access points to the field, one off the A385 and the other off Limberland Avenue. Both are field gates which appear to have little use and the A385 entrance has large stones placed in front to restrict access. The ground slopes up from the south east corner to the north with a rise of about 10m to the higher ground.

The site forms part of the allocation for residential development of approx.40 dwelling set out in Policy TTV24 (7) 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 40 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.

Two points of vehicle access are proposed with the main access to the site being off the A385, in a position approximately two thirds along the site frontage. Visibility splays of 2.4m x 55m are proposed in each direction and a new informal pedestrian crossing with refuge island forms part of the application to link to the footway on the other side of the road. A new shared footway and cycleway, stretching from the access and across the site frontage (to the east) would be provided and a new bus stop and shelter would be located where the current field access is situated. The existing field access would be stopped up.

The second point of access would be via Limberland Avenue and this would be restricted to serve a maximum of 5 dwellings (for vehicles) and the remainder of the development would

be accessed via a 3m wide shared footway/cycleway. This access would be in the position of the existing field access from Limberland Avenue.

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, street scene development with landscaping frontage along the A385, higher density on the lower slopes and lower density on the upper slopes.

The northern and western edges of the site have a 10m buffer which is to provide a dark corridor for bats, strategic landscaping and has potential for multi-functional green infrastructure. These are outside of the red line but are in the blue land identified as under the control of the applicant.

30% of the housing is to be affordable, which would provide up to 12 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%

At the point of submission, the application included a Flood Risk and Drainage Strategy that proposed surface water run-off from the site being conveyed to an off-site attenuation basin in a separate field (and subject of a separate planning application). Following consultation responses on this application and the separate application for the attenuation basin, a Flood Risk and Drainage Strategy update has been submitted alongside a surface water discharge feasibility report. This considers the potential of how surface water drainage can be dealt with on site via a mix of infiltration and on and onsite attenuation tanks as an alternative to being reliant on off-site storage. The amended application therefore proposes that surface water can be dealt with either on site or off site.

### **Consultations:**

Please note that full responses of all consultees can be found at <https://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203841>

Dartington Parish Council – object

*Initial comments 22/01/2020:*

Missing Information - Unclear how bat corridors will be planted, accessed and maintained. Limited information provided to assess how Greater Horseshoe Bats will be protected. Lack of detail on how green infrastructure will be delivered. More information required on how the development will impact the sensitive road frontages.

Access - Unclear what green infrastructure, street furniture, signage etc will be employed at the junction. Linear approach to street layout is overly suburban and introduces hard urban edges into a gentle rural context. There should be no vehicular access into the adjoining Origins estate. Impact on amenity area in Origins from additional traffic.

Drainage – application for attenuation basin is outside of the allocation and drainage should be dealt with on-site. If there is no enough space on-site for drainage, housing number should be reduced. Further infiltration testing should take place as the Origins site manages to deal with surface water drainage on-site.

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, pedestrian crossing at the A385 petrol filling station, cycle lane on A385 to link to National Cycle Route 2, and 20mph speed limit on Sawpit Lane, Longcause, Barracks Hill and Week Lane

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

Initial comments [above] still stand. Loss of GH bat foraging area. No Construction and Environmental Management Plan and Woodland Management Plan submitted at this stage. Loss of species rich lowland meadow. Buffer zone should be protected, not reseeded, small amount of new trees does not offer connectivity between habitats and is of little value to wildlife. Disturbance to GH bats from separation of habitats, domestic lighting and cats. Loss of foraging habitat for barn owls, 71 metres of species rich traditional Devon hedge bank, and habitat and hibernation areas for slow worms. Lack of bat survey and loss of flightlines. Disturbance to badgers and loss of habitat, lack of protection for rare flora (St John's Wort). Loss of biodiversity and lack of potential for net gain for losses on the adjacent sites. 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. SHDC declared a Climate and Ecological Emergency. No reference or actions have been provided with these applications to address the speed and level of extinctions being faced.

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.

Following concern raised regarding an increased number of dwellings being served off Limberland Avenue. The Highway Authority would also like to see only a small increase in traffic off this road along with cycle/pedestrian access linked through to the main development site. Maximum of five dwellings should be served from Limberland Avenue on the proviso that a kicking rail wooden fence is erected around the perimeter of the small play area at the side of Limberland Avenue.

Off site highway works proposed on the A385 in the form of a pedestrian refuge island and associated widening of the A385 into the site. Also cycle facilities are proposed to aid cyclists wishing to rejoin the A385 upon leaving the site. The principle of these works is accepted

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

- Travel Plan in accordance with Travel Plan Statement

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 88 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 £21,220 (£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. An assessment of the application has been undertaken following a site visit, study of G.I.S. and aerial imagery. It is concluded there to be no significant arboricultural features present on or off site that may bear potential to act as material constraints to the application on strictly arboricultural merit. Further commentary will be made on relationship between bounding principal tree features and the ensuing layout.

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. Although a relatively small development, there will be significant site clearance works next to existing residential development. Recommend that the standard CEMP condition is included on any approval.

Open Space, Sport and Recreation (OSSR) – Clarification is required prior to determination regarding the proposed on-site open space provision. Green Infrastructure Plan shows provision of 300 sqm open space which is below the policy requirement of at least 1,719 sqm. The Parameter Plan does however show that the western and northern boundaries would have a bat corridor which would be managed and enhanced for amenity as well as biodiversity purposes and if some of this space is included (and overlooked) it is considered likely that the policy requirement could be met. If this area is included, there will need to be clear links into it from the residential area. There will also need to be additional integrated open space provision and it is considered that there is potential to increase the open space in the east of the site, adjacent to the open space and play area on the adjacent development site.

