

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

3 November 2023

Applications to be Determined by the Committee

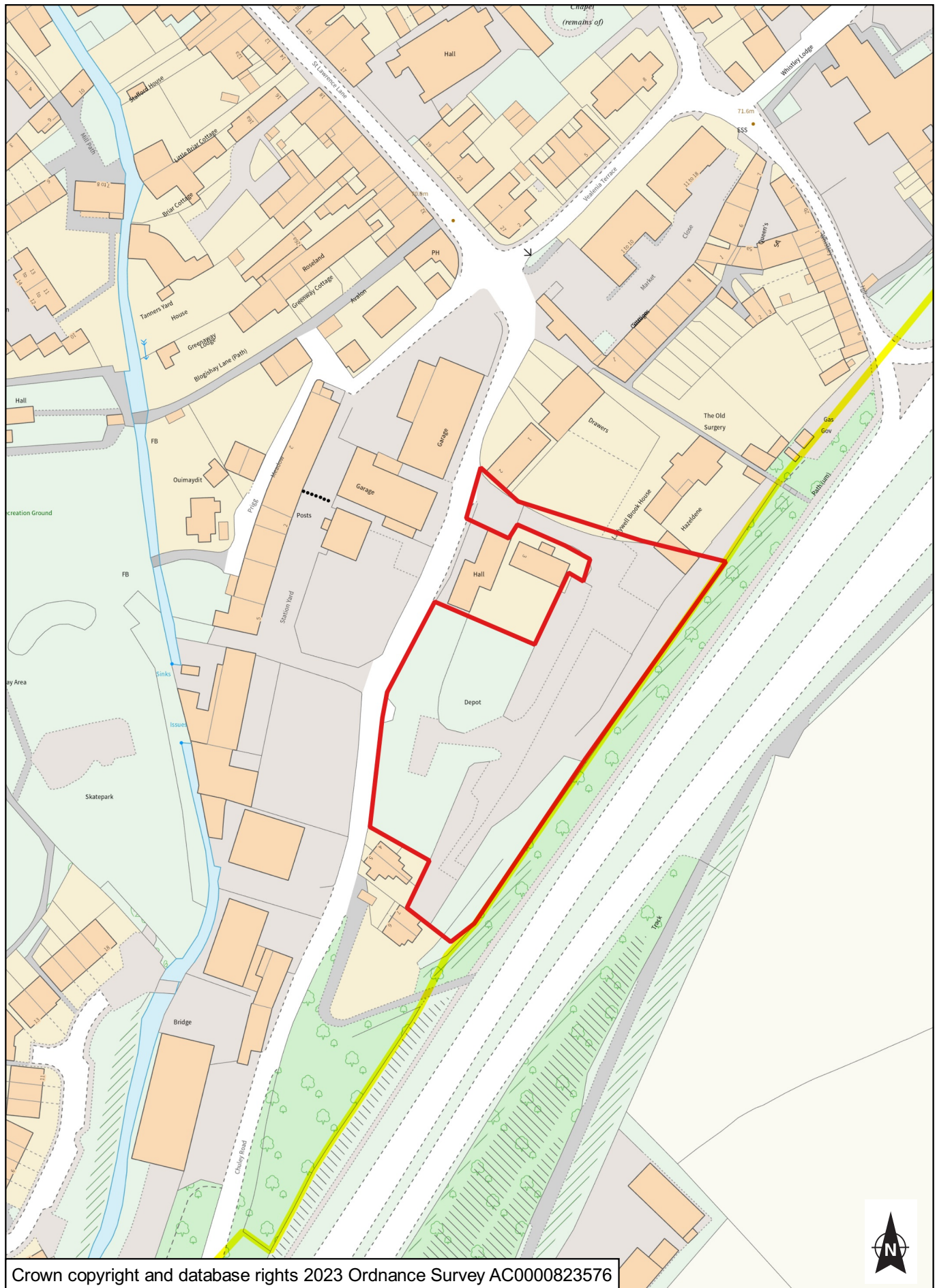
Report of the Head of Development Management

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0444/22 - Outdoor Experience, Ashburton

Scale 1:1,500



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Item 1

Application No: **0444/22** District/Borough: **Teignbridge District Council**

Application Type: **Reserved Matters** Parish: **Ashburton**

Officer: **Sassie Williams**

Proposal: **Reserved Matters application in respect of appearance, landscaping, layout and scale following the grant of outline permission ref. 0332/19 for the erection of 29 dwellings**

Location: **Former Outdoor Experience Site, Chuley Road, Ashburton, Devon, TQ13 7DQ**

Applicant: **Mr & Mrs Honour**

Recommendation: **That, subject to completion of an updated s106 legal agreement for the following matters:**

- **Affordable housing tenure mix**
- **Management of public open space**
- **Management of public parking spaces**
- **Carry forward of agreed education contributions**
- **Mechanism for assessing any further commuted sum for affordable housing provision based on actual profit assessment,**

permission be GRANTED

Conditions:

1. The development hereby permitted shall be begun either (i) before the expiration of three years from the date of outline permission, or (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings and reports: CRA-BPC-XX-XX-D-A-0100 P02, CRA-BPC-XX-XX-D-A-9700 P01 valid 11 November 2023, 33113-BPC-XX-XX-DR-C-0040 Rev P01 received 9 January 2023, CRA-BPC-AA-XX-D-A-0301 P04, CRA-BPC-BB-XX-D-A-0302 P03, CRA-BPC-CC-XX-D-A-0303 P03, CRA-BPC-DD-XX-D-A-0304 P03, CRA-BPC-EE-XX-D-A-0305 P03, CRA-BPC-FF-XX-D-A-0306 P04 received 19 April 2023, CRA-BPC-GG-XX-D-A-0307 P07 received 5 July 2023, CRA-BPC-XX-XX-D-A-0511 P02 received 8 August 2023, CRA-BPC-XX-XX-DR-D-52-0010 Rev P02 received 23 August 2023, CRA-BPC-XX-XX-D-A-0200 P14, CRA-BPC-XX-XX-D-A-0201 P07, CRA-BPC-XX-XX-D-A-0203 P07, CRA-BPC-XX-XX-D-A-0204 P06, CRA-BPC-XX-XX-D-A-0205 P05, CRA-BPC-XX-XX-D-A-0400 P07, CRA-BPC-XX-XX-D-A-0500 P06, CRA-BPC-XX-XX-D-A-0510 P02, CRA-BPC-HH-XX-D-A-0308 P07, CRA-BPC-XX-XX-DR-C-0002 P02, CRA-BPC-XX-XX-

DR-C-0020 P02, CRA-BPC-XX-XX-DR-C-0030 P02 received 8 September 2023, CRA-BPC-XX-XX-D-A-0202 P09, CRA-BPC-XX-XX-D-A-9701 P03 received 15 September 2023, the Landscape and Ecological Management Plan ref. 220744 LEMP Rev04 by Ecologic dated August 2023, Construction Ecological Management Plan ref. 220744 CEMP Rev03 by Ecologic dated March 2023, Biodiversity Net Gain Report ref. 220744 BNG Rev02 by Ecologic dated March 2023, Arboricultural Report by Ecologic ref. 220744 T rev 01 dated June 2023, and the Amended Drainage Design Statement ref. 33113-BPC-XX-XX-RP-C-0001 Rev 04 dated August 2023.

3. A detailed schedule of the materials and finishes to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their use or installation. This shall include samples of the roof slate, timber cladding, metal standing seam sheeting, details of render finishes, window/exterior door units, verge/soffit details, positions of meter boxes, bin stores, driveway surface materials and kerbs. Thereafter, the development shall be completed in accordance with the approved details and using only the approved external facing and surfacing materials.
4. Any roof-mounted solar panels within the application site shall be all black, including framing, and shall not protrude more than 200mm from the surface of the roof.
5. The dwellings hereby permitted shall not be occupied until the parking spaces for motor vehicles shown on the approved plans have been completed and made available for that use; thereafter the parking spaces shall be permanently retained for that use alone.
6. Notwithstanding the drawings hereby approved, full details of the electric vehicle charging points shall be submitted to, and approved in writing by the Local Planning Authority prior to their installation. The approved vehicle charging points shall be installed and operational prior to the occupation of the dwellings hereby approved, and shall thereafter be maintained and retained in perpetuity.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwellings shall be carried out and no extension, building, enclosure or structure shall be constructed or erected in or around the curtilage of the dwellings hereby permitted without the prior written authorisation of the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure shall be erected within the curtilage to the front of all properties in Blocks G & H, which includes the driveways and all other areas between the buildings and Chuley Road.

9. Notwithstanding the Indicative Main Contractor Site Set Up Plan submitted with this application, a detailed construction method statement to include an updated Indicative Main Contractor Site Set Up Plan shall be agreed in writing by the Local Planning Authority prior to any works taking place on the site. This shall include the details of any temporary storage compounds, welfare facilities and parking arrangements on the site, times of working, arrangements for deliveries, and control of fugitive dust, and shall ensure that no equipment, materials, machinery, or facilities are stored within 5m of the retained woodland or A38 road embankment. Thereafter, the development hereby approved shall be implemented in accordance with the approved details.
10. No phase of the development hereby approved shall commence until, in respect of that phase, a method statement, written in accordance with BS 5228:2009+A1:2014, regarding noise, vibration and the prevention of disruption of all neighbouring noise-sensitive premises, has been submitted to and approved in writing by the LPA.

The statement shall include the noise control measures to be employed in relation to the type of plant, the methods used to construct and move materials, the phasing of operations, planning the site layout, and the use of barriers and acoustic enclosures to control the noise at source. The location of static noise sources shall be sited away from noise sensitive premises wherever practicable. Operating hours shall be 08:00 - 1800hrs Monday – Friday, 8:00 – 13:00 on Saturdays and no working on Sundays or Bank holidays. If work or generators are required to operate outside of the above-mentioned hours, the site boundary sound level shall be below the background sound level at the nearest noise sensitive dwelling at that time. Boundary and on-site noise levels shall be monitored regularly. Thereafter, the development hereby approved shall be implemented strictly in accordance with the agreed method statement for that phase of development.
11. The development shall be carried out strictly in accordance with the approved Landscape and Ecological Management Plan ref. 220744 LEMP Rev04 by Ecologic dated August 2023 and Construction Ecological Management Plan ref. 220744 CEMP Rev03 by Ecologic dated March 2023.
12. Within twelve months of the commencement of the development hereby approved, or such longer period as the Local Planning Authority shall specify in writing, the landscaping, planting and biodiversity net gain measures shall be completed in accordance with drawing numbered CRA-BPC-XX-XX-DR-A-02-02 Rev 09 received 15 September 2023 and the Biodiversity Net Gain Report ref. 220744 BNG Rev02 by Ecologic dated March 2023. The landscaping and planting shall be maintained for the lifetime of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
13. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless a suitably qualified ecologist has checked for the presence of nesting birds no more than 24 hours prior to the commencement of

works and confirmed in writing to the Local Planning Authority that the works will not disturb nesting birds.

14. No lighting shall be erected within the development hereby approved unless details have been previously agreed in writing by the Local Planning Authority. Thereafter any approved lighting shall be installed and maintained in accordance with the agreed details.
15. The lux levels at the eastern boundary of the site shall not exceed 0.5 lux. At no time shall any external lighting be erected to the rear of plots 1-18 hereby approved, and the 3m high acoustic fence hereby approved to the rear of plots 1-18 shall be retained as a solid barrier at a height of 3m in perpetuity.
16. No development shall commence until all existing trees, shrubs and hedges to be retained have been protected by fences or suitable barriers erected beyond their dripline, in accordance with drawing 220744/TPP dated 17 March 2023 and found in appendix 5 of the Arboricultural Report by Ecologic ref. 220744 T rev 01 dated June 2023. 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.
17. The permanent surface water drainage management system will be constructed in accordance with the Drainage Plan drawing ref. CRA-BPC-XX-XX-DR-D-52-0010 Rev P02 received 23 August 2023. 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 in accordance with section 4 of the Amended Drainage Design Statement ref. 33113-BPC-XX-XX-RP-C-0001 Rev 04 dated August 2023.
18. The surface water drainage management system which will serve the development site for the full period of its construction will be constructed and implemented in accordance with the construction phase surface water drainage plan ref. 33113-BPC-XX-XX-DR-C-0040 Rev P01 received 9 January 2023 and maintained throughout the construction period.
19. The development hereby permitted must not be commenced until such time that a full survey of the culvert is undertaken to accurately identify its position. The results of the survey shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or

within any other period as may subsequently be agreed, in writing, by the local planning authority.

