

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

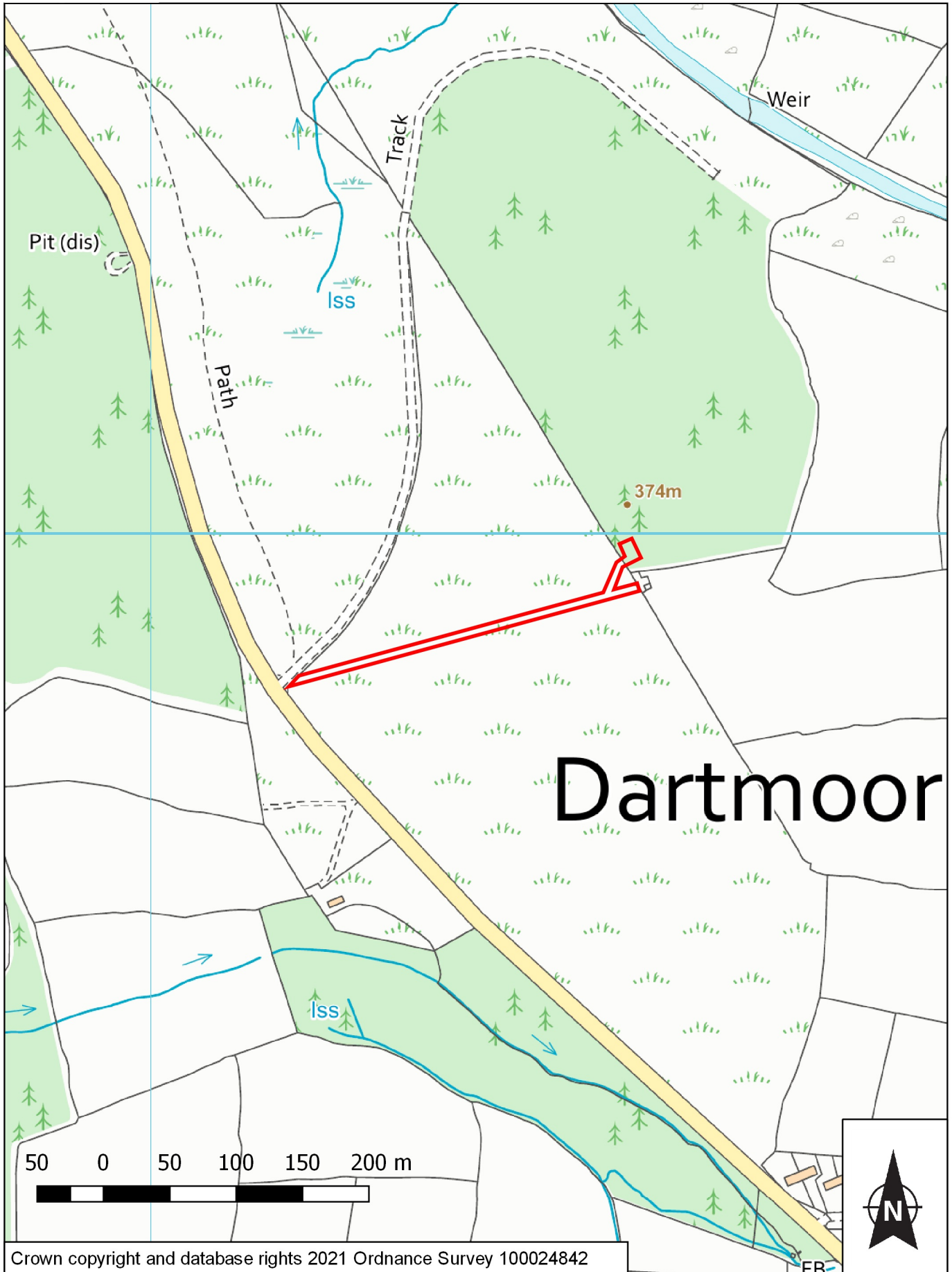
7 January 2022

Applications to be Determined by the Committee

Report of the Head of Development Management

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Application No: **0572/21** District/Borough: **West Devon**
Application Type: **Full Planning Permission** Parish: **Dartmoor Forest**
Grid ref: **SX65377795** Officer: **Phil Twamley**
Proposal: **Installation of 30m lattice tower on concrete base upon which will be attached 3 no. antennas and 2 no. 0.6m transmission dishes along with associated ancillary 'MHA' units and cabling**
Location: **Land at Lakehead Hill, Bellever**
Applicant: **The Home Office**
Recommendation: **That permission be REFUSED**

REASONS:

1. The proposed development, by reason of its size, appearance, and siting, would cause substantial harm to the character of the moorland landscape and the special qualities of this part of Dartmoor National Park. The proposal is therefore contrary to Strategic Policies 1.1, 1.2, 2.1, 2.4 and Policy 4.7 of the Dartmoor Local Plan, to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2021
2. The proposed development, by reason of its size, appearance and siting, would have a detrimental impact on the cultural heritage of this part of Dartmoor National Park. The development is therefore considered contrary to Strategic Policies 1.1 , 1.2, 2.4, 2.7 and Policy 4.7 of the Dartmoor Local Plan, to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2021.

1 INTRODUCTION

- 1.1 The proposal relates to development of the site to accommodate the communications apparatus needs of the new Emergency Services Network (ESN), being in this instance part of the Extended Area Service (EAS) managed by the Home Office. The proposed redevelopment meets the new network's technical requirements.
- 1.2 The development proposed includes the installation of a 30m lattice tower on a concrete base upon which will be attached three antennas and two 0.6m transmission dishes along with associated ancillary units and cabling. At ground level and within a compound measuring 10m x 10m there will be built a Foul Weather Enclosure (FWE) accommodating the Home Office equipment cabinets with electronic apparatus, electrical meter cabinet, generator and a 1200mm satellite dish on a 2.6m high support pole, enclosed within a 1.8m high mesh fence around the 10 x 10 sq.m compound with barbed wire top.

- 1.3 The access route to the site is to be upgraded with a new access track 3.0m wide and around 290m long facilitating safe vehicular access for essential repairs and maintenance of the site, the entire track is proposed to be made up with type 1 'MOT' (usually crushed granite or limestone) and 'grass seeded'. There will be a turning area adjacent to the site at around 8.0m x 10m to facilitate safe vehicular access/egress to/from the site.
- 1.4 The mast site is located on the edge of managed woodland between Postbridge and Bellever with access track from the Postbridge to Bellever road.
- 1.5 The application is presented to the committee in view of its impact and the implications of the development for the community of Dartmoor.

2 CONSULTATIONS

- 2.1 **West Devon Borough Council** Does not wish to comment
- 2.2 **Environment Agency** Flood Zone 1 - Standing Advice applies
- 2.3 **EEC Directorate** No objection
- 2.4 **Dartmoor Preservation Association** No comments received

2.5 **Trees & Landscape Officer:** Object

2.5.1 The woodland is a mature conifer plantation, there is evidence of windthrow within the plantation and with the prediction of more intensive storms there is an increased likelihood of further windthrow in the future. It is not clear what the management objectives are for the woodland or whether there are plans to fell the wood in the near future. Considering previous management of the wood it is highly unlikely that a continuous cover management system can be adopted in this woodland and a traditional clear fell and replant management system will be used. There is strong possibility that the plantation will be felled, possibly in the near future, but certainly within the life expectancy of the tower. Officers estimate that it would take about 40 years to achieve the same maturity of tree cover once the plantation is felled.

2.5.2 The open moorland is open access land with free public access. A track runs from a minor road to the northern part of the woodland. Vehicle damage is evident on part of the moorland where a local landowner is driving from the road to a field immediately to the south of the site for the tower.

Landscape Character Type - Upland Moorland with Tors

2.5.3 The proposed tower is located in a conifer plantation with a track running across open moorland. This is a dramatic, rolling, large scale moorland landscape interspersed with large conifer plantations. These plantations create dark block with hard edges contrasting with the smoother open moorland. The small settlements of Bellever and Postbridge lie on lower ground adjacent to roads. The open moorland is grazed with cattle, sheep and ponies. Distant granite tors are a feature of the landscape. Public rights of way run across the open moorland. This is a tranquil landscape with low levels of light pollution. There are no obvious vertical structures, similar to the proposed tower, in the immediate area.

2.5.4 The Landscape character Assessment lists valued attributes for this landscape type as;

- Dramatic moorland landscape, with wide open spaces, panoramic views and a strong sense of tranquillity.
- Traditional upland farming communities with the moorland grazed by Dartmoor ponies and native hill breeds of sheep and cattle.
- Valued wildlife habitats including blanket bogs, mires and heather moorland – home to rare upland birds.
- Hill tops dominated by granite tors and other geological features.
- Rich archaeological heritage with numerous archaeological remains.
- Unifying granite local vernacular displayed in farmhouses, bridges, stone walls and settlements linked by deep lanes.
- Valued area for recreation, with large tracts of open access land.

2.5.5 The proposed development will have an impact on local landscape character. Towers of the type proposed are not found in this immediate landscape and the proposed tower will have a detrimental impact on the character of this landscape. The track will have an impact on the open moorland which will change the character of the open land. Considering the proximity of the existing track there will also be a cumulative impact.

2.5.6 Local plan policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognized that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape. The policy states that:

2.5.7 Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:

- respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment;
- ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character.
- retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;
- avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;
- respecting the tranquillity and sense of remoteness of Dartmoor.

2.5.8 The policy is very clear that development should conserve and/or enhance the character of Dartmoor's landscape. The tower, infrastructure and access road will have a detrimental impact on the character of the area. The landscape has a strong sense of place and remoteness, and the introduction of a modern vertical structure will have a detrimental impact on the character of the local landscape.

Visual amenity

2.5.9 The tower will be located on the boundary of a plantation. The tower, compound and equipment will be very visible from the open moorland. There are no structures of this type in this part of Dartmoor the tower will be visually intrusive, even though from some receptor points on the open moor it will be seen against the backdrop of

the conifer trees. Of particular concern is the potential for the loss of the conifer plantation, which is already showing signs of windthrow. If the plantation is felled the tower will be highly visible and very intrusive. In my view it would take 40 years for the plantation to reach a height where it provides the same level of screening as the present tree crop.

- 2.5.10 The track will be very visible from the open moorland and the minor road that runs to the west of the site. The track will be visually intrusive in the landscape.
- 2.5.11 The open moorland is heavily used for recreation, with many people visiting the area to experience the spectacular views of the surrounding landscape. From the various receptor points the tower, equipment and track will be incongruous features in the landscape and will be visually intrusive.
- 2.5.12 The proposed tower and equipment will be incongruous in the landscape and visually intrusive. The track will also be visually intrusive and have a detrimental impact on the character of this open moorland landscape.
- 2.5.13 The development will be contrary to policy COR 1 in that it does not respect or enhance the character, quality or tranquillity of the local landscape. It is contrary to policy COR 3 in that the development does not conserve or enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. The development is also contrary to DMD5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape because it is an unsympathetic development that will harm the wider landscape and it does not respect the tranquillity and sense of remoteness of this part of Dartmoor.
- 2.5.14 The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that will harm the local landscape.

2.6 **DNP – Archaeology:** Object

- 2.6.1 The landscape around Bellever and Postbridge, as across much of Dartmoor, incorporates or is underlain by extensive archaeological landscapes deriving from earlier periods. The north-east slope of Lakehead Hill, between the Bellever-Postbridge road and the East Dart contains cairns, barrows and hut circles of prehistoric, probably Bronze Age date as well as the remains of a field system most of which most likely originates in a similar period. In planning terms, these features, individually and as a whole have sufficient evidential and historic value to be considered undesignated heritage assets and there is an elevated potential for the presence of unknown, buried, heritage assets which have no current surface expression.
- 2.6.2 In addition, the line of the access track shown on the supplied documentation appears problematic as it cuts through a relic boundary of the prehistoric field system. As such, it neither conserves or enhances the historic environment of the National Park and officers would not be able to support it unless an alternative route, which avoids damaging upstanding archaeological features, could be found.

2.6.3 There is also the issue of the status of the forestry within which the proposed mast is to be situated. If this were to be felled at some point in the future, leaving the mast exposed there would be a negative effect on the setting and therefore the archaeological significance of the remains in the area which would need to be considered.

2.6.4 The proposal fails to conserve or enhance Dartmoor's cultural heritage and officers therefore cannot support it based on its impact on upstanding archaeology (a probably prehistoric field system). If permission for the proposal is granted, an archaeological watching brief is strongly recommended on installation of the mast, its hardstanding, the access track and power supply.

2.7 DNP - Ecology & Wildlife: Object

2.7.1 An ecological assessment (TEP, May 2021) and national vegetation classification survey (TEP, Sept 2021) have been submitted. The survey methods, presentation of results and recommendations are satisfactory, although some further clarification and details are required as set out below.

Compound and mast location

2.7.22 The Authority's Ecologist has no objections on ecology grounds to the location of the lattice tower and its compound. A pre-commencement condition to approve a construction and environmental management plan (CEMP) would ensure implementation of the recommendations in the ecological assessment.

Access track - construction

2.7.32 Following receipt of an updated plan for the proposed access track, the Authority's Ecologist is minded, on ecology grounds to remove the objection subject to a condition to approve appropriate track seed mix, construction and other ecological details.

Biodiversity Net Gain

2.7.42 Section 5.4 of the ecology assessment discusses biodiversity net gain and recommends that the applicant clarify position with us. In line with our emerging policy in the new local plan, I would urge that a development of this prominence, especially one directly affecting priority habitats and a local wildlife site might consider enhancements. The BNG metric would be a positive way for the applicant to determine what might be delivered.

2.7.52 Based on the submitted documents there is not enough information to demonstrate that County Wildlife Site and priority habitat are protected and that impacts can be avoided, mitigated or compensated. The Authority's Ecologist has however indicated they could remove the objection subject to a condition to approve appropriate track seed mix, construction and other ecological details.

3 Parish/Town Council Comments

3.1 **Dartmoor Forest PC:** The Parish Council voted to OPPOSE this application. The Council commented that: "Any development of this type would be out of character with all the cherished features of the area and be detrimental to the visual amenity. In the event of tree felling or windthrow the whole structure would be visible and

both these events have taken place to some extent already. The track to the site will cause damage to natural drainage and both it and the base of the structure will be detrimental to flora and fauna. We consider this to be an inappropriate development for Dartmoor National Park.

4 Relevant Development Plan Policies Dartmoor Local Plan 2021

4.1 SP 1.1 – Delivering National Park purposes and protecting Dartmoor’s Special Qualities

SP1.2 – Sustainable development in Dartmoor National Park

SP 2.1 – Protecting the character of Dartmoor’s landscape

SP 2.2 – Conserving and enhancing Dartmoor’s biodiversity and geodiversity

SP 2.3 – Biodiversity Net Gain

SP 2.4 – Conserving and enhancing Dartmoor’s moorland, heathland and woodland

SP 2.7 - Conserving and enhancing heritage assets

P 4.7 - Telecommunications Development

5 Representations

5.1 7 letters of objection:

- Intrusive feature on the landscape.
- The top 15 metres of the tower will be visible above the plantation.
- It will be visible from all directions particularly the slopes of Riddon Ridge to the east and along the road to the centre of Postbridge.
- Climbing Bellever Tor is very popular with visitors and the tower will be visible from the slopes and summit.
- The intrusion of this mast on an otherwise pristine skyline, will be starkly visible from many hundreds of surrounding acres.
- The proposed track’s proximity to an existing track will tarnish the open moorland and damage the beautiful nature of the area.
- Will not only damage the natural beauty of this significant location in the National Park but will surely have a detrimental impact on its wildlife as well.

6 OBSERVATIONS

THE PROPOSAL

6.1 The proposal relates to the Emergency Service Network, a national upgrade scheme for emergency services communications.

6.2 The ESN development proposed includes the erection of a 30m lattice telecommunications tower with three antennas, two 0.6m dishes, along with associated ancillary units and cabling. At ground level and within a compound

measuring 10m x 10m there will be built a Foul Weather Enclosure (FWE) accommodating the Home Office equipment cabinets with electronic apparatus, electrical meter cabinet, generator and a 1200mm satellite dish on a 2.6m high support pole, enclosed within a 1.8m high mesh fence around the 10 x 10 sq.m compound with barbed wire top.

- 6.3 The access route to the site is to be a new access track 3.0m wide and around 290m long facilitating safe vehicular access for essential repairs and maintenance of the site, the entire track is proposed to be made up with type 1 'MOT' (usually crushed granite or limestone) and 'grass seeded'. There will be a turning area adjacent to the site at around 8.0m x 10m to facilitate safe vehicular access/egress to/from the site.
- 6.4 The key messages of the new Emergency Service Network (ESN), as provided by the applicant, are included below:
- ESN is providing critical national infrastructure to enable communications and interoperability for the police, fire and ambulance services in England, Scotland and Wales (including extension into remote areas) to help them cut crime, fight fires and save lives.
 - ESN will provide the same capability as Airwave as well as an integrated 4G mobile broadband data service using the latest generation of mobile technology.
 - Government has provided £1bn of investment to build and operate ESN but your support for the locating of new or enhanced equipment in rural locations will be vital to delivering the network by 2017, thereby improving public safety and reducing cost to the taxpayer.
 - In addition to the 3ES, ESN may offer a 4G mobile service to local EE customers, providing access to digital services that are increasingly essential to everyday life and business, and a 999 service to all mobile users. Other MNOs will have access to upgrade the new infrastructure should they wish to install their own equipment and offer services in future.
 - Satellite solutions for backhaul are being considered where more cost-effective or timely.

PRE-APPLICATION ADVICE

- 6.5 The Authority engaged in extensive pre-application discussion in November 2020. Part of that assessment involved a site visit and consideration of other potential locations for a mast site within the defined search area.
- 6.6 In their response officers acknowledged the public benefits of the scheme but gave a clear indication that the principle of a high lattice telecommunications tower in this location could not be supported, given its potentially harmful impact in the immediate and wider National Park landscape.
- 6.7 The response included detailed commentary from in-house specialists rehearsing the points that are now summarised above. Officers encouraged further consideration of alternative locations, design solutions and questioned the need for a permanent access track. It was stated that any future proposal in this location

should be clearly evidenced as the minimum scale necessary to meet the requirement of enhanced ESN coverage.

- 6.8 While the applicant requested that the Authority provide alternative options for the installation of the mast, due to the clear technical requirements of the development, officers were not in a position to recommend alternative site options for the installation.

7 ASSESSMENT OF APPLICATION NOW PRESENTED

PRINCIPLE

- 7.1 The National Planning Policy Framework (Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The level of protection is emphasised by the English National Parks and Broads UK Government Vision and Circular 2010 (Circular) which, for example, refers to the Sandford Principle and sets out that the designation confers the highest status of protection. Under Part III, section 62 of the Environment Act 1995, in exercising any functions in relation to, or so as to affect, land in a National Park, relevant authorities are required to have regard to the purposes for which National Parks are designated.
- 7.2 These purposes include -
- (a) the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park; and
 - (b) the promotion of opportunities for the understanding and enjoyment of the special qualities of those areas by the public
- 7.3 Legislation and policy are clear that if it appears that there is a conflict between the two purposes, any relevant authority shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

PUBLIC BENEFIT

- 7.4 The proposed mast is a Home office 'EAS' site and is proposed as a component of the ESN, for the Extended Area Services (EAS) which is to provide additional infrastructure to extend the ESN into primarily remote and commercially unviable areas where little or no mobile network coverage exists. Filling in much of the existing network coverage gaps, of which the submitted evidence shows do exist in several places in the locality, the proposed mast would provide improved coverage around the site area. This would enable the emergency services to access information and critical communications in various areas where it is currently not possible for them to do so. There is also the additional benefit from members of the public having improved mobile telephone coverage, both for customers of the network operator and for 999 calls from any mobile network. This provision is acknowledged as a significant public benefit.

LANDSCAPE

- 7.5 The existing woodland provides only partial screening to the proposed 30m lattice tower and compound. The anticipated felling of trees (as they reach maturity) and

the location of the tower and compound would result in a highly exposed incongruous utilitarian feature unscreened by tree cover from key vantage points to the west through to the southeast of the site. The uncertainty regarding the future management of the woodland adds to the potential impact of the mast over its lifetime. Once existing woodland is felled, the 30m mast and compound will remain as an isolated utilitarian feature.

- 7.6 The proposed development will be visually intrusive and will have a detrimental impact on the character of this moorland landscape, which is contrary to Strategic Policies 1.2, 1.2 and 2.1. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that will harm the wider landscape. The development is contrary to Strategic Policies 2.1 and 2.4 because it does not conserve and/or enhance the character and special qualities of Dartmoor's landscape, because it is an unsympathetic development that will harm the wider landscape and it does not respect the tranquillity and sense of remoteness of this part of Dartmoor.

CULTURAL HERITAGE / ARCHAEOLOGY

- 7.7 The line of the access track shown on the supplied documentation appears problematic as it cuts through a relic boundary of the prehistoric field system. As such, it neither conserves nor enhances the historic environment of the National Park.
- 7.8 The proposal fails to conserve or enhance Dartmoor's cultural heritage with an adverse impact on upstanding archaeology.

ECOLOGY

- 7.9 Following receipt of a revised access track route, the Authority's Ecologist has indicated they could remove their initial objection subject to recommended conditions regarding the appropriate track seed mix, construction and other ecological details.

TELECOMMUNICATIONS DEVELOPMENT

- 7.10 Policy 4.7 is clear that new telecommunications infrastructure will only be permitted where;
- a) evidence demonstrates the service cannot be delivered less harmfully by installing equipment on existing masts, buildings or other structures;
 - b) the equipment is located and designed to minimise its impact; and
 - c) the equipment does not cause substantial harm to the character and appearance of the built environment and/or the National Park's Special Qualities, particularly landscape character, heritage significance and tranquillity.

- 7.11 For those reasons outlined, the proposal is considered at odds with the Local Plan for Dartmoor.

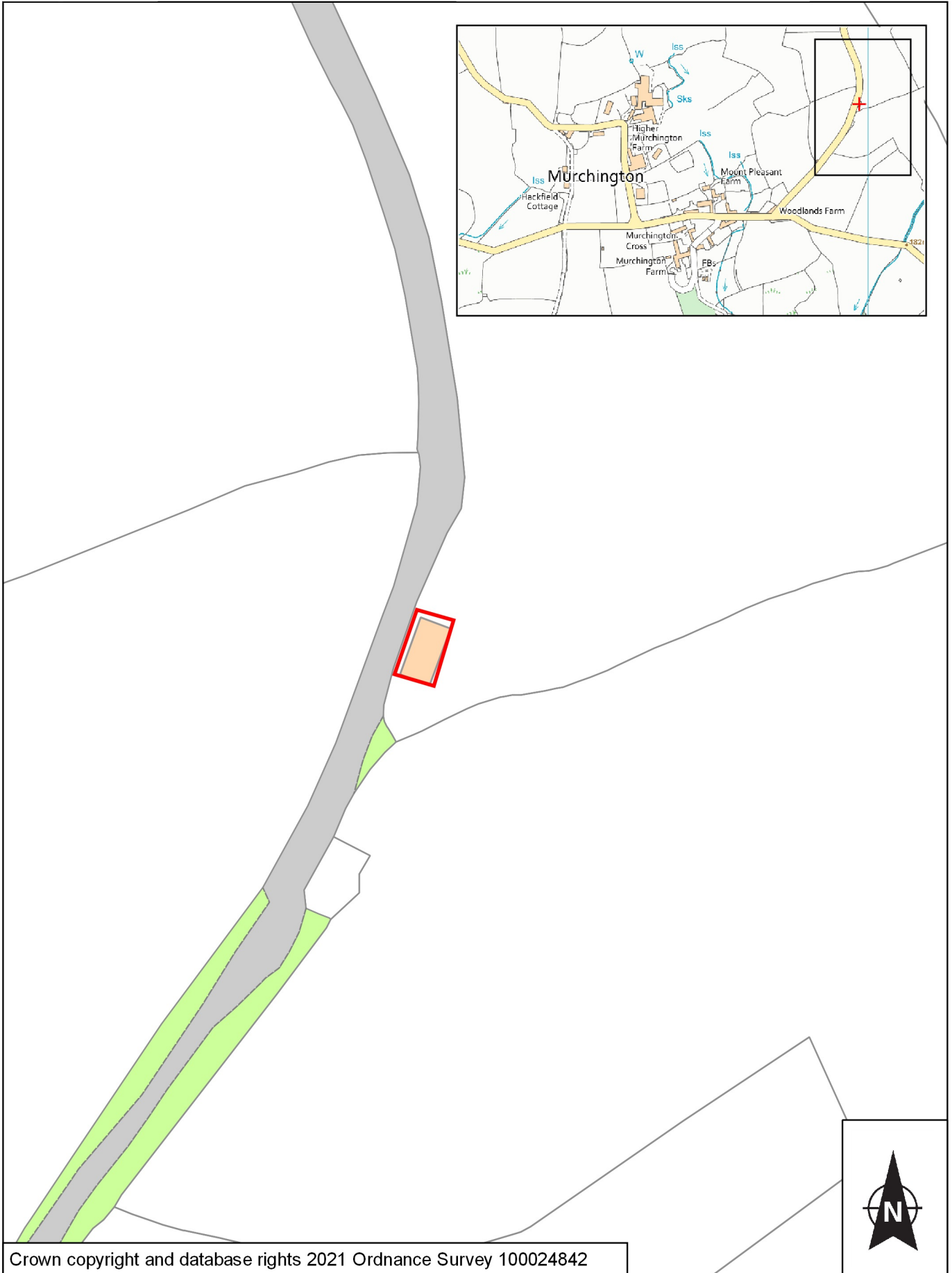
MEMBER SITE VISIT

- 7.12 A site visit was conducted on 17 December 2021.

- 7.13 Members were provided with an overview of the application, detail on the access track alignment and construction, a drone demonstration to indicate mast height and position, and a walk through of the site. Both the Planning Officer and Authority's Trees and Landscapes Officer were in attendance to provide detail on the proposal and key constraints. The applicant was also available to answer questions on the detail of the proposal.

CONCLUSION

- 7.14 The Authority remains committed to the principle of finding an appropriate solution to facilitate the delivery of the EE Emergency Services Network in this area. The siting and appearance of the development as currently proposed would however have an unacceptable adverse impact on the natural beauty and cultural heritage of the National Park. The proposal is recommended for refusal.
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2

Application No: **0560/21** District/Borough: **West Devon Borough**

Application Type: **Full Planning Permission** Parish: **Throwleigh**

Grid ref: **SX69058852** Officer: **Phil Twamley**

Proposal: **Retrospective replacement agricultural livestock building (12m x 6m)**

Location: **Land at Blindfield Meadow, Murchington**

Applicant: **Mr and Mrs Davis**

Recommendation: **That permission be GRANTED**

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the approved Site Location Plan, Block Plan and drawings numbered A01 and A02, valid 12 October 2021, and drawing named Planting Scheme valid 8 December 2021.
3. The agricultural building hereby permitted shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon becoming redundant for such purposes, the building shall be removed and the land reinstated to its former condition within a period of six months, unless the Local Planning Authority shall grant planning permission for an alternative use of the building.
4. Notwithstanding the submitted documents, a detailed scheme for the proposed planting of 9 native trees to the north of the barn shall be submitted to the Local Planning Authority for written approval and carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The planting shall be maintained for the lifetime of the building. Maintenance shall include the replacement of any trees or shrubs that die or are removed.
5. No artificial lighting shall be installed on the development hereby permitted.

1 Introduction

- 1.1 The retrospective application relates to an agricultural building on land at Blindfield Meadow. Access onto the site will be from a minor road through an existing gateway. The building is located on the site of the former Nissen hut.
- 1.2 The development is a single agricultural building at 6 x 12m footprint x 4.3m height with no links to other buildings.
- 1.3 The fields are enclosed with Devon banks with mixed native hedgerow growing on top. The banks and hedges are in good condition. The building will be close to a hedgerow growing along the western boundary of the field.

- 1.4 The field system is likely to be mid to late medieval, is reasonably intact and appears on the Tithe map.
- 1.5 The application is presented to the committee at the request of the Committee Chair, Mr Sanders, in view of the extensive planning history related to this site.

2 PLANNING HISTORY

- 0519/16 An application for a building measuring 27 x 12m on a site in the adjacent field next to the road and was refused in November 2016 for the following reason - *'The proposed development would comprise the introduction of an isolated building in the open countryside which, by reason of its location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park'*.
- 0114/17 A further application for two agricultural buildings measuring 18.3 x 9.1m in the adjacent field to the current proposed site was refused in April 2017 for the following reason - *'The proposed development would comprise the introduction of two large agricultural buildings in the open countryside which, by reason of their location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park.'*
- 0457/17 An application for the erection of a 27m x 12m agricultural building to serve the same purpose as the current proposal was refused in 2017. The building was located in approximately the same location as the current site location, being within the same corner of the field, albeit with a different proposed orientation and scale.

Members at the time were of the view that the quality of the landscape was such that the building was inappropriate and stated that the Committee could not manage the issues caused by farms being split up. The application was refused for the following reason; *'The proposed building by virtue of its isolated location, size, together with the extent of excavations relating to its siting and the access track will not conserve or enhance what is special and locally distinctive about the pastoral character of this landscape contrary to policies COR1, COR3, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.'*

- 0144/18 An application for an agricultural building at 27 x 12m in the adjacent field to the current site location in 2018. It was refused for the following reason - *'The proposed building by virtue of its isolated location, size, together with the extent of excavations, will not conserve or enhance what is special and locally distinctive about the pastoral character of this landscape contrary to policies COR1, COR3, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.'*

The applicant appealed the 2018 decision

The inspector made comment that 'this appeal follows a series of frustrated attempts on the part of the appellants to gain consent for a building that, it is undisputed, is necessary for their agricultural enterprise. I do not doubt that the size of the building proposed is commensurate with the amount of livestock and industry standards, and that providing shelter and storage are not unreasonable requirements in the interests of animal welfare and the viability of the enterprise. I am sympathetic to all of this and recognise that farming and the rural economy are supported within local and national planning policies. However, being inside the National Park, the appeal site is located where the scale and extent of development should be limited and where matters of landscape and scenic beauty carry the highest status of protection.'

The appeal was dismissed as the inspector considered that the 'proposed development would have a detrimental impact on the character and appearance of the area, which would fail to preserve the landscape and scenic beauty of the Dartmoor National Park. This would conflict with Policies COR1 and COR3 of the Dartmoor National Park Development Plan Document Core Strategy as well as Policies DMD1b, DMD5 and DM34 of the Development Management and Delivery Plan. There be conflict with the statutory duties in respect of National Parks as well as the Framework. The cumulative weight of benefits to the rural economy in favour of the scheme, as well as the evident local support, do not outweigh the significant weight that the harm to landscape and scenic beauty carries.'

0146/20 Permission was refused for an agricultural building at 18m x 9m for storage and livestock in the adjacent field to the east of the application site. The reason for refusal in this case was by virtue of its isolated location, size, together with the extent of excavations and the access track not being considered to conserve or enhance what is special and locally distinctive about the pastoral character of this landscape.

3 CONSULTATIONS

3.1 Trees & Landscape Officer:

3.1.1 The application is retrospective for an agricultural building on land at Blindfield Meadow. The application states it is a replacement building, there was a building on this site, but it was demolished several years ago. The new building covers part of the footprint of the old structure. Access onto the site will be from a minor road through an existing gateway.

3.1.2 The comments made for previous applications are still relevant.

3.1.3 The fields are enclosed with Devon banks with mixed native hedgerow growing on top. The banks and hedges are in good condition. The building and will be close to a hedgerow growing along the western boundary of the field. The proposed development will have minimal impact on the bank and hedge.

3.1.4 The field system is likely to be mid to late medieval, is reasonably intact and appears on the Tithe map.

3.1.5 Planning permission was refused for an agricultural building adjacent to this site in 2017 (0452/17). Permission was also refused for an agricultural building on the same site in 2018 (0114/18). The applicant appealed against the decision and the appeal was refused, landscape impact was one of the reasons for refusal.

3.1.6 Landscape Character Type - 2D Moorland Edge Slopes

3.1.7 The proposed development is located in enclosed farm land. The land around the site is undulating agricultural land comprising of small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on the hedge banks. The agricultural land is grazed pasture. Winding lanes bounded by high hedges thread across the landscape with sunken lanes a feature of this landscape type. Small linear woods are found growing along shallow valleys. There is a sparse settlement pattern with small hamlets, villages and nucleated farmsteads nestled into the folded rolling landform and often surrounded by woodland.

3.1.8 The Landscape character Assessment lists valued attributes for this landscape type as;

- A rich and intricate landscape full of contrasts.
- Strong pattern of medieval fields with prominent Devon hedgebanks and drystone walls.
- Pastoral character of fields contrasting with heathy moorland.
- Strong vernacular of granite colourwash and slate.
- Spectacular views to the moorland core of Dartmoor as well as surrounding countryside outside the National Park.
- Features associated with the area's mining heritage and historic land use.

3.1.9 The proposed development is having an impact on the local landscape character. The isolated building changes the character of the local landscape.

3.1.10 Local plan policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognized that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape. The policy states that:

Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:

- respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment; ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;
- retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;

- avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;
- respecting the tranquillity and sense of remoteness of Dartmoor.

3.1.11 The policy is very clear that development should conserve and/or enhance the character of Dartmoor's landscape. The development is having a detrimental impact on the historic field system and the pastoral character of the area. The development does not respect the valued attributes as set out in the Landscape Character Assessment and it does not conserve and or enhance the character of the landscape, the development is clearly contrary to policy.

3.1.12 DMD34 states that agricultural development will be permitted where there is demonstrable need that is proportional to the land use, the development relates well to the local landscape features and other building groups, it is located to reduce intrusive effects and it will not cause harm to archaeological and cultural heritage. The development is poorly related to other buildings and it does not reflect the agricultural building pattern found in this landscape. If the site becomes the centre of the agricultural unit we will see the surrounding land being used to store agricultural machinery, other equipment and silage bales. The field is used to store silage bales and other materials including a caravan. This use of the land will inevitably have an impact on the pastoral field system.

Visual amenity

3.1.13 The building is very visible from the minor road that runs along the boundary of the site. There will be glimpsed views from the high ground to the south.

3.1.14 The development is having an adverse impact on the character of the local landscape. The development will be contrary to policy COR 1 in that it does not respect or enhance the character, quality or tranquillity of the local landscape. It is contrary to policy COR 3 in that the development does not conserve or enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. The development is also contrary to DMD5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape by respecting the identified valued attributes, specifically the strong pattern of medieval fields with prominent Devon hedgebanks and the pastoral character of fields which contrast with areas of heathy moorland. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that harms the wider landscape. The development is poorly related to other farm buildings or settlements.

3.1.15 The development is also contrary to DMD34 because it is poorly related to other buildings and it does not reflect the agricultural building pattern found in this landscape.

Environment Agency:

Flood Zone 1 – Standing Advice Applies

Teignbridge District Council: Did not wish to comment

DCC CEECD (Highways): No objection

4 Parish/Town Council Comments

4.1 Throwleigh Parish Council: The Council fully supports the application. On welfare grounds, it is a necessary shed for managing the livestock. The footprint is also the same as the original building.

5 Relevant Development Plan Policies

Strategic Policy 1.1	Delivering National Park purposes and protecting Dartmoor's Special Qualities
Strategic Policy 1.2	Sustainable development in Dartmoor National Park
Strategic Policy 1.5	Delivering good design
Policy 1.7	Protecting local amenity in Dartmoor National Park
Strategic Policy 2.1	Protecting the character of Dartmoor's landscape
Strategic Policy 2.2	Conserving and enhancing Dartmoor's biodiversity and geodiversity
Strategic Policy 2.3	Biodiversity Net Gain
Strategic Policy 2.4	Conserving and enhancing Dartmoor's moorland, heathland and woodland
Policy 2.6	Protecting tranquillity and dark night skies
Policy 5.8	Agriculture, forestry and rural land-based enterprise development

6 Representations

6.1 13 letters of support, 0 letters of objection.

6.2 Summary of comments –

- A good replacement for the collapsing, asbestos cement clad, shed recently on the site.
- The scale is very similar and the location exactly the same.
- The timber cladding will mellow down and the resultant building will have no greater impact than the previous building.
- A useful addition as a replacement building.
- The barn is a replacement of an existing building and is totally in keeping with the location.
- We often walk up this lane because we live locally in Murchington and were pleased to see the refurbishment/rebuilding on this site.
- Now we have a proper working barn on a proper working farm, supporting a local farmer with innovative farming methods.
- Since the completion of the barn, contamination of the road by mud from tractor tyres has been significantly reduced.
- As a veterinary surgeon, it is my professional opinion that a housing facility is required at Mr Davis land near Murchington, and the old Nissan hut is not suitable to house livestock for modern agricultural methods.
- It is of considerable benefit to livestock to be housed in the correct manner. Poor housing has a major impact on the welfare of livestock and consequently causes severe health issues, which in turn can lead to livestock fatalities.

- It is tucked in under the hedge and doesn't intrude on the landscape at all.
- The Davis family have been farming in the area for generations and strong custodians of the landscape and the environment. They are a young family keen to continue farming.

7 Observations

PROPOSAL

- 7.1 This application relates to retrospective permission for an agricultural livestock building at 12m x 6m footprint x 5.28m height with eaves at 4.27m. The barn features a dual pitch roof constructed from fibre cement panels. The main elevations are Yorkshire boarded walls with an open front elevation with five bar gate.
- 7.2 Access onto the site will be from a minor road through an existing gateway.

AGRICULTURAL JUSTIFICATION

- 7.3 The applicants presently run a beef, sheep, pig and arable enterprise and have been farming in their own name for approximately 5 years. The applicants currently own 38 acres extending to the agricultural holding located near Murchington and in addition rent approximately a further 60 acres on long, medium and short-term tenancies.
- 7.4 At present the applicants currently run a beef suckler herd of 50 breeding cows with calves and in addition have 30 followers being replacement heifers and store cattle. The cattle typically calve in the months of April/May and have been outwintered all year round due to no winter housing facilities.
- 7.5 Alongside this the applicant runs a breeding ewe flock of 150 ewes with lambs at foot and these graze the pasture fields with the cattle or following the cattle. In addition, the applicants grow arable crops in rotation to provide a break in the pasture ground to help manage the fertility and have begun rearing fattening pigs which they then butcher and sell meat boxes locally.
- 7.6 The applicant has been trying to obtain planning permission for a livestock building on the land previously as detailed above and due to not obtaining permission has had to outwinter the cattle on the land.
- 7.7 This building will provide a weather proof building and safe building which will allow for livestock to be housed when required for difficult calving's or in support of urgent animal welfare. When not being used for sick and ill livestock, the building has been designed so that it can be used for the storage of fodder, bedding, fertiliser and machinery in the albeit small area. The applicant produces much of his own produce of fodder beet and arable crops and this building will be used to store some of the produce in a dry environment to allow the homegrown produce to be fed to the animals in the winter months. Officers consider that the scale and intended purpose of the proposed building is justified in the interest of animal welfare and in support of the established farming use of the land.

POLICY

- 7.8 Local Plan policies 1.1, 1.2, 2.1, and 2.4, establish the requirement for new development to respect and enhance the character, quality and tranquillity of local landscapes and the wider countryside.
- 7.9 Policy 5.8 is specifically concerned with new agricultural development. Policy 5.8 states that agriculture, forestry and other rural land-based development will be permitted where -
- a) the development's scale is proportionate to a proven functional need which cannot be met by an existing building or one which was recently disposed of;
 - b) either on its own or cumulatively with other development, it conserves and/or enhances the National Park's Special Qualities, particularly landscape character, biodiversity, heritage significance, tranquillity and dark night skies;
 - c) it does not harm natural drainage and avoids pollution of soils, water or air;
 - d) relates well to local topography and does not require significant earth works; and
 - e) in the case of new buildings and structures, they are clustered with existing building groups and enclosed with an appropriate boundary feature, taking into account the special characteristics of the built environment.
- 7.10 The Dartmoor National Park Design Guide recommends that new farm buildings should aim to fit into, and be sympathetic to, existing farmsteads and landscape, avoiding visually intrusive new buildings that are too dominant or overbearing and should respect the scale of surrounding buildings.

LANDSCAPE CHARACTER

- 7.11 Landscape Character Type - 2D Moorland Edge Slopes
- 7.12 The proposed development is located in enclosed farm land. The land around the site is undulating agricultural land comprising of small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on the hedge banks. The agricultural land is grazed pasture. Winding lanes bounded by high hedges thread across the landscape with sunken lanes a feature of this landscape type. Small linear woods are found growing along shallow valleys. There is a sparse settlement pattern with small hamlets, villages and nucleated farmsteads nestled into the folded rolling landform and often surrounded by woodland.
- 7.13 The Landscape character Assessment lists valued attributes for this landscape type as:
- A rich and intricate landscape full of contrasts.
 - Strong pattern of medieval fields with prominent Devon hedgebanks and drystone walls.
 - Pastoral character of fields contrasting with heathy moorland.
 - Strong vernacular of granite colourwash and slate.

- Spectacular views to the moorland core of Dartmoor as well as surrounding countryside outside the National Park.
- Features associated with the area's mining heritage and historic land use.

LANDSCAPE IMPACT

- 7.14 The proposed development presents an adverse impact on the local landscape character. The proposed development is unrelated to other buildings and it does not reflect the agricultural building pattern found in this landscape. The development will also have a significant impact on the historic field system.
- 7.15 The isolated building and the excavation works necessary to create a level site are considered to alter the character of the grazed pasture.
- 7.16 The policy approach is very clear- buildings should conserve and/or enhance the character of Dartmoor's landscape. The development will have a detrimental impact on the historic field system and the pastoral character of the area. The development does not respect the valued attributes as set out in the Landscape Character Assessment and it does not conserve and or enhance the character of the landscape. In this regard, the development is contrary to policy.

VISUAL AMENITY

- 7.17 The building will be partially screened by the hedgerow growing along the western boundary bordering the road. The applicant has agreed to plant trees adjacent to the northern elevation should permission be granted to provide screening from the approach to the north.

OTHER MATTERS

- 7.18 The proposed building will have no detrimental impact on highway safety.

CONCLUSION

- 7.19 The main issue is the balance between the evidenced functional requirement of the farming enterprise and the effect of the proposed development on the character and appearance of the area, including whether it would conserve or enhance the natural beauty of the landscape.
- 7.20 The site is located in a relatively elevated hillside position, on one side of a narrow lane that winds up from the small village of Murchington and is bounded by high hedges. The site previously housed a Nissen hut that had been largely removed except for foundations and low level walls at some point prior to mid-2020. The Authority's aerial photos indicate the Nissen hut was sited in this location from at least 1999. The wider field was noted under the Inspector's report regarding the appeal for ref. 0144/18 as 'devoid of permanent structures and bounded by mature Devon hedgerow. On approach to the appeal site from Murchington, the proposal stands out as a utilitarian feature in an otherwise open and verdant rolling landscape'. The Inspector noted that the proposed replacement of the previous Nissen hut with a substantially larger structure would inevitably be highly intrusive and prominent, especially experienced from the lane-side, along which the longest elevation would run and where the hedge is lowest.

- 7.21 Notwithstanding the Inspector's comments with regard to the appeal relating to application ref. 0144/18, the proposal at that time related to an agricultural building at 27 x 12m footprint with a 5.3m height, on a much extended form to the Nissen hut footprint. The building now presented is a slightly extended footprint to the previous Nissen hut foundations as are still present on site. The current building at 12 x 6m footprint with a 4.3m height is a modest scale building, of a high build quality, that better relates to the scale and location of the previous building that stood in excess of 20 years. For clarity, the building now sited is 1.23m taller to ridge, 2.19m longer and 0.59m wider than the old Nissen hut.
- 7.22 The applicant has agreed to additional landscaping to include the planting of 9 native trees adjacent to the north elevation of the barn. This measure serves to partially address the visual impact of the building on approach from the north and to provide bio-diversity net gain in accordance with Strategic Policy 2.3.
- 7.23 The harm to the character and appearance of the area must in part be measured against the presence of the Nissen hut until 2020 and in the context of the foundations and structural elements of the Nissen hut that remain on site.
- 7.24 Officers regard the agricultural justification for the building as proposed to provide improved animal welfare and storage as reasonable for a land holding of this size. Farming is recognised as a vital component in managing National Park landscape.
- 7.25 Officers recognise that a building in this location presents a level of harm to the character and appearance of the area. Notwithstanding this point, the weight of benefits to the rural economy and animal welfare enhancement in favour of the scheme, are considered by Officers to outweigh the weight of the identified harm to landscape and scenic beauty.
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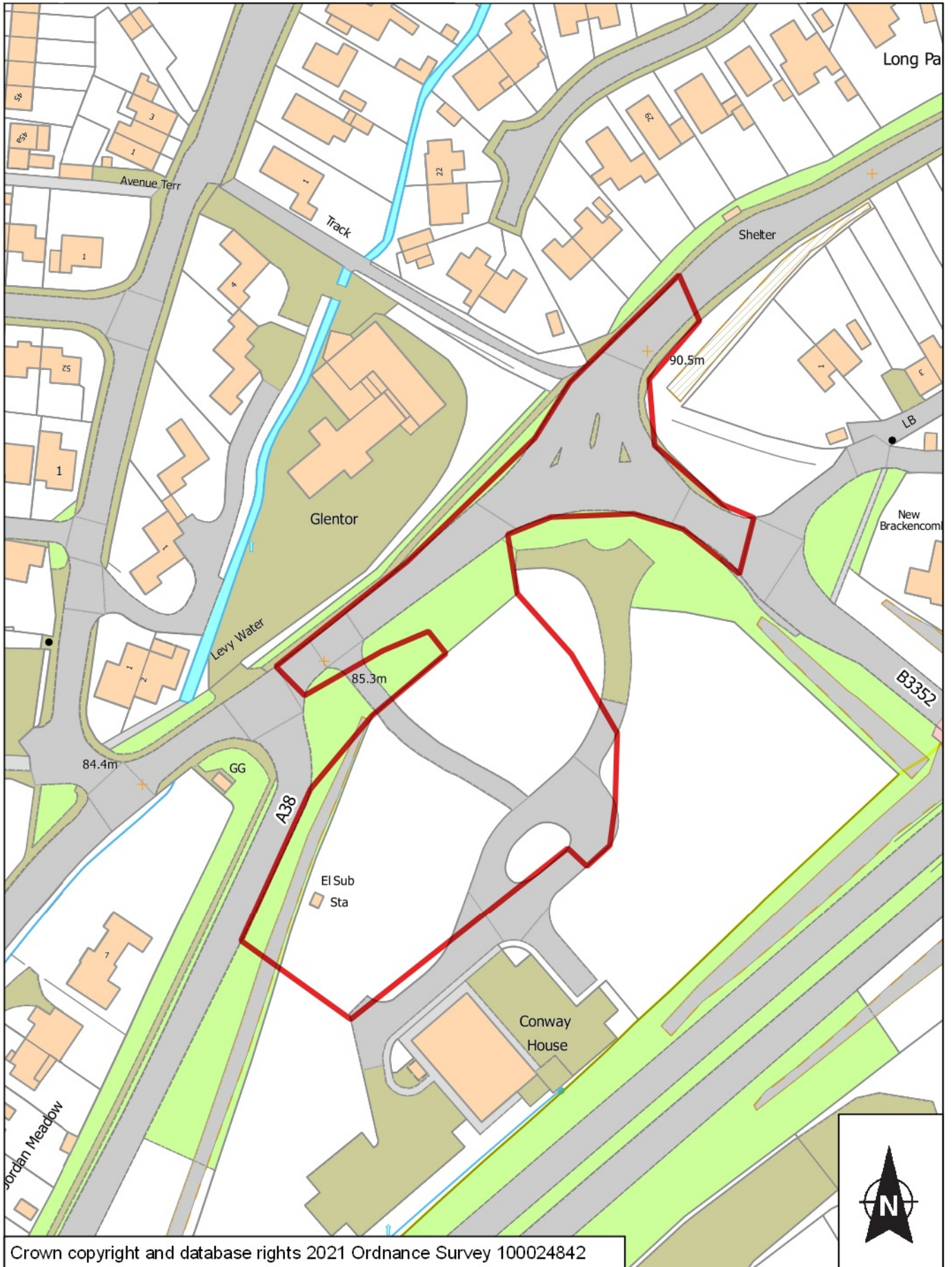
Dartmoor National Park Authority

0626/21 - DOLBEARE BUSINESS PARK



Scale 1:1,250

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3

Application No: **0626/21** District/Borough: **Teignbridge District**

Application Type: **Full Planning Permission** Parish: **Ashburton**

Grid Ref: **SX763704** Officer: **Nicola White**

Proposal: **Provision of five Class E units (one convenience store and four commercial units) served via previously permitted new junction and access. Closure of existing temporary access, with parking, landscaping and infrastructure**

Location: **Dolbeare Business Park, Ashburton**

Applicant: **Hazelmoor Partnership**

Recommendation: **That, subject to the consideration of any further comments from statutory consultees, permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall, in all respects, accord strictly with the approved drawings.
3. No part of the buildings (including foundations) hereby approved shall be commenced until the amended access, visibility splays, and turning area have been provided in accordance with the approved drawings. Thereafter, the access, visibility splays, and turning area shall be retained and maintained as approved at all times.
4. No development shall take place until a Method of Construction Statement, to include details of:
 - (i) parking for vehicles of site personnel, operatives and visitors,
 - (ii) loading and unloading of plant and materials,
 - (iii) storage of plant and materials,
 - (iv) programme of works (including measures for traffic management), and
 - (v) provision of boundary hoarding behind any visibility zoneshas been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken strictly in accordance with the approved method of Construction Statement.
5. No part of the development hereby approved shall be brought into its intended use until the parking facilities and commercial vehicle loading/unloading areas have been provided and maintained in accordance with the application drawings. Thereafter, the parking facilities and commercial vehicle loading/unloading areas shall be retained for that purpose at all times.

6. Prior to the commencement of any works, demolition or development on the land, all existing trees, shrubs and hedges to be retained shall be protected by fences or suitable barriers erected beyond their dripline, in accordance with plans submitted to and approved by the Local Planning Authority. Such fences or barriers shall be maintained until the completion of the development on the land within these protected areas there shall be no storage, deposit, tipping or placing of any materials, soil, spoil or other matter, no parking or movement of vehicles or trailers, no erection or siting of buildings or structures, no excavation or raising of ground levels and no disposal of water or other liquid. Furthermore, no fire(s) shall be lit within 20m of any protected area without the prior written authorisation of the Local Planning Authority.
7. Prior to the construction of any buildings on the site details of the proposed landscaping and planting scheme shall be submitted to the Local Planning Authority for approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of not less than five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
8. Within one month of the new access road hereby approved being brought into use or prior to first occupation of any building hereby approved, whichever is the sooner, the existing vehicular access shall be effectively and permanently closed, and the land restored to its former condition as a grassed highway verge.
9. Before any operations which involve the movement of materials in bulk to or from the site are commenced, details of how the operator/developer will make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall thereafter be retained and used throughout the development and whenever the said operations are carried out.
10. A detailed lighting scheme shall be submitted to the Local Planning Authority for approval prior to the installation of any external lighting within the development hereby approved. Thereafter, all external lighting shall be installed and maintained strictly in accordance with the approved details.
11. Prior to installation, samples of the proposed roofing material, and timber panel detailing shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only the approved materials shall be used in the development.
12. Prior to installation, samples of all proposed access road, car park and footway surfacing materials (including kerbing) shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning

Authority in writing, only the approved surfacing and kerbing shall be used in the development.

13. The premises hereby approved shall be used for Class E purposes only and for no other purpose (in accordance with the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
14. Unless otherwise agreed in writing by the Local Planning Authority, all external doors and windows in the development hereby permitted, shall be of powder coated aluminium construction and shall at all times thereafter be retained as powder coated aluminium construction.
15. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and mitigation requirements of the Ecological Appraisal report by GE Ecology dated October 2021.
16. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no outdoor storage of goods, refuse or other paraphernalia associated with the business units hereby approved.
17. Unless otherwise agreed in writing by the Local Planning Authority, no plant or machinery shall be installed on the buildings or within the land forming part of this application.

1 Introduction

- 1.1 Dolbeare business park is located on the edge of Ashburton, within the settlement boundary. The application is located on the northwest of Ashburton and will be accessed directly from the B3352 via a new junction. The proposal is for the construction of four commercial units (Class E) with associated access and parking, and a convenience store set in the existing undeveloped site adjacent to the Police building, together with associated parking for 35 cars, including 3 disability spaces and 6 cycle spaces. The site is set below the level of the local roads serving the site and screened from the A38 by mature trees along the roadside. The site slopes from the north to the east and currently has a temporarily approved access serving the existing police unit on the site. Ashburton is a characterful and vibrant town with a strong emphasis on independent stores and speciality food and drink trade. Visually, the buildings in the town vary from stone, to render and slate hung, mostly small-scale buildings. It is a gateway town from which to explore the moor. The application is presented to the Committee in view of its implications and local interest.

2 Planning History

0251/19	Erection of part two and part three storey eighty bedroom hotel with associated car parking, cycle parking, landscaping and access	Full Planning Permission	Refused	14 August 2020
0506/18	Erection of eight B1 or B8 units and one B1, B8 or D1 (vet) unit,			

	vehicle access and new junction works, landscaping and infrastructure			
	Full Planning Permission	Grant Conditionally	23 November	2018
0450/15	Temporary approval for retention of access road with limited improvements to access road and boundary fencing/landscaping			
	Full Planning Permission	Grant Conditionally	15 October	2015
0312/14	Continued use of temporary access road for a period of three years			
	Full Planning Permission	Grant Conditionally	06 August	2014
0287/12	Permanent access road			
	Full Planning Permission	Refused	10 June	2014
0523/11	Temporary access road for a period of three years (retrospective application)	Full Planning Permission	Grant Conditionally	09 January 2012
0504/10	Change of use of land adjacent to existing business park to provide 17 additional parking spaces			
	Full Planning Permission	Grant Conditionally	11 January	2011
0906/07	Erection of seven business units with associated access road, car parking and landscaping			
	Approval of Details	Approve Conditionally	14 April	2009
0286/06	Variation of Condition 1 of outline permission ref 0043/02 to allow period for submission of reserved matters to be extended from three years to five			
	Full Planning Permission	Grant Unconditionally	16 June	2006
05/31/0388/88	Headquarters for Greymatter Ltd: Business use classes B1, B2 and B8			
	Approval of Details	Approve Conditionally	07 March	1990

3 Consultations

3.1 **Environment Agency:** Flood zone 1 – standing advice

3.2 **County EEC Directorate:** Original observations - The application and the supporting documentation has been considered thoroughly and generally speaking, the highway authority is in agreement with the content and conclusions in the Transport Assessment prepared for the applicant by LvW. The previous permission for the access has now lapsed, however, so this application has to be considered afresh, as there is no current planning permission for the new access arrangements. For this reason, the highway will require the Stage 2 Road Safety Audit that was previously submitted, or a new one, to be submitted in support of this application too. The highway authority has assessed the potential impacts on the County's roads, but National Highways will also need to be consulted for their comments on the trunk and national strategic road network (A38) too.

3.3 The highway authority will reserve the right to comment and make further recommendations upon the application once that additional information has been received. Further observations following discussions with planning authority It is now understood that the previous permission, 0506/18 has already been implemented (as confirmed by the planning authority) and the access improvement works that are the subject of that application will, of course, be covered by the conditions that are included in that permission. Conditions are recommended to

require the completion of those access improvement works before commencement on site for this development (for tangible highway safety reasons).

3.4 No part of the development hereby approved shall be commenced until the access improvements previously approved under planning permission 0506/18, the commercial vehicle loading/unloading area, visibility splays, access drive and access drainage have been provided and maintained in accordance the application drawings and retained for that purpose at all times
Reason: To ensure that adequate facilities are available for the traffic attracted to the site

3.5 No part of the development hereby approved shall be brought into its intended use until the parking facilities have been provided and maintained in accordance with the application drawings and retained for that purpose at all times
Reason: To ensure that adequate facilities are available for the traffic attracted to the site

3.6 No development shall start until a Method of Construction Statement, to include details of:

- (i) parking for vehicles of site personnel, operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials
- (iv) programme of works (including measures for traffic management)
- (v) provision of boundary hoarding behind any visibility zones has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: - In the interest of highway safety.

3.7 **Teignbridge District Council:** No objections

3.8 **DNP - Trees & Landscape Officer:** The development will have a significant and detrimental impact on two mature sycamore trees growing along the boundary of the site. If development is permitted both trees will be compromised and may have to be removed. It should be possible to develop the site and have minimal impact on the trees, but it would require a new layout and the access road re-positioned. The proposed landscaping will do little to integrate the development into the wider landscape. The applicants should explore tree and hedge planting on the adjacent land with Devon County Council. I would like to see a revised layout that allows the trees growing along the northern and north western boundary to be retained in the long term and a mixed native hedge planted along the roadside boundary. Highways England: Comments awaited

4 Parish/Town Council Comments

4.1 Ashburton comments awaited.

5 Representations

5.1 19 letters of objection 7 letters of support 1 other letter

Support

- The site has remained dormant for some time. Ideally located to be convenient to the town centre and passing trade but not impinge on its architectural character.
- The new development will enhance the entrance to Ashburton by occupying a barren site. - Much needed office/employment space.
- Catchment of trade from outlying villages rather than them going to Newton Abbot or Bovey Tracey.
- Ashburton does not have sufficient stores for the population.
- Job provision.
- Reduces use of home delivery vehicles to Ashburton.
- The provision of an out-of-town store will ease parking in town and not undermine local specialist shops.

Comments

- Bike parking should be added and electric charging points- Who will get the store on this site, and will it render a unit vacant in the town centre.

Objections

- The town centre is doing well with local traders and this proposal will result in their closure.
- No cycle parking proposed.
- Dangerous access near the slip road and volumes of traffic at peak times of the day.
- Local shops have struggled during Covid to stay open as there is no gap in the retail offering, and with the success of these shops being fragile, loss of trade to the new shop will result in others failure to be able to remain open.
- Should not be supported, in line with DNP policy.5.1.4 and 5.2.
- Environmentally unsustainable due to materials use and increase in car use
- Poor design
- Retail statement based on a vibrant town centre, and out of date figures. The Town Centre is only vibrant as there are no out of town stores.
- There is a convenience store opposite.
- Junctions and location of the site makes it dangerous for pedestrian and vehicular users.
- No retail has previously been permitted at this site.

6 Observations

6.1 PROPOSAL

- 6.1.1 This application proposes the construction of 4 commercial units (Class E). Providing 372sqm of employment floor space, 390 sqm of retail floor area and 35 car parking spaces. The buildings are to be positioned along the northern boundary and centre of the site with a parking area to the west of the business units and the southeast of the convenience store, comprising the parking area. Each unit comprises 93sqm of ground floor space.

6.1.2 The buildings are approximate 8m in height to allow for a second storey. The units are to be constructed with open jointed natural timber cladding, broken up with areas of curtain walling to define the building entrances. The vertical boarding will be interspersed with boards of contrasting colour to break up the elevations. The proposed roof material is a powder coated corrugated metal panel. The convenience store would be clad in composite cladding and timber effect cladding, with glazing at the front and a canopy with structural detail around three sides. Two thirds of the floor area would be sales, with the rest plant and back of house storage.

6.2 PLANNING HISTORY

6.2.1 The site has been the subject of a number of planning applications. Application 0906/07 for the erection of seven business units, associated access, car parking and landscaping has been partly implemented by way of laying out of roadways, and is therefore extant. Application 0405/15 sought temporary permission, retrospectively, for approval of an access. This permission expired on 1 October 2018 and requires the temporary access to be removed and land restored to its previous condition. This access remains in use and is the main access to the Devon and Cornwall Police building. Application 0506/18 proposed 9 commercial units and 41 car parking spaces. The access for this Development was proposed in the same location as the access approved with the 2018 application. This has been implemented through the construction of internal service roads. This application has been the subject of pre-application discussions with officers based upon negotiating a deliverable scheme for this site.

6.3 PRINCIPLE OF BUSINESS AND RETAIL USE

6.3.1 Local Plan policy 5.1 (Business and Tourism Development) provides support for small scale business opportunities that are compatible with National Park purposes. Within designated settlements policy recognises the opportunity to develop and expand existing businesses and offers support for creative small-scale development aimed at light industrial/office-based uses. The object of this policy is to direct employment opportunities to sustainable locations within or near to existing settlements. The site is located within the Local Centre of Ashburton, and it is within the settlement boundary, where one could expect to see new business premises located. The succession of previous applications for employment use on this land has also established B1, B8 and D1 (now class E) uses as appropriate in this location.

6.4 DESIGN

6.4.1 The Government attaches great importance to the design of the built environment within the National Planning Policy Framework, establishing good design as a key aspect of sustainable development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Local Plan policies SP 1.1, SP 1.2, SP 1.5, SP 2.1, SP 2.2, and SP 2.6 require new development to provide high quality, locally distinctive design that maintain and enhances the character of the built environment of the Dartmoor National Park. Specifically, policy SP 1.5 requires new development to reinforce locally distinctive qualities of place through consideration of open spaces, uses, scale, height, alignment, and design.

6.4.2 This is reiterated in the Design Guide. The buildings are located along the centre and north of the site with the rear of the buildings facing the road, although it would be considered preferable to have the frontages facing the road, the proposed orientation of the buildings is acceptable. Limited provision has been made for the external storage of materials and waste for the number and size of the units; we would not want for waste or materials to spill onto this area to the rear of the properties or plant and machinery to be located at the rear elevation. The proposed contemporary buildings are designed in a sympathetic style which should fit comfortably in this location subject to conditions requiring samples of the materials to ensure they are appropriate. The applicant has already indicated that he has potential tenants lined up to occupy the buildings to enable delivery. The retail unit is a suitable use within the settlement limit and would serve this edge of town site well to regenerate this entrance to the town. It is also set far enough away from the town centre shops to not detract or divert trade from there. It is not of a scale that requires a formal retail impact assessment to be carried out in accordance with the NPPF2021.

6.5 LANDSCAPING

6.5.1 The Trees and Landscape officer has advised that a revised layout would allow the trees growing along the northern and north western boundary to be retained in the long term and provision to allow a mixed native hedge to be planted along the boundary. This would assist in reducing the impact of the retail unit building close to the boundary with the road. The Design Guide states that materials for boundary and landscaping should be of high quality and in sympathy with the character of the area.

6.6 HIGHWAYS

6.6.1 No objection has been received from Highways England or the Highways Authority. The provision of 35 parking space and cycle parking for 12 bikes is considered to be in accordance with policy 4.4. It is noted that a lorry delivery space has been provided. The temporary access is to be removed and the land restored to its former condition, once the new entrance is in place, a condition requiring this work to be undertaken will form part of any approval. 35 car parking spaces including 3 accessible spaces and cycle parking are proposed.

6.7 SURFACE WATER DRAINAGE

6.7.1 The proposal is not considered to have any adverse effects on drainage patterns or flood risk in accordance with policies 2.5 and 1.3 of the Local Plan.

6.8 REPRESENTATIONS

6.8.1 The Town Council has yet to present its comments on the application. These will be reported verbally at the meeting. There have been numerous letters in support and objection to this application. Loss of trade to the town centre - It is considered that this site is suitable to provide an easily accessible convenience store in a part of town without provision. It is far enough from the retail centre of town to not take that type of trade from those shops, and any passing trade to other sales outlets in the town. Strategic Policy 5.2 requires that the town centre sequential test should

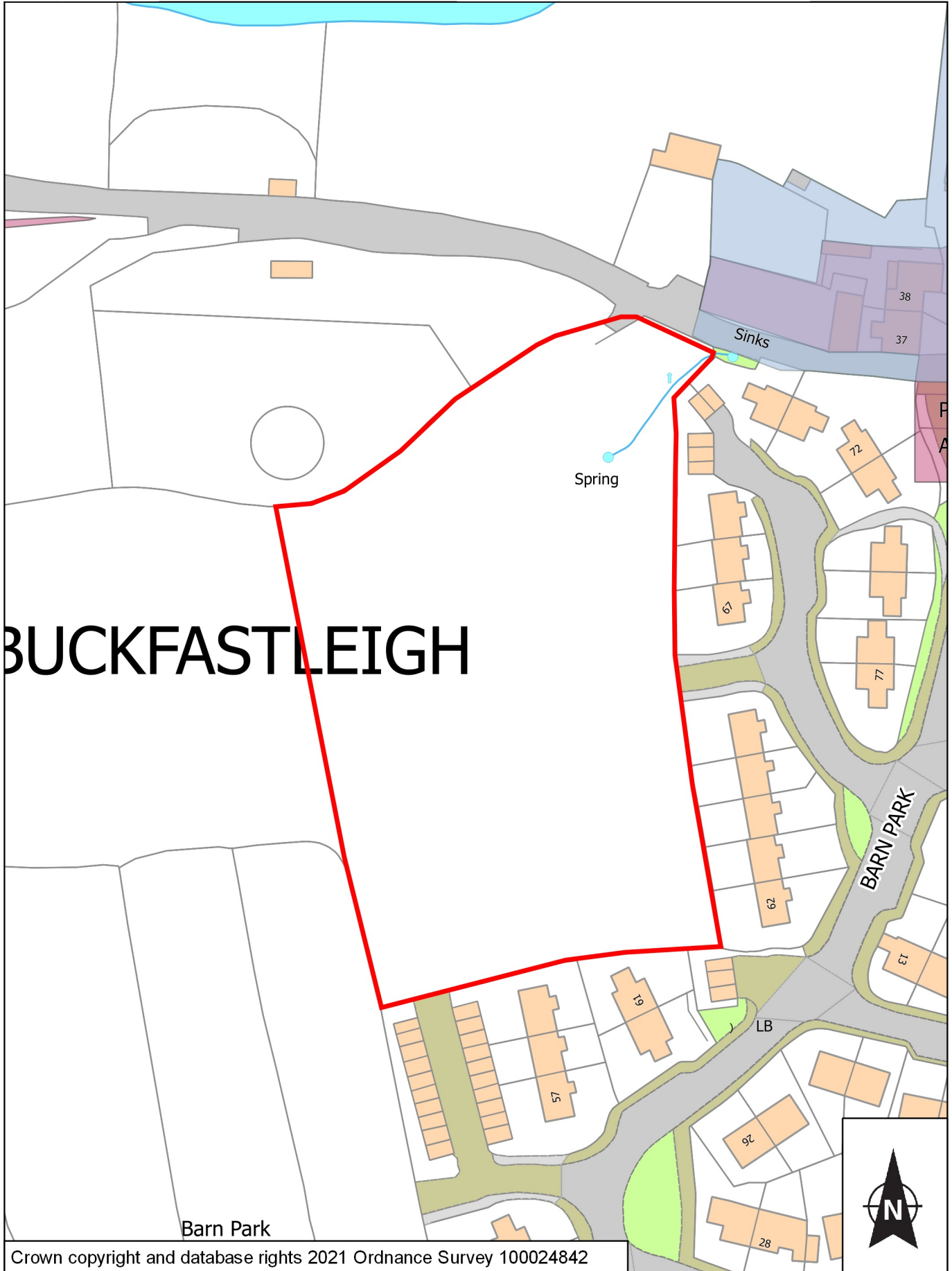
ensure that main town centre uses are located outside a town centre only where no other site is available, there are economic benefits, access improvements and appropriate enhancements to linkages to surrounding centres.

6.8.2 The applicant has submitted a retail impact assessment. This has identified that there are no existing premises within the town centre which could cater for this need. It acknowledges that there has been previous discussion of potential sites within Chuley Road however, for a variety of reasons these have not been realised and do not, at this time, have a realistic prospect of delivery. As the site lies within the defined settlement boundary there is an argument that although it is outside of the central shopping streets of the town this is not strictly an 'out of town' location. It is considered that the delivery of this application would ensure the ambition of regeneration of the site, bring economic benefits and lead to a positive enhancement of this important gateway to the town. A lack of cycle spaces has been raised as a concern; however, it is felt that 12 bike racks for the size of store, together with electric vehicle charging points, would be acceptable. Concern about traffic at this point of town at school pick up times is also noted. It is considered that with the improvements to the junction, prior to any use of the units, there will be no detrimental impact upon highway safety at this point. The design of the building has proved controversial in that it is considered to have a barn type design, which on the moor is considered appropriate, and the materials are to be conditioned to ensure visual acceptability. It is understood that the proposed materials are the best for longevity on a building of this type compared with natural timber. It is considered bulk use of stone in this location would not fit with the adjacent building or character of the build.

6.9 CONCLUSION

6.9.1 It is recognised that there is local concern about how this development, which includes the convenience store, will impact on existing trading in the town. Ashburton has a vibrant mix of independent traders offering a wide range of goods and services in an attractive historic town centre. Convenience store capacity within the town centre is limited and to some inaccessible, meaning that many inhabitants make regular trips to larger stores in Newton Abbot where choice and accessibility is easier.

6.9.2 That promotes an argument for a more sustainable, local solution for convenience shopping. While the business units follow a use which is already established on the site, the introduction of retail is a new and additional use in this location. At the scale presented it does not directly compete with town centre facilities and provides a modern, easily accessible alternative to longer, mostly car borne trips to other settlements. It is a site within easy walking distance of existing residential developments on this side of the town and on the existing bus route. The proposal is considered to present a sustainable form of development. It is of a scale and form that respects its location and subject to samples of the materials, is of a high-quality design that will be a positive addition to this part of the settlement, without detriment to the character and vitality of the centre of the town.



Application No: **0615/18** District/Borough: **Teignbridge District**

Application Type: **Full Planning Permission** Parish: **Buckfastleigh**

Grid Ref: **SX732661** Officer: **Christopher Hart**

Proposal: **Erection of 28 dwellings (7 affordable and 21 open market), estate road, 50 parking spaces and garden areas**

Location: **Land west of Barn Park, Buckfastleigh**

Applicant: **Buckfast Estates Ltd**

Recommendation: **That, subject to the completion of a s106 legal agreement to include;**

- i. The affordable housing as rented properties in perpetuity including future review of viability
- ii. Maintenance of all landscaping and areas not within the ownership/control of individual properties
- iii. Implementation of biodiversity mitigation measures
- iv. Maintenance of the bat corridor, hedgerows and off-site compensatory land
- v. Maintenance of the SUDS drainage system
- vi. a contribution of £21000 to off-site MUGA provision
- vii. a contribution of £22680 to off-site active recreation provision
- viii. a contribution of £10070 towards education transport requirements

permission be GRANTED

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Development in accordance with schedule of approved drawings
3. No development shall take place until a detailed Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) have been submitted to and approved in writing by the Local Planning Authority. These plans shall incorporate the recommendations of EclA and greater horseshoe bat mitigation strategy and shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site together with the amenity of neighbouring residents. The plans shall also include details of the following:
 - (i) parking for vehicles of site personnel, operatives and visitors
 - (ii) loading and unloading of plant and materials
 - (iii) storage of plant and materials

- (iv) programme of works (including measures for traffic management)
- (v) provision of boundary hoarding behind any visibility zones
- (vi) measures to control dust
- (vii) measures to prevent mud and other materials from entering the public highway
- (viii) timings of working with machinery on site to avoid undue disturbance, vibration, dust, etc.
- (ix) arrangements for delivery/unloading of plant, materials, etc.

Only the approved details shall be implemented during the construction period.

4. No work shall commence on the development hereby permitted until a written scheme providing for an appropriately qualified archaeologist to carry out a full archaeological watching brief during all stages of the development has been submitted to and approved in writing by the Local Planning Authority. The watching brief shall include all associated ground works, both internal and external, the laying of services and landscaping. The scheme, which shall be written and implemented at the applicant's expense, shall provide for the observation, recording and recovery of artefacts and post-excavation analysis. A full report detailing the findings shall be submitted to and approved in writing by the Local Planning Authority before the substantial completion of the development.
5. No part of the development hereby approved shall be commenced until:
 - (i) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway
 - (ii) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - (iii) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
6. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - (i) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - (ii) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - (iii) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - (iv) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - (v) The street nameplates for the cul-de-sac have been provided and erected.

When constructed and provided in accordance with the above conditions, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians.

7. No part of the development hereby permitted shall be commenced until the detailed

design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

8. No construction works shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment & Drainage Strategy (Ref. 10939; Rev. P1; dated 17th August 2018). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.
9. No construction works shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
10. Works likely to give rise to significant levels of noise (including vehicle movements) should be restricted to the following times and days; Monday - Friday 0800 – 1800, Saturday 0900 - 1300. There should be no working on site on Sundays or on Bank holidays. Deliveries and collections of materials to the site should only be made during the above mentioned times.
11. Technical details relating to the sound pressure levels (LAeq@1m) should be provided of any mechanical power generation, together with details of any security lighting which will be in use during the construction phase. Lighting should be situated in such a way and be of such intensity so as to avoid causing a nuisance to nearby residential dwellings.
12. No groundwork or preparatory works shall take place on the land, unless all existing trees, shrubs and hedges to be retained are protected by fences or suitable barriers erected beyond their dripline. Such fences or barriers shall be maintained until the completion of the development on the land. Within these protected areas there shall be no storage, deposit, tipping or placing of any materials, soil, spoil or other matter, no parking or movement of vehicles or trailers, no erection or siting of buildings or structures, no excavation or raising of ground levels and no disposal of water or other liquid. Furthermore, no fire(s) shall be lit within 20m of any protected area without the prior written authorisation of the Local Planning Authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance or extension of the affordable housing units shall be permitted.

14. Details of all proposed surfacing, external facing, exterior doors, windows, rainwater goods, boundary fencing and roofing materials shall be submitted to the Local Planning Authority for approval in writing prior the construction of the dwellings hereby approved; thereafter, only approved surfacing, external facing and roofing materials shall be used in the development.
15. The proposed landscaping and planting scheme shall be carried out in accordance with the approved mitigation scheme. The landscaping and planting shall be maintained in perpetuity in accordance with the agreed schedule. Such maintenance shall include the replacement of any trees or shrubs that die or are removed.
16. There shall be no street lighting on the development hereby approved. A detailed lighting scheme for individual dwellings, in accordance with the approved lighting assessment, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. Any lighting shall only be permitted in accordance with the approved scheme.

1 INTRODUCTION

- 1.1 The site extends to approximately 0.8 hectares of steeply sloping rough pasture on the western side of Barn Park within Buckfastleigh.
- 1.2 The site is bounded by agricultural land to the north and west, with housing to the east and south.
- 1.3 The site falls approximately 9m from its western boundary, down towards Barn Park, with the lowest point in the north eastern corner.
- 1.4 The site was allocated in the Development Management and Delivery Development Plan Document (2013) – (Allocation policy ref BCK1). The allocation has been transferred to the recently adopted Dartmoor Local Plan (2021) – (Allocation policy ref Proposal 7.5)
- 1.5 The application is presented to Members in light of it being large scale development and there being significant public interest and an objection from the Town council.

2 CONSULTATION RESPONSES

- 2.1 **Environment Agency:** The site lies within Flood Zone 1. The EA has no comment to make on this application and agree with your consultation with the Lead Local Flood Authority.
- 2.2 **South West Water:** SWW were approached pre-planning on this proposal and a hydraulic assessment of the public sewer networks (foul and surface water) was undertaken. It was determined that adequate capacity is available, as such SWW has no objection to the application.
- 2.3 **Devon County Council (Lead Flood Authority):** The applicant has proposed underground attenuation tanks to meet with South West Water (SWW) requirements as the surface water drainage system will drain into the SWW assets.

If possible, above-ground features should be incorporated. The applicant has proposed two flow controls to restrict discharge rates. The 'lower' flow control is of a small diameter, the management company should be made aware of this. This flow control should be well monitored. The applicant has clarified that maintenance shall be carried out by South West Water and a management company. The LFA has no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment & Drainage Strategy (Ref. 10939; Rev. P1; dated 17th August 2018). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.
- No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
- This will mean that, prior to the commencement of any works, surface water can be managed without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

2.4 **Devon County EEC Directorate** (Highways):

2.4.1 The site has already been identified as suitable for residential development (Proposal BCK1) in Dartmoor National Park's Development Management and Delivery Development Plan Document (July 2013). The application has been supported by a Transport Statement the conclusions of which are broadly accepted and agreed by the highway authority.

2.4.2 Following several site visits specifically for this application, the constraints of the

highway network in the vicinity of the site are understood but the Transport Statement analyses the modest impact of the traffic that will be generated by the proposed development and it is accepted that the impact will not be sufficiently severe to warrant a recommendation to refuse planning permission on highway safety grounds.

2.4.3 There are, however, some issues that the highway authority would require additional information about and amendments to the layout plans before the proposals are acceptable from a highway point of view.

- (i) The alignment of the junction by plots 15/16 could be usefully 'squared up' and realigned.
- (ii) The roads could all usefully be designed as shared surface gradients permitting (see (iii) below)
- (iii) A plan showing the long sections of the various roads is required.

2.4.4 Although the proposals are acceptable in principle from a highway perspective, the highway authority reserves the right to comment further once amended and additional plans addressing the three points above have been received.

2.4.5 Further observations were received in October 2019 following the receipt of amended plans.

2.4.6 The applicant has explained the reasoning for the design as laid out and provided information with respect to gradients within the site, which are challenging. Although the proposed gradients do not make the proposals unacceptable from a highway safety point of view, it is highly likely that the steepness of some of the proposed carriageway may prejudice the eligibility of the roads for consideration as highways maintained at public expense.

2.4.7 Suitable conditions and informative notes are recommended to be imposed on any planning permission granted.

- No part of the development hereby approved shall be commenced until:
 - (i) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway
 - (ii) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - (iii) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

- The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - (i) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed

- up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- (ii) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- (iii) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- (iv) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- (v) The street nameplates for the cul-de-sac have been provided and erected.

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

- When constructed and provided in accordance with conditions above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that these highway provisions remain available

- No development shall start until a Method of Construction Statement, to include details of: (i) parking for vehicles of site personnel, operatives and visitors (ii) loading and unloading of plant and materials (iii) storage of plant and materials (iv) programme of works (including measures for traffic management) has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: In the interest of highway safety.

2.5 Devon CC Strategic Planning (Education);

2.5.1 It has been identified that the proposed 22 family type dwellings will generate an additional 5.50 primary pupils and 3.30 secondary pupils which would have a direct impact on Buckfastleigh Primary and South Dartmoor Community College.

2.5.2 It has been forecast that the nearest primary and secondary school have currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek an education infrastructure contribution.

2.5.3 However, a contribution towards secondary school transport costs is required due to the development being further than 2.25 miles from South Dartmoor Community College. The costs required are as follows: -

4 secondary pupils
 £2.65 per day x 4 pupils x 190 academic days x 5 years = £10,070.

2.6 **Teignbridge District Council** (Housing)

2.6.1 In April 2021 TDC confirmed that there was a combined Housing need of 31 units for Buckfastleigh based on the housing register. This equates to 16 x 1 bed, 5 x 2 bed, 6 x 3 bed and 4 x 4 bed units. There is a specific need for 1 accessible single bed units and 1 accessible 2 bed unit. Given the detailed viability and affordable housing commentary the Council wishes to ensure that a robust viability assessment is undertaken to maximise affordable housing provision. The Council issued an initial holding objection subject to consideration of the findings of the latest viability assessment.

2.7 **Teignbridge District Council** (Waste Management)

2.7.1 There are no objections to this application in principle. The plans show that space has been allocated for the storage of waste and recycling containers and these appear to be located within easy access to the public highway.

A swept path analysis should be carried out to confirm that waste and recycling vehicles can access all parts of the estate.

2.8 **Teignbridge District Council** (Open Space):

2.8.1 The proposal provides no onsite public open space. For a development of the scale proposed, we would recommend a mix of quality open space, connected to pedestrian and cycle routes which contribute to the wider green space network. The connections will need to be attractive, accessible, safe, uncluttered and work effectively for all users – including families, disabled people and elderly people.

2.8.2 There is existing play provision located within Barn Park; however, this fails to meet provision standards and offers very limited play opportunities. TDC recommends on site play provision is delivered in accordance with the recommendations set out by Fields in Trust (FIT) guidance.

2.8.3 On site Local area for play (LAP) & Local equipped area for play (LEAP) (complete with their respective buffer zones). We would recommend that green buffer zones are suitability designed to promote a local biodiversity rich local landscape setting, to help mitigate the impact of the development. Dwellings should work in harmony with the public open space and be an integral part of the design and not left over land from development.

2.8.4 Off site Multi-use games area (Muga) contribution; given the scale of the development, it would not be able to accommodate the provision of onsite play for older children. A MUGA contribution of £21,000 towards a provision at Duckspend, Buckfastleigh is required.

2.8.5 There are no onsite active recreation provisions. TDC recommend an offsite contribution of £22,680 is made, as recommended by Sport England, calculated from the Sports Facility Calculator (SFC).

2.8.6 TDC would recommend this contribution is set aside for :-

- Swimming pool improvements to Victoria Park Swimming Pool, Buckfastleigh
- Duckspend Playing Pitch Improvements, Buckfastleigh
- Sport Hall Improvements, Ashmoor Sports Centre, Ashburton

Natural Green Space

- 2.8.7 Where possible we would recommend the development provides well designed attractive green biodiverse methods to deal with surface water throughout the site, rather than the underground attenuation solutions which are currently proposed.
- 2.8.8 Where the attenuation ponds are placed within natural green space/public open space they must be:
- i) suitably profiled for amenity and wildlife benefits,
 - ii) suitably located and designed in relation to play areas not to pose any health and safety risks, and
 - iii) there is a suitable balance between formal open spaces and natural green space where possible.
- 2.8.9 The development should seek to achieve a net gain for Biodiversity. Where the development will result in unavoidable habitat loss, compensation and enhancement will be required. This can be achieved as part of onsite green space provision, through the restoration and creation of habitats. Where onsite measures are insufficient to achieve net gain, offsite measures will be required and secured through an agreed habitat enhancement plan.
- 2.8.10 Suitable arrangements will be required for the future management and maintenance, in perpetuity, of areas of public open space.
- 2.9 **Teignbridge District Council** (Environmental Health) ;
- 2.9.1 Due to the proximity of residential dwellings to this proposal, complaints of noise nuisance are likely to be received during the construction phase.
- 2.9.2 The following conditions should be applied;
- Works likely to give rise to significant levels of noise which will include vehicle movements should be restricted to the following times and days, Monday - Friday 0800 - 1800 Saturday 0900 - 1300. There should be no works likely to give rise to significant levels of noise outside of these times, on Sundays or on Bank holidays. Deliveries and collections of materials to the site should only be made during the above mentioned times and lorries arriving before these times should ensure their engines are switched off.
 - Technical details relating to the sound pressure levels (LAeq@1m) should be provided of any mechanical power generation which will be provided on the site, together with details of any security lighting which will be in use. Lighting should be situated in such a way and be of such intensity so as to avoid causing a nuisance to nearby residential dwellings.

2.10 DNP - Trees & Landscape Officer :

- 2.10.1 The boundaries of the site are formed by hedges and lines of trees. Access onto the site will be via Barn Park. The proposed development will have no impact on these boundary features other than for the new access into the site. This boundary is formed by a low bank with a mixed native hedgerow growing on top. Half of the hedgerow running along the boundary has been removed, removing a further small section of hedge will have minimal impact on the remaining hedge.
- 2.10.2 Several trees are growing around the boundaries of the site. The applicants have submitted a Tree Survey, an Arboricultural impact Assessment and a Tree Protection Plan in accordance with British Standard 5837:2012. I am happy with the arboricultural reports and the proposed Tree Protection Plan.

Visual Impact

- 2.10.3 The site is mostly hidden from public view there will be glimpsed views from Barn Park. The development will be very visible from the several properties backing onto the site.

Landscaping

- 2.10.4 An indicative landscape scheme has been included on the proposed site plan. A detailed scheme will be required. This should include a hedgebank planted with mixed native species to form the western boundary of the development.

Conclusion

- 2.10.5 The site has been allocated for housing. The development will have minimal impact on the boundary trees or hedgerows. The applicants need to submit and the Authority approve, an appropriate landscape scheme.

2.11 DNP – Archaeologist:

- 2.11.1 I requested that a geophysical survey be undertaken on the proposed development site in order to supply sufficient information upon which to base informed recommendations concerning the historic environment.
- 2.11.2 The results of this survey indicate that a number of anomalies which may represent archaeological features with no current surface expression. These include possible field boundaries which are not reflected in any available historical mapping, possible pits and areas of heating. The site therefore has a high potential for the presence of buried heritage assets and mitigation is thus necessary as the proposed development is likely to disrupt or deface any remains. Therefore, an archaeological watching brief is recommended on all groundworks associated with the proposed development.

2.12 Devon & Cornwall Constabulary:

- 2.12.1 In general terms the layout will provide overlooking and active frontages to the new internal streets which is positive. As is the fact that car parking spaces have been incorporated well in curtilage of properties and on the whole are well overlooked. However, there are some concerns about some aspects of the design for consideration which need addressing.

Access and Movement

- 2.12.2 There is excessive access to the rear of properties, the worst example of which is the open ended service alleyway that runs to the rear of plots 1-7. Not only does it provide access to the rear of these plots and potentially the adjoining plots in the existing residential area, but it is long, not overlooked, nor is it straight. All such attributes contribute to the potential increase in crime, particularly burglary, and ASB as well as the fear of crime and ASB.
- 2.12.3 I recommend that this service alleyway in particular is redesigned, as well as the alleyway that provides rear access to plots 23-28 for similar reasons. Where rear service alleyways are needed, they should be gated as close to the building line as possible with a coded lock on a self-closer and not service an excessive number of properties. Access should also be prevented to the strip of land to the rear of plots 11-14.

Ownership

- 2.12.4 On the whole defensible space has been utilised well in order to clearly define private and public space. This should be complemented and reinforced with appropriate border treatments i.e. low level barrier / hedges to the front of plots and robust boundaries to the side and rear of plots i.e. 1.8m fencing/walls. 1.8m close board timber fencing would be appropriate to divide rear gardens. This will aid in the prevention of unauthorised access to the rear of properties which can increase the likelihood of burglary.
- 2.12.5 All gates that lead to rear gardens must be robustly constructed, at the same height as the fencing/wall (min 1.8m) and be capable of being locked from both sides. Such gates must be located on or as near to the front of the building line as possible.

Surveillance

- 2.12.6 Whilst car parking appears to have been incorporated well into the development, I note on page 8 of the Design and Access Statement that 'Parking spaces are placed strategically to be 'hidden' behind architecture and raised planting'. It should be considered not to 'hide' the parking spaces to the point that architecture and raised planting impacts negatively on good natural surveillance and lines of sight. Creating spaces that are not well overlooked can attract crime such as thefts, damage and ASB.
- 2.12.7 I note that all of the proposed housing types on the development have blank gable ends. This limits surveillance opportunities and where blank walls are immediately adjacent to public spaces, it can increase the likelihood of graffiti, loitering, ball games etc. Installing at least one non obscured window above ground floor level on such plots will offer additional surveillance over the public area and reduce potential

ASB.

- 2.12.8 If blank gable ends are unavoidable, in order to protect them and clearly distinguish between public and private space, consideration should be given to providing a suitably robust 1m buffer zone.

Physical Protection

- 2.12.9 All external doors and accessible windows shall comply with the requirements of Approved Document Q (ADQ) of the Building Regulations and Secured by Design (SBD) standards as set out in Secured by Design Homes 2016.
- 2.12.10 I note from the Design and Access Statement that 'each of the proposed dwellings has external space for bins and waste storage'. There appears to be a lack of space to the front of dwellings and considering the number of steps leading to some rear gardens, where are the wheelie bins/refuse bins likely to be stored? If bins are not adequately and securely stored, they can attract crimes such as arson.

2.13 **Natural England;**

- 2.13.1 Revised comments - NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED.
- 2.13.2 NE considers that without appropriate mitigation the application would have an adverse effect on the integrity of South Hams Special Area of Conservation.
- 2.13.3 In order to mitigate these adverse effects and make the development acceptable, the following measures are required:
- all relevant avoidance/ mitigation/ enhancement/ measures referenced in the Appropriate Assessment (DNPA 4 August 2020). - an appropriate planning condition securing delivery of an ecological monitoring programme based upon best practice guidelines. The aim of the monitoring programme is to verify that greater horseshoe bat habitats are managed in accordance with the LEMP, and measures contained within the CEMP. Further, the monitoring programme will check that lighting levels are appropriate within areas associated with greater horseshoe bats. Where remedial action is identified as part of the monitoring programme, timely intervention is required to prevent a detrimental impact to greater horseshoe bat activity. NE advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

2.14 **DNP - Ecology & Wildlife:**

- 2.14.1 The Authority has carried out its duty in respect of the Habitat Regulations Assessment as identified by NE.
- 2.14.2 Bat surveys were undertaken in May to November 2017, broadly following South Hams SAC planning guidance at that time (Natural England, 2010) but with some timing and methodological limitation which were brought to the attention of the applicant. Survey comprised manual transects and automated detector deployments. At the request of DNPA and NE, additional survey was undertaken in 2019 covering the months of April, May and August and following BCT 2016

guidelines. Vegetation survey (June 2017) was carried out on the development site and fields proposed as offsite mitigation. Following further discussion between DNPA, NE and the consultant ecologist, it was accepted that the survey effort as per the greater horseshoe bat activity report (Rev C) would be acceptable even though it failed to meet BCT 2016 guidance in several respects.

Findings

- 2.14.3 The northern boundary is of greatest value to Greater Horseshoe (GHS) bats – static detector deployments along the northern boundary of the site and wider field parcel accounted for 66% of all GHS passes recorded throughout the survey. Relatively high levels of bat activity were recorded on the edge of the woodland block which forms part of the western boundary of the site. Activity recorded within the site and wider field was considered by the consultant to constitute only a very small number of GHS bats relative to the size of the main roost. These bats were mainly considered by the consultant to be foraging opportunistically on route to more favoured feeding grounds within the wider countryside to the west of Buckfastleigh. Higher levels of foraging activity over parts of the site during the month of May was attributed by consultant to increased availability of moth prey availability in flowering grassland prior to it being cut.
- 2.14.4 Static detector deployments on the northern boundary showed heightened activity during these deployments in the hour post-sunset and pre-dawn may be indicative of bats passing through the Application Site along this boundary. A transect was walked on ten occasions in 2017, with a further four in April, May and August 2019. Activity during the manual transect survey effort was largely comprised of commuting and/or incidental activity (i.e. not obviously commuting or foraging). Low levels of foraging activity were recorded predominantly outside of the Application Site. Results indicate that GHS bat activity at the site is associated predominantly with the northern boundary of the survey area (both within and outside the site). Of the GHS bats recorded during the transect surveys, approximately 58% were during the first 60 minutes of the survey, supporting the hypothesis that small numbers of bats are moving through the survey area to wider foraging grounds elsewhere on emerging from the roost. Additional high levels of foraging by Pipistrelle species were recorded in the south-western corner of the Application Site, and the western edge of the wider site. The northern boundary was used by commuting common Pipistrelle.
- 2.14.5 There will be a permanent loss of 0.72 ha of grazed grassland (of which 0.52ha is assessed as moderately species-rich semi-improved), permanent loss of 15m of species-poor hedgerow of local importance to create site access and a permanent loss of 0.03ha dense scrub of local importance.
- 2.14.6 The removal of foraging habitat within a 1km radius ‘core’ area of the sustenance zone may have an impact. The limited bat activity survey carried out for this development has been interpreted to indicate that GHS bat use of the site for foraging is intermittent and affected by the agricultural management. We agree with the conclusion about potential impact, but do not think survey effort is sufficient to come to any conclusion about whether or not foraging is used intermittently – any pasture less than 1km from the component roost should be considered high potential value.

- 2.14.7 The permanent loss of 15m of species-poor hedgerow for site access is low risk. Any impact on quantity and quality of foraging is negligible due to the short section affected and low conservation value of the hedge. Bat activity survey shows no significant GHS bat activity in this area. The hedge backs on to existing housing and as such is likely to be subject to light spill and other disturbance.
- 2.14.8 The permanent loss of 0.03ha dense scrub for construction and operational impacts is low risk. There is no reason to consider such a small area of dense scrub to be of importance for foraging, and this is supported by bat activity survey.
- 2.14.9 Direct or indirect damage to boundary hedges and trees – impact of construction. The proposed development requires a single 15m gap in the east boundary species-poor hedge for site access. The boundary is to existing residential area, is of poor quality and surveys show that it is not used by GHS bats. Hedges and trees outside development ‘red line’ are shown through activity survey to be important to GHS bats, especially along northern boundary and around south-west corner. Construction impacts from site lighting, security lights and vehicle movements may cause increased illuminance of site, site boundaries and adjacent habitats, especially the 81m northern site boundary. Operational impacts from external residential lights and internal light spill from dwellings, and from residential vehicle movements have the potential to affect bats using boundary features or foraging on adjacent permanent pasture. No street lighting will be included in this development.
- 2.14.10 To seek to resolve these points, the developer initiated direct consultation with Natural England under NE’s discretionary advice service. The DNPA ecologist was invited to attend. The following points were agreed:
- Survey effort is now adequate
 - An enhanced design was required for dark corridor along north boundary, supported by cross sections and lighting assessment
 - Off-site mitigation for loss of foraging was acceptable in principle, but more detail required about how this would be secured and managed in perpetuity
 - More details about the phasing of the development. These points have now been addressed in the ecology reports cited in this HRA.
- 2.14.11 DNP ecologists concluded that, in the absence of mitigation measures, a Significant Effect IS Likely on the South Hams SAC, either ‘alone’ or ‘in-combination’ with other plans and projects. An Appropriate Assessment has therefore been carried out.

Appropriate Assessment

- 2.14.12 Off-site mitigation in the form of 0.83ha of grassland will be secured into optimal management for foraging GHS bats. 70 m of new species-rich hedge will be created on the eastern boundary of the off-site mitigation area. Mitigation includes :
- No artificial fertilizer inputs.
 - Initial sward enhancement through the use of native local wildflower mix or green hay.
 - Site will be grazed by cattle without supplementary feeding.
 - No grazing during winter, and the period April to mid-July before hay cut.
 - Hay cut July-August followed by aftermath cattle grazing to around end October.
 - Manage cattle without the use of Ivermectin worming treatment.

- Management of boundary hedges on three year rotation to achieve optimal height, width and density for bats and other species.
- Monitoring of grassland sward composition and use by bats. Final details will be approved as part of a Landscape and Environmental Management Plan (LEMP), secured in perpetuity through S106 or similar legal undertaking, and be put in place before any destruction of the grassland on site commences. This will achieve the required mitigation by delivering a higher quality grassland habitat and high quality foraging habitat than exists under current management. The off-site mitigation will need to be secured, fenced and grazed in accordance with recommendations before development commences.

2.14.13 The most important areas used by GHS bats (northern boundary and copse in SW of site) are outside the red line area and thus not controlled by the developer. This has been addressed in part by provision for supplementary hedge planting within the specified bat corridor. In summary:

- Identification of ecological protection zones, especially boundary trees, hedges and the bat flight corridor through northern part of site.
- Timing and working methods to avoid impacts.
- Ecological supervision and toolbox talks for site personnel.
- Method statements e.g. for hedge bank construction and hedge planting.
- Boundary hedges and trees will be protected by suitable fencing
- Temporary construction fencing covered in debris netting used to define protect and shelter northern bat flight corridor. A Construction Ecological Management Plan (CEcMP) will be approved to ensure that ecological mitigation measures as described within EclA and GHS bat mitigation strategy are delivered during the construction phase.

2.14.14 Dark corridors will be created and maintained along the northern and western boundaries by establishment of new hedges. A sensitive lighting design is proposed, supported by modelling to mitigate the impact of light spill from the dwellings on the site. A newly created “green lane” will be provided along the northern boundary. This will be created by the provision of a new Devon bank and hedge running parallel to the northern boundary to define a commuting corridor. At its narrowest point, this just meets the NE advised minimum width of 5m. We are prepared to accept the proposed layout on the understanding that there will be strict post construction management requirements to maintain adequate free flight space along the green lane. The corridor is the absolute minimum acceptable to ourselves and NE, but at this site it is considered adequate because a case has been made that there is alternative dark flight space for bats over the undeveloped land to the north of the boundary.

2.14.15 Until established the bat corridor will be screened by a 1.8m close board fence. An earth bank will be created, 1.2m high with a top width of 0.9m. New hedge will be planted on top of this bank with native broadleaf shrubs at high density as specified, including a component of holly to achieve winter screening. Public access will be prevented to the bat corridor, with a locked gate allowing for maintenance access on foot. Once established, hedges will be managed at a frequency to maximise tall bushy growth whilst retaining free flight access. In addition a new hedge will be planted within the red line on the inside of the existing northern boundary to supplement this section of the boundary in the event that the neighbouring landowner removes vegetation on their land or that the ash trees succumb to ash

dieback in the future and are subsequently lost. This new hedge will be 1m wide and allowed to grow tall to fill in any gaps along the existing northern boundary should they appear in the future.

2.14.16 A new hedge measuring approximately 57m in length is proposed along the western boundary to screen the grassland to the west and provide new bat flight link connecting the northern boundary to the copse adjacent to the SW corner. Until established the bat corridor will be screened by a 1.2m close board fence. The new hedge will be planted with native broadleaf shrubs at high density as specified, including a component of holly to achieve winter screening. Once established, hedge will be managed at a frequency to maximise tall bushy growth whilst retaining free flight access

2.14.17 The lighting assessment considered potential impact from internal light spill from the houses, and light from cars moving on site (there will be no external street lighting). The following measures are required to prevent light spill from affecting the bat corridor on the northern boundary, or the land to the west of the site:

- Recessed downlights as specified in rooms that have glazed apertures facing the proposed dark corridors (N and W boundaries).
- External wall lights on properties close to dark corridors are specified to minimise light spill and be of appropriate LED colour temperature.
- 1.8m high temporary close boarded fence along edge of the northern proposed dark corridor, to remain in place until hedge is sufficiently developed to screen dark corridor and not exceed the specified maximum light spill.
- 1.2m high temporary close boarded fence along edge of the western proposed dark corridor, to remain in place until hedge is sufficiently developed to screen dark corridor and maintain and no exceed the specified maximum light spill. Modelling of the proposed mitigation has demonstrated compliance with the requirement to keep illuminance levels below 0.4 lux (vertical plane) and 0.2 lux (horizontal plane) along the western and northern boundaries. It is not possible to model vehicle lighting but this impact has been considered. The specified hedge banks (and initial screening fence) will block light spill onto all sensitive receptors. The mitigation will need to be in place before dwellings are occupied

2.14.18 The combined impacts of potentially significant plans or projects within the core 1km of the Buckfastleigh component roost have also been considered. Significant in-combination effects with the proposed application site are not anticipated.

2.14.19 The Ecologist concludes Adverse Effects on the Integrity of the South Hams SAC **can be ruled out**, subject to:

- a planning condition requiring the implementation of an approved Construction and Ecological management Plan (CEcMP) to incorporate the recommendations of EclA and greater horseshoe bat mitigation strategy
- a planning condition requiring the implementation of an approved landscape and environment management Plan (LEMP) to incorporate the recommendations of EclA and greater horseshoe bat mitigation strategy.
- a planning condition requiring the implementation of an approved lighting design plan to incorporate the recommendations of the lighting assessment and greater horseshoe bat mitigation strategy.
- a planning condition or unilateral undertaking securing management of bat

- corridors and associated green infrastructure on site in perpetuity.
- Section 106 agreement securing management of off-site bat foraging habitat mitigation area in perpetuity.
- These details would be subject to approval by DNPA ecologist in advance. Any deviation from the measures assessed here would be considered through an updated HRA and NE would be consulted.

3 **Town Council Comments**

- 3.1 Buckfastleigh Town Council: Initial response : Object - There are several areas of concern to occupants of Barn Park, including:
- 3.1.1 Privacy – The proposed development is on a steep slope facing down and towards the existing properties in Barn Park which, from having a view out to open fields and woodland, will now be completely overlooked by new housing.
- 3.1.2 Flood risk – The residents of properties on Barn Park that abut the west edge of the proposed site are concerned about the risk of localised flooding. There are at least two springs on the site according to local knowledge and currently at times of high rainfall, gardens and roads below become saturated with run-off from the slope. With the creation of an impermeable surface on most of the site there is concern this could cause more run-off and thus more risk of localised flooding.
- 3.1.3 The proposal does contain complex rain-water management systems which it suggests will cope with extremes of surface water. What guarantees do we have that excess water will not end up running down into the flood risk areas at the centre of town that are already at higher and higher risk of flooding?

Affordability

- 3.1.4 COR15 states the proportion of affordable housing in developments within Local Centres should be 50% except ‘in exceptional circumstances’ when it can be reduced where ‘...this is necessary to enable development of significant environmental or community benefit to proceed’.
- 3.1.5 DMD21 adds...‘In all cases, except as where indicated in a specific settlement policy, the proportion of affordable housing to meet local need should not be less than 50% of the units provided, although this may be varied where a higher proportion of open market housing can be shown to be essential to secure the overall viability of development or the delivery of significant local infrastructure provision of clear benefit to the local community.’
- 3.1.6 So, the 50% requirement may be weakened where it is essential to the delivery of a significant development or infrastructure project that has clear local benefit.
- 3.1.7 What is the significant environmental or community benefit proposed that would permit less than 50% of affordable housing on the site? The only possible community benefit we can identify is the provision of affordable housing for local people itself. To reduce the amount required would therefore reduce the community benefit and consequently make it less eligible for a reduction, this is counterproductive.

- 3.1.8 We believe that so-called 'affordable' housing, when it is not provided as social housing but in the form of 20-25% discounted market prices, is not truly affordable for local people, given the 12.43:1 ratio of median house prices to median earnings on Dartmoor, this discount is still far beyond reach for the average local resident. We also believe that the requirement for 50% does not go far enough - we would need something close to 100% truly affordable housing to satisfy the local housing need.
- 3.1.9 We understand that a previous incarnation of the Town Council supported the proposal for this site to be included as a site for development, however this was on the basis that the site be developed as 100% social housing.
- 3.1.10 The majority of a development would serve only to increase net inward migration and provide yet more strain on local services without fulfilling what is ostensibly its primary task, of fulfilling local housing need. However, if DNPA states a requirement of 50% of 'affordable' housing, we believe that the least it can do is to insist this is adhered to. By settling for an average of only 30-35%, what is the impact on Dartmoor communities and what kind of message is being sent to potential developers?

Services

- 3.1.11 Any new development must be considered in the light of an ongoing background of cuts to public services. Local education provision, youth service, early years, transport, health, social care, policing and medical resources have all been cut severely in recent years. The Town Council is struggling to try and fund services for young people and the elderly to fill some of the gaps in provision.
- 3.1.12 Local primary and secondary schools are under tremendous pressure due to a swathe of cuts in recent years with support staff and teachers lost. Extra pupil load (without any additional funding), will cause additional strain. Although DCC states there is surplus capacity and no investment is required, we have received a very different message from local schools.
- 3.1.13 The Town Council fears that any financial benefit from this development would be lost to the local community whilst at the same time there would be an increased drain on local resources that are already stretched to breaking point. It is our view that any new housing development should go hand-in-hand with a corresponding sustainable increase in resources provided to local services.

Transport

- 3.1.14 Local bus services have undergone a continuous and sustained assault for many years, with the latest loss being the recent removal of Sunday services on the 88 bus.

Second response

3.1.15 Further to receipt of the amended planning application Buckfastleigh Town Council has the following comments

Surface Water Drainage and Flood Risk

- 3.1.16 Some concerns exist with the comments from Devon County Council (the Lead Local Flood Authority). They have imposed a number of conditions that must be complied with before any residence is occupied. They also express some concern over the proposed flood management technique and request some further above ground attenuation to help with this.
- 3.1.17 Of concern is the lack of discussion within the plan around how the spring that rises in the northern extent of the proposed site is to be managed. This spring presents a major concern to the current residents of Barn Park (particularly number 69) who already experience serious flood events to their gardens.
- 3.1.18 There is mention of a flood attenuation scheme in the form of a number of devices to be installed, and whilst a Maintenance Plan is included in the document "Flood Risk Assessment". It suggests that maintenance of such is carried out by the owner(s).
- 3.1.19 Buckfastleigh Town Council request clarification of who the Owner(s) are in this case, and what enforcement exists to ensure that said Owner(s) follow the Maintenance Plan such that correct function and efficiency be maintained?
- 3.1.20 With the plans to include an element of water management, it is not clear what impact this will have on the River Mardle, and as a result, the change to any flood risks further along the river into the Town Centre. Recent changes in climate and rainfall levels have already seen a change in the way the River Mardle responds to rain.
- 3.1.21 The Town Council requests evidence on how this development will not significantly increase this risk to the way in which the River responds to significant rainfall and flooding events?
- 3.1.22 As we move into an ever-increasing period of Climate Change, the likelihood of more frequent and heavier rain events, there is an expectation that the 1-in-100-year rainfall event may happen sooner rather than later, and more often than 1-in-100 years.
- 3.1.23 The Town Council requests evidence that the proposed development is taking climate change into account and that sufficient mitigation measures are incorporated into the Application's proposals.
- 3.1.24 The Town Council are still concerned with the proposals regarding management of surface run-off and flood water that may collect as a result of this development. There is a sharp runoff to the north of this development into Merrifield Road – there appears no plan to manage or alleviate this. During recent heavy rains, it was observed that Merrifield Road can become dangerous with water run-off further up the catchment area. Any addition from housing and development could potentially

raise the water level to a point that properties along Merrifield Road could become damaged with water ingress.

Affordable Housing v Open Market

- 3.1.25 The Council notes that from the development companies own document, the ratio of Affordable Housing to Open Market remains well below the 50% advised limit within the DNPA Core Strategy COR2
- 3.1.26 The Council also notes that COR2 states: i) provide scope for maintaining and improving employment opportunities and commercial activity consistent with local business needs and environmental capacity; ii) ensure that a range of local services are maintained and where possible enhanced. It is still not clear within the revised proposals where these two key parts of the COR2 Strategy are being fulfilled? The Town Council asks the developer to identify within their plans, where they meet these two additional components of Part (i) of COR2?
- 3.1.27 COR15 of the DNPA Core Strategy states: "Housing development will be targeted at providing affordable housing for local needs within and adjoining the Local Centres and Rural Settlements. Around 70% of this development should be social rented housing provided by registered social landlords with the balance being intermediate housing, though the precise split will be determined on a site by site basis. A rural exception site policy will be used where that is the best option. The provision of open market housing will be restricted to sites within Local Centres in circumstances where its provision will facilitate affordable housing on previously developed land or where it will be provided through building conversion/sub division or where such development will facilitate significant environmental or community benefits. The proportion of affordable housing in such developments will be not less than 50%. However, in exceptional circumstances, the proportion of affordable housing required may be varied where this is necessary to enable development of significant environmental or community benefit to proceed. that for development adjoining Local Centres (such as Buckfastleigh) a target of 70% of the development should be Social Rented housing, but that this could be reduced where considerable Community or Environmental Benefit exists."
- 3.1.28 The Town Council can see no evidence justifying the provision of only 36% of the plan as Affordable, Social housing. This figure is well below the upper limit of 70% quoted and even the exceptional lower limit of 50%. What factors of Environmental and Community Benefits are being realised by this plan to enable suspending COR15 in this instance?
- 3.1.29 Despite the assurances given within the revised planning statement that access along Jordan Street and Wallaford Road does not give cause for concern, the Town Council notes that with logging operations being carried out in Kings Wood at the end of Merrifield Road/Jordan Street, not enough consideration has been put into the danger of increased traffic and pedestrian access along Jordan Street during times when the logging operations are taking place. These are currently between 9:00am and 5:00pm – keys parts of the day when families from the estate may be walking their children to and from the School located in the Town Centre. The Town Council, whilst noting Paragraph 9.5 of the Planning Statement, repeats its concern that not enough consideration has been given to the transport options of this proposal, and that currently it does not provide a safe route into and out of the Town

Centre for the increase in residents. Either via Jordan Street or Wallaford Road. The comments within the Highways Assessment also give the Council some cause for concern in that there may be some risk that the roads may not be adopted into the general maintenance of the highways – we can find no provision for road maintenance if it does not meet the requirements for public adoption. The Town Council request further information/clarification on how the highways will be maintained, and at what cost should they prove unsuitable for public adoption. As mentioned above, we are concerned about the level of access to and from the proposed development. In addition, as noted in the Teignbridge Waste response (2nd October 2019), there is some concern that the roadways within the development are not going to be wide enough for their vehicles to manoeuvre safely. The Town Council seeks evidence that the road widths and access lines are actually sufficient to allow Waste Vehicles and Emergency Vehicles to manoeuvre through the estate safely and without damage to property. In the latest plans available, there are 50 parking spaces for the proposed 28 properties – this gives 1.8 spaces per property. Whilst this is above the average number of cars per residence, it places additional pressure on the town where parking is already at a premium. •The Town Council requests further investigation into whether the allocation of car park spaces per property could be increased to 2.0 spaces per household The Town Council also wishes to know whether the addition of visitor parking is possible to avoid overflow into existing residential areas.

3.1.30 The planning authority have been repeatedly made aware of the issues of flooding both within the proposed site, and it's potential for impact to the wider community. The Town Council asks what recourse will be available to the residents of Barn Park and the wider town of Buckfastleigh should they become flooded, if this application is approved without adequate flood mitigation being put in place? The Town Council would request that, should any development go ahead, some investment is made into improved flood mitigation measures across Buckfastleigh, with specific focus on providing benefit to the residents of properties in Barn Park and Jordan Street under the S.106 payment scheme.

3.1.31 The Town Council still have considerable reservations about this proposal. Unless our concerns about the ratio of Affordable & Social Housing, Transportation and clearer proposals around Flood mitigation, as well as already-highlighted concerns regarding sustainability, environmental impact and increased demand on a diminishing pool of services have been addressed; we cannot support this proposal.

4 **Superseded Development Plan Policies**
Core Strategy Development Plan Document 2006 – 2026

- COR1 Sustainable Development Principles
- COR2 Settlement Strategies
- COR3 Protection of Dartmoor's special environmental qualities
- COR4 Design and sustainable development principles
- COR7 Providing for the conservation of Dartmoor's varied plant and animal life and geology
- COR8 Meeting the challenge of climate change
- COR9 Protection from and prevention of flooding

- COR13 Providing for high standards of accessibility and design
- COR15 Providing for limited new housing to meet local needs
- COR21 Dealing with development and transport issues in a sustainable way

Development Management and Delivery Development Plan Document 2013

- DMD1a Presumption in favour of sustainable development
- DMD1b Delivering National Park purposes and protecting Dartmoor National Park's special qualities
- DMD2 Major Development
- DMD3 Sustaining the quality of places in Dartmoor National Park
- DMD4 Protecting local amenity
- DMD5 National Park Landscape
- DMD14 Biodiversity and geological conservation
- DMD21 Residential development in Local Centres
- DMD31 New recreation and leisure facilities
- DMD38 Access onto the highway
- DMD40 Parking provision - Residential
- DMD45 Settlement boundaries
- DMDBCK1 Housing Land at Barn Park

Current Local Plan Policies

Dartmoor Local Plan 2018 – 2036

- Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities
- Strategic Policy 1.2 Sustainable development in Dartmoor National Park
- Strategic Policy 1.3 Spatial Strategy
- Strategic Policy 1.4 Major Development
- Strategic Policy 1.5 Delivering good design
- Strategic Policy 1.6 Sustainable construction
- Strategic Policy 1.7 Protecting local amenity in Dartmoor National Park
- Strategic Policy 2.1 Protecting the character of Dartmoor's landscape
- Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity
- Strategic Policy 2.3 Biodiversity Net Gain
- Strategic policy 2.5 The Water Environment and Flood Risk
- Strategic Policy 2.6 Protecting tranquillity and dark night skies
- Strategic Policy 3.1 Meeting Housing Need in Dartmoor National Park
- Strategic Policy 3.2 Size and accessibility of new housing
- Strategic Policy 3.3 Housing in Local Centres
- Strategic Policy 4.2 Supporting public open space and sports facilities
- Policy 4.4 Parking standards for new development
- Policy 4.5 Electric Vehicle Charging Points (EVCPs)
- Policy 6.4 Waste Prevention
- Policy 7.1 Settlement Boundaries and Development Sites
- Proposal 7.5 Land at Barn Park, Buckfastleigh

5 Representations

- 5.1 121 letters of objection 3 letters of support 2 other letters
- 5.2 Summary of objections;

- Highway infrastructure is not good enough for extra housing in Buckfastleigh
- Local roads are already choked, especially in peak hours
- Parking is inadequate
- Development will increase parked cars in the already congested Barn Park area. There is nowhere for many residents to park in the evenings and we are often forced to park in the Barn Park estate; this will get worse
- Access is poor. Many roads to this site are narrow, with inadequate pavements, and will be a risk to pedestrians
- Construction vehicles are going to have to visit the site daily for anything up to 2 years while the development is built. Access directly through town is poor
- The transport statement is seriously flawed, bringing its reliability into question.
- The road gradients are too steep, resulting in a hazardous environment in icy winter weather and in contravention of Equality and Disability legislation
- Fire engines and emergency vehicles struggle to fit through the already congested roads.
- The site is covered in natural springs
- The extreme slope of the terrain presently results in excess water in the field which already causes flooding to the immediate gardens of properties backing on to the proposed field and contributes to excess water running out of Barn Park and down Jordan Street into the town centre
- Increase water run-off into the River Mardle
- Buckfastleigh has seen several flooding instances; more development will make this worse
- The attenuation tank is too small
- Sewage system inadequate for additional flows
- Increased demand on local services - schools, doctors, etc.
- Until the infrastructure, medical facilities, etc. are in place, there should be no new building
- An adequate local bus service
- Shadowing and overlooking
- Privacy/amenity issues for neighbouring residents
- Proportion of affordable homes too low
- Affordable housing will not be genuinely affordable for local people
- Open market housing could become second homes
- Direct contradiction to the Buckfast and Buckfastleigh emerging Neighbourhood Plan
- The land should not be allocated in the Local Plan
- There are other suitable brown field sites away from the projected site, having better access out of and into the town
- Loss of greenspace
- Detrimental to wildlife and biodiversity - bats, deer, reptiles, many bird species and more use this land
- Contravenes EU legislation as will harm the Greater Horseshoe bats
- There have not been enough bat surveys carried out.
- This is not sustainable development. Where is the required renewable energy?
- There are a variety of trees around the perimeter of the site, including oak, ash and holly.

Comments in support;

- Affordable housing is needed for the locals who want to stay in Buckfastleigh
- Development should only be open to those who currently live in Buckfastleigh

- and have done so for the past 5 years.
- Will support local businesses

6 Observations

THE PROPOSAL

- 6.1 The application was first presented to the Authority in November 2018. The initial proposal was for 28 units, 10 of which would be affordable dwellings with delivery subsidised by 18 open market units.
- 6.2 As a result of initial consideration and consultations it became apparent that there were significant objections from Natural England requiring additional wildlife survey work to be undertaken. Work was also undertaken to modify the design of the dwellings, assess drainage concerns and draft a detailed mitigation scheme to accommodate biodiversity requirements. Alongside this, there was a need to remodel viability considerations to reflect the additional costs to be incurred by the detailed biodiversity mitigation scheme and requests for off-site financial contributions. In particular, the wildlife surveys required detailed assessment throughout a whole year to inform the resulting mitigation strategy.
- 6.3 In view of these matters the application was revised to its present position – an application to develop the site for a total of 28 units with a revised split of 7 affordable housing units (affordable rent) and 21 open market dwellings. The final (third) independent viability assessment has been concluded (November 2021) which means we are now in a position to reach a decision on the application.
- 6.4 This full planning application proposes 28 residential units, comprising of 7 affordable units and 21 open market dwellings. The mix is now as follows;
- Affordable housing - 2 x 1 bed flats, 5 x 3 bed dwellings
Open market dwellings - 4 x 1 bed flats, 17 x 3 bed dwellings
- 6.5 The dwellings are grouped in either semi-detached pairs or short terraces stepping up the contours of the site facing onto the access spine road. A new vehicular access is proposed from the existing Barn Park estate to the east linking with the access road through that development.
- 6.6 The dwellings and flats are all of 2 storey form. Construction materials comprise natural slate roofing, painted rendered blockwork with slate cladding, and grey aluminium windows and doors.
- 6.7 A "green lane" functioning as a bat corridor, an unlit linear strip with hedgerows on either side, is proposed to run along the north of the site, inside the site boundary, along with landscaping and new hedges throughout the site, including where new boundaries will be formed with the surrounding agricultural land to the west. Further to the west an area of agricultural land is secured as off-site compensatory habitat, to account for the loss of bat foraging habitat on the developed part of the site. Detailed lighting work has been carried out to ensure there is no lightspill onto this land.

POLICY BACKGROUND

- 6.8 The National Planning Policy Framework has been updated in 2021. Specifically, Paragraph 78. States that; ‘In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 6.9 Paragraph 79 promotes ‘sustainable development in rural areas.... housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services’.
- 6.10 Paragraph 176 emphasises that ‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’.
- 6.11 Paragraph 177 states that ; ‘When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’ The proposed development accords with these ambitions.
- 6.12 When the application was submitted (and throughout its initial consideration) the Development Plan consisted of the Core Strategy and Development Management and Delivery Plan Document (DMD). The application has primarily been considered under that policy regime. During its latter stages the new Local Plan has, by way of its examination process, gained weight. The Local Plan has now been formally adopted on 3 December 2021, superseding the previous Development Plan documents.

MAJOR DEVELOPMENT TEST

- 6.13 In accordance with paragraph 177 of the National Planning Policy Framework (NPPF 2021) there is a requirement to assess the characteristics of the development. Local Plan policy SP 1.4 (formerly DMD2) reiterates this stance.
- 6.14 The NPPF makes it clear that whether a proposal amounts to 'major development'

is a matter to be determined by the decision maker, taking into account the nature, scale and setting of the proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined – its ‘special qualities’. It is not synonymous with the definition of a ‘major planning application’, but rather whether the development could be construed as major development in the ordinary meaning of the word having regard to the character of the development in its local context. Recent examples of major developments in National Parks include applications for fracking, power line infrastructure and quarrying.

- 6.15 Having regard to the character, nature and scale of the proposed development adjoining the settlement boundary, and taking the local circumstances and context into account, it is not considered to fall under the paragraph 177 definition of ‘major development’.

ENVIRONMENTAL IMPACT ASSESSMENT

- 6.16 The proposal has been screened under the Environmental Impact Assessment (EIA) Regulations and determined not to have a significant environmental impact requiring the submission of an EIA. This does not negate the need for relevant technical reports that have been submitted with the application.

STRATEGIC POLICY CONSIDERATIONS

- 6.17 Given that this application has been primarily considered under the previous policy regime it is important to acknowledge that it would be impractical to start the process again since the adoption of the new Local Plan. For clarity, the following provides commentary on the previous and revised policy position.
- 6.18 Policies COR1, DMD1a and DMD1b sought to ensure development is undertaken in a sustainable manner, to secure development that improves the economic, social and environmental conditions in the area, taking into account the ‘special qualities’ of the National Park. Local Plan policies SP1.1, SP1.2 reiterate National Park purposes and the need to pursue sustainable development credentials.
- 6.19 The spatial strategy for Dartmoor (SP1.3, previously COR2, COR15) continues to define Buckfastleigh as a Local Centre where the one of the priorities is to meet housing needs. The strategy identifies allocated sites (SP 3.1 & SP 3.3 (DMD 21)) as being specific to identified local housing needs, informed by up-to-date assessments, where the threshold for affordable housing is now set at 45%. It recognises that this may be varied by viability considerations where this is proven essential and where the development is still making a meaningful contribution to the provision of affordable housing, community infrastructure or environmental betterment.
- 6.20 DMD Policy BCK1 first allocated the land for housing in 2013, where not less than 50% the housing should be affordable. Local Plan Proposal 7.5 carries forward that allocation in the new plan. It recognises a lower threshold of not less than 45% affordable housing and that applications must not adversely affect the South Hams SAC.
- 6.21 Delivering good design is at the heart of the NPPF. This is translated into policies

which seek to maintain a strong sense of place and distinctive character (SP 1.5 (DMD3, COR4)). There are also requirements to pursue sustainable construction (SP 1.6) through a 'fabric first' approach.

HOUSING NEED

- 6.22 In December 2014 a Housing Needs Assessment (HNA) for Buckfastleigh Parish recommended that 39 affordable homes were needed at that time. It is generally considered that a HNA remains current for 3 to 5 years, depending on housing delivery. 22 affordable units have been delivered since 2008. Whilst any measure of housing need is essentially a "snapshot in time" and constantly evolving, given the lack of affordable housing provision in Buckfastleigh, it is considered the need will, if anything, have grown since the HNA. Housing Enablers also experience that once a development commences, further people in housing need come forward.
- 6.23 Teignbridge District Council's Housing Enabler reports a need for 31 affordable rented homes identified on Devon Home Choice (the housing register) as of April 2021. This equates to 16 x 1 bed, 5 x 2 bed, 6 x 3 bed and 4 x 4 bed units. There is a specific need for 1 accessible single bed unit and 1 accessible 2 bed unit.

VIABILITY

- 6.24 The scheme was originally submitted on the basis of 10 of the 28 dwellings being affordable, 36%, split as 70% affordable rent/30% intermediate sale. A viability appraisal (VA) was submitted to justify this, however, this original VA was assessed by an independent surveyor (appointed by the Authority) and was found to not have been carried out in accordance with the latest guidance in the NPPF2021.
- 6.25 A further VA was submitted and subsequently revised with additional data. That has been the subject of further independent scrutiny (in two parts) which was concluded in November 2021. This has been a complex exercise, involving detailed analysis of land purchase costs, construction costs, fixed costs, expected sale returns and abnormal costs associated with developing the site. It has been necessary to incorporate requests for infrastructure improvements (play, open space and education transport costs) together with the purchase of off-site land to meet ecological mitigation requirements. It is an established principle that the landowner will need an adequate incentive (profit) in order to bring forward the site for development.
- 6.26 In summary, the provision of the Authority's previous policy target of 50% affordable housing (now 45%) & Section 106 contributions (of circa £56k) would render the development unviable. The amended scheme for 7 rented affordable housing units (25%) & full Section 106 contributions produces a developer return that is currently below standard viability modelling parameters, however, it is at a level where a combination of value engineering, careful procurement and timing, should mean that the development is delivered. This should be secured by appropriate phasing with an opportunity to trigger a further review of viability if required. The assessor has now provided the confidence that the scheme, as amended, is a fair offer based on the latest available data.

- 6.27 It is expected that the affordable housing offer will be taken up by a local Registered Provider. The legal agreement would ensure they are retained in perpetuity and will control the tenure arrangements.

HIGHWAY SAFETY

- 6.28 The application proposes a new vehicular access into the site from Barn Park; this will be the sole access for both vehicles and pedestrians into and out of the site.
- 6.29 Parking is proposed at 2 spaces per dwelling and 1.5 per flat, giving a total of 50 spaces; none of the dwellings have garages. There is limited dedicated visitor parking proposed and it is expected on-street parking within the development would serve this function; the roads have been designed to allow this without causing obstruction.
- 6.30 The proposal has been assessed by Devon County Council Highways, who requested minor changes be made in the original road layout. These suggestions have been reviewed by the applicant's highways engineer, and changes made where appropriate.
- 6.31 Objectors have commented on the steepness of the internal highways, in that they would be a hazard, however, in light of no objection from the Highways consultee, a refusal reason on this basis would not be reasonable. It is accepted that roads are steep, and the Highways Officer acknowledges this in his consultation response, noting that this might preclude the roads from being adopted.
- 6.32 It is recognised that the roads in the area have constraints, similar to many other roads within the National Park, in that they are restricted width in some places and are without pavements. However, there is no reason, from a highway safety point of view, why they could not accommodate the additional traffic that would be generated from these additional 28 additional units.
- 6.33 Paragraph 111 of the NPPF21 is key with highway matters, stating "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 6.34 It is inevitable with any development, that there will be an increase in vehicular traffic and parked cars. However, the impacts of this proposal cannot be said to be unacceptable or severe. The proposal is therefore considered to accord with policy subject to the imposition of the conditions as suggested by the Highways Officer.

BIODIVERSITY, TREES AND LANDSCAPE

- 6.35 The application site sits within the South Hams Special Area of Conservation (SAC) designated as such due to the significance of Greater Horseshoe (GHS) bats in the area; the site is approximately 600m from the main roost in Buckfastleigh Caves.
- 6.36 The application has been accompanied by an Ecological Impact Assessment which detailed a range of bat surveys. The initial information was assessed by Natural England (NE) and the Authority's Ecologist. Both concluded that the bat surveys

were insufficient. It was stated that further bat surveys and reports where necessary to inform the requirements for off-site compensatory habitat at least equal in size to the foraging area being lost due to development, and provide a dark corridor along the identified flyways, out to wider foraging habitat. A detailed lighting assessment would also be needed to show the proposed dwellings would not result in light spill into the areas needing to remain dark.

- 6.37 Further survey work was carried out and the developer has been in discussions with NE to ascertain what is needed to satisfy them that the proposal would have no detrimental impacts upon the SAC, and in order for DNP to assess the proposal against the Habitat Regulations (HRA). That assessment has now been completed and is referred to above.
- 6.38 As a result, an area of land to the west has been identified as the compensatory habitat, and the plans amended to provide a dark corridor along the northern boundary, plus a new hedgerow along the western boundary; due to the topography of the land, the lighting assessment shows that with the hedgerows in place, there would be no unacceptable lightspill; close boarded timber fencing would need to be in place until the hedgerows have matured to such an extent that they provided the necessary screening.
- 6.39 A small area of land in the northeastern corner of the site is to be set aside as a wildflower area, which will provide some additional, albeit limited, ecological benefits. Furthermore, the drawings now indicate numerous hedgehog gaps in the fencing throughout the site.
- 6.40 The mitigation measures should be retained in perpetuity with an appropriate maintenance regime. This includes:
- frequent inspections, of the new hedgerows and hedgebank, with replanting as necessary
 - once fully established, 3 yearly trimming of the hedgerows/hedgebanks to ensure the 2 northern hedgerows do not merge as a free flight path is required
 - hedgerows forming the mitigation will be excluded from private garden areas to secure their maintenance
 - a set grazing regime for the compensatory land which includes animals being removed from the land during certain months, prohibits the use of chemicals that would reduce the number of insects (upon which the bats feed)
 - the exclusion of pedestrian access from the flight corridor; a gate is to be provided
- 6.41 The time spent in refining the data has meant that NE has now withdrawn its objection and is satisfied that the Authority has met its obligations under the Habitats Regulations. The mitigation measures are in accordance with the policy SP 2.2. The proposal also meets the requirements of biodiversity net gain as set out in policy SP 2.3.
- 6.42 The Authority's Tree and Landscape Officer (TaLO) has reviewed the proposed landscaping specification, and is content that it will function as necessary. However, it was noted that an existing hedgerow containing mature Ash trees was being relied upon to form part of the dark flight corridor, was outside of the red line site boundary, and therefore not under the applicant's control.

- 6.43 The TaLO also raised a concern with Ash Dieback which raised questions over how realistic it was to rely on these trees. As a result, the applicant has agreed to plant a new hedgerow inside of this existing hedgerow, within the red site boundary. This does narrow the flight corridor somewhat, down to less than 2m for a short length (approximately 1m). Whilst a wider corridor is preferable, it's maintenance is necessary to ensure both hedgerows do not join and a free flight path is maintained.
- 6.44 Whilst many objectors refer to the detrimental impacts the proposed development would have on protected species and biodiversity in general, subject to the detailed mitigation and maintenance being secured, the scheme is not considered to be of detriment to the ecological interests of the site. NE support the conclusion that the proposal will have no likely significant effect on the South Hams SAC, subject to appropriate planning conditions and obligations.

DRAINAGE AND FLOOD RISK

- 6.45 The application has been accompanied by a Flood Risk Assessment, and a foul and surface water drainage strategy. The site lies in Flood zone 1, the lowest flood risk category. It is recognised it is a steeply sloping site, the north eastern corner of which appears to be boggy; no development is proposed here. Objectors have also commented on the wet nature of the site, noting that surface water runs down the field, and in periods of heavy rain, some of the existing properties (to the north) have seen water running into their gardens; photographic evidence was provided showing this.
- 6.46 The reports accompanying the development indicate the site is not suitable for infiltration due to ground water levels, nor is discharge to the watercourse appropriate. It is therefore proposed to install attenuation tanks in the north eastern corner, in the area set aside as a wildflower space with controlled discharge to the SWW main sewer; SWW are in agreement to this.
- 6.47 An initial review by Devon County Council Flood Risk Team resulted in further details being requested, including an increase in the size of the attenuation tank. DCC have now confirmed the proposed surface water drainage method is acceptable, subject to conditions.
- 6.48 The concerns of the objectors are noted. Sustainable Urban Drainage Scheme (SUDS) guidance dictates that there should be a betterment in terms of surface water run-off from any development and subject to securing the drainage as per the conditions, and its management being secured through the S106, that is considered the case here; the SUDS will direct water away from these existing properties.
- 6.49 In terms of foul drainage, it is proposed to connect to the existing mains sewer system. Objectors have commented that this cannot take any more flows but South West Water have assessed the proposal and confirmed the system has capacity to accept the additional flows that would be generated by this proposal.
- 6.50 The proposal presents an acceptable method of foul and surface water drainage. Subject to the suggested conditions to ensure the drainage is implemented appropriately at both construction and occupation stage, and subsequently

managed to ensure it operates effectively, the proposal accords with policy SP 2.5.

LANDSCAPE IMPACTS

- 6.51 Local Plan policy SP 1.2 requires development to conserve or enhance the Dartmoor landscape and features that contribute to its special qualities.
- 6.52 The site, whilst on the edge of the settlement, is very well screened and is not overly prominent in the landscape. A "dark skies" lighting scheme, only providing low level lighting where absolutely necessary is proposed. It is not considered the tranquillity of this area will be affected to any significant degree, mindful there will be some lighting overspill already occurring from the existing surrounding development, particularly where "traditional" street lighting exists. It accords with the provisions of policy SP 2.6.

NEIGHBOUR IMPACTS

- 6.53 Policy 1.7 addresses local amenity issues. As set out above, the site is bounded to the south and east by existing mature residential estates, most of which are 2 storey in nature.
- 6.54 The dwellings to the south are set at a similar level to the site and more than adequately screened by mature hedgerows and garage blocks. They also sit sideways onto the site.
- 6.55 The dwellings to the east, however, are set several metres lower than the site. Oblique views can be gained from the site into rear gardens and windows. The application does propose to strengthen up the existing hedgerow along the eastern boundary. Properties are aligned to minimise the potential for overlooking.
- 6.56 Disturbance during construction is inevitable with any development. TDC's Environmental Health Officer has recommended conditions be imposed to control hours of construction and minimise disturbance to surrounding properties from noise or dust. A detailed Construction Method Statement will be required to ensure impacts are kept to a minimum. This should ensure the development meets policy objectives.

INFRASTRUCTURE REQUIREMENTS

- 6.57 DCC Education has made a request for £10,070 to be targeted at provided transport for pupils to secondary education facilities at Ashburton.
- 6.58 TDC has noted the lack of play provision on site – this is difficult to achieve within the boundaries of the sloping site. It is requested that contributions in the order of £21,000 towards a Multi Games Area (MUGA) and £22,680 towards other identified recreation deficiencies in Buckfastleigh are made. This meets the requirements of policy SP 4.2.

OTHER MATTERS

- 6.59 The new Local Plan incorporates additional measures to encourage energy efficiency and minimum space standards in new build residential dwellings (SP 1.6,

SP 3.2 & 4.5). The application was submitted well before the conception of the new Local Plan, at a time when these policies had little or no weight. The dwellings follow a fabric first approach to sustainability however, it has not been considered appropriate to retrospectively apply these specific policies to the scheme where revisions, consultations and interrogation of viability issues have been thoroughly scrutinised under the former policy regime and were largely completed before the adoption of the new plan in December 2021.

CONCLUSION/PLANNING BALANCE

- 6.60 This proposal represents a long-awaited scheme for a site that has been allocated for housing development since 2013. That allocation has been further scrutinised (alongside other potential sites within Buckfastleigh) and found to be necessary, relevant and deliverable, leading to its continued inclusion in the new Local Plan.
- 6.61 Residential developments within Local Centres must be predicated on a defined local housing need, bringing forward affordable housing to meet identified demand. It is clear that there is a latent demand for affordable housing within the settlement. It is recognised that, in the absence of significant Government funding, open market returns will be necessary to bring forward affordable housing delivery. The Authority sets a high threshold (45%) and will strive to meet that target wherever possible. However, national and local policy acknowledges that there will be other factors that may influence decisions, specifically where viability, abnormal site conditions, community infrastructure and biodiversity demands need to be factored into the equation. Unfortunately, it has been proved that these issues, collectively, have reduced the affordable housing offer to 25% of the units. Members can be assured that officers have, with the aid of independent advice, scrutinised all aspects to ensure that is the best offer that can be achieved while ensuring the development is viable and has the potential to be deliverable at this time.
- 6.62 This recognises that the site has a number of constraints, not least the need for detailed off-site biodiversity mitigation (a likely requirement on many sites in Buckfastleigh), significant on-site drainage obligations to minimise flood risk and necessary infrastructure requests.
- 6.63 This application seeks to deliver on one of the objectives of the former and new Local Plan policies. Having resolved all outstanding matters over a protracted period it is now considered appropriate to reach a conclusion as set out in the recommendation.

CHRISTOPHER HART