

PLANNING APPLICATION REPORT

Case Officer: Bryn Kitching
Staverton

Parish: Dartington **Ward:** Dartington and

Application No: 4442/21/ARM

Agent/Applicant:
Miss Nicole Stacey - PCL Planning Ltd
13a - 15a Old Park Avenue
Exeter
EX1 3WD

Applicant:
Baker Estates Ltd .
C/O Agent

Site Address: Land at Broom Park, Dartington, TQ9 6JR



Development: Application for reserved matters, seeking approval of appearance, landscaping, layout and scale for 80 dwellings and discharge of outline conditions 9, 12, 15, 16, 17 and 18. following outline approval 3842/20/OPA

Reason item is being put before Committee: At the request of the Head of Development Management Practice because the original outline application generated significant public interest and when considering that application, members of the Development Management Committee requested that the Reserved Matters application be referred back to committee.

Recommendation: Grant reserved matters consent for Appearance, Landscaping, Layout and Scale and confirm compliance with conditions 9, 12, 15, 16, 17 & 18 of outline consent 3842/20/OPA

Conditions (list not in full)

1. Development to be carried out in accordance with list of submitted plans and documents.
2. Sample panel of materials (inc stonework) to be provided on site for approval.
3. Sample section of stone faced hedgebank to be constructed for approval.
4. Hedgehog holes to be provided in fences.
5. Landscape implementation and replacement for 5 years (in areas outside of the open space management programme).
6. Solar pv details to be submitted including how these will be recessed into roof slope.
7. Removal of permitted development rights for fences, gates and walls forward of any wall that fronts onto a road.

Key issues for consideration: As this is an application for reserved matters consent, the key issues for consideration are Appearance, Landscaping, Layout and Scale.

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

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

Site Description:

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

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

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

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

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

The site is on the edge of the SAC Greater Horseshoe Bat (GHB) Sustenance Zone for Bulkamore Iron Mine SSS/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 for reserved matters seeks approval for the appearance, landscaping, layout and scale of 80 dwellings following the grant of outline planning permission for up to 80 dwellings in October 2021. Conditions 1 and 2 of that consent required the submission of reserved matters prior to 8th October 2024.

The application also seeks the discharge of the following conditions that formed part of the outline consent and were required to be submitted with the reserved matters.

- 9 - Highway construction details.
- 12 - Remediation strategy for potential contamination.
- 15 - Electric vehicle charging points (details of number, location and power rating).
- 16 - Scheme for low carbon development in accordance with DEV32.
- 17 - Open market housing mix (in accordance with ranges agreed at outline).
- 18 - Surface water drainage details.

Consultations: *please note that other than the Parish Council comment below in is replicated in full, the following are precis of the responses received. Full responses of all consultees can be found at*

<https://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/214442>

Dartington Parish Council – object

1. The Joint Local Plan SPD (JLP) Supplementary Planning Document July 2020 (SPD) recommends that for important schemes an independent Design Review Panel should be set up. This has not happened, and the Parish Council feels the District Council should have insisted on this.
2. The District Council has not adhered to NPPF (paras 132 & 133) as they have not encouraged developers to use all the available design tools and processes, including workshops to engage with the community in the design evolution process.
3. The Parish Council feels that consultation has been inadequate in depth, extent and duration meaning members of the community have not had the facility to understand the application and frame their own opinions.
4. The Design and Access Statement does not mention National Design Guide nor the guidance on Building for a Healthy Life. The JLP SPD under its guidance for DEV10 at para 4.120 states that when implementing the policy, a 'Building for Life 12' assessment is necessary.
5. The Council is concerned that the predominance of grey cladding is industrial and urban.
6. There is concern that the layout consists of an inappropriate massing of houses in a single orientation, and it is felt that straight lines are neither appropriate for, nor indicative of,

Dartington. The Council is concerned at the extent of the straight line run of houses and feels that the preponderance of massing in a simple form gives a sterile visual effect. Contrary to JLP policy Dev 10 (1)