Allotments - We would seek an off-site contribution towards allotment provision. Based on 40 dwellings and an average household size of 2.25 this would amount to £2,574.90 towards provision of/improvements to, and maintenance of, allotments in Dartington.

Equipped Play – No Play provision is proposed on site. There are significant proposals for improvements to play provision at the Meadowbrook site within walking distance of Sawmills site (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. Therefore secure a financial contribution towards improvements to, and maintenance of, off site play facilities in Dartington. Assuming 40 dwellings and an average household size of 2.25 people per dwelling this would amount to £23,220 capital and £43,237.80 twenty year maintenance costs.

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 £34,110 capital and £39,822.12 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 8 Social Rented and 4 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.

Notes that the applicant has submitted a separate planning application (3808/20/FUL) for a detention basin within land to the southwest of this site.

Also notes that applicant has submitted an indicative plan to demonstrate that surface water could be managed within attenuation tanks within the site.

The Feasibility Report highlights that infiltration does not appear to be entirely viable within the site. Therefore, an outfall to a watercourse may be required. The applicant must fully assess infiltration before designing an outfall to the watercourse.

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

Heritage Specialist – No heritage objection to the proposed development as no harm is identified.

### **Representations:**

In total, 188 letters of objection are reported during the 2 rounds of public consultation

149 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. 40 new houses built off this main road, with a new road access, 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.
- Damage to wildlife and habitat. Inadequate studies carried out on effects of development upon protected Greater Horseshoe Bat habitat and flyways. Inadequate dark corridors, loss of rough grassland habitat valuable to hares, raptors and insects.
- Degradation of historic environment. Suburbanisation and dense development will adversely affect nearby historic hamlet of Lownard and listed buildings close by.
- Climate Emergency. This development exacerbates the Climate and Ecological Emergency declared by SHDC and nationally. Houses will not be built to the highest sustainability grade, or with maximum solar orientation. The high embedded carbon in concrete materials increases climate change and there is a loss of habitat for endangered species.

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

- If left, the field would return to woodland within a decade
- Allowing the field to re-wild with flora and fauna would contribute to flood mitigation downstream.

- Cutting off the private road behind Sawmills to all vehicular access would allow and encourage rewilding of the pristine hinterland that remains on that side of the field.
- Loss of green field to benefit of developer, non-locals and 2<sup>nd</sup> home owners and no benefit to the local community.
- Combined with the Broom Park application, there is a lack of local infrastructure to support this development.
- 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.
- Due to vehicle speeds, a new access west of the existing roundabout would cause noise, congestion and would be likely to cause rear end collisions. Traffic needs to be slowed to 20mph.
- Loss of views of trees.
- 40 houses seems a lot for such a small field. Density too high.
- Concerned about surface water runoff towards the road.
- The field needs lots of trees/vegetation to help with drainage.
- Dartington is taking more than its fair share of new housing and the character of the village is being irreparably changed to a suburb of Totnes.
- There should be no access from Limberland Avenue due to poor road infrastructure, play area and not enough width for two cars to pass.
- Even restricting the access to 5 properties, will put children at risk due to each property having 2 vehicles and daily deliveries. The access would be better if it were restricted to pedestrians and cyclists only.
- Tree with nesting birds have already been removed next to Limberland Avenue prior to this application. Bats were often seen along this boundary line.
- There should be a green corridor along all the boundaries of the development so that there would be more chance of not losing bats and the nature that has rewilded on this field.
- There is already flooding on the A358 and 40 houses on this small field is too many.
- It does not allow for open space, trees and community facilities. It would result in one huge development with Origins.
- At the moment the road is very busy and this is made more difficult because of parking on the A385 adjacent to the football field.
- The new estate needs to exit directly onto the A385 not through the existing estate but this will entail another round about and slowing the traffic.
- Cycle and pedestrian crossings over the A385 are needed.
- Pollution caused by increased traffic.
- The cycleways in this area are fragmented and make it difficult to get to the main cycleway into Totnes without crossing the A385, with only one lighted crossing at Shinnars Bridge.
- Due to vehicle speeds and close proximity of access to Lownard Cross it will be hazardous for those using the crossroads and the new development access.
- Not enough wildlife margin.
- Directing surface water to an adjoining site increases the developable area.
- Boundary to the A385 should be a soft boundary with hedges retained and not development to the edge.
- The two doctors surgeries in Totnes are already over capacity.
- Cott Road has no pavement

- 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.
- New access will cause a build up of traffic.
- Rural character of country lane will be spoilt by development that will be seen by walkers.
- Adverse impact on historic character of Lownards
- Dartington exceeds WHO limits for healthy air quality.
- Development would not respect the heritage and character of the area. Adverse impact on historic and listed buildings
- Proposed bat corridors should be inside the application site (red Line) and not outside if they are to be deliverable.
- Mitigation areas need to be included within the boundary for correct Biodiversity Net Gain (BNG) Calculations to take place.
- Broom Park BNG calculations should not be included in Sawmills application as the applications are not linked and would come forward at different times (application suggests that Sawmills would be developed before Broom Park).
- No woodland management plan has been submitted.
- South Hams SAC SPD states that sites near a bat hibernation roost need surveys during the hibernation period. This should be done.
- The area has already had more house built than the 528 allocated in the local plan.
- The site already floods. The area should be left as wetland.
- More housing slows down internet speeds.
- More testing of permeability of area is required to justify and engineers off-site pond.
- The Origins site next door deals with all surface water on-site.
- A line of 'rain gardens' between the site and the Origins site should be provided which would benefit wildlife as well.
- Extension of superfast broadband and 4G/5G coverage required
- Development extends over roadside Devon hedge bank and would be overly urbanised.
- Traffic calming should be installed at Droridge Cross to slow traffic and reduce potential for accidents at the proposed access.
- Remain unconvinced of the submitted air quality assessment with unclear basis of the predictions contained within.
- There should be fewer houses (25) and they should be built from natural and eco materials.
- If surface water attenuation is required then the site should not be developed.
- Highway response has no mention of traffic calming.
- The existing roundabout is sometimes so busy it is almost impossible to leave the 'Origins' estate.
- Applicant's responses to Natural England's comments are not adequate.
- Application should be accompanied by a CEMP and woodland management plan now.
- Proposal to open up woodland for leisure will have an adverse impact on wildlife.
- The site should be allowed to re-wild.
- Layout does not take account of shortage of land available for housing.
- The proposed new houses are ugly and intrusive.
- 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.

- Any volume housing development in Dartington will contribute substantially to already unsustainable and polluting levels of traffic congestion in Dartington and Totnes.
- The site frontage would be unduly urban with the removal of the hedgebank.
- Disturbance and damage to badgers and permanent loss of habitat.
- Lack of protection of Rare Flora- Imperforate St Johns Wort. Rare. Devon Notable

#### Neutral/Undecided

1 letter of comment received which raise the following issues:

- 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.
- Deer live in the woods at the top of the field and bats fly around the edge of the site. There should be less houses and a wider strip of trees on all sides of the development to protect wildlife.

2 letters of support received which raise the following issues:

- Now that I know that Limberland Avenue is not going to be used as primary access onto the new development, I feel much happier.
- Support traffic slowing measures on the A385.

#### **Relevant Planning History**

The site is allocated for residential development by policy TTV24 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034

#### **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. Sawmills is allocated for development by policy TTV24 for the provision of 40 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. Sawmills, these are:

- a. Footpath and cycle access to the main road, connecting on towards the village centre and National Cycle Network.
- b. Retention and future management of the hedgerow along the western boundary and of the tree-belt on the northern part of the site.
- c. Additional strategic landscaping to the western site boundary to soften the edges of the development onto the undeveloped countryside.
- d. Provision of locally distinctive frontages onto movement routes, especially the main A385

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, 12 of these would be affordable. The Affordable Housing Specialist has set out in her consultation response that this should comprise 8 social rented units and 4 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 10 additional traffic movements during the AM and PM weekday local highway network peak hours respectively. When considered in combination with the Broom Park proposals, this rises to 30 and 28 traffic movements (or 1 extra vehicle passing through the junction every 2 minutes).

Two vehicle access points are proposed with a main site access of the A385 and a secondary access off the neighbouring residential estate and Limberland Avenue. The detail of both of these are for determination at this stage as they are not reserved for subsequent consideration.

The main access would be for the bulk of the development and involves the creation of a T-junction on the A385 approximately 110m to the west of the roundabout and 40m to the east of Lownard Cross. Visibility splays of 2.4 x 55m would be provided in each direction. This



will involve the removal of approximately 70m of Devon hedgebank, some of which is well established and some which is approximately 5 years old and was planted following the road widening associated with the construction of the roundabout. A stage 1 safety audit has been carried out which resulted in a few minor changes to the design of this main access including how cyclists will join the main carriageway at the end of the new footway/cycleway. Speed surveys have been carried out which show that some vehicles do travel faster than the 30mph speed limit and the junction has been designed to account for actual vehicle speed. The inclusion of a 2m wide pedestrian refuge island immediately to the east of the access would narrow the carriageway and the running lane width would be 3.2m either side of the island. The refuge would have either illuminated or reflective bollards and the insertion of this feature in the centre of the road should help bring about a reduction in approach speeds as a form of traffic calming. It would also allow for pedestrians to cross the road and link the footway on the other side.

As part of the wider design of highway works on the A358, a new bus stop is proposed at the eastern end of the site. This would be a relocation of the existing bus stop at Lownard Cross where there is no footway access. The new stop would be on the new footway and include a shelter and bus stop flag. This, combined with other highway works, would be an improvement to the existing provision as well as providing safe and easy access for existing and new residents to public transport links.

The second point of vehicle access would be from Limberland Avenue to the east of the site. This would be in the position of an existing field gate and would serve a maximum of 5 dwellings. Pedestrian and cycle links would be provided to the remainder of the proposed development but it would be possible to design the internal layout in such a way that vehicle access was restricted to other dwellings. This would limit the amount of traffic going through the adjoining estate, but allow for good pedestrian permeability to access local facilities such as the Dorothy Elmhirst Recreational field. The highway authority have confirmed that they are happy with this approach.

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.

## **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 (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) 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 (PM<sub>10</sub>) to affect nearby properties. 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 (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). 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**

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.

The Heritage Specialist has concluded that “the location of the proposed development is of a distance from the various heritage assets that means the likelihood of any harm is very minimal. The established planting between the site and Yarner / Yarner barn precludes intervisibility if it is retained. The character of Yarner as a now much altered historic farmstead will not be affected even if there is some limited visibility in future. The orientation of Yarner barn means the main outlook is south and not in the direction of development. It's significance lies in it being an Elmhirst era barn conversion and that is unaffected.”

As such, the specialist concludes that there is no harm identified to any heritage asset.

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.

### **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 40 family type dwellings will generate an additional 10 primary pupils and 6 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 £21,220 (£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. Given the size of the site and the amount of development proposed, it is considered that off-site provision on an existing play site would be the better option than the provision of a limited amount of space and equipment. Enhancement of nearby facilities could result in better play provision than on-site would. Notwithstanding this, the detailed layout is reserved and it is feasible that on-site play could be included if it met certain design specifications. It is therefore considered that it would be appropriate secure commitment to either on-site provision, or financial contribution to off-site provision as part of a Section 106 agreement.

The contribution would be £23,220 capital together with a commuted sum of £43,237.80 towards the long-term maintenance costs of the improvements.

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 £34,110 capital and £39,822.12 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 40 dwellings would require 135 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 onsite provision is not an option. Off-site provision on the Broom Park site (subject of a separate application) has potential as that application could provide allotments of a scale that is over and above the required provision set out in the development plan. An option for this application could be either making the required financial contribution of £2,574.90 which could then be used to fund new/additional allotments in the local area, or if the Broom Park development overprovides onsite deliver of allotments, then the contribution would be reduced accordingly. Both options would be

required as the provision at Broom Park can not be guaranteed unless it has the grant of planning permission and is not subject of this application.

## **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 as originally submitted was accompanied by a Flood Risk Assessment and Drainage Strategy that included the provision of an off-site attenuation basin that is subject to a separate full application (ref 3808/20/FUL). The strategy looked to deal with surface water off-site by piping water under the A385 and into a newly constructed attenuation basin, before discharging the water into the Wren Brook at greenfield run-off rates.

Following a number of objections and questions over the suitability of the separate site for the construction of an attenuation basin, an updated Drainage Strategy has been produced alongside a Surface Water Discharge Feasibility Report. This looks at the possibility of dealing with surface water on site through a mixture of infiltration where ground conditions allow, and attenuating water from other parts of the site in attenuation tanks. The report concludes that this is a viable option and the Local Lead Flood Authority have no in principle objections. In their response they state that “the applicant has demonstrated that surface water could be managed within the site via attenuation.” Combined with the potential for infiltration in certain parts of the site and provision of above ground features such as rain gardens, tree pits and swales, it would be possible for a detailed drainage strategy to come forward at a later date and as part of the reserved matters. As such, the application is no longer reliant on the provision of offsite attenuation to demonstrate that a suitable surface water drainage scheme can be achieved. It is therefore possible to determine this application separately from the application for the attenuation basin (ref 3808/20/FUL) which can be considered on its own merits at a separate time. In short, if that application were refused planning permission for whatever reason, there are alternative on site drainage solutions which could be achieved. Therefore, outline permission could be granted with a suitable planning condition requiring a detailed drainage scheme to come forward with the reserved matters.

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. If an outfall to watercourse is required, it is likely that this would be subject to a separate application if it comprised of works that fell within the definition of development.

## **Trees and Hedgerows**

Although there is woodland to the north and west, the red line application site covers mainly agricultural field. The south western corner of the site includes a few trees, and the southern boundary to the A385 comprises a mature hedgebank that stretches from Lownard Cross to a point approximately 70m to the east. A much younger and recently formed hedgebank has then been constructed with planting on top from the point where the original hedgebank ends and stretches approximately 40m to the field gate access to the site. Younger trees and whips have been planted on the fringes of the field and the submitted tree survey identifies these as very poor quality too small to be considered under BS5837:2012 (Trees in relation

to design, demolition and construction). The Council's Tree Specialist has reviewed the submitted documents and has no objection on Arboricultural Merit.

As set out in the Highway/Access section of this report, the proposed access would result in the removal of about 71m of the boundary hedge, including parts of both the mature section and the newer section. This is necessary to provide safe access and is to be expected on a site allocated for development. The design of the roadside frontage is reserved for subsequent consideration and the allocation policy TTV24 requires the provision of locally distinctive frontage on the A385. It also requires additional strategic landscaping to the western site boundary to soften the edges onto the undeveloped countryside. This edge is identified on the parameter plan as being "locally distinctive 2 storey street scene development with landscape planting to frontage." It is anticipated that the landscape planting would include replacement Devon hedgebank, particularly to the west of the access where a greater level of strategic planting is required. There is also the likelihood of a further 200m of Devon hedgebank to be created between the proposed development area and 10m buffer around the north and western boundaries. As the buffer needs to be a dark corridor, Devon hedgebank would be a good solution and the submitted GHS Avoidance and Mitigation plan shows a new hedgerow along the dark corridor edge.

### **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 40 dwellings which is the amount that is set out in Policy TTV24 of the JLP. The red line application site is 1.3 hectares and 40 dwellings would result in a density of 31 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. In comparison to the potential density of the application site, the adjoining site at Origins delivered 63 dwellings over 1.8 hectares resulting in a density of 35 dwellings per hectare. On the opposite side of the A385 at Webbers Yard, that recent development delivered 30 dwellings on a site measuring 0.9 hectares. The density of that development is therefore calculated as 34 dwellings per hectare. On a simple assessment of the density of development on the two neighbouring sites, even if the maximum number of dwellings were to be constructed, this would still be at a slightly lower density than those developments that are immediately adjacent.

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 of the higher slopes, locally distinctive street scene with landscape planting to frontage and strategic landscaping on the western boundary. Following receipt of the parameter plan, the landscape specialist has no objection to the proposed development as presented for Outline Planning Approval, but notes 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.

The policy requirement for accessible green space within a development of 40 dwellings is 1,719 sqm. The submitted Green Infrastructure Plan shows an indicative 300 sqm. within the red line area. It does not include any of the space within the proposed 10m dark corridor which would comprise approximately 2,500 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 could result in the full amount being provided and this can be secured via a section 106 agreement. It should also be noted that the Dorothy Elmhirst Recreational field is within easy walking distance of approximately 170m to the east and this provides a significant amount of additional accessible green space than would also be used by residents

## **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 May 2019
- Great green bush cricket survey August 2019
- Great crested newt assessment August 2018
- Reptile survey April-June 2018
- Breeding cirl bunting survey April-August 2019
- Winter cirl bunting survey November 2018 - March 2019
- Badger survey July 2020
- Hazel dormouse survey September 2018- August 2019
- Bat activity survey September-October 2018; April-August 2019

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 a 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 40 houses. The outline proposals would secure and 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. 200105 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/SK02 Rev J with the secondary access off Limberland Avenue restricted to serve no more than five dwellings.

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/SK02 Rev J 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: ACD2437/1/1, dated 19/02/21) 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 Sawmills,  
Dartington.**

**Ref 3841/20/OPA**



# Conservation of Habitats and Species Regulations 2017

## Habitats Regulations Assessment

Date: 8<sup>th</sup> April 2021

SHDC

### Part A The Proposal

**1.Type of permission**

Outline planning permission

**2. Application name & ref.**

**Sawmills – 3841/20/OPA**

- <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203841>

**3. Brief description of proposal**

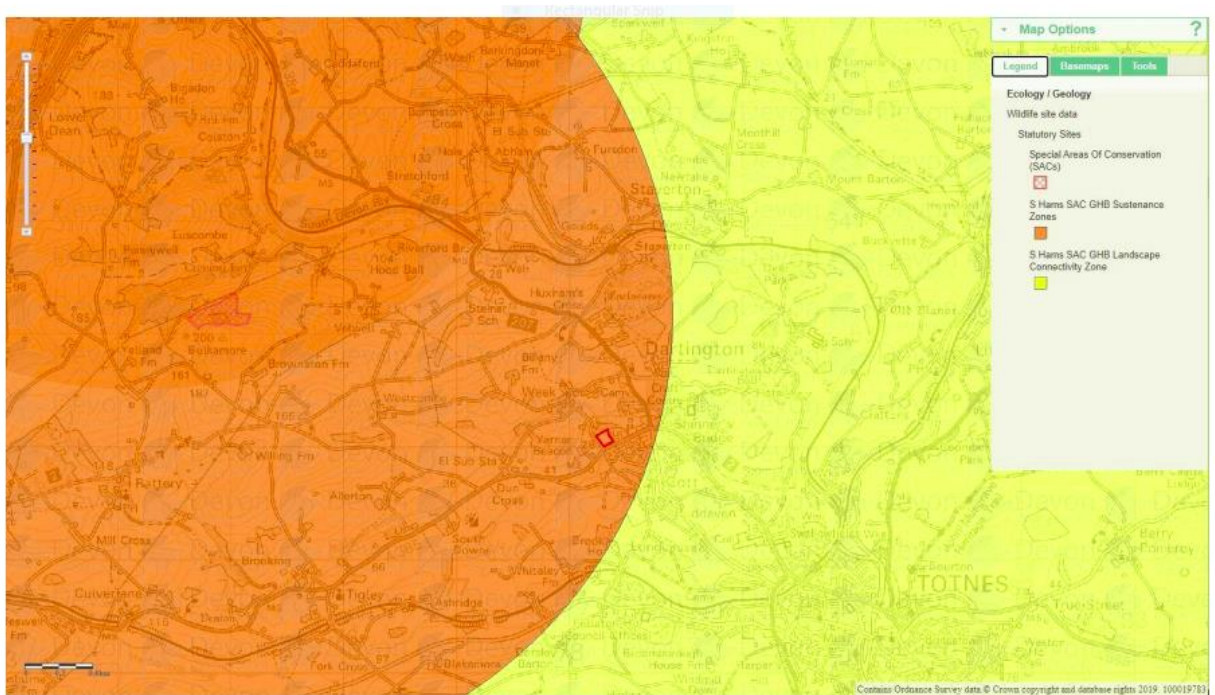
Outline application with all matters reserved, except for access, for up to 40 residential units and associated public open space and infrastructure.

*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 have a likely significant effect on GHB foraging and commuting habitat within a Sustenance Zone and commuting routes within the LCZ.

### 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 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 7<sup>th</sup> 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 2<sup>nd</sup> March 2021
- EAD's response to the LPA ecologist dated 12<sup>th</sup> March 2021

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

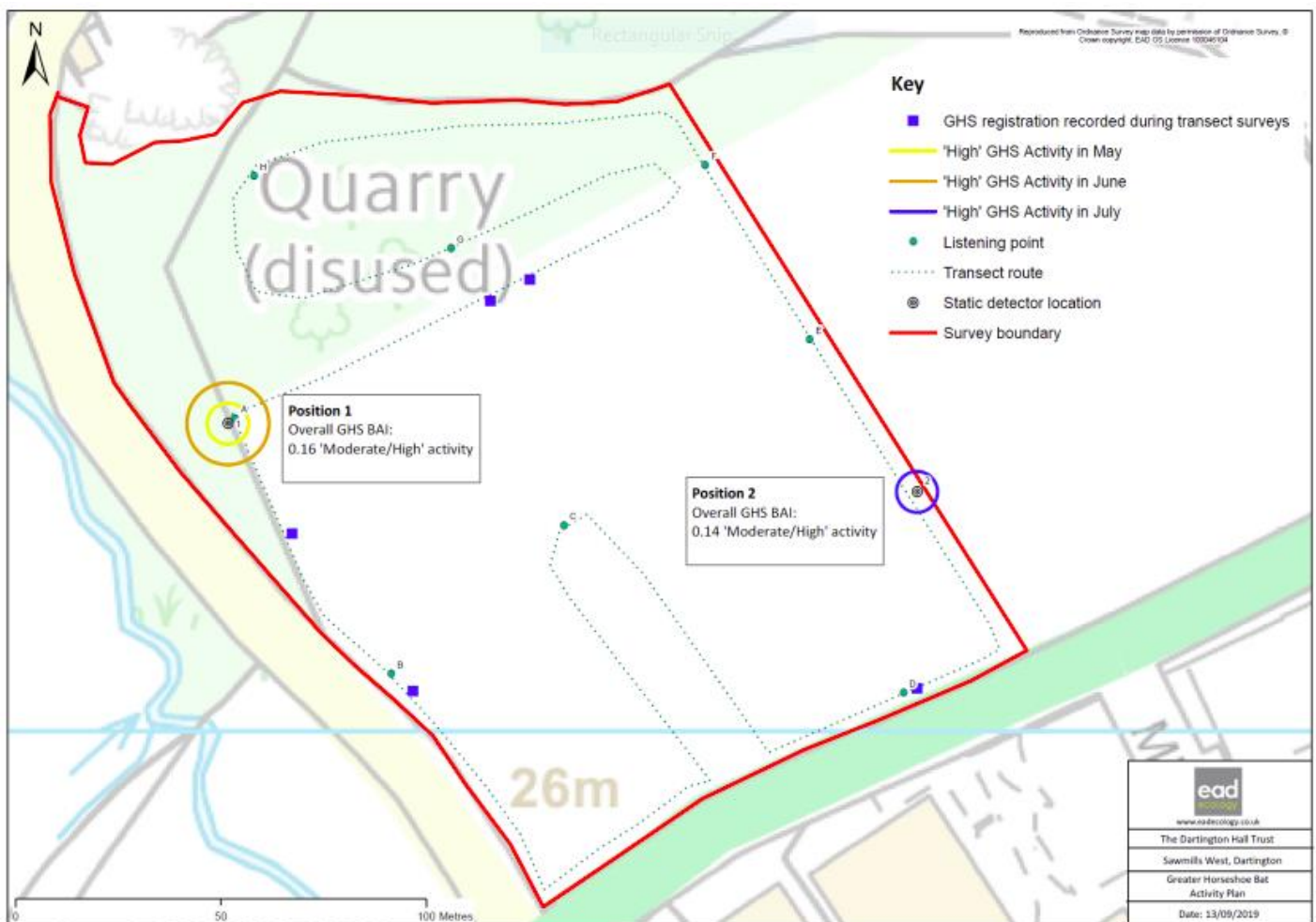
## Part B Likely Significant Effect (LSE) Screening Assessment

**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 2018/19 (for details please see the EclA). Transects, static locations and a summary of the results for GHBs are shown on the map below (taken from the EclA).



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.

EAD state that:

*GHS activity recorded during the static detector surveys was considered to be 'Moderate/High', when compared to other sites surveyed by EAD Ecology in SW England (overall Bat Activity Index (BAI) 0.15 registrations/hour). • The highest activity in the west of the site was recorded in May (BAI 0.41) and June (BAI 0.77), and the east of the site in July (BAI 0.77). • For all these months, peaks of activity occurred either near the beginning or near the end of the night; this indicates that the site was used primarily by commuting bats during the maternity period. No evidence of significant*

*foraging activity was recorded. • All GHS registrations on the bat transect surveys were along hedgerows or the woodland edge, particularly along the western and northern field boundaries.*

It should be noted that the data provided by EAD on 12 March shows that on most nights, other than July 2019 for static 2 and May and June 2019 for static 1, there were no registrations of GHBs passing.

An aerial photograph showing the location of this site in the context of surrounding woodland and housing is given below.





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

Whilst this site lies within the Sustenance Zone for Bulkamore Iron Mine hibernation roost it is considered that any winter 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 Bulkamore 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 JLP HRA 2018).

**c. Impacts on commuting routes within the LCZ.**

GHBs have been recorded using the boundaries of the site. At the meeting of 7<sup>th</sup> October 2020 NE and SHDC agreed that impacts on GHB commuting routes through this site could cause loss, damage and disturbance (lighting) to GHB commuting routes, and associated foraging habitat (noting that GHBs tend to forage within 5m of hedges whilst moving around the landscape), at a landscape scale and (as per the 2019 SAC Guidance) mitigation is required to avoid a LSE on the SAC GHB population. 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 the SAC population of GHBs and therefore have a LSE on the SAC. Appropriate Assessment is therefore required.

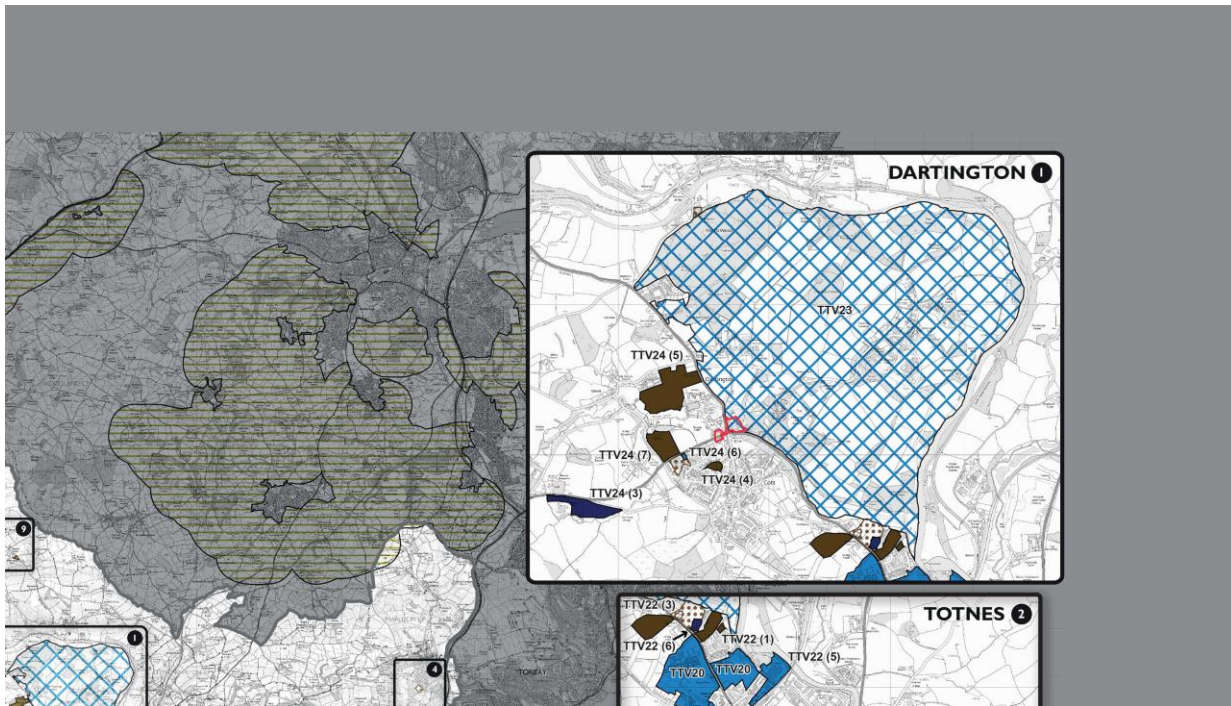
**Dartington JLP allocations**

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

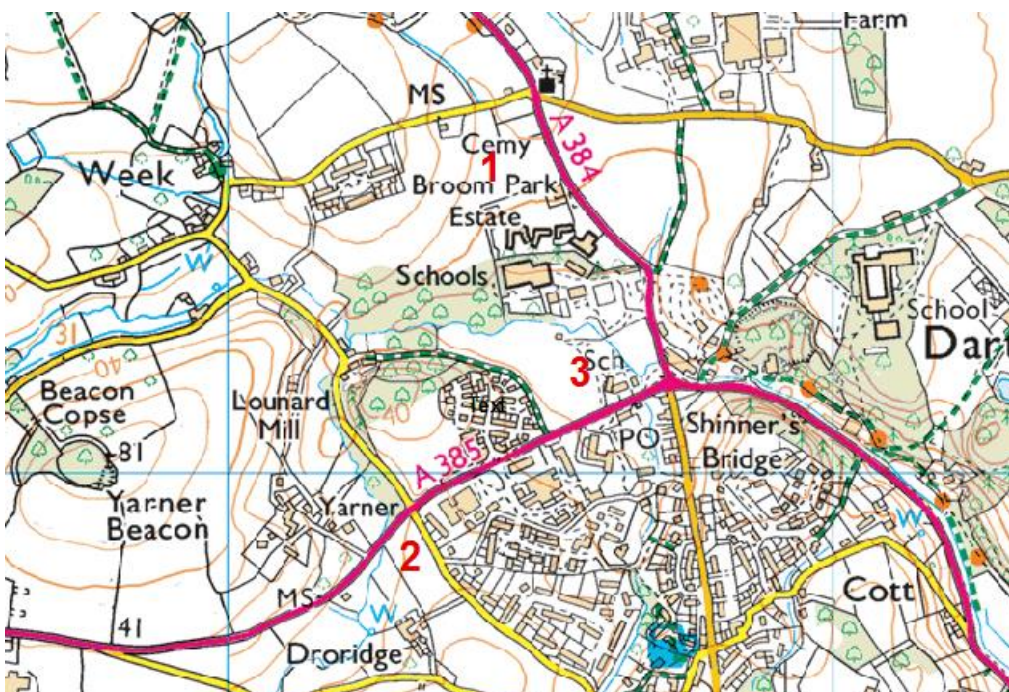
TTV24

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



Current applications are listed and shown below:

1. **Broom Park** 3842/20.OPA <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203842>. Application for up to 80 residential units and associated public open space and infrastructure. HRA completed setting out agreed mitigation requirements for dark corridors and lighting.
2. **Attenuation basin** - 3808/20/FUL <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/203808>. Construction of attenuation basin and associated works. No HRA completed for this site.
3. **River Dart Academy** – Ref: 3792/20 [Application Details - South West Devon Planning Search \(southhams.gov.uk\)](http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/379220). 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. Potential for impacts on GHB habitat along the Bidwell Brook. 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 there could be 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, 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). 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.



## **Mitigation measures to be secured by condition / s106**

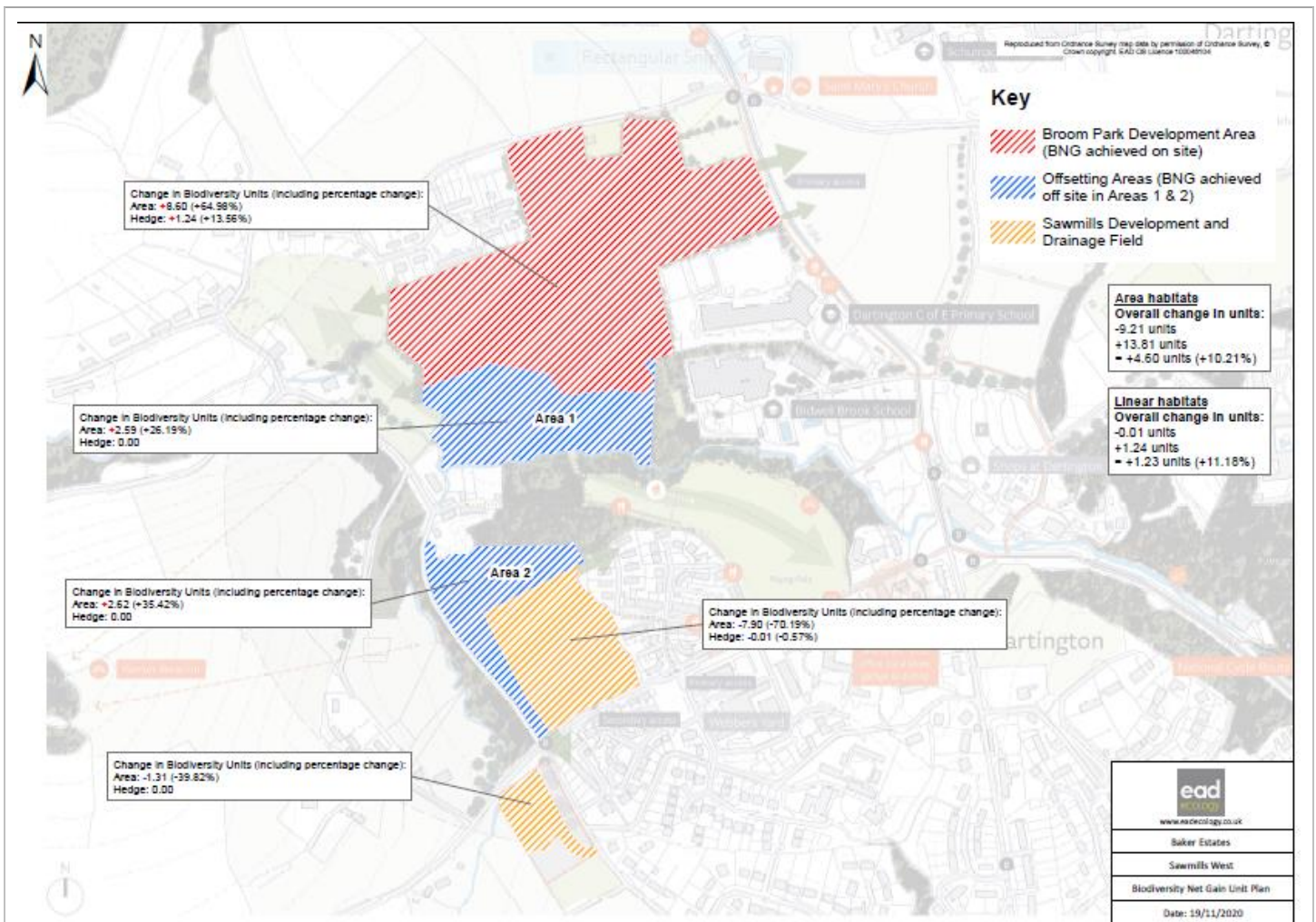
### **Construction phase**

- A 10m-wide 'dark' GHB corridor (0.5 lux or less) will be in place prior to construction starting and will be maintained along the western and northern boundaries of the site to allow GHBs to use the site for commuting and foraging throughout the construction period. This corridor 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.
- Construction-phase lighting will be avoided between March and the end of October. Where lighting is required for security reasons it would 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 outside the dark corridors.
- 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 minimum 10m-wide dark habitat corridor will be protected and managed to ensure that it functions as GHB commuting / 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 e-realm lighting design for the development will ensure that dark conditions (0.5 lux or less) will be implemented and maintained throughout the dark corridors. Lighting will be amber (3000K or less). A detailed lighting strategy will be submitted to the LPA to demonstrate that this will be achieved. Further to discussion with DCC Lighting Engineers lighting required at and near the site entrance will not impact on the dark corridor requirements. If, in a worst case scenario situation, there is an impact on lux levels at the end of the dark corridor it is not considered that this will lead to an adverse effect on the integrity of the SAC as the corridor leads bats onto a road and urban area. Whilst the commuting route for GHBs is not known in any detail they will still be able to use the woodland to the west of the site and access habitat to the SW.
- 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 Areas 1 and 2 shown on the plan below). 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 starting, during construction, when lighting is in place and 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.





The mitigation which will be secured for this proposal will ensure that commuting / foraging routes around the site, and the adjacent woodlands, are enhanced and protected to benefit GHBs for the lifetime of this development. The dark corridors will also ensure that there is no impact on any GHBs using adjacent woodland. With mitigation in place it is considered that impacts on connectivity and associated foraging habitat are reduced to a negligible level within the LCZ and that the proposal will not severely restrict the movement of bats at a landscape scale (see para 2.2.7 of the 2019 South Hams SAC Guidance). It should be noted that there is currently no obligation for the owner or manager of this agricultural land to manage the hedges, and associated foraging habitat, to ensure that they continue to be used by GHBs.

### In-combination effects

As stated above the proposed mitigation will ensure that GHBs can continue to use the commuting routes through this site. In the context of maintaining commuting routes through the LCZ it is therefore considered that there are no residual effects relating to commuting/foraging bats to be taken forward into an in-combination assessment. It is clear however that the allocated sites and current applications in this area (See Part B, 7 above) will, even with best practice mitigation in place, lead to some increased urbanization effects (lighting, noise etc) on the edge of Dartington which may impact on its overall use by GHBs. However, it must be recognized that all proposed developments are on the edge of an existing urban area and near to existing busy A roads and whilst GHBs are sensitive to lighting they do occur in urban areas (Buckfastleigh / Chudleigh / Torbay). Moreover, the allocations and proposals are not within an identified highly sensitive area for GHBs e.g. maternity roost Sustenance Zone, close to an SAC Hibernation Roost or within an identified Pinch Point. Any residual in-combination urban impacts are not therefore considered, in this location, to have an adverse effect on the integrity of the SAC GHB population.

It is therefore considered that with dark corridors and a lighting strategy in place to ensure that landscape scale connectivity is maintained and lighting impacts minimised that this proposal will not have an adverse effect on the integrity of the SAC 'in combination' with other plans or projects.

**Is the proposal likely to have an adverse effect on the integrity of a European site 'alone' or 'in combination' with other plans/projects?**

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.