20. The development hereby permitted must not be commenced until such time as the detailed design of the foundations of properties within Blocks G&H along Chuley Road (plots 19-29 inclusive as shown on plan CRA-BPC-XX-XX-DR-D-52-0001 revision P02) and the proposed driveway construction details have been submitted to, and approved in writing by, the local planning authority. The details shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
21. The development hereby permitted must not be commenced until such time that a CCTV survey has been carried out for the section of culvert adjacent to the development site to assess the pre-development condition of the culvert. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
22. Prior to the sale/exchange in ownership of properties in Blocks G&H (plots 19-29 inclusive as identified on plan CRA-BPC-XX-XX-DR-D-52-0001 revision P02), a full CCTV survey of the culvert adjacent to the development site shall be undertaken and any damage repaired to achieve the T98 Asset Condition Assessment pre-work standard. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
23. The Finished Floor Levels (FFL) of Block G lower ground floor shall be set at no lower than 69.25mAOD with ground floor levels set at 2.7m above 69.25mAOD and the FFL of Block H lower ground floor shall be set no lower than 69.4mAOD with ground floor set at 2.7m above 69.4mAOD, as shown in drawing CRA-BPC-XX-XX-DR-D-52-0001 Revision P02.
24. Notwithstanding the drawings hereby approved, no development above Ground Floor Finished Floor Level (FFL) of the development hereby approved shall commence until a Boundary Treatment Plan for the site boundary with the A38 trunk road has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). This shall detail how the development will be screened from the A38 trunk road. Prior to the occupation of any part of the development hereby approved, the development site shall be screened and thereafter maintained in perpetuity in accordance with the approved details.
25. Prior to the commencement of the development hereby approved, a revised Arboricultural Impact Assessment & Tree Protection Plan for the boundary adjacent to the A38 trunk road shall be submitted to and approved in writing by the Local

Planning Authority (in consultation with National Highways). Thereafter, the development shall be implemented in accordance with the approved details.

26. Notwithstanding the drawings hereby approved, no development above Ground Floor Finished Floor Level (FFL) of the development hereby approved shall commence until a revised Landscaping Plan and associated Planting Schedule for the boundary adjacent to the A38 trunk road have been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). Prior to the occupation of any part of the development hereby approved, the development site boundary shall be landscaped, planted and thereafter maintained in perpetuity in accordance with the approved details.
27. Notwithstanding the drawings hereby approved, no development above Ground Floor Finished Floor Level (FFL) of the development hereby approved shall commence until a revised Noise Impact Assessment and full details of any necessary acoustic mitigation have been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). Prior to the occupation of any part of the development hereby approved, acoustic mitigation shall be installed and thereafter maintained in perpetuity in accordance with the approved details.
28. No development shall commence until a Phase 3 Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. This assessment must provide details of the proposed remedial works set out in section 6 of the Phase 2 Contaminated Land Ground Investigation Report by John Grimes Partnership dated 8 September 2022. Thereafter, remedial works shall be carried out as approved and under the supervision of an experienced Environmental Consultant.
29. Prior to first occupation of any dwellings hereby approved, a Phase 4 Verification Report confirming completion of remedial works set out in condition 28 shall be submitted to and approved by the Local Planning Authority.

1 Introduction

- 1.1 Application ref.0332/19 for outline planning permission for 29 dwellings (including seven affordable units), with access, was approved by the Development Management Committee and granted on 10 September 2021.
- 1.2 This Reserved Matters application seeks approval for the remaining matters not decided at outline stage, namely appearance, landscaping, layout and scale.
- 1.3 The site lies within the settlement boundary on the eastern side of the town adjacent to the A38. It is surrounded by a range of development including residential dwellings, light industrial units and garaging. It has been substantially cleared of buildings relating to its last use as a caravan retail and storage business and has been vacant for a number of years. The site is terraced following the natural slope from the higher ground (east to west).

- 1.4 The application boundary includes the whole of the former Outdoor Experience site seeking to re-use the existing point of access on the northern side with a direct link to Chuley Road. It forms only part of the Dartmoor Local Plan allocation 'Proposal 7.4 for Land at Chuley Road'.
- 1.5 The application is presented to the Committee as a major application, in view of its impact on this part of Ashburton and the issues it raises in terms of design, drainage, affordable housing provision and other associated issues.

2 Planning History

0332/19 - Outline Planning Permission - Erection of 29 dwellings - Granted Conditionally 10 September 2021

0439/17 – Outline Planning Permission - Redevelop site by erection of 24 dwellings and associated works – Refused 31 July 2018

0317/03 – Outline Planning Permission - Residential development of outdoor leisure centre with 45 homes – Refused 6 June 2003

0234/02 – Outline Planning Permission - Residential development (45 homes) – Refused 3 May 2002

5/31/155/96/01 – Outline Planning Permission - Erection of two small light industrial units and 22 houses – Refused 13 January 1997

3 Consultations

- 3.1 Below is a summary of responses from statutory and other consultees. The detailed responses can be found in Appendix 1.

3.2 Dartmoor National Park - Archaeology

No archaeological concerns are anticipated for the proposed development.

3.3 Dartmoor National Park - Building Conservation Officer

Object due to the harm caused to the significance of the setting of the designated and non-designated heritage assets.

3.4 Dartmoor National Park - Tree Officer

Object - the layout of the scheme is unsympathetic to the existing tree population, will result in the loss and long-term pressure to remove or prune trees, resulting in harm to the local amenity. There is insufficient replacement planting to compensate for the loss of trees necessary to facilitate the proposed scheme. Replanting that is shown in part does not appear to be on land with the applicant control.

Notwithstanding the above should the scheme be approved; it should be subject to conditions relating to tree protection and new tree planting.

3.5 Devon County Council - Ecology

No objection following submission of revised Lighting Report, Biodiversity Net Gain report and calculations, Landscaping Plan, Construction and Environment Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP).

The new lighting report is in line with the approved commitments made as part of the Habitats Regulations Assessment for the outline application. From the imagery provided it is clear that the 3m high acoustic fence blocks light spill from development (both internal and external) so that light levels behind the fence are under the required 0.5lux.

3.6 Devon County Council – Flood Risk

No objection. The applicant has submitted model outputs for the surface water drainage system. Maintenance details have been provided for the permeable paving.

If South West Water will not adopt the proposed flow controls, then, the applicant has noted, these will be maintained by a management company. The management company should regularly monitor these controls to ensure that they are operating and don't become blocked.

The locations of the temporary basins will prevent the construction of plots 19 - 22, as well as parking spaces 1 - 3(a). The applicant has noted that the permanent drainage system might be in place to allow the construction of the plots and parking spaces. The applicant will need to consider sediment management if the basins are removed (to prevent sediment from flowing into the attenuation tank).

Appropriate silt management is required within the northern area of the site (hatched on the Construction Stage Surface Water Management Plan)

3.7 Devon County Council - Highways

No objection - the plans submitted comply with the conditions on the outline planning permission at the highway authority's recommendation.

3.8 Devon & Cornwall Police

In order to reduce the opportunity for crime and anti-social behaviour it is recommended that rear access paths are designed out or gated. A condition is recommended to ensure the space to the rear of plots 19-29 is gated as per the specification below:

The gates should be robustly constructed (i.e. steel bar gates to LPS 1175 SR2 or STS 202 BR2) with a minimum height of 1.8m, of anti-climb design, that allows for visibility through the gate and a self-closure in place. A suitable access control should be installed with a fail-safe release on the private side in case of fire and the locking mechanism must be shielded to prevent anyone reaching through to the inner lock release.

3.9 Devon & Somerset Fire and Rescue Service

As the proposal will be subject to Building Regulations and the Regulatory Reform (Fire Safety) Order 2005, a statutory consultation will be undertaken between the Building Control Body and the Fire Authority.

Under this process, the proposal must comply with the functional requirements of Approved Document B of the Building Regulations, to include access requirements for Fire Service Vehicles (B5). These include Vehicle Access, including minimum

road widths, turning facilities for fire service vehicles and maximum reversing distances of 20 meters.

In addition, the provision of appropriate water supplies for firefighting (Street Hydrants) including appropriate flow rates will need to be achieved. Information on this should be sourced from the National Guidance document on the provision of water for firefighting (3rd Edition; Jan 2007)

3.10 **Environment Agency (EA)**

No objection following submission of revised Flood Risk Assessment (FRA) and plans, subject to the inclusion of conditions on any permission granted which relate to the management of flood risk and detail regarding the culvert adjacent to the site:

1. The development hereby permitted must not be commenced until such time that a full survey of the culvert is undertaken to accurately identify its position. The results of the survey shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – To accurately identify the proximity of the culvert to the proposed development and inform the suitability of the foundation design of the proposed development.

2. The development hereby permitted must not be commenced until such time as the detailed design of the foundations of properties within Blocks G&H along Chuley Road (plots 19-29 inclusive as shown on plan CRA-BPC-XX-XX-DR-D-52-0001 revision P02) and the proposed driveway construction details have been submitted to, and approved in writing by, the local planning authority. The details shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – To ensure that the proposed method of foundations do not have a detrimental impact upon the culvert along Chuley Road and do not impede the ability of the Environment Agency to carry out maintenance of the culvert.

3. The development hereby permitted must not be commenced until such time that a CCTV survey has been carried out for the section of culvert adjacent to the development site to assess the pre-development condition of the culvert. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – To identify the structural integrity of the culvert and address any issues which may arise relating to the construction phase should the culvert be in a poor condition.

4. Prior to the sale/exchange in ownership of properties in Blocks G&H (plots 19-29 inclusive as identified on plan CRA-BPC-XX-XX-DR-D-52-0001 revision P02), a full CCTV survey of the culvert adjacent to the development site shall be undertaken

and any damage repaired to achieve the T98 Asset Condition Assessment pre-work standard. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – To ensure that the culvert is brought back to the acceptable condition to prevent any structural issues during the construction or post-construction phases of the development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure shall be erected within the curtilage to the front of all properties in Blocks G & H, which includes the driveways and all other areas between the buildings and Chuley Road.

Reason – To prevent the construction of porches, parking structures and other structures being built within the maintenance corridor of the underground culvert without the express permission from the Local Planning Authority in conjunction with Environment Agency advice.

6. The Finished Floor Levels (FFL) of Block G lower ground floor shall be set at no lower than 69.25mAOD with ground floor levels set at 2.7m above 69.25mAOD and the FFL of Block H lower ground floor shall be set no lower than 69.4mAOD with ground floor set at 2.7m above 69.4mAOD, as shown in drawing CRA-BPC-XX-XX-DR-D-52-0001 Revision P02.

Reason – To reduce the risk of flooding to the proposed development and future occupants.

3.11 **Historic England**

No advice offered.

3.12 **National Highways (NH)**

No objection subject to planning conditions:

1. Prior to the commencement of the development hereby permitted, a Boundary Treatment Plan for the site boundary with the A38 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). This shall detail how the development will be screened from the A38 trunk road.