7. There is not enough information relating to the development's impact on sightlines and the views of strategic landmarks. The layout of the proposed houses negatively affects the setting of the field church, and the view of the church has been impeded by the terrace of houses. The terrace of houses also blocks the view of Yarner Beacon. The development has been designed for the benefit of those living in it and considers their views out, but the application documents contain no visualisations of views into the site from different vantage points – from Week Lane for example. The view of Yarner Beacon and the surrounding area is from the residents' viewpoint and disregards the viewpoint from elsewhere in the locality. Contravenes JLP policy TTV 24.5 (vi)

8. The design and character of the development is suburban and not locally distinctive. This is contrary to the advice given at OPA stage by the landscape officer and the heritage officer. In relation to 3842/20/OPA, the LPA's Landscape Officer maintained a holding objection stating that " New buildings in highly visible locations, such as the open slopes of the application site, will result in visual intrusion and erosion of vernacular character.'[...]any new development should reflect the small scale, historic settlement pattern of houses, farms, hamlets and small nucleated villages, and should resist development which is uncharacteristic and visually intrusive.

9. Councillors expressed concern about the combined environmental effects of all the recent building in the parish added to effects of the current applications and also taking into account the impacts of climate change. Councillors felt flood modelling should be carried out in Dartington to ensure future safety. Councillors further noted the lack of amelioration of run off issues which will contribute to an identified risk of flooding and present a significant hazard. Councillors further noted the Climate Emergency declarations made by the Parish, District and County Councils.

South West Water – no objection to the discharge of planning conditions, on the basis (currently proposed) that the site will discharge its surface water via SuDS to a waterbody, as shown on Drainage Strategy Plan drawing ref 20.06.123 1057 revision A (dated 28/10/21)

County Highways Authority – No objection: Whilst the removal of the footway/cycleway would remove the highway offered for adoption and comply with national guidance, the highway authority accept that it is required to encourage children to cycle to school and therefore do not object to the shared use cycleway.

The undulating width road through the central open space has previously been questioned but the highway authority accept that its existence would reduce traffic past the children's play area.

Historic England – 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.

Historic Environment Team (DCC) – comment: the outline consent is conditional upon an agreed programme of archaeological work being undertaken. At time of response, the Historic Environment Team is unaware that the required work has been undertaken. As such, I would be grateful if you could make the applicant aware of the outstanding

requirement to undertake the archaeological works in advance of any development commencing here.

Tree Specialist – no objection: I consider that the submitted Woodland Management Plan is likely to deliver improvement in terms of woodland health, age and species structure and the trigger points for future review will address the need for extended monitoring that will ensure net gain of attributes is successfully achieved by way of adherence to approved plans

Upon review of the submitted information I would recommend the application is suitable for approval on arboricultural merit, noting the requirement for the WMP and both TPP's to be made approved plans of any planning consent.

DCC Ecology – No objection: All relevant ecological / environmental obligations set out in Environmental Measures Table within the Section 106 agreement have been sufficiently fulfilled.

Details outlined in the LEMP and CEcoMP clearly demonstrate that light spill around the periphery of the site will be less than 0.5 Lux, ensuring the integrity of the dark corridors. The Greater Horseshoe Bat Mitigation Plan is sufficient. Biodiversity Net Gain of at least 10% will be achieved. The details/proposals sufficiently protect European, Priority and other protect species.

Natural England – No objection: Based on the plans and mitigation measures submitted, Natural England considers that the proposed development will not have significant adverse impacts on the South Hams SAC greater horseshoe bat (GHB) population and has no objection.

We have reviewed the Greater Horseshoe Bat avoidance and mitigation summary and the Landscape and Ecological Management Plan by EAD Ecology both dated November 2021, and the other relevant documents, and are satisfied these comply with our previous advice and Habitats Regulations requirements.

Environment Agency – no objections to this application and consider that sufficient information has been submitted to enable us to recommend that condition 12 (contaminated land) of approval 3842/20/OPA can be discharged. The Local Lead Flood Authority are the appropriate body to comment on the proposed surface water management strategy. Mitigation features are appropriate to protect all European and other protected/priority species

Environmental Health Team – We have considered the documents submitted and have no environmental health concerns.

Open Space, Sport and Recreation (OSSR) – no objection

Based on housing mix an expected occupancy figures, 3,916 m² of open space is required. The open space plan proposes a total provision of 14,300 m² across a central open space, southern open space (with LEAP) and woodland walk. Neither the LEMP or Landscape implementation and management programme cover the on-going management and maintenance of the pathways, furniture or play equipment in the open space areas. As per the s106 agreement, an Open Space Specification will be required to be submitted prior to the commencement of the development and this should include such details.

The Local Equipped Area for Play (LEAP) is meets the size and distance to dwelling requirements, and is suitably fenced from the attenuation feature. 6 Full size allotments are proposed with pedestrian access, car parking and a water supply. An allotments management scheme has to be submitted and approved by the council prior to occupation of 75% of the dwellings

Landscape Specialist – Support: The development proposals, including layout, internal details and landscaping of the site, are acceptable, and will form an appropriate landscape treatment to the site. There are a few queries requiring clarification, but overall scheme is supported, and the soft landscape proposals should be conditioned for full implementation in accordance with the approved scheme for 5 year period.

Affordable Housing Specialist – Support – 30% affordable housing secure with outline permission with a tenure mix of 65% social rent and 35% shared ownership. The application will provide 24 affordable homes which is 30%. The 16 social rent and 8 shared ownership properties all meet national space standards. Some plots have tandem parking which is not ideal as only 1 space is used. This can lead to overflow parking on the highway and grass verges and can lead to neighbour disputes.

Local Lead Flood Authority – initial comments: object because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information.

Following the submission of further information: objection is withdrawn and we have no in-principle objections at this stage.

Police Designing out Crime Officer – comment: It is welcomed to see boundary treatments are 1.8m high with back to back gardens. Devon hedging as a rear boundary should attain a minimum height of 1.8m and robust enough to deter unauthorised access. Question plot 73 with appears to have open access to the rear. Alleyways to access multiple rear gardens should be gated at the front with a see through and anti climb gate. Rear access gates at the side of dwellings should be at the front of the property. Gates should be 1.8m high and lockable from both sides. Rear parking courts should be appropriately lit and where possible overlooked from houses or gardens. Parking spaces should be clearly marked in courtyards areas to prevent conflict over use. Concern from a safety and security perspective that the development would have no street lighting. This can increase the fear of crime as well as opportunities to commit crime. Please could it be considered to install wiring at the construction phase so that it could be installed later if required. Domestic dusk till dawn lighting at the front of properties should be installed and have a manual override switch to allow residents to make informed choices. This is preferred over PIR lighting.

Representations:

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

- The supporting Design and Access Statement fails to mention the “national design guide” or submission of a Building for a Healthy Life, as referenced in the NPPF.
- The SPD states that when implementing Policy DEV10 regard should be had to the design principles in the Building for Life 12 Guide.

- The SPD states that it may be useful for prominent and strategically important schemes to be considered by an independent, bespoke Design Review Panel.
- Surveys should include ground penetrating radar and magnetometer exploration.
- Dartington already has sufficient houses and this is a yet another development of a greenfield site.
- Traffic is always parked along the main road which makes driving through difficult.
- Concerned with development in field which adjoins a beautiful wood.
- Already been rapid increase in housing in Dartington – I estimate 50% increase since 2011 census.
- Council has declared a climate change and biodiversity emergency and despite a glossy sustainability statement, the houses show little respect for the environment.
- Concern about wildlife. South Hams has been designated as an area to protect greater horseshoe bat but I haven't seen any bats in my garden for 3 years.
- Concern of flooding due to proximity of Bidwell Brook. The site flooded regularly and high risk of both sites flooding in future.
- Traffic congestion and pollution in village which is at gridlock every morning and afternoon. This will only add to traffic congestion and pollution.
- The appearance of the proposed development is out of keeping with the local area.
- Young people move out of the area due to lack of affordable homes and the proposals will do little to address this exodus.
- Entire scheme is a very unimaginative straight line design.
- Play spaces are not being placed amongst the houses where families can watch their children play.
- The street lighting at the edge of the estate will disrupt the bats.
- New up to date assessments of flooding risks are required to reflect climate change.
- Original plan did not have any houses under Broom Park housing estate.
- Lack of public consultation.
- Adverse impact on setting of Grade 2 listed church and Cider Press area.
- Inappropriate placing of allotments. This should be a community orchard
- Not enough new planting or screening from the main road.
- Development should not be placed on a prime and elevated site.
- Development should be set back from the road beyond the rear line of the allotments with tree planting in between.
- Development is too linear and doesn't follow organic pattern and modest scale of older hamlets.
- Individual plots are rather excessive.
- Height of wall, sharp pitched roofs and timber fencing emphasise the size of the dwellings.
- Largest dwellings are on the highest part of the site and will overshadow and dominate the hamlet of Week.
- The terrace at the entrance is too urban.
- Too much wooden fencing in the boundary materials – it should be softer materials and hedging.
- Generous allocation of parking means that there is considerable amount of hard surface (resulting in increased run-off).
- Dartington can not take any more development. Design is not in keeping with rural aspect of area and not sympathetic to the other hillside cluster housing at Broom Park or Orchard Park.
- Too much parking which will encourage car use.
- Allotments that are separate from dwellings are an urban feature.

- Opportunities to provide housing with least environmental impact has been missed.
- Layout should not be designed around the car and have more open space.
- Need to consider the cumulative effects of all developments in terms of surface water run-off.
- No cumulative modelling of air quality in Dartington and Totnes AQMA have been submitted.
- Clearance of immature trees to create attenuation pond will impact on wildlife.
- Future management and ownership of woodland is unclear.
- Unacceptable loss of Greater Horseshoe Bat habitat.
- Straight line layout dominates the site and does not reflect rural character of the area.
- Street elevations and massing of buildings are repetitive and lack visual interest.
- Air source heat pumps should be installed instead of gas heating.
- Copying the appearance of the adjoining modern development leads to further degradation of a once unique location.
- It is not sympathetic to local character or history nor does it establish a strong sense of place.
- Lack of detail on how construction waste will be dealt with.
- The importance of the historic hamlet of Week and the Grade II listed St Mary's Church has not been given sufficient weight and in consequence inadequate value in design.
- The terrace housing will impede views of Yarner Beacon from the main road.
- Houses should be set back further from the road.
- Too much grey cladding which is oppressive in these surroundings.
- The design is 'anywhere development' and materials could be more sympathetic to local built heritage.
- Development would be better with properties set back from road and green space or wooded area on the frontage.
- Lack of green areas and play space.
- No detail of the capping of the render wall has been provided. Coping stone for stone wall will not protect the top of the stonework.
- Street scene needs more staggered elevations and variety of rooflines to break up inappropriate massing.
- Developer should be required to show lifetime homes standard has been achieved.
- The Landscape and Ecological Management Plan (LEMP) gives concern as wildlife meadow is unrealistic within a 12 month defects liability period and the woodland is to be managed by a management company (which means that house purchasers will take on the management).
- Play area is too close to the attenuation pond.
- Proposed mitigation measures to protect bat flyways are insufficient.

1 individual letter of support received which raises the following issues:

- Applicants have been considerate, thorough, and accommodating in their consultation with areas of the development pertinent to the Bidwell Brook School; ensuring our involvement in every step of the decision-making process from boundary options and woodland management to the exact positioning of the attenuation pond.
- Pleased to hear about environmental mitigation measures (including a more proactive approach to woodland management than the previous land owners), and are confident and happy that this will lead to a net gain of biodiversity in the area.

- Pleasing aesthetic of the proposed dwellings and happy to see allotments, green space, Devon Hedges and considerable planting.
- There is a need for both new and affordable housing in the area, the proposed development would provide both.

Relevant Planning History

3842/20/OPA - Outline application with all matters reserved, except for access, for up to 80no. residential units and associated public open space and infrastructure. – Permission granted

In April 2021, the Development Management Committee considered the outline application for up to 80 dwellings and creation of the access. They resolved to grant consent subject to the completion of a Section 106 Agreement to secure the following:

- 30% Affordable Housing
- Open Space/Accessible Natural Greenspace
- Equipped Play (either on site LEAP or financial contribution)
- Sports Facilities (financial contribution)
- Allotments (either on-site provision or financial contribution)
- Travel Plan
- Primary Health Care (contribution towards local GP surgeries)
- Ecology (provide a LEMP and CEcoMP to include dark corridors, Environmental Impact Assessment mitigation measures, Woodland Management Plan and 10% Biodiversity Net Gain)
- Zebra Crossing on the A358

The Section 106 Agreement was completed in October 2021 and the outline consent was issued.

ANALYSIS

Principle of Development

Outline planning consent has been granted which deals with the principle of development taking place on this allocated site. The outline consent also included the approval of the site access off the A384 that consists of a right turn lane between the cemetery and the primary school playing field. The application therefore deals with the reserved matters of appearance, layout, landscaping and scale of the residential development of 80 dwellings.

The outline consent dealt with the potential impacts on Greater Horseshoe Bats through a Habitats Regulations Assessment (HRA) which required a 20m wide dark corridor along the western and northern boundaries of the site and a 10m wide dark corridor along the southern and eastern boundaries (accepting the new vehicle access on the eastern boundary). The HRA required the submission of a Landscape Ecological Management Plan (LEMP), a Construction Ecological Management Plan (CEcoMP), A Greater Horseshoe Bat Mitigation Strategy, a Woodland Management Plan, and a Biodiversity Net Gain of 10%. Those documents have been submitted alongside the reserved matters being considered.

Layout, Design and Landscape

The Section 106 legal agreement with the outline consent secured 30% affordable housing and condition 17 secured the open market housing mix within a set range for different house sizes.

24 of the 80 dwellings would be affordable dwellings with 16 of those being for social rent and the other 8 being shared ownership. These will be located in two areas of the site with 7 homes contained within a terrace at the site entrance and overlooking the proposed allotments, and 17 homes on the southern part of the site facing onto the public open space, play area, attenuation basin and retained woodland.

The remaining 56 open market dwellings comprise a mix of detached and semi-detached homes that comprise 13 two-bed properties, 23 three-bed properties and 20 four/five bed properties. This is in accordance with the requirements of condition 17 of the outline consent which sets out the acceptable/required ranges of the open market housing mix.

The layout of the proposed development comprises a central access point between the cemetery and school playing fields. To the north of the access road would be allotments and on the southern side, a terrace of 7 dwellings would face the internal road. The eastern gable of the terrace would be set back approximately 30m from the existing main road with half of the space between the houses and the road being a communal parking area, with the other half being green space comprising two Devon hedgebanks and newly planted beach trees. This is a suitable offset and landscaped response to ensure that the development does not have an adverse impact on the setting of the grade II* listed St Mary's Church.

The central access road would have a shared footway/cycle way on the south side that would link to the existing shared footway/cycleway that runs along the main road. The proposed footway/cycleway extends through the site to ensure that future residents have good access to the centre of Dartington and all the facilities within. The access road is to be tree lined on the northern side with a feature oak tree as a termination to the view into the central area of open space. The central open space includes an orchard area that extends to the boundary to the existing dwellings in the south east corner of Broom Park, with a 10m wide green strip that would contain a rain garden as a surface water drainage feature. Adopted highway would run through this central area but would be in the form of a narrow lane rather than standard 5.4m wide estate road design. This helps to overcome earlier design concerns expressed at outline stage that showed linear street design that reinforced a single character area. The central open space feature helps to define and split the separate character areas between the 1.5 storey barn type houses on the elevated land around Hazel Park and the western area which is a mix of 1, 1.5 and 2 storey dwellings. The proposed height and massing of the dwellings responds well to the sloping site with greater spacing and landscaping on the more elevated parts. The use of darker colours as part of the pallet of materials (that include natural stone and dark stained timber) will help the dwellings sit in the landscape. Roof materials are shown on the house type drawings as slate and this would be an appropriate material and dark colour to respect the character of the area and let the dwellings sit well in the local landscape. It would be necessary to include a condition requiring samples (including a sample panel of natural stone) to be submitted and approved prior to their use.

The southern part of the site contains a u-shaped road layout that provides a secondary link from east to west and forms the access to the lower parts of the site where 2 storey housing is proposed. These dwellings front onto the southern area of open space that includes the children's play area, surface water attention basin and managed woodland beyond. The play

area would consist of a Local Equipped Area for Play (LEAP) which has been amended to fit within the requirement of the Open Space Specialist. The LEAP would be fenced and a suitable distance away from the proposed surface water attenuation basin. Pathways would be created around the play area, the attenuation basin and also into the existing wooded area that forms part of the woodland management plan. The proposed areas of open space greatly exceed the required 0.39 hectares set out in the SPD. Publicly accessible natural green space would amount to 1.43 hectares with a further 1.76 hectares of greenspace (restricted access) within the dark corridors for bats, and 1.5 hectares contained in the proposed allotments.

The dark corridors allow for some strategic landscaping through tree planting, particularly on the western boundary of the site. Policy TTV24 which specifically allocates the site for development requires the retention and future management of the hedgerow on the western boundary as well as strategic landscaping to soften the edge of development. The proposals include new hedgerows on the western boundary (where there are none at present) and strategic tree planting in the dark corridor that borders the site. This has been 'beefed up' as part of the application consultation process and meets the policy requirement.

Biodiversity

When the outline application was considered and granted by the council, a specific requirement was placed in the Section 106 legal agreement that alongside the reserved matters application, a Woodland Management Plan was submitted as part of the LEMP. This was to ensure that the relatively new wooded area at the south of the site was brought back into good condition, so that the applications could demonstrate additional Biodiversity Net Gain (BNG) and that the wider area could continue to provide commuting and foraging habitat for Greater Horseshoe Bats. The Council's Tree Specialist and ecological advisors are satisfied that the Woodland Management Plan will achieve these aims and support the proposals.

The Biodiversity Net Gain calculations for the site have been submitted and these show a predicted gain of +9.35 Habitat Units (68.77% increase) and +13.13 Hedgerow Units (157.50% increase). Enhancement of the woodland would lead to a predicted gain of +2.27 Habitat Units (18.74% increase). Some of these net gains are proposed to be used as part of an off-set for the separate reserved matters application for 40 dwellings at Sawmills (ref: 4443/21/ARM). Should that application gain consent, it would need to 'borrow' some of the newly created habitat units from this development at Broom Park. When assessed collectively, there would be a net gain of +5.69 Habitat Units (12.94% increase) and +16.32 Hedgerow Units (161.91% increase). Therefore, whether this application considers BNG by itself, or in combination with the Sawmills site, 10% net gain would be achieved.

The dark corridors for Greater Horseshoe Bats (GHB) were secured as part of the outline and the application proposed a 1.4m high Devon hedgebank with native planting on top. A lighting assessment has been submitted which models potential light spill from the dwellings and shows that the boundary treatments and orientation of the dwellings will be effective in keeping the corridors dark. No street lighting is proposed throughout the development other than at the already approved access point. Landscaping has been included at the access which will help to shield any spill from the street lights on the right turn lane. The highway authority and ecological advisors have agreed a suitable scheme which provides safe access without undue spill to the dark corridors.

The LEMP specifies 60 swift boxes, 70 bat tubes and 80 bee bricks to be integrated into the proposed dwellings. A further 20 bird boxes and 10 bat tubes are to be installed on the retained trees within the site and adjoining woodland.

Climate Change/DEV 32 of the JLP

The outline planning consent included a condition that required the reserved matters application to include a scheme to demonstrate how the requirements of JLP policy DEV32: Delivering Low Carbon Development will be delivered. In accordance with condition 16, an Energy and Sustainability Statement has been included with the reserved matters which sets out resource efficiency, household and construction waste management, water conservation, heat island effects, overheating mitigation, drainage, solar orientation, daylight calculations, energy consumption, energy reduction strategy, and renewable energy solutions. The report sets out how the fabric first approach will be used to deliver 3.48% reduction over the Part L 2013 standards and on-site renewables to deliver a further 16.53% reduction (meeting the 20% requirement set out in the condition). The onsite renewables would comprise a solar photovoltaic system with a minimum capacity of 169,112 kWh. This would equate to 533 panels across the site of 80 dwellings. This is an average of about 7 panels per property but as the development would comprise different house sizes with different energy requirements, the number of panels per dwelling will vary over the site with some having more and others less. The layout of the dwellings have been specifically orientated to maximize the potential for solar pv as well as access to natural light to windows. Changes to building regulations may result in the more solar panels per dwelling but the proposal meets the 20% standard set out in policy DEV 32. It would be possible to impose a suitable condition that would allow for more solar panels to be installed if development takes place after changes to building regulations come into effect.

Condition 15 of the outline consent required details of the electric vehicle charging points to be submitted with the reserved matters application. 7 kW charging points are proposed for each individual dwelling that has on plot parking (58 dwellings) and the remaining 22 dwellings which have off-plot parking would be served by a further 10 charging points which are equally distributed across the shared parking areas. Every property has a dedicated bike storage area either within sheds or oversized garages. 197 parking spaces are identified which accords with the indicative parking requirements set out in the SPD and where garages area proposed as being a parking space, they meet the minimum dimensions in the SPD.

Drainage

The outline planning consent included a flood risk assessment and drainage strategy that set out the requirement that the surface water drainage would be designed for the 100year design storm plus 40% in peak rainfall intensities to allow for climate change. The western part of the site has suitable ground conditions that allow for infiltration crates to take the surface water from the roofs of 11 dwellings. Wherever possible, driveways will be permeable or served by smart gullies. The remainder of the dwellings would be served by an attenuation basin at the south of the site. Some highway surface water would go to rain gardens or filter strips that then discharge to the larger basin that would have a storage volume of 1,076 m³. The basin would be fitted with a flow control chamber that would discharge to the Bidwell Brook at a rate of 21 litres per second. The rate of discharge has been calculated to meet the existing greenfield runoff rate. As part of the application process, further information and drainage calculations have been submitted at the request of the Local Lead Flood Authority who have no objections to the design of the drainage system.

It is expected that the basin will be adopted by South West Water who have no objections to the application.

Conclusion

The details submitted as part of this reserved matters application are acceptable and accord with the conditions that were set out when outline planning permission was granted. 80 new homes would be provided of which 24 will be affordable. The proposals meet the guidance set out in the Development plan when considered as a whole and strike the right balance in delivering new homes, addressing climate change, providing biodiversity net gain, mitigating against adverse impact to wildlife and Greater Horseshoe bats, addressing landscape impacts, and appropriate design that does not harm heritage assets.

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 the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
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 The development hereby approved shall in all respects accord strictly with the following documents, plans and drawings:

Detailed list to follow

Reason - To ensure that the proposed development is carried out in accordance with the drawings and documents forming part of the application to which this approval relates.

- 2 Prior to their installation, samples of materials to be used in the construction of the external surfaces of the development, including any underbuild, shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:
 - (a) the use of natural slates on all roofs including the type and sizes of such natural slates to be used together with the type, colour and profile of ridge and hip tiles to be used. Details of the means of fixing the slates shall also be provided and agreed.
 - (b) constructional details at a scale of 1:20 of all eaves and verges;
 - (c) a sample panel of the proposed stonework shall be constructed on site of a minimum size of 2m x 2m and shall include details of mortar work and shall be approved by the Local Planning Authority before any other stone work takes place on site. All stonework shall then be built in accordance with the approved panel which shall be retained on site until all stonework on site is completed unless otherwise agree in writing by the LPA.
 - (d) the proposed render type, colour(s), finish and profiles to corners. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes, unless otherwise previously approved in writing by the Local Planning Authority;
 - (e) external finishing materials and colours to be used in the areas of under-build to all dwellings;

(f) cross-sections, design, appearance (including thresholds), profiles, reveals, surrounds, materials, finish and colour (at full or half scale) of all doors and windows, including their method of opening and proposed finish, and all lintels and sills;

(g) the locations, heights, sizes, materials of construction and colour finishes of all flues, rainwater goods, and other external attachments; and the materials of construction and colour finishes of all ducts and vents.

(h) All rooflights/patent glazing shall be fitted so as to be flush to the roof plane and the frames shall be a dark colour to match as far as possible the surrounding natural slate roof covering, unless otherwise previously approved in writing by the Local Planning Authority;

(i) heights, materials, design, appearance and (colour) finish of any balustrading, railings and associated attachments unless the full details of the balustrading or railings are already included in the plans approved by this notice;

(j) the design, colour, size, profile, materials and location of all meterboxes. Where possible all wall mounted meterboxes shall be located away from the primary elevations and prominent side walls facing publically accessible areas unless otherwise approved in writing by the Local Planning Authority;

Thereafter the development shall be carried out in accordance with the approved details and shall be retained and maintained in that form, unless the Local Planning Authority gives prior written consent to any subsequent variation.

Reason – To ensure that the development displays good design practice and reflects local distinctiveness.

3. Prior to its installation, a sample section of the stone faced hedgebank detailed on drawing ref 191105 D 02 05 Rev A shall be constructed on site and approved in writing by the Local Planning Authority (LPA). All stone faced hedgebanks shall then be built in accordance with the approved sample which shall be retained on site until all stone faced hedgebanks on site are completed unless otherwise agree in writing by the LPA.

4. Notwithstanding the provisions of condition 1, prior to the installation of any boundary fences, details to show the size and position of hedgehog passes as outlined in the Construction Ecological Management Plan (CEcoMP) shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be constructed in accordance with the agreed details and the hedgehog passes thereafter retained.

Reason: In the interests of the environment, ecology and biodiversity.

5. All planting, seeding or turfing comprised in the approved details of landscaping and outside of the public open space (which is subject to the Landscape Implementation and Management Programme), shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason – In the interest of public amenity and the conservation and enhancement of the local landscape character.

6. Prior to their installation, details of the number, position and appearance of the solar photovoltaic solar panels identified in the approved Energy and Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how they will be fitted so as to be flush to the roof plane and the colour of any solar panels and their frames shall be a dark colour to match as far as possible the surrounding natural slate roof covering, unless otherwise previously approved in writing by the Local Planning Authority

Reason – To ensure that the development displays good design practice and reflects local distinctiveness.

8. Notwithstanding the approved boundary details shown on drawing ref 191105 L 02 02 Rev A and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or wall shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason – In the interest of public amenity and the conservation and enhancement of the local landscape character.