

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 4 September 2020

Present: K Ball, S Barker, A Cooper, W Dracup, G Gribble, P Harper, G Hill, S Morgan, D Moyse, J Nutley, N Oakley, C Pannell, M Renders, P Sanders, P Smerdon, P Vogel, P Woods

Officers: L James, Solicitor (acting on behalf of Devon County Council)
C Hart, Head of Development Management
L Barattini, Planning Officer

Apologies: J McInnes, D Webber

The Chairman welcomed the public, Catherine Shewan, Independent Person, and Laura James, Legal Representative and Richard Knott, the National Park Authority's Ecologist, who was attending to answer any questions requiring specialist advice regarding bats.

Members were reminded of the meeting protocol and that the meeting would be recorded. Members were requested to ensure that they referred to relevant page or slide numbers when making a comment or raising a query.

Members were also reminded that when voting, consistent language should be used i.e., *For the motion, Against the motion or Abstain.*

1422 Minutes of the Meeting held on Friday 31 July 2020

The minutes of the meeting held on Friday 31 July 2020 were agreed and signed as a correct record:

1423 Declarations of Interest and Contact

Members agreed to declare those interests set out in the matrix of membership of other bodies.

The Chairman reported that most Members had received an email communication from the agent in respect of Item 1 – 0452/18 Land at Holne Road, Buckfastleigh.

Mr Dracup joined the meeting.

1420 Items requiring urgent attention

The Chairman reported the following:

- Planning applications 0348/15 Yennadon Quarry, Dousland, and 0300/19 Lower Mills, Buckfast Road, Buckfast have been awaiting site visits. It has now been agreed that site visits will now take place to these two locations on Friday 18 September 2020. Members will be provided with further details but will be asked to travel to the locations independently and to abide by the

Covid 19 social distancing protocols. Members will also be requested to confirm their availability.

- Members will have received emails to confirm that the Annual Member Workshop, originally arranged for Friday 11 September, has been cancelled.
- An informal Members meeting has been arranged by Dan Janota, Head of Forward Planning and Economy, for Monday 14 September 2020, at 10.30am to discuss the White Paper 'Planning for the Future' and potential impacts for the Authority. Members were asked to ensure that they reply to the email to advise their availability.

1421 Applications for Determination by the Committee

Members received the report of the Head of Development Management (NPA/DM/20/01).

Mrs Oakley connected to the meeting.

The Chairman advised Members that the site in question is an 'allocated site' which means that the provision of housing on the site is not in question. The site is allocated in the Local Plan and features in the forthcoming new Local Plan. With regards to procedure, the Case Officer will read out a short statement from the agent for the application.

The Case Officer advised Members that the application relates to an allocated housing site in Buckfastleigh, situated on the northern edge of the settlement. The application is for 30 dwellings; all matters are reserved for consideration at a later date, with the exception of access to the site.

The two key issues that fundamentally prevent officers from supporting the application are:

- (i) The lack of any on-site affordable housing provision; and
- (ii) The lack of adequate ecological survey information to assess the risks and suitable mitigation measures necessary to safeguard Greater Horseshoe bats and impacts on the South Hams Special Area of Conservation (SAC).

It is regrettable that the application is recommended for refusal. Officers have extended the timeframe for the application over the last two years to enable the applicant to provide additional information. To date, however, nothing has been received from the applicant to confirm that the application can meet the policy requirements for affordable housing provision and the safeguarding of protected species.

Officers have offered continued support for the development of this site, but have recommended discussions take place outside the application process when all the required information is available to enable the scheme to move forward.

The topography of the site makes it a challenging site with a deep, rolling character. Two field parcels make up the whole site. The existing access is proposed to be closed off with a proposed new access from Holne Road. This is acceptable to the Highway Authority. A new section of footpath is proposed to connect with the existing pavement.

The Case Officer read a short statement from the agent for the applicant as follows:

“I’d like to start by thanking the National Park’s planning officers for their cooperation and patience shown in working alongside the applicant, Burrington Estates New Homes in bringing forward one of the National Park’s allocated housing sites. Our latest ecology surveys highlighted a need to provide some additional off-site land suitable for bat mitigation to address the impacts of the proposed development. Unfortunately during these challenging times we have been unable to reach an agreement with any nearby landowners with a surplus estate to resolve this. Given that the development’s mitigation and viability are intrinsically linked we have therefore not been able to progress with viability discussions with DNPA officers at this time. Whilst the applicant has committed a significant amount of time and resource on this project to date, we understand that the National Park would like to make a decision on the proposals as they currently stand. Once again, we thank the National Park’s planning officers for the cooperation and patience shown. We shall be in touch after the committee to advise how we may look to take this site forward in the future.”

The Chairman advised Members that the statement read by the Case Officer, from the agent, is an exception to the rule.

The Head of Development Management advised Members that this application had been with the Authority for a significant amount of time. Recognising that this is a site allocated in the Local Plan, officers allowed that time to elapse as they were hoping to resolve significant issues, particularly regarding affordable housing and ecology. Sadly this is not the case; officers are not close to resolving these matters and it has been decided that a decision needs to be made regarding this application.

The Chairman requested that Mr Knott, the Authority’s Ecologist explain to Members the issues surrounding bats. He reported that the information that Officers had received was supported by bat activity surveys which date back to 2017. These showed significant bat activity. The site is in close proximity to the component roost within the South Hams Special Area of Conservation (SAC). The roost, in the area of the Buckfast caves and quarries supports the largest Greater Horseshoe Bat population within the SAC. He advised that he has been working with the developer’s independent ecologist since 2017. Mitigating the loss of foraging habitat is extremely important and it is entirely right that the developer has identified that as an important requirement. His views have been reached following consultation with an independent bat consultant and are supported by Natural England.

In response to Member queries regarding maintenance, hedgerow retention etc, the Head of Development Management reminded Members that the application was for outline planning permission with all other matters reserved, with the exception of access which was for determination. Prior to its allocation a strategic environmental assessment, including a habitat assessment surrounding the broader area, was undertaken. Time has moved on and more detailed reports are now required to gauge the direct effect on protected species. Members agreed that the bat mitigation is an essential component of an appropriate development proposal.

With regard to affordable housing, the Case Officer advised that this is a priority for the allocated site and that there is an expectation that this should, in the first instance, be provided on site. To date, officers have not been presented with any evidence to justify why the developer could not deliver any on site affordable housing as the policy requires. The suggestion of a commuted sum in lieu of affordable housing is not supported by detailed evidence.

The Chairman observed that within the officer's report, The Devon Home Choice Register evidences 45 people in need of affordable housing with a local connection to Buckfastleigh.

Mr Sanders propose the recommendation, which was seconded by Mr Ball.

Members expressed their disappointment that no affordable housing is offered for the site. In addition, bat habitat mitigation remains an important requirement; the amount of time that this has taken to resolve is an issue.

RESOLVED: That permission be REFUSED for the reasons as outlined below:

1. In the absence of any on-site affordable housing provision on this allocated site (BCK2), with no significant over-riding environmental or community benefit, the proposal is contrary to policies COR15, DMD21 and BCK2 of the Dartmoor National Park Development Plan and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2019.
2. In the absence of adequate ecological survey information on the risks posed by the development and suitable mitigating measures, due to the likely impact on the greater horseshoe bats and the likely significant effect on the South Hams Special Area of Conservation, the proposal is contrary to policies COR7 and DMD14 of the Dartmoor National Park Development Plan and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2019.

1422 Appointment of Site Inspection Panel and Arrangements for Site Visits

Pre-Committee Site Inspections will take place on Friday 18 September in respect of planning applications:

0348/15 - Yennadon Quarry, Iron Mine Lane, Dousland

0300/19 - Lower Mills, Buckfast Road, Buckfast

All Members are invited to attend the site inspections; social distancing rules will apply. Members are requested to ensure that they advise Officers whether they are able to attend.