2. Prior to the commencement of the development hereby permitted, a revised Arboricultural Impact Assessment & Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

3. Prior to the commencement of the development hereby permitted, a revised Landscaping Plan and associated Planting Schedule for the boundary adjacent to the A38 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

4. Prior to the commencement of the development hereby permitted, a revised Noise Impact Assessment and full details of any necessary acoustic mitigation shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

3.13 Natural England

No objection following submission of revised Lighting Report, Construction and Environment Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP), provided that the County Ecologist is content with the revised lighting report, and provided that appropriate mitigation is included to ensure that the lighting condition (11) from the outline permission 0332/19 is fully addressed.

3.14 South West Water

No objection to the proposed surface water drainage strategy limiting flows to a maximum of 3 l/sec discharging to the public surface water sewer located in Station Yard, provided the Lead Local Flood Authority (LLFA) accepts the surface water drainage strategy as proposed.

3.15 Teignbridge District Council - Environmental Health

No objection, following conditions recommended should planning permission be granted:

1. In the interest of protecting the amenity of existing nearby dwellings during development, no phase of the development shall commence until, in respect of that phase, a method statement regarding noise, vibration and the prevention of disruption of the neighbouring noise sensitive premises has been written in accordance with BS 5228:2009+A1:2014, submitted to and approved in writing by the Local Planning Authority (LPA). The approved method statement shall be implemented on approval and complied with at all times. The statement should note the noise control measures to be employed regarding the type of plant, the methods used to construct and move materials, the phasing of operations, planning the site layout, for example using barriers or acoustic enclosures to control the noise at source. The location of static noise sources shall be sited away from noise sensitive premises wherever practicable with an aim to achieve less disturbance to the neighbouring properties. The standard operating hours should be 08:00 - 1800hrs. Monday – Friday, 8:00 – 13:00 on Saturdays and no working on Sundays or Bank holidays. No works shall be carried out outside of these times unless approved by the LPA. If work or generators are required to operate outside of the above-mentioned hours, the site boundary sound level should be below the background sound level at the nearest noise sensitive dwelling at that time. Boundary and on-site noise levels should be monitored regularly. The applicant should include a scheme of works for the control of fugitive dust coming from the site.

2. The applicant should provide further information regarding the noise attenuation methods proposed to mitigate disturbance post-construction, as determined necessary in the Noise & Vibration Impact assessment completed by REC, submitted under ref 0332/19. In this report, it was highlighted that without adequate noise attenuation, amenity spaces and some internal habitable rooms of certain properties may exceed the BS8233:2014 criterion. The information provided should include details of any proposed alternative ventilation, proposed acoustic barriers

and any other factors that will be employed to ensure there that there no adverse effects are experienced in relation to noise.

Further comments received 15 September 2023

The Environmental Health Officer would expect an addendum to the original report by a suitably qualified acoustician that demonstrates that the proposed fence will ensure that the amenity spaces and internal habitable rooms exceed the standards set out in BS8233:2014 prior to determination of the application.

3.16 Teignbridge District Council - Housing Enabler

Object - the justification for provision significantly below policy and is not sufficient in a Parish with high levels of housing need. Preference for Shared ownership which offers a more flexible range of equity share for local, qualifying households. Boundary treatment between affordable plots and A38 important as the levels could impact on privacy to the rear of the homes unless carefully designed.

3.17 Teignbridge District Council - Planning

No comments

4 Town Council Comments - Ashburton Town Council (ATC)

Objects due to outstanding concerns still to be addressed, in summary relating to:

- Insufficient delivery of Biodiversity Net Gain
- Insufficient delivery of affordable housing
- Insufficient information regarding waste water flow and management
- Application fails to address concerns that development would increase flood risk elsewhere

5 Relevant Development Plan Policies

5.1 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

Policy 1.7 Protecting local amenity in Dartmoor National Park.

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 2.7 Conserving and Enhancing Heritage Assets

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

Policy 4.3 Enabling sustainable transport

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 7.4 Land at Chuley Road, Ashburton

6 Representations

- 6.1 6 public comments received: 1 general comment and 5 objections. Some objectors commented multiple times but have been counted as a single objection.

Summary of objections made:

- Access inadequate for construction vehicles, emergency vehicles
- Unclear where hydrant would be located
- Insufficient parking proposed
- Unlit footpaths throughout development encouraging crime
- Increased traffic on Chuley Road
- Lack of turning areas and parking in front of properties will cause congestion within the site and on Chuley Road.
- No play area
- Development may exacerbate flooding along Chuley Road,
- Development may add further pressure to existing sewage system
- Negative impact on wildlife and particularly bats
- Height / dominance of dwellings proposed along Chuley Road
- Flood routing plan appears to route water towards neighbouring housing, particularly from proposed properties 17 and 18 down into 4 Chuley Road
- Inappropriate density of housing proposed
- Relationships between proposed new houses and neighbouring properties poorly considered
- Concern regarding retaining walls (currently in poor condition) and level changes between proposed plot 18 and 4 Chuley Road
- Application shows lack of response to climate emergency
- Windows of proposed flats would impinge on privacy of residents of Chuley Bungalow
- Proposed development would negatively impact views of residents of local area
- Need to retain more trees

- 6.2 General comments:

- Application does not appear to accord with ecological requirements set out as part of application 0332/19, particularly relating to lighting and impact on protected species and bat flight corridor
- Wildflower area proposed outside red line
- Landscape and Ecological Management Plan (LEMP) omits management of wildflower meadow and hedgerows and contains no specific monitoring or mechanism to confirm that habitats / conditions stated in Biodiversity Net Gain (BNG) metric have been achieved
- Indicative Main Contractor Site Set Up Plan shows storage areas for site equipment abutting retained woodland and A38 embankment contrary to details set out in CEMP
- Policy-compliant BNG is not achieved on the site

- Concerns that BNG report and metric have not been completed correctly

7 Observations

PROPOSAL

- 7.1 Application 0332/19 granted outline planning permission for 29 dwellings (including seven affordable units) with access on 10 September 2021. The access approved at outline stage re-uses the existing point of access on the northern side of the site with a direct link to Chuley Road.
- 7.2 This Reserved Matters application is for the remaining matters not decided at outline stage, namely appearance, landscaping, layout and scale. It does not afford the opportunity to revisit the principle of development, the agreed level of affordable housing provision and associated viability issues.
- 7.3 The 29 dwellings are proposed across two levels, consisting of a mix of 2 and 3-bed houses, and 1 and 2-bed flats. Units 1 to 18 would form the upper tier of the site, comprising 2 storey buildings, with rear boundaries adjoining the A38. Units numbered 1 to 7 would provide 6 affordable flats (units 1 to 6) and 1 affordable house (unit 7). Units 19-29 would form the lower tier of the site, comprising 3 storey dwellings with integrated ground floor garage, and fronting directly onto Chuley Road.

SITE

- 7.4 The site lies within but adjoining the settlement boundary on the eastern side of the town adjacent to the A38. It is surrounded by a range of development including residential dwellings, light industrial units and garaging. It has been substantially cleared of buildings relating to its last use as a caravan retail and storage business and has been vacant for a number of years. The site is terraced following the natural slope from the higher ground (east to west).
- 7.5 The application boundary includes the whole of the former Outdoor Experience site.
- 7.6 The site forms part of the site allocation 'Proposal 7.4 Land at Chuley Road, Ashburton'.

RESERVED MATTERS AND OUTLINE CONDITIONS / S106 REQUIREMENTS

| Condition | Detail | Comments |
|-----------|---|--|
| 1 | Development begun either (i) before expiration of three years from outline decision date or (ii) before expiration of two years from date of approval of last reserved matters to be approved | Condition that will be retained on this approval |
| 2 | Reserved Matters to be submitted within 1 year of decision | Decision date 10 September 2021; application received 9 September 2022 |

| | | |
|----|--|---|
| 3 | Development in accordance with drawings 28030 Rev P3 and 28030 Rev P1 | Submitted details accord with these drawings |
| 4 | No development until detailed drawings approved showing: - siting, design, materials and external appearance of all proposed buildings, - arrangements for disposal of foul and surface water - areas for vehicle parking, surfacing and lighting - landscaping (including the identification of all trees to be retained) - all other works including walls, fences and other means of enclosure and screening - plan indicating the location and species of all trees existing on the site | All required details submitted with this application |
| 5 | No development until Construction Method Statement agreed | Pre-commencement condition that will be retained on this approval |
| 6 | Reserved Matters accompanied by detailed phase 2 contamination assessment | Submitted |
| 7 | Reserved Matters accompanied by a highway boundary treatment plan | Submitted |
| 8 | Reserved Matters accompanied by the detailed design of the proposed permanent surface water drainage management system | Submitted |
| 9 | Reserved Matters accompanied by a CEMP and LEMP | Submitted |
| 10 | No lighting to be erected unless previously agreed | Condition that will be retained on this approval |
| 11 | Reserved Matters accompanied by a Lux Analysis and associated LEMP. The lux levels at the eastern boundary of the site shall not exceed 0.5 lux within the area shown on the approved plan 28030 Rev P1. | Submitted |
| 12 | Reserved Matters accompanied by detailed scheme related to proposed highway access and its internal arrangements, including visibility splays, turning areas, private and public parking spaces, garages / hardstandings, access drive, access drainage arrangements | Submitted |
| 13 | No extension to affordable units unless previously agreed | Condition that will be retained on this approval |

- 7.7 Approval 0332/19 was also subject to a S106 agreement which set out the following obligations of relevance to this application.
- 7.8 Affordable Housing:
- Reserved Matters to be accompanied by tenure mix for affordable dwellings; this has been submitted.
- 7.9 Viability:
- Reserved Matters to be accompanied by an updated development viability assessment report; this has been submitted. Developer to pay affordable housing commuted sum if updated profit is higher than estimated profit.

PRINCIPAL OF DEVELOPMENT

- 7.10 This is an allocated site, and the principle of its development has been established through outline approval 0332/19 which approved this location for residential development and confirmed suitability of the access to serve the development. Matters relating to the principle of developing the site to accommodate 29 houses using the proposed access is therefore not considered further as part of this application.
- 7.11 The details submitted with this Reserved Matters application are consistent with the outline approval and will provide 29 houses including 7 affordable dwellings and re-using the existing access directly onto Chuley Road.

POLICY CONSIDERATIONS

- 7.12 The Dartmoor Local Plan has been adopted since the grant of outline permission, while the thrust of many policies remains the same this has also introduced some new requirements such as the need to deliver 10% Biodiversity Net Gain.
- 7.13 Housing policies SP3.1 and SP3.3 emphasise that residential development should be predicated on the provision of affordable housing to meet local needs. Within Local Centres this should be no less than 45% of the total units unless viability issues indicate otherwise or the development brings forward the delivery of significant local infrastructure provision.
- 7.14 Local Plan policies also seek to ensure that development delivers good design which conserves and enhances character and appearance (SP1.5), protects local amenity (P1.7), delivers biodiversity enhancement (SP2.2 and SP2.3), avoids sites at risk of flooding or which would increase flood risk elsewhere (SP2.5), conserve and enhances heritage assets (SP2.7), and provide adequate parking (P4.4). Detailed discussion regarding these policies is included in the following sections.
- 7.15 Proposal 7.4 replaced previous allocation ASH2, and sets out a number of requirements for development on land at Chuley Road, of which this site forms a part. Amongst other things, it sets out that development will be approved where it responds to:
- (a) Local need for affordable housing
 - (b) Economic vibrancy of the area
 - (c) Traffic movement, and public and private parking needs

- (d) Opportunities to conserve and enhance the site's railway heritage
- (e) Opportunities to improve sustainable transport links
- (f) Opportunities to enhance the quality of the built environment the public realm
- (g) Wildlife and habitat conservation and enhancement opportunities

7.16 It also makes clear that applications should be supported by a Flood Risk Assessment and evidence to inform an Appropriate Assessment to establish that the development will avoid adverse impacts on the nearby South Hams Special Area of Conservation (SAC).

ACCESS

- 7.17 Vehicular access to the site is through a single existing access point in the north-western corner of the site, connecting to Chuley Road. The matters relating to this access point have already been approved in the outline planning permission 0332/19 and it is not proposed to deviate from this.
- 7.18 There is one condition on the outline permission relating to access, requiring Reserved Matters accompanied by detailed scheme related to proposed highway access and its internal arrangements, including visibility splays, turning areas, private and public parking spaces, garages / hardstandings, access drive, access drainage arrangements.
- 7.19 The details provided in relation to the access drive and drainage are considered acceptable and the Highway Authority (DCC) has no objection to the scheme. Much of the detail required by the above condition is considered under later headings of this report.
- 7.20 Some public comments raise traffic-related concerns. A traffic assessment was submitted with the outline application, and this aspect was carefully considered by officers and the Highway Authority at outline stage. The development of the site for 29 houses with access onto Chuley Road was found to be acceptable in traffic terms, on the basis that the existing and former use is one of light industrial which, in the past, has led to conflict in the local road network through the type and scale of vehicles associated with that use, while the type and frequency of traffic associated with the proposed development, post construction, will be of lesser type and scale. Further traffic considerations do not form part of the consideration for this reserved matters application.

LAYOUT AND SCALE

- 7.21 This is a constrained site with considerable change in levels, and the proposed layout is considered to represent the optimum layout for the number of houses approved at outline stage.
- 7.22 *Protected species*
The eastern aspect of the site lies within a defined Bat flyway linked to the protected South Hams SAC roost site at Buckfastleigh. Habitat Regulations Assessment and Appropriate Assessment were carried out at outline stage, and a Lux Analysis, LEMP and CEMP have been submitted as required by outline conditions 9 and 11. The Devon County Council Ecologist has confirmed that lux levels at the eastern boundary of the site will not exceed 0.5 lux within the required area in accordance

with outline condition 11, but has requested condition be imposed to ensure that the 3m acoustic barrier fence is retained and no external lighting is erected by future homeowners along this eastern boundary. Natural England also has no objection provided that the County Ecologist is content with the revised lighting report, and provided that appropriate mitigation is included to ensure that the lighting condition (11) from the outline permission 0332/19 is fully addressed.

7.23 *Trees*

The existing site is brownfield, with previous buildings demolished and scrubby vegetation growing. Established trees form the sites eastern boundary along the A38 Devon Expressway and these would be retained and protected during construction phase. The proposal would see the removal of the established hedge and trees (category C) on the site's western boundary with Chuley Road. The DNP Tree Officer has objected on this basis and due to the lack of proposed replacement tree planting. Whilst this loss is regrettable, it is an allocated site for development with existing outline permission and the site constraints are such that it would not be possible to achieve an acceptable layout for 29 houses which retains this hedge and trees. A Tree Protection Plan and Arboricultural Method Statement have been submitted with this proposal and are considered to offer suitable protection.

7.24 *Parking*

The level of parking proposed accords with Policy 4.4, with 2 spaces provided for 2- and 3-bed properties, and 1 space for 1-bed properties. An additional 7 spaces are provided as public parking spaces, responding to the need for additional public parking to serve Ashburton town centre as required by Proposal 7.4 part (1c), and the number of public spaces proposed is considered proportionate to the scale of the development site. The mechanism for the management of public parking spaces will be controlled by legal agreement.

7.25 *Neighbour amenity / relationships with existing dwellings*

The relationship between the proposed dwellings and those adjoining the site, particularly in terms of height, have been carefully considered and the applicant has responded to officer feedback by lowering the height of plots 19-29. Drawings show that following amendments, acceptable relationships between the proposed dwellings and adjoining development have been achieved:

- the ridge of proposed plots 17-18 at the rear of the site will be roughly the same as that of existing dwellings no's 6-7 Chuley Road
- the ridge of the terrace comprising plots 25-29 fronting onto Chuley Road will sit around 1.5m higher than the adjacent Masonic Lodge
- the ridge of the terrace comprising plots 19-24 fronting onto Chuley Road will sit around 3m higher than adjacent dwelling 4-5 Chuley Road, however these properties are already adjoined on the other side by 6-7 Chuley Road which are set back from the road and sit considerable higher, and in the context of the surrounding pattern of development and levels of the site this is considered acceptable.

7.26 *In terms of privacy, one public comment raised concerns that windows on the front elevations of units 1-6 would look directly into their kitchen window (Chuley Bungalow), however given the distance of around 20m between the two dwellings, and separation by a road and parking, the relationship is considered to be acceptable and in accordance with Policy 1.7 which protects neighbour amenity.*

7.27 *Safety*

Several public comments raised the issue of access to the development by fire engines. Devon and Somerset Fire and Rescue Service were consulted on the proposal and confirmed that further consultation with them will be required by Building Regulations at later stages of the development process.

- 7.28 Rear accesses to gardens have been retained, however the majority are gated in accordance with recommendations from the Designing Out Crime Officer.

APPEARANCE

- 7.29 Design negotiations took place during the course of the application. Amended plans show the simplification of the design and materials proposed for plots 1-18 to the rear of the site, while plots 19-29 have been reduced in height and the front elevation redesigned to remove domestic elements and better respond to the more industrial surroundings of station yard.
- 7.30 In terms of materials, a simple but high-quality palette is proposed, including slate, render, and timber cladding across the site with the addition of standing seam metal for the lower units (19-29).
- 7.31 The DNP Building Conservation Officer has raised a concern that the scheme has the potential to impact nearby designated and non-designated heritage assets.
- 7.32 This is a largely industrial area of the town with a number of poor-quality modern buildings in proximity to the designated assets. The unkempt nature of this site following the departure of the previous caravan storage/sales business offers the opportunity for significant enhancement. The revised proposals are felt to enhance the character and appearance of this part of Chuley Road, combining quality materials with a simple and understated design to the rear of the site and a more contemporary design with nods to Station Road's industrial past at the front of the site, in accordance with policy SP1.5. It is also felt to conserve the setting and significance of local heritage assets, according with policy SP2.7

LANDSCAPING

- 7.33 The size of the site, changes in levels, and number of houses agreed at outline limit opportunity for shared landscaped areas within the site. A modest open planted area with 8 trees proposed lies in the middle of the site, between a retaining wall to the rear of the gardens of plots 19-29 and the parking for plots 1-18. Native species (hawthorn, hazel, field maple) will be planted along the eastern boundary with the A38, with amenity planting of shrubs and wildlife friendly details in front gardens.
- 7.34 Fencing throughout the site will include close board timber for domestic gardens, black steel fencing in public areas and a 3m acoustic barrier fence between private gardens and the boundary with the A38. It is recognised that the height of this fence is greater than that which would not normally be supported, however for the following reasons on balance it is considered to be acceptable in this instance. This acoustic fence will serve to mitigate noise from the adjacent trunk road, and a condition will require an addendum to the noise impact assessment submitted at outline stage to show that the proposed fence will limit noise in amenity spaces and

internal habitable rooms in accordance with the standards set out in BS8233:2014. The 3m height of the fence will also prevent all light spill into the adjacent GHB corridor, it has been included in calculations in the lux report submitted with this application and is crucial to the acceptability of the scheme in terms of limiting lighting impacts.

- 7.35 A Biodiversity Net Gain (BNG) Small Sites Metric assessment has been carried out and submitted. The scheme presents a deficit of -0.11 units of mixed scrub, but would deliver a surplus of +0.69 units of different habitat type. While this presents a net gain of +14.68%, because the habitat created is of a different type to that lost, it fails to satisfy the Small Sites Metric trading rules and therefore formally does not comply with net gain requirements. Our ecologist has confirmed that in practical terms the scheme does represent a net gain in biodiversity. It is noted that the outline permission was granted prior to the adoption of BNG policy 2.3, therefore the need to deliver BNG was not realised until after the detailed site layout had been developed. Taking this into account and adopting a pragmatic approach, the net gain proposals are considered to be sufficient in this instance.
- 7.36 Overall, given the constrained nature of the site and its urban location, the landscaping is considered to be suitable and will see a biodiversity improvement to the site.

FLOODING / DRAINAGE

- 7.37 The site lies in a designated critical drainage area related to the Balland Stream which flows through the valley to the west of the site and is culverted in a number of locations along Chuley Road. Flooding and surface water run-off is therefore a sensitive issue. The western edge of the site, where plots 19-29 front onto Chuley Road, falls within or adjoins flood risk zone 3.
- 7.38 A Flood Risk Assessment (FRA) addendum and detailed drainage design have been submitted with this application and these documents have been scrutinised by the Environment Agency (EA) and the Lead Flood Authority (DCC). Initially the EA objected to the scheme on the grounds that due to proposed Fixed Floor Levels, the entrances to plots 19-29 would be in flood zone 3. However following engagement between the agent and the EA and subsequent amendments which saw the entrance levels of some of these plots raised above flood levels, the EA have removed their objection. The frontages of some plots were also pulled back away from Chuley Road slightly to ensure sufficient distance from the culvert to allow access essential maintenance and avoid any risk of damage during construction.
- 7.39 On the basis of the revised plans and FRA addendum, the scheme is felt to comply with policy SP2.5 and not increase flood risk elsewhere, and the EA have no objection subject to the inclusion of a number of conditions.
- 7.40 Devon County Council Flood Risk have reviewed both the permanent and construction-stage surface water drainage management systems and confirmed they are acceptable.

OTHER MATTERS

7.41 *Contamination*

This is a previously developed site, and following the phase I assessment conducted at outline stage, a phase II assessment has been submitted with this application. This sets out necessary remedial works which should be detailed and formalised in a Phase III Remediation Strategy prior to commencing works on the site. The report sets out that these remedial works should be supervised by an appropriately experienced Environmental Consultant, where required, and validated on completion in a Phase IV Verification Report. Conditions will require the submission of these further reports.

7.42 *Viability / affordable housing*

The level of affordable housing proposed is in line with the outline approval. A thorough assessment of the viability of the scheme and its ability to deliver required levels of affordable housing provision was undertaken at that time. It has resulted in the provision of 7 affordable housing units. While this is less than policy compliant under the current Local Plan, viability issues are an acceptable factor in determining overall affordable housing numbers. In this case the site has contamination, drainage, flooding issues which are significant additional development costs. There is also an obligation to provide additional public parking on site – a priority for the Town Council in this location. Initially a mix of 5 affordable rent and 2 intermediate sale were proposed, however following comments from the Teignbridge District Council Housing Enabler this was amended to 5 affordable rent and 2 shared ownership units. This confirmed tenure mix will be secured by the updated S106.

7.43 An updated development viability assessment report has been submitted, which shows updated profit is lower than profit estimated in the viability report submitted at outline stage. On this basis, no commuted sum is payable at this stage, however this will need to be re-assessed on the basis of actual profit and secured by the updated S106.

7.44 *S106*

The application will be subject to an updated S106 which reflects the agreed affordable housing tenure, and agrees the mechanism for management of public parking spaces. It will also carry forward requirements in the existing S106 for payment of education contributions and reassess whether an affordable housing commuted sum is payable on the basis of actual profit upon sale of the final dwelling.

8. **Committee Site Inspection**

8.1 A site visit took place on Friday 20 October 2023 attended by four Members, the Assistant Head of Development Management, representatives from the Town Council and Devon County Council Highways, two councillors from Teignbridge District Council and the agent.

8.2 The Assistant Head of DM presented the application, including details of layout, boundary treatments, parking and access, and advised that this was an unusual site inspection as it was a pre-committee site inspection. The matters of flooding, affordable housing provision and education contributions were discussed, as well as the need for a Construction Management Plan and the design of the acoustic barrier

fence. The group viewed the access arrangements, and the Highways Officer confirmed their acceptability, and also viewed the southern end of the site and discussed relationships between proposed houses and existing ones in this location.

- 8.3 The Town Council representative had the opportunity to speak and raised concerns about noise from the adjoining A38 and the high speed of vehicles exiting the A38 onto Chuley Road as the road passes a school. The agent confirmed the high specification of glazing to be installed. The Highways Officer advised that the proposed residential use of the site was preferential to the existing light industrial use and that National Highways have no issues regarding the interchange with the A38.

9 CONCLUSION

- 9.1 This is an allocated site, and the principle of its development has been established through outline approval 0332/19. The site holds a central location in the town and has been vacant for a number of years. It has a number of constraints including levels, flooding and protected species which make it a challenging site to develop. This Reserved Matters submission provides a detailed housing scheme for the site which has overcome these challenges to present a policy-compliant scheme which officers consider to represent a high quality design and layout which will enhance the local area and provide a meaningful contribution to affordable housing and public parking in the town.
- 9.2 After careful assessment, the details are considered to comply with Local Plan policies, particularly housing policies SP3.1 and SP3.3, design policy SP1.5 and advice contained in the Dartmoor Design Guide, and policies P1.7, SP2.2, SP2.5, SP2.7 and P4.4 which deal with local amenity, biodiversity, flooding, heritage assets and parking respectively. They also comply with Proposal 7.4, in particular by responding to affordable housing need (a), public and private parking needs (c), the wider sites railway heritage (d) and enhancement of the quality of the built environment and the public realm (f).
- 9.3 Approval is therefore recommended.

CHRISTOPHER HART

DETAILED CONSULTATION RESPONSES

1. Ashburton Town Council

Reserved matters submission in respect of appearance, landscaping, layout and scale following outline consent 0332/22 for the erection of 29 dwellings.

To date one public comment relating to this application is shown on the DNP planning portal.

It is noted the applicant and their agent have sought pre-application advice from DNP planning officers.

Outline planning permission for development on this site has been granted by DNP planning authority following application 0332/19.

Detailed plans, drawings and submissions relating to this application have now been sent to DNP planning officers and these are available to view on the DNP planning portal.

Among the submissions a detailed landscape and ecology management plan, prepared for DNPA under condition 9 of the outline consent 0332/19 has been delivered. ATC is concerned that this plan does not completely satisfy the requirements of Dartmoor Local Plan strategic policy 2.3(2) in respect of the delivery of biodiversity net gain in a development of this size.

Current housing needs in Ashburton will be clarified once a housing needs survey has been completed, however, anecdotally, housing recently completed at Luces Mead in Ashburton was over subscribed by some 16 to 1 indicating that there is a substantial need for affordable housing here. Local Plan policy 3.3 requires some 45% affordable homes for a development of this size. For this proposed development of 29 dwellings that equates to 13 affordable homes. ATC is concerned that this plan does not satisfy that policy.

Local plan chapter 7 (page 128) identifies land at Chuley Road, Ashburton for development (proposal 7.4). 2a of this proposal states that 'any development.....should not increase flood risk elsewhere'. Devon County Council Flood and Coastal Risk management team note (letter dated 6/12/22) that the applicants are required to submit correspondence from both South West Water and the Environment Agency concerning waste water flow and management.

Drawings submitted as part of this application indicate flood water flow direction off the site, obviously entering Chuley Road (down hill) but fails to address the concern that this would only exacerbate flooding problems which already exist further along Chuley Road. Part of the submission with this application is a Drainage Design Statement which states under the heading 'Pollution Control' that hardstanding and access roads will be kept clean with sweepingand prompt action taken with any spills. Clearly, whilst construction work is ongoing one would hope that site management would take steps to undertake such pollution control measures, but once the site is completed who would be responsible for monitoring and 'prompt action'?

Whilst there are still outstanding concerns to be addressed Ashburton Town Council OBJECT to this application.

2. Dartmoor National Park - Archaeology

No archaeological concerns are anticipated for the proposed development.

3. Dartmoor National Park - Building Conservation Officer

Initial comments dated 15 December 2022

The proposal is for the approval of reserved matters on an approve outline application (0332/19) for 29 dwellings. The reserved matters are appearance, landscaping, layout and scale.

The site lies immediately adjacent to the Ashburton Conservation Area (within its setting) (designated heritage asset) and in close proximity to a number of designated and non-designated heritage assets (within their setting). The Old Goods Shed is listed grade II and a designated heritage asset.

Part 2.7 of the Local Plan, including Strategic Policy 2.7 Conserving and enhancing heritage assets, Proposal 7.4(d) and (f) and the Ashburton Conservation Area Character Appraisal together with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, as (The Law) amended, and the National Planning Policy Framework (NPPF) set out how proposals affecting heritage assets should be considered

The form of the development is controlled by the presence of neighbouring buildings and road, there is little alternative to placing two rows of houses next to each other. The design and materials of the buildings, the location and design of parking, steps, retaining walls and bin storage can and should be reconsidered by the applicant.

Proposal 7.4(d) states that the development should respond to “opportunities to conserve and enhance the site’s railway heritage”. The application states that this has not been taken into consideration. The following buildings around the site are either railway buildings or buildings influenced by railway design: The Old Goods Shed (listed Grade II), The Engine House, 2-5 Station Yard and 2 Prigg Meadow, Station Cottages, and 4 and 5 Churley Road (these are considered to be heritage assets). (Station Garage and Churley Road Garage, also have some influence, although altered.) With the exception of Station Cottages, these buildings are intervisible with some or all of the site, there is no reason that these buildings design cannot influence the design of the proposed housing on this site.

Hazeldene and Ladywell Brook House are well designed polite architectural buildings and the Masonic Lodge and adjacent house (No.3) are well designed vernacular buildings (although the latter is altered) (these are considered to be heritage assets). There is no reason that these buildings could not be used for visual cues for the proposed design of the housing in addition to the railway heritage as these are considered to be high quality buildings within the context of the site.

Unfortunately, the design of the individual buildings bears little resemblance to the context in which they are set, and they are highly visible within the setting of the heritage assets which causes them harm. Of particular note are:

- Lack of visual cue reference to railway heritage, or influence by other well designed buildings across the site

- the form, bulk and scale of the three storey buildings
- the vertical split of render and stone across a dwelling's elevation through an architectural feature (gable etc.) on the three storey dwellings
- the recessed nature of the garages, the colour of garage and front door and dominance of parked cars on Churley Road creating a negative environment
- the use of green slate to the elevations of the three storey houses
- the prominent bay windows to the two storey houses
- the dominance of parking on the access road
- the dominance of a communal bin storage area for the flats
- the dominance of the retaining wall and/or steps viewed from Churley Road
- the loss of mature and semi-mature landscaping from the Churley Road boundary of the site.

As the proposal stands, I object to the proposal due to the harm caused to the significance of the setting of the designated and non-designated heritage assets identified above. The proposal is therefore contrary to The Law, Section 16 of the NPPF, and Strategic Policy 2.7 without sufficient weight of the public benefit of the scheme as proposed to outweigh the harm caused.

Although, I currently object to the proposal, it is extremely likely that a scheme redesign would enable my objection to be removed as redevelopment of this area would be an enhancement to the setting of the designated and non-designated heritage assets.

Additional comments dated 22 June 2023

The revised street elevations of the buildings of blocks G and H above ground level and the street elevations of the buildings of the remaining blocks have significantly improved. However, with the exception of the elevational treatment, many of the issues I raised in my comments of 15 December 2022 remain.

4. Dartmoor National Park - Tree Officer

The proposed site is located to the south of Ashburton town centre and immediately to the north of the A38. There are currently no statutory controls protecting trees on the site.

The site has outline consent (0332/19) for 29 dwellings.

Preliminary Arboricultural comments were provided on 17/05/2023 raising concern that the scheme was showing the removal of a third party owned tree (Goat willow T13). The Arboricultural report has since been updated to show this tree as retained.

Comments on submitted scheme:

1. Spatial relationship of dwellings adjacent to the south-eastern boundary.

The proposed rear elevation of the dwellings along the south-eastern boundary will be dominated by the trees growing on the adjacent to the A38 Devon Expressway. These trees are visually significant both from the Devon Expressway to the east; and from the west, where they are seen growing on elevated ground above the site. The trees provide an important living buffer between the busy road and the residential development site. Insufficient space has been provided between the dwellings and these trees. In places the trees as currently recorded grow out towards the edge of the development line (Images 2 to

4). The shade arc of the trees completely dominates the gardens and southeast facing rooms of the adjacent dwellings.

These trees will be overly dominant, cause considerable shade and drop a material (Leaves, twigs, sticky aphid exudate and bird mess) over the adjacent private gardens causing a general nuisance to the future residents. The dominance and over-bearing nature of the trees will be exaggerated due to the elevated position over the gardens.

As these trees continue to grow, these issues will become worse and lead to pressure on the trees to be removed. This will cause harm to the amenity of the area, reducing the quality of the tree buffer adjacent to the A38.

2. Removal of the trees growing on the site's north-western boundary.

The trees growing on the site's north-western boundary T17 Sallow, G19 Sycamore, G20 Sycamore and Lime (adjacent to Chuley Road), have been assigned as BS5837 Category C tree features. They appear to have historically been manged as a hedgerow and then left to grow on into a lineal group of small trees. Whilst effectively an overgrown hedgerow, there loss will be the determent to the amenity of the local area (Image 5).

Ideally any new scheme should include new tree planting along this boundary to compensate for the loss of amenity following the removal of these trees.

3. New landscape planting

The proposed scheme lacks sufficient new tree planting to compensate for the loss of tree canopy cover that is necessary to implement the proposed scheme. Given the extent of tree canopy cover, the ten proposed replacement trees is insufficient to compensate for the loss of tree canopy cover.

Four of the proposed replacement trees appear to be outside of the site, on land outside of the applicants control (red arrows in Image 6)

Conclusion:

The layout of the scheme is unsympathetic to the existing tree population, will result in the loss and long-term pressure to remove or prune trees, resulting in harm to the local amenity.

There is insufficient replacement planting to compensate for the loss of trees necessary to facilitate the proposed scheme. Replanting that is shown in part does not appear to be on land with the applicant control.

The application should be refused as it is contrary to DNPA adopted local plan strategic Policy 2.1 Protecting the character of Dartmoor's landscape.

Notwithstanding the above should the scheme be approved; it should be subject to conditions relating to tree protection and new tree planting. Draft conditions can be provided if required.

5. Devon & Cornwall Police (Designing Out Crime)

Original observations dated 25 November 2022

I appreciate that security has been considered in aspects of the design of the scheme and notice it has been referenced within the Design and Access Statement which is welcomed. However, there are aspects of the development that don't conform to designing out crime principles.

Such principles recommend that unrestricted access to the rear boundaries of plots is avoided. The point of entry in a high percentage of burglaries is via the rear of properties, therefore open rear access footpaths should be designed out if possible or at the very least gated.

I note within the DAS it states 'pathways to the rear of gardens are avoided in the layout design. Where they are provided, for example to offer rear garden access, then the adjoining garden boundary fences are of stout construction and not less than 1.8m high. At the public realm end of such a rear access path, access is only gained by means of a lockable metal or framed wooden gate'. However, this does not appear to be represented within the plans.

I can not support the aspects of the design highlighted above. In order to reduce the opportunity for crime and ASB I recommend that rear access paths are designed out or gated.

Additional comments received 28 June 2023

I appreciate the updated plans to show the area behind plots 19-29 gated. Although the space is gated, I am somewhat concerned that the large space provides access to the rear of numerous plots, it appears somewhat excessive. As raised in my previous response, rear access to plots leaves them vulnerable to crime. It would be preferable if the space was designed out but if not practical to do so, the communal gates providing access must be robust and effective in preventing unauthorised access.

The gates should be robustly constructed (i.e. steel bar gates to LPS 1175 SR2 or STS 202 BR2) with a minimum height of 1.8m, of anti-climb design, that allows for visibility through the gate and a self-closure in place. A suitable access control should be installed with a fail-safe release on the private side in case of fire and the locking mechanism must be shielded to prevent anyone reaching through to the inner lock release.

I would appreciate it if a condition could be considered should the application progress that ensures this space is gated as outlined above, in order to reduce the opportunity for crime and anti-social behaviour (ASB)

Additionally, it is recommended that the paths providing access to the rear of 3 plots e.g. Blocks A & B, B & C and E & D, should be gated at the building line for the same reasons alluded to above.

Plot 29 should be afforded some defensible space / buffer where it immediately abuts the public footpath in order to prevent conflict, graffiti etc.

6. Devon & Somerset Fire & Rescue Service

As the proposal will be subject to Building Regulations and the Regulatory Reform (Fire Safety) Order 2005, a statutory consultation will be undertaken between the Building Control Body and the Fire Authority.

Under this process, the proposal must comply with the functional requirements of Approved Document B of the Building Regulations, to include access requirements for Fire Service Vehicles (B5). These include Vehicle Access, including minimum road widths, turning facilities for fire service vehicles and maximum reversing distances of 20 meters.

In addition, the provision of appropriate water supplies for firefighting (Street Hydrants) including appropriate flow rates will need to be achieved. Information on this should be sourced from the National Guidance document on the provision of water for firefighting (3rd Edition; Jan 2007)

7. Devon County Council - Ecology

Initial comments received 23 December 2022

Landscape and Ecological Management Plan (LEMP)

1. The LEMP should include what remedial measures would be implemented if the stated management actions do not achieve the intended habitat condition targets at the end of each review period
2. The seed mix/tree species to be provided – these do not appear to be present on the soft landscaping drawings or within the LEMP. Clarification is required as to where this detail is provided. Similarly, planting specifications for the proposed trees and hedgerow do not appear to have been provided – details including the spacing of planting, what tree guard is being used, whether the trees are specimens or whips, depth of planting etc, all need to be provided either within the LEMP or on the landscaping plans.
3. There are a number of habitat piles and dormouse boxes on the 'Proposed Landscape Management Plan' to be provided on the A38 road embankment. This appears to be outside the redline boundary. Clarification is required as to whether the applicant has control over the areas proposed for these features. If not, then detail will need to be provided evidencing that permission from the landowner has been provided to allow for those features to be added in those locations.
4. Section 5.6 makes reference to 'in agreement with TDC' – I am assuming that this is a typo but this needs to be clarified.
5. The submitted EclA for the outline consent and the LEMP document state that gardens will be of benefit to hedgehogs due to hedgehog passes. A boundary plan will need to be submitted showing any proposed hedgehog passes – I am happy for this to be conditioned.

Biodiversity Net Gain

1. It is noted that the consultant ecologist proposes the creation of lowland meadow habitat onsite in 'fairly good condition'. This is a very high distinctness habitat which is

very difficult to create, especially within an urban setting on land that has been described as vacant/derelict land. The LPA ecologist does not believe that sufficient evidence has been submitted at this stage to give certainty that a very high distinctiveness (priority) habitat can be achieved onsite. Further information required from the ecologist to detail and robustly justify how the target habitat and condition is to be achieved. Details are required to:

- Evidence that the current site is suitable in supporting lowland meadow habitat or detail of what soils will be imported into the site in order to achieve a lowland meadow habitat.
- What measures will be implemented to avoid recreational pressure from residents onto the grassland? For example, how will residents be prevented from walking on this habitat and contributing to increases in soil nutrients (i.e., through dog waste etc).
- If sufficient evidence or justification for the inclusion of a priority habitat within the habitats to be created onsite, then the metric will need to be amended to better reflect the habitat and condition which will most closely be represented post development.

2. A full assessment on the validity of the Biodiversity Metric Calculations cannot be given by the LPA until the completed Defra 3.1 spreadsheet has been submitted for comment.
3. The consultant ecologist must provide justification for the condition scores of the habitat baseline and proposed habitats post development, with reference made to the Defra condition criteria for each habitat.
4. Section 3.2.2 of the BNG report states that the trading rules of the metric have not been satisfied. The consultant ecologist states that there is a violation of the trading rules associated with a deficit of -0.75 units of medium distinctiveness broad habitat deficit associated with two habitat groups (Heathland & shrub: mixed scrub and Woodland & forest: Other woodland; broadleaved). The medium distinctiveness surplus of +2.03 units is not sufficient to satisfy the deficit because it consists of a different broad habitat type and the deficit needs to be offset with same broad habitat or a higher distinctiveness habitat group to resolve the violation. Currently the landscaping proposals do not satisfy the Defra metric trading rules and therefore need to be amended so that they do.
5. Furthermore, the proposed 8.3% net gain in biodiversity indicated by the BNG plan is not compliant with Dartmoor Local Plan Strategic Policy 2.3, which states that Development involving 2 homes, 100m² of non-residential floorspace or a site area of 0.2 Hectares, or more, will be required to deliver 10% biodiversity net gain. Further habitat creation is required onsite or offsite to provide a 10% net gain in biodiversity which also satisfies the metrics trading rules.
6. BNG post development plan (page 13 in the BNG report) shows urban trees planted outside redline boundary. Clarification is required on whether these features are to be planted on land owned and maintained by the applicant. Habitats planted outside the redline boundary and the applicants ownership cannot be included in the 'onsite' post development section of the metric.

Construction Environmental Management Plan (CEMP)

The majority of the CEMP document is deemed sufficient and includes the measures within the EclA for the outline consent. However, I do have the following comments:

1. A Tree protection plan and tree protection measures need to be made clear within this CEMP so it is clear on the location of protective fencing and messages of protection. A Tree Protection plan should be added as an appendix to the CEMP document to avoid any ambiguity.
2. The ecological constraints and opportunities plan (Appendix 2) is currently deemed insufficient in detail. For example, the plan does not show the location of the retained habitats, those habitats which need to be kept dark during construction and separated from the siting of materials, nor the precise locations of reptile habitats which require manipulation or the habitats which are to be retained, lost and enhanced through this development etc. The plan states that scrub will be cut to 200mm in height using hand tools – this is accepted but is all scrub shown on the Constraints plan to be removed?
3. The location of the construction compounds, soil storage areas and construction lighting need to be made much clearer within this CEMP document.
4. Further detail is required on paragraph 5.3.7 on the removal of Montbretia from site – the details surrounding the method of removal and control need to be detailed within this CEMP document.

Reserved Matters Soft Landscape Plan (Bailey Partnership, dated 26th July 2022)

1. The BNG report states that a native hedgerow with trees associated with a bank or ditch will be planted along the eastern boundary of the development. This again appears to be outside the redline boundary as shown on Page 13 of the BNG report. Furthermore, the Proposed Hard and Soft Landscaping Plan does not show this feature being provided but rather an 'acoustic barrier fence' – clarification is required on what feature is provided in that location and if it is both features (the fence or the hedgerow), detail is required on how they will relate to one another as this is currently unclear.
2. The 'Proposed Hard and Soft Landscaping Plan' shows the provision of urban trees within vegetated gardens to the east of the site. How will these habitat features be futureproofed from unsympathetic management or removal from homeowners in the future? How will the management company manage these features to a 'moderate condition' (as detailed in the BNG report), if they are within private gardens?
3. The BNG Proposed Plan (Page 13 of the BNG report) shows an area of retained woodland within the redline boundary to the south of the site. The soft landscaping plan shows this area to be vegetated garden, with no retained woodland shown within the redline boundary. This needs to be clarified as this may have implications for the BNG calculations provided to the LPA.

Lighting Report (DIALux, August 2022)

1. The current lighting statement is insufficient to allow the LPA to adequately assess its suitability with regards to bats and other nocturnal wildlife. The lighting report lacks contour mapping (0.1lux intervals or less) that represents the lux modelling results the

proposed lighting strategy, that can be used in conjunction with the dark corridors map. This is required to evaluate proposed light spillage associated with the development and to ensure the development is in line with the HRA approved by Natural England with application 0332/19. This lux contour plan must include mapped light spill from all external, internal and street light sources. The LEMP document states Light spill from the lighting models proposed for the rear of the dwellings along the embankment has been calculated horizontally at ground level and is predicted to be 0.5 lux at the A38 road embankment however I cannot find details which evidence this.

2. It is unclear without a detailed lighting strategy associated with the proposed layout of the site; how the proposed dark corridor for bats will be future proofed from security/homeowner lighting. The houses to the east of the site are very close to the dark corridor ecological receptors – what will prevent homeowners from erecting security lighting within their garden which causes light spill onto this dark corridor?

Further comments received by email 12 September 2023

There is one point of concern with the lighting report:

Internal lighting from the properties has been excluded from the calculation, as it is assumed that in the hours of darkness that any curtains or blinds would be closed preventing any significant spill.

This is not sufficient – internal light spill must be modelled and we cannot assume that blinds or curtains will be used as these cannot be conditioned. The rest of the modelling has been done satisfactory, but until the internal lighting has been included within the lighting modelling, we cannot be certain that the scheme is in line with the HRA agreed with Natural England at outline.

Further comments received by email 13 October 2023

The lighting report now doesn't contain a lux continuous plan like the previously submitted lighting report, but from the imagery provided it is clear that the 3m high acoustic fence blocks light spill from development (both internal and external) so that light levels behind the fence are under 0.5lux.

I am content that the new lighting report is in line with the approved commitments made as part of the HREA for the outline application.

8. Devon County Council – Flood Risk

Initial comments received 6 December 2022

Recommendation: Although there is no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations: The applicant has noted that South West Water will adopt the proposed surface water drainage system. However, we are unsure whether South West Water will adopt the proposed flow controls. The applicant should submit correspondence from South West Water to confirm that they will adopt the proposed flow controls. The applicant should also submit correspondence from the Environment Agency to confirm that they can

connect into the culvert where proposed.

Further comments received 19 October 2023

Recommendation:

Objection is withdrawn and there are no in-principle objections to the above planning application at this stage.

Observations:

Following the previous consultation response (FRM/DNP/0444/22; dated 6th December 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted model outputs for the surface water drainage system. Maintenance details have been provided for the permeable paving.

If South West Water will not adopt the proposed flow controls, then, the applicant has noted, these will be maintained by a management company. The management company should regularly monitor these controls to ensure that they are operating and don't become blocked.

The locations of the temporary basins will prevent the construction of plots 19 - 22, as well as parking spaces 1 - 3(a). The applicant has noted that the permanent drainage system might be in place to allow the construction of the plots and parking spaces. The applicant will need to consider sediment management if the basins are removed (to prevent sediment from flowing into the attenuation tank).

Appropriate silt management is required within the northern area of the site (hatched on the Construction Stage Surface Water Management Plan)

9. Devon County Council - Highways

The plans submitted, from the highway authority's perspective, comply with the conditions on the outline planning permission at the highway authority's recommendation.

It is recommended that the following informative notes are included in any permission granted.

1. The Highway Authority has no objection to the proposed development but, if it is the applicant's intention to offer any of the road works included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980
2. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
3. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway

Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

10. Environment Agency (EA)

Original comments dated 7 December 2022

Environment Agency position

The EAs object to this proposal on grounds that insufficient information has been submitted to demonstrate that the proposed development will be safe from flooding over its lifetime. It is therefore contrary to the National Planning Policy Framework (NPPF). We recommend that the application is not determined until a satisfactory Flood Risk Assessment (FRA) has been submitted. The reason for this position is set out below.

Reasons – Flood Risk

The previous approved FRA (2017) did not address that parts of the site were to be lowered to form vehicular access and garages at street level, as well as the front entrances to the new properties. The road is in flood zone 3a/b (flood conveyance route) and is at high risk from river and surface water flooding. With the current design the proposed new houses will also be at this high risk of flooding from these sources.

A revised FRA needs to be produced to assess the level of flood risk/hazard at the site. This should then be used to inform the proposed site/house design, which should be altered to demonstrate how flood risk will be avoided. If it is not possible avoid flood risk, justification should be provided to explain the reasons for this and it will need to be demonstrated how the risks will be mitigated to ensure all development will be safe from flooding over its lifetime (see NPPG paragraph 004).

Once a new design has been proposed which demonstrates how flood risk will be avoided/mitigated, we will then be able to assess the impact on our flood culvert and the necessary access requirements to be able to maintain it.

Advice to the LPA

The EA will maintain its objection until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

Further comments received 1 February 2023

Environment Agency position

The EA object to this proposal on flood risk grounds because the layout proposed is a significant departure from that for which outline permission was granted. Our position is based upon review of the Flood Risk Assessment (FRA) Addendum (contained within the Drainage Design Statement by bailey partnership dated August 2022). Development of this site can be carried out in a way that avoids flood risk, however, the FRA addendum shows that a development that is potentially unsafe is being currently being promoted. This can be avoided by redesign of the form and layout of the site to reflect that for which outline permission exists.

Reason – Flood risk

The form and layout of the site proposed is materially different in flood risk terms from that for which outline permission was granted, as shown within the applicants flood risk assessment by John Grimes (dated 14 July 2017), which showed residences elevated well above Chuley Road, and thus from a sequential approach point of view was considered acceptable. It would appear from the current application that site levels adjacent Chuley Road are to be lowered which would, in effect, result in a proportion of the site which borders Flood Zone 1/Flood Zone 3 becoming FZ3 associated with the River Ashburn. This is especially so in consideration of the effects of climate change over the lifetime of the development. This is clearly demonstrated in the applicant's FRA addendum. End 2 Having reviewed the FRA Addendum it is clear that the layout as proposed risks the lower floor of units adjacent to Chuley Road (units 19 to 29 inclusive) being at risk from upwards of 0.6m of internal flooding, therefore confirming the above. The depths of water that would affect some of the ground floors would constitute a 'Danger to Most' in terms of flood hazard rating. The outline submissions demonstrate that residential usage of this site is achievable.

Further comments received 29 March 2023

Environment Agency position

The EA acknowledge that the vehicular access along Chuley Road has been established under the Outline planning permission. However, we maintain an objection to this Reserved Matters application until it has been demonstrated that the development will be safe for occupants (including access and egress) during flood events over its lifetime.

The reasons for our position are set out below.

Reasons – Flood Risk

The EA has reviewed the agent's letter along with the information previously submitted for the outline permission. We acknowledge that the permitted plans do show the vehicle access from Chuley Road and indicate plots 19-29 facing onto the road. However, we remain concerned that the proposal as submitted is effectively lowering the site into the high probability flood zone 3. This Reserved Matters application will therefore need to demonstrate that the development will be safe for occupants in terms of flood risks over its lifetime as required by the second part of the Exception Test.

In our response to the consultation on the Outline application in 2019 we did highlight that it may be necessary for the houses and ground works at plots 19-29 to be limited or be moved further away from the road due to the presence of the culverted main river. We recommended a condition to cover this, but it does not appear to have been included on the Outline Decision Notice.

To illustrate our concerns, we attach a map showing results from our 2023 Ashburton Flood Model. The map displays the Q1000CC results, which are the closest present day scenario to the required Design Flood event which has a much greater climate change allowance. A series of flood levels (to mAOD) have been displayed along Chuley Road and the site boundary. When compared to the lower ground floor levels shown on the proposed site plan (CRA-BPC-XX-XX-DR-A-0200RevP06) for some plots the depth of flooding could be greater than the maximum 0.3m depth suggested in the flood risk

assessment addendum. The Actual design level for any building's floor (including garages/parking) should be 0.3m above these levels.

The Ashburton Flood Model map indicates that the whole of Chuley Road is at Significant Hazard – Danger to Most, as defined in the technical guidance on this matter (FD2320). This hazard rating is to all users and buildings, regardless of the usage. The road will also flood during smaller storms than this design event, to varying depths and speeds, but this still incurs a hazard greater than low hazard.

We do agree that safe access and egress could be possible via the 'rear' of the properties as the proposed site sections show that the plots along Chuley Road exit on to a garden at a higher level. However, the proposed site plan suggests that only plots 28 and 29 offer access out to higher land away from the site, possibly connecting to a footpath which links to the path along the A38. Plots 19-27 do not have that benefit; their gardens are accessed from steps from Chuley Road. We would request that all lower ground floor levels meet the minimum floor level (i.e. the design flood level plus 0.3m), unless there are sound technical or planning reasons for not doing so.

We would therefore advise that any vehicle access gradient is set at the maximum possible. Once this has been agreed, we would require flood resilience measures to be installed in the lower ground floor to at least 0.6m above the flood level. This is an important consideration for future occupants in terms of insurance against flood damages. The Flood Re scheme is a joint Government and insurance industry initiative to help property owners find affordable insurance in areas at risk of flooding, however, the scheme only applies to dwellings built before 2009.

As indicated earlier in this letter there is a Flood Defence Culvert, designated a main river, in Chuley Road. It will be necessary to provide additional detail of any work within 8m of the edge of this culvert. We therefore require detailed cross sections along Chuley road edge of the intended works, so that we can properly assess any impact to our flood culvert. Our letter of 01 February 2023 (Ref. DC/2022/122893/02-L01) set out the environmental permitting requirements relating to development within 8m of the main river.

Further comments received 4 July 2023

Environment Agency position

The EA has reviewed the additional documents submitted and advise that they fail to address the issues raised in previous consultation responses. We therefore maintain our objection to the proposed development on the grounds of flood risk. The reason for our position and advice is provided below.

Reason – Flood Risk

There are a number of deficiencies found in the newly submitted plans, which are outlined below:

- The revised section/plans do not use the same datum (metres Above Ordnance Datum - mAOD) as our supplied flood levels, so we are unable to compare them,
- The site plan does show proposed lower ground floor Finished Floor Level (FFL) in metres AOD for Blocks G&H, but these are not 300mm above the flood levels as

- stipulated in our previous letter,
- There are no details submitted on any proposed flood resistant and resilience measures,
- There are no detailed cross sections (with foundation/pavement construction/ change to road surface etc.) along Chuley Road in order to assess the impact on the Main River flood culvert.

We note that it does appear that Safe Access and Egress is now available to the rear End 2 of block G&H which is supported.

Further comments dated 27 July

Environment Agency position

The EA has reviewed the additional information submitted by Devon & Cornwall Planning Consultants Ltd. Whilst this raises some points where agreement can be made, we still have some concerns regarding potential impact to the culverted watercourse during construction. The reason for this position is provided below.

Reason

The email from Devon & Cornwall Planning Consultants Ltd. dated 6th July 2023 responds to our previous consultation comments. We can accept the revised drawings attached to the email (ref.: CRA-BPC-HH-XX-D-A-0308 and CRA-BPC-GGXX-D-A-0307) because these now show the proposed finished floor levels (FFL) on the ground floor. Additionally, we would be willing to agree to a pre-commencement condition for the details of proposed resilience measures, which suggests may involve “masonry walls (no plasterboard), with water resilient insulation (for the dwelling entrance, not the car port). Electrical and data points etc. will be kept a minimum of 600mm above FFL”.

However, the matter of the spatial relationship between the proposed built development and the culvert remains outstanding. It is important that the applicant submits sufficient information so that we are confident that the proposal will not detrimentally impact upon the culvert. As such, we suggest that they submit detailed cross-section drawings to demonstrate the proposed development (particularly the foundations) in relation to the main river flood culvert beneath. The specific location of the culvert may require End 2 changes to the driveway, or position of the buildings which could materially change the planning proposal. One of the key issues is that the applicant has not confirmed the precise distance between the proposed built development (and foundations) and the existing culvert.

The Consultant suggests that, as the ownership of the site is currently changing, it is not yet possible to provide the construction details at this stage. Ideally, the applicant shall submit accurate engineering drawings for the cross-sections. However, if this is not possible, we would wish to see at least indicative cross-sections which demonstrate the distance from the foundations to the culvert. Should the plan then change, an amendment to the planning permission (if granted) shall be required. The issue of the main flood culvert has been raised in previous letters including in December 2022.

We strongly recommend that further details are submitted in respect of the culvert. However, your authority may consider it adequate to request these details at a different

stage. Regardless, please re-consult us on any additional information and please contact us if you wish to discuss this position.

Further comments received 23 August 2023

Environment Agency position

The submitted plan ref.: CRA-BPC-XX-XX-D-A-0510 rev P01 provides an indicative layout of the proposal in relation to the culvert. At the south of the site, it suggests a 7.06m distance to the culvert but at the north, there appears to only be a 4.3m buffer between the culvert and the proposed foundations. The dwellings at the northern end of the site are too close to the culvert and requires further consideration prior to determination. The detailed reason for this position and advice on how to address our concerns are provided below.

Reason

Our previous letter outlined that the key issue outstanding relates to the location of the Balland culvert and the proximity of the proposed development, in particular the foundations of any development to the culvert. It is our view that this matter needs to be resolved prior to a determination as any alterations to the detailed design/layout would then require a variation to a planning approval. The applicant has previously highlighted that due to change in ownership, there are no clear plans for the foundation design, and as such the proximity to the culvert cannot be established accurately at this stage which results in a challenge to all parties. If your authority considers that there is a way in which these matters can be conditioned, we would welcome a discussion on this.

To explain our concerns in more detail, we provide the following two scenarios:

1. An easement of 7m or greater can be established with accuracy: The gaps between the culvert and the foundation are estimated on the currently submitted plan as being 4.3m and approx. 7m. These are significantly less than the normal minimum requirement of 8m from the edge of the culvert. We may be able to accept a 7m gap with negotiation, but 4.3m is wholly unacceptable. However, a precise survey may identify more favourable distances. If so, we can accept driveway(s) and footpath(s) within the corridor (between the houses and culvert), but it is important to prevent any new structures (car port, garden wall, fencing etc.) being built. This may be achieved by way of a planning condition to restrict or remove permitted development rights.

Therefore, where the applicant can produce an accurate plan which indicates that the culvert is 7m away from the foundation of the whole length, we could accept the current design.

2. An easement of less than 7m is established through an accurate survey: We cannot accept a gap of less than 7m between the culvert and foundations as indicated on the cross section 6 of plan CRA-BPC-XX-XX-D-A-0510 rev P01. If this plan were approved at this time and then a survey accurately established that the proposed development would be this close, the layout would need to be redesigned to move the closest properties further away from the culvert, which would constitute a material change to the permission, requiring an additional permission at a later date.

In some instances, with sufficient justification and negotiation, we can take into account the space available on the opposite side of a culvert to consider the suitability for

access to the culvert for future upgrade and regular maintenance, and therefore agree a reduced margin between the culvert and development. The current land use on the opposite side, is free from any permanent obstructions, and space could potentially be arranged to maintain/upgrade the culvert. However, this could essentially sterilise part of these site from any future development. These other plots could only be developed (subject to other planning and flood risk concerns) where an 8-12m wide corridor* (subject to survey results) would be left free of all buildings/obstructions within the eastern edge of their plots/site. Your authority (and the applicant) would have to recognise and accept this possibility and resolve any complications with the landowners (we cannot resolve these now or in the future).

*Note: Working room – we ask for 8m on both sides of a structure so a total working space of 16m plus the culvert size. If there is only 4m on one side (which results in a 4m shortfall), we would need 8m plus the missing 4m, giving a width of 12m (from the closet edge of the culvert).

As explained in this letter, we feel that his application is at an impasse at this stage in terms of agreeing the detailed design which is fundamentally affected by the location, and provision of easement to, the culvert. We recognise the applicant's efforts to provide sufficient information, but even indicatively, the plan raises significant concerns about the lack of access to the culvert for future upgrade and ongoing maintenance, something which we have a statutory duty to do under the Water Resources Act 1991. The principle criteria for the designation of a main river relates to whether the watercourse could contribute extensively to flooding across a catchment and specifically where people and property could be liable to flooding which is why the ongoing maintenance is essential for the safety of people and properties.

Final comments received 28 September 2023

Environment Agency position

Following review of the revised plans, we are able to remove our objection to this proposal subject to the inclusion of conditions on any permission granted which relate to the management of flood risk and detail regarding the culvert adjacent to the site. The recommended wording for these conditions is provided below, with the reason for our position.

Condition – Full Survey of culvert

The development hereby permitted must not be commenced until such time that a full survey of the culvert is undertaken to accurately identify its position. The results of the survey shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason – To accurately identify the proximity of the culvert to the proposed development and inform the suitability of the foundation design of the proposed development.

Condition – Scheme to be agreed: design of the driveways and Cont/d.. 2 foundations of Blocks G&H

The development hereby permitted must not be commenced until such time as the detailed design of the foundations of properties within Blocks G&H along Chuley Road (plots 19-29 inclusive as shown on plan CRA-BPC-XXXX-DR-D-52-0001 revision P02) and

the proposed driveway construction details have been submitted to, and approved in writing by, the local planning authority. The details shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason – To ensure that the proposed method of foundations do not have a detrimental impact upon the culvert along Chuley Road and do not impede the ability of the Environment Agency to carry out maintenance of the culvert.

Condition – Pre-development culvert CCTV survey

The development hereby permitted must not be commenced until such time that a CCTV survey has been carried out for the section of culvert adjacent to the development site to assess the pre-development condition of the culvert. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason – To identify the structural integrity of the culvert and address any issues which may arise relating to the construction phase should the culvert be in a poor condition.

Condition - Post-development culvert CCTV survey

Prior to the sale/exchange in ownership of properties in Blocks G&H (plots 19-29 inclusive as identified on plan CRA-BPC-XX-XX-DR-D-52-0001 revision P02), a full CCTV survey of the culvert adjacent to the development site shall be undertaken and any damage repaired to achieve the T98 Asset Condition Assessment pre-work standard. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason – To ensure that the culvert is brought back to the acceptable condition to prevent any structural issues during the construction or postconstruction phases of the development.

Condition – Removal of Permitted Development Rights for Block G&H

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and reenacting that order with or without modification, no structure shall be erected within the curtilage to the front of all properties in Blocks G & H, which includes the driveways and all other areas between the buildings and Chuley Road. Reason – To prevent the construction of porches, parking structures and other structures being built within the maintenance corridor of the underground culvert without the express permission from the LPA in conjunction with Environment Agency advice.

Condition – Finished Floor Levels

The Finished Floor Levels (FFL) of Block G lower ground floor shall be set at no lower than 69.25mAOD with ground floor levels set at 2.7m above 69.25mAOD and the FFL of Block H lower ground floor shall be set no lower than 69.4mAOD with ground floor set at 2.7m above 69.4mAOD, as shown in drawing CRA-BPC-XX-XX-DR-D-52-0001 Revision P02. Reason – To reduce the risk of flooding to the proposed development and future occupants.

Reason for position

Following the submission of a suite of revised documents, the applicant has moved proposed blocks G&H away from the indicative location of the main river culvert along Chuley Road. This provides confidence that sufficient room is provided for us to access and carry out maintenance on the culvert when required. The above recommended

conditions are provided because there are still some unknown details regarding the culverted watercourse in terms of its precise location and condition. Obtaining this detail will help in the assessment relating to foundational design but is considered appropriate to be submitted post-determination. We recommend that all the revised plans (dated 08/09/2023 on the DNPA website) are included on the list of approved documents, specifically plan ref.: CRA-BPC-XX-XX-DR-D-52-0001 Revision P02 as it includes the acceptable layout of properties and floor levels. We would also recommend that the following informatives are placed on any permission granted.

Informative - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

Informative – Deeds

We would encourage the applicant to consider placing a restriction on the deeds of properties in Blocks G&H to restrict all development between the built dwellings and Chuley Road to prevent the siting of even temporary structures which could impeded the ability of the Environment Agency to carry out maintenance or emergency works to the culvert

11. Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

12. National Highways

Initial comments received 8 December 2022

Referring to the notification of a Reserved Matters planning application referenced above, for the approval of the details of appearance, landscaping, layout and scale, following outline consent 0332/19 for the erection of 29 dwellings, at former Outdoor Experience Site Chuley Road, Ashburton, Devon, TQ13 7DQ, notice is hereby given that National Highways' formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in

accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended Planning Conditions

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks approval of reserved matters relating to details appearance, landscaping, layout and scale, following outline consent 0332/19 for the erection of 29 dwellings, at former Outdoor Experience Site Chuley Road, Ashburton, Devon. The 55.552sqm site is located immediately adjacent to the A38 trunk road boundary and approximately 330m north east of the A38/B3352 junction.

National Highways recommended no objections to outline application 0332/19 subject to the submission of a detailed boundary treatment plan owing to the proximity of the site to the A38 boundary and the National Highways soft estate.

Impact on Strategic Road Network

Traffic Impact

We are satisfied the traffic impact of the development on the safe operation of the A38 trunk was addressed at outline stage.

Drainage

We remain satisfied that the development drainage proposals are unlikely to result in an adverse impact on the safe operation of the National Highways drainage asset.

Landscaping & Boundary Treatment

The Proposed Hard & Soft Landscaping Plan (Rev02) below shows residential gardens extending onto the site boundary with National Highways, and the erection of garden boundary fencing beneath the crown of trees on the National Highways soft estate. This is unacceptable to National Highways on the basis it may result in damage to trees within our soft estate and requests from future residents for the removal of our trees. In addition, fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, as set out in Annex A, paragraph A1, of DfT Circular

02/2013 “The Strategic Road Network and the Delivery of Sustainable Development”. Based on the proposed location it is unclear how the proposed garden fencing could be constructed, maintained and or replaced without encroachment into the National Highways soft estate.

National Highways therefore request the submission of a revised Boundary Treatment Plan which addresses the above to ensure there will be no encroachment onto, or adverse impact on, our soft estate.

The Arboricultural Impact Assessment & Tree Protection Plan (26/07/2017) submitted with the outline application has not been updated to reflect the current layout and proposal shown on the Proposed Site Plan (Rev P06). We therefore request the submission of a revised Arboricultural Impact Assessment & Tree Protection Plan which accurately reflects the development proposals.

In addition, the Arboricultural Impact Assessment & Tree Protection Plan shown below states there should be a ‘Construction Exclusion Zone’ outside the application boundary. A ‘Tree protection fence / barrier’ is shown along the site boundary with National Highways estate but takes no account of the root protection areas of trees in our estate which are described on the Tree Constraints Plan as ‘Prominent trees on the boundary’. This will need to be addressed within the revised Tree Protection Plan.

Based on the submitted plans in order to facilitate the development as proposed there will be work required to trees on National Highways estate, for which permission has not been provided. To enable us to consider any request for works within our estate consultation with our Soft Estate Officer is required in advance of any such work, and all works must be done strictly in accordance with BS 3998: 2010 Tree work – Recommendations so as to prevent poor work / damage that may cause future decay and early death to the trees. No works must be undertaken on trees without our soft estate without our express written permission.

The Proposed Hard & Soft Landscaping Plan has labels, as in the above snip, for ‘Bat Flight Corridor with wildflower grass below’. These labels must be removed from the plan, as our estate cannot be used in a planning document to suggest any mitigation is provided or expected to be provided by National Highways. We requested a revised Landscaping Plan is submitted for our review.

We have been unable to locate a species list for the planting proposed, and therefore request that a detailed planting schedule is submitted for our review and approval. We should advise the developer that the following species must not be planted within 10m of our estate:

1. Blackthorn (*Prunus spinosa*)
2. Goat willow (*Salix caprea*)
3. Crack willow (*Salix fragilis*)
4. Dogwood (*Cornus sanguinea*)
5. Italian alder (*Alnus cordata*)
6. Bird cherry (*Prunus avium*)
7. Quaking Aspen (*Populus tremulans*)
8. Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they

would be within falling distance of the carriageway or any significant National Highways asset:

9. Silver Birch (*Betula pendula*)
10. Austrian Pine (*Pinus nigra*)
11. Poplar (*Populus alba*, *Populus hybrid*, *Populus lombardii*)
12. English Oak (*Quercus robur*)

Furthermore, the planting of ash (*Fraxinus excelsior*) and larch (*Larix sp*) is ill advised due to the current diseases they spread and succumb to.

Visual Screening

There appears to no visual screening of the development proposed in addition to the belt of trees immediately adjacent to the A38 carriageway which forms part of the National Highways soft estate.

We must make clear that that National Highways soft estate must not be relied upon to contribute any mitigation to the development as the management of our estate may from time to time affect any real or perceived benefits. Our soft estate management includes cyclical maintenance and periodic renewal, either of which could involve significant reduction in any available screening benefit until new planting is well established. We are also needing to consider removal of all dead, dying and diseased trees affected by ash dieback (*Chalara*), where these are on National Highways estate and where they present a safety risk to our assets, neighbours and all road users.

As such the developer must ensure that all required and desired mitigation is provided within the development or by a site boundary feature proposed as part of the development. We would encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to sustain this all year round. As set out above, any screening must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land.

We therefore request confirmation of how the development will be screened from the A38 carriageway without reliance on the National Highways soft estate, which should be submitted as part of a detailed boundary treatment plan.

Acoustic Mitigation

Given the location of the site immediately adjacent to the A38 trunk road the developer is required to mitigate the impact of noise arising from its operation on the proposed residential dwellings.

The previously submitted Noise Impact Assessment (June 2017) does reflect the current layout and proposal shown on the Proposed Site Plan (Rev P06). We require the submission of a reviewed Noise Impact Assessment which accurately reflects the development proposals for our review.

For outdoor amenity space to be enjoyed as intended, the noise levels therein should conform to the desirable thresholds specified in British Standard 8233:2014 and WHO Environmental Noise Guidelines (WHO). The latter, which is congruent with BS

8233:2014, advises “To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50dB LAeq.”

Figure 4 of the 2017 Noise Impact Assessment presents the predicted daytime noise levels across the application site, with mitigation. For the private gardens adjacent to the A38, predictions for the majority are in excess of 60dB LAeq which is considered likely to result in a significantly adverse impact on residents.

On the basis that the development will result in outdoor amenities areas (private gardens) being subject to noise levels in excess of the upper noise level, National Highways consider the current proposals to be unsustainable in noise terms and contrary to paragraphs 119 and 130 of NPPF and paragraphs 45 and 48 of DfT Circular 02/2013.

National Highways will not be held liable for any adverse noise impact arising from the operation of the A38 should the development fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines. We therefore require the submission of a revised Noise Impact Assessment which includes full details of the design and construction of any acoustic mitigation necessary to ensure the impact of noise will be adequately mitigated to levels as set out in British Standard BS8233:2014 and WHO guidelines. As set out above, any acoustic mitigation must be erected on the developer’s land, and far enough within the developer’s land to enable maintenance to take place without encroachment onto highway land.

To enable us to fully understand the impact of the development on the safe and efficient operation of the A38 trunk road and the long term integrity of its assets we require the submission of further information as set out above. We are therefore recommending the submission of this information by way of planning condition, on the basis that such information directly relates to matters under consideration by the reserved matters application, in accordance with paragraph 6 of the Ministry of Housing, Communities and Local Government Guidance ‘Use of planning conditions’.

Recommendation

National Highways has no objection in principle to Reserved Matters application 0444/22 subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a Boundary Treatment Plan for the site boundary with the A38 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). This shall detail how the development will be screened from the A38 trunk road.

Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.

2. Prior to the commencement of the development hereby permitted, a revised Arboricultural Impact Assessment & Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.

3. Prior to the commencement of the development hereby permitted, a revised Landscaping Plan and associated Planting Schedule for the boundary adjacent to the A38 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.

4. Prior to the commencement of the development hereby permitted, a revised Noise Impact Assessment and full details of any necessary acoustic mitigation shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason: To safeguard the operation of the strategic road network and the long term integrity of its assets.

Additional comments dated 23 June 2023

Thank you for consulting National Highