

# PLANNING APPLICATION REPORT

**Case Officer:** Bryn Kitching  
Staverton

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

**Application No:** 4443/21/ARM

**Agent/Applicant:**  
Miss N Smith - PCL Planning Ltd  
13a - 15a Old Park Avenue  
Exeter  
EX1 3WD

**Applicant:**  
Baker Estates Ltd .  
C/O Agent - Pcl Planning Ltd  
13a-15a Old Park Avenue  
Pinhoe  
Exeter  
EX1 3WD

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



**Development:** Application for reserved matters, seeking approval for appearance, landscaping, layout and scale for 40 dwellings and discharge of outline conditions 9, 12, 15, 16, 17 and 18 following outline approval 3841/20/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 3841/20/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.
8. Details of retaining hedgebank and pedestrian garden access on northern side of plot 36.

**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 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 with a Critical Drainage Area.

The site is on the edge of the SAC Greater Horseshoe Bat (GHB) Sustenance Zone for Bulkmore 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 for reserved matters seeks approval for the appearance, landscaping, layout and scale of 40 dwellings following the grant of outline planning permission for up to 40 dwellings in October 2021. Conditions 1 and 2 of that consent required the submission of reserved matters prior to 8<sup>th</sup> 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:**

**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/214443>

#### Dartington Parish Council – object

1. The Design and Access Statement for Sawmills does not mention National Design Guide nor the guidance on Building for a Healthy Life. The Joint Local Plan (JLP) Supplementary Planning Document (SPD) under its guidance for JLP policy DEV10 at para 4.120 states that when implementing the policy, a 'Building for Life 12' assessment is necessary.
2. The Joint Local Plan (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 that this is an opportunity lost which the District Council should have insisted upon.

3. The application lacks information in that it does not respect the existing heritage assets and prominent public viewpoints. The Council feels more could be done to soften the impact of the development.
4. The Council notes that there is a design precedent set by the developments adjacent and opposite and that the applicants have taken this into consideration and the meld is good. However, the Council is unhappy with the contrasting styles between the front 2 rows of houses and the houses at the rear and feels the design could be better.
5. The Council welcomes the new stretch of Devon hedge bank along the A385 and would like to see it being constructed using traditional Devon skills and materials. The Council requests that the height of the hedge is such that it adequately screens the cars parked behind.
6. The Council welcomes the inclusion of solar panels in the design which is commensurate with local and national climate emergency declarations.
7. The Council welcomes the use of a variety of natural materials in the building designs which are in keeping with the local area and is supportive of using materials which do not contribute to the climate emergency.
8. The Council recognises and welcomes the travel provisions in the s106 agreement and the resulting impact on currently poor air quality on the A385.
9. The Council notes that Devon County Council Flood management team is objecting to the application because the applicant has not demonstrated that all aspects of the surface water drainage management plan have been considered and has requested more information to overcome these objections. The Council notes concerns over potential flooding and requests this information be provided.
10. The Council remains concerned about the loss of foraging habitats for bats, barn owls, and badgers and at the loss of species rich hedgerows.

South West Water – no objection or comments.

County Highways Authority – No objection: Central shared use space in unconventional but with low speeds, there is no objection. Although the planning authority has requested that this be concrete imprint rather than tarmac, highway authority maintenance budgets are under pressure and in the long term, any interventions for maintenance purposes are likely to be repaired in bituminous material. Recommend that it concrete imprint is removed. Street lighting design is acceptable in principle.

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: Following discussion with the applicant and their arborist a 15 year check has been included for the compartments that are currently in a positive condition. Further details of the pathway have been submitted and additional details supplied of planting mixes and management. Agreement found with the removal of the Norway Spruce plantation in compartment C3 as it is a visually incongruous and ecologically poor dominant feature and if left, be of long term detriment to the ambition to establish a well-structured woodland in temporal and species terms.

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 – 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.

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 3841/20/OPA can be discharged. The Local Lead Flood Authority are the appropriate body to comment on the proposed surface water management strategy.

Environmental Health Team – We have considered the documents submitted in relation to potentially contaminated land and these comply with the requirements of condition 12 of 3841/20. Condition 13 relating to unexpected contamination should remain until all oversite works are complete.

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

Based on housing mix an expected occupancy figures, 1,910 m<sup>2</sup> of open space is required. The open space plan proposes a total provision of 6,590 m<sup>2</sup> across the road verges, woodland meadow and woodland walk. The woodland meadow and walk now have pedestrian gates and a hoggin path. Neither the LEMP or Landscape implementation and management programme cover the on-going management and maintenance of the pathways in the open space. 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.

Given that there is safe access to the nearby playing fields and associated facilities at Meadowbrook to the east (which include a play area, new woodland adventure bike track, outdoor swimming pool and community centre), I am satisfied with the proposals.

The covering letter confirms that there will no play (LAP) provision on site and thus the off-site equipped play contribution (secured by the S106) will be triggered in due course.

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 8 social rent and 4 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 – initial comments on original submissions: 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 plots 26 and 35 with appears to have open access to the rear garden from the side of the property. Also question low wall to properties 36 and 40. Gates should be 1.8m high and lockable from both sides. 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. 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. Garages are not always used for parking vehicles which can lead to on-street parking. 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:**

16 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 and independent, bespoke Design Review Panel.

- Why have there been no archaeological surveys when it is a precondition of planning permission?
- Surveys should include ground penetrating radar and magnetometer exploration.
- 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.
- The attenuation tank would not be sufficient to prevent serious flooding locally and downstream – particularly in a climate change scenario.
- The sustainability features of the houses is at the absolute minimum.
- Dartington is becoming too urban.
- Local schools and doctors surgeries would not be able deal with the increased population. Lack of infrastructure in Dartington.
- The housing at the entrance looks like an army barrack block.
- No provision of green spaces, seating or play areas.
- Rainwater would run off into the Origins Estate.
- Insufficient information and lack of consultation with the community.
- Insufficient green space and no children's play area.
- More tree planting required within the site and next to the road.
- Front terrace is an overdevelopment of the site with parking bays at the entrance and main road would create a potential hazard with such mixed and busy activity.
- Wooden garden fences are a material that is not commonly used in the parish.
- Increased flood risk downstream and extreme weather events will become more likely.
- Design is in two distinct areas and the smaller terraces should be distributed amongst the larger houses.
- Plans suggest that stone cladding would be used. This needs to be in keeping with local stone.
- 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.
- Impact on Bidwell brook water quality from surface water run-off.
- No cumulative modelling of air quality in Dartington and Totnes AQMA have been submitted.
- Clearance of young trees will impact on biodiversity and introduction of unprovenanced seeds will affect existing flora.
- Increased public use of woodland would disturb wildlife.
- Unacceptable loss of Greater Horseshoe Bat habitat.
- Loss of hedgerows, badger setts and barn owl foraging area.
- 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.
- The initial Devon County Council response on drainage asks a number of questions which suggest that 40 houses are too many for the site.
- Too much contrast between the terrace houses at the front and the better spaced houses at the rear.
- Lack of green space/play area with reliance on play facilities on the Origins site.
- Lack of detail on how construction waste will be dealt with.
- 17 homes on the site frontage will have north facing living rooms which is unacceptable and all 18 will have bedrooms facing the road that will cause noise/nuisance.
- The main road should be fronted with gable walls and not windows.
- 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).
- 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.

2 letters of support received which raise the following issues:

- My family would be very interested in buying one of these homes. It's a small development and is in a great location for us. I hope the scheme is approved.
- Lack of available housing at an available price. I live here and unable to find a house to buy at a realistic price. I don't want to be forced to move and if this is built, myself and people like me will have a chance to stay in the area.

## **Relevant Planning History**

3841/20/OPA - Outline application with all matters reserved, except for access, for up to 40no. 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 at Broom Park 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)

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

## **ANALYSIS**

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 accesses which included a main access off the A385 and a secondary access to serve a maximum of 5 dwellings off Limberland Avenue in the adjoin residential development. This application therefore deals with the reserved matters of appearance, layout, landscaping and scale of the residential development of 40 dwellings.

The outline consent dealt with the potential impacts on Greater Horseshoe Bats through a Habitats Regulations Assessment (HRA) which required a 10m wide dark corridor along the western and northern boundaries of the site and adjoin the existing areas of woodland. 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.

12 of the 40 dwellings would be affordable homes with 8 of those being for social rent and the other 4 being shared ownership. These will be located at the front of the site in the form of two terraces of 4 dwellings and 2 maisonettes. A shared parking forecourt would be to the front with a stone-faced Devon bank and hedge to separate the parking area from the A385.

The remaining 28 open market dwellings comprise a mix of detached and terraced homes that comprise 6 two-bed properties, 12 three-bed properties and 10 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 main access point off the A385 that heads north and up the sloping site. Across the front of the site and set back approximately 19m from the existing road frontage would be 4 terraces, 2 on each side of the access road. These dwellings would be two storey with a slight step down in height from west to east. This would follow the existing contour of the ground. Communal parking areas would be at the front of the dwellings and a 1.4m high stone face Devon hedgebank would be constructed along the site frontage and this would have hedgerow planting above. Once the hedge planting is matured at a height of 0.6m, there would be a screen of 2m separating the existing road from the parking area. This would be a similar height to the hedgerow to the east of the roundabout and provides an effective screen to the adjoining development. Additional beech tree planting is proposed through the parking area which will help to provide interest and height, softening the appearance of the parking area. Policy TTV24 which specifically

allocates the site for development requires that there is a locally distinctive frontage onto the A385 and it is considered that the proposals achieve this while also setting back the front of the dwellings from the busy highway edge.

The central access would have a shared footway/cycle way on the east side that would link to the approved shared footway/cycleway that will run along the main road to the new bus stop. This would then become footway that leads to a central space where there would be a change in surface from tarmac to concrete imprinted sets that would form a shared space that would slow traffic speeds and add visual interest to the estate road layout. This is supported by officers and is considered to be an improvement to the originally submitted scheme that proposed standard black tarmac. It will help create a sense of place and with the additional tree planting that is now proposed, will soften the straight carriageway and make it more of the green street that was proposed at outline.

The upper parts of the site would contain a lower density layout of 1.5 and 2 storey detached dwellings. These are to be cut into the slope which will help minimise the visual impact on the higher ground. Materials are a mix of render, natural stone, and timber to match those used on the adjoining development. 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.

There would be a second highway access off Limberland Avenue that would serve 5 dwellings. There would be a visual link through the access to the rest of the site and this would also allow for pedestrian/cycle access. Motor vehicles would not be able to cut through the site and into the adjoining development which is in line with the commitments that were made at the outline stage. Pedestrian access would be provided to the adjoining small play area as well as on to the playing field approximately 150m to the east.

To the west of the site and within the dark corridor, a new pathway would be created that would access a woodland walk to the north of the site. This would form the accessible open space that is required as part of the outline planning permission. In accordance with the section 106 agreement, the applicants have opted to make a financial contribution to the provision of play equipment at Meadowbrook rather than to provide an onsite LAP with 3 pieces of play equipment. This is supported by the Open Space, Sport and Recreation Specialist.

### 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 north 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 loss of -7.53 Habitat Units (72.46% decrease) and a gain of +2.38 Hedgerow Units

(136.67% increase) Enhancement of the woodland would lead to a predicted gain of +1.60 Habitat Units (20.28% increase). To be able to achieve a 10% net gain, there is a requirement for off-site improvements to offset the loss and it is proposed to use some of the predicted habitat gains at the nearby Broom Park development for 80 dwellings (ref 4442/21/ARM). These are the gains that are over and above the required 10% for that application. Should the Broom Park application gain consent, 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) across both sites.

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 on the A385 (where there is already street lighting). The lighting models show that they would be no light spill into the dark corridor from the existing or proposed street lights.

The LEMP specifies 30 swift boxes, 35 bat tubes and 40 bee bricks to be integrated into the proposed dwellings. A further 10 bird boxes and 5 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 3.88% reduction over the Part L 2013 standards and on-site renewables to deliver a further 16.12% reduction (meeting the 20% requirement set out in the condition). The onsite renewables would comprise a solar photovoltaic system with a minimum capacity of 71,240 kWh. This would equate to 233 panels across the site of 40 dwellings. This is an average of about 6 panels per property but as the development would comprise different house sizes with different energy requirements, the number of panels per dwelling will vary the 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 (24 dwellings) and the remaining 16 dwellings which have off-plot parking would be served by a further 6 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. 92 parking spaces are identified which accords with the indicative parking requirements set out in the SPD and where

garages are 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 100 year design storm plus 40% in peak rainfall intensities to allow for climate change. The outline application originally suggested an off-site attenuation basin however, following officer concerns that this feature may not be suitable for landscape and biodiversity reasons, the proposals were amended with greater use of soakaways on the parts of the site where infiltration was possible and underground storage on parts where groundwater would be too high.

The northern part of the site has suitable ground conditions that allow for infiltration crates to take the surface water from the roofs of 12 dwellings. Wherever possible, driveways will be permeable or served by smart gullies. The remainder of the dwellings would be served by an attenuation tank at the south of the site. Some road and driveway surface water would go to rain gardens or filter strips with the remainder being piped to an attenuation tank under the parker area at the front of the site. This tank would have a storage volume of 251m<sup>3</sup>. The outfall of the tank would be fitted with a flow control chamber that would discharge to the Wren Brook at a rate of 5.2 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 tank 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. 40 new homes would be provided of which 12 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 is in keeping with the adjoining developments.

***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 13<sup>th</sup> 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 agreed 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 200105 D 02 06 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 agreed 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.

7. Notwithstanding the approved boundary details shown on drawing ref 200105 L 02 02 Rev B 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.

8. Prior to the construction above base course level of plot 36, details of the retaining hedgebank and pedestrian garden access on the northern side of the property shall be



submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details

Reason – In the interest of the residential amenity of the occupants of that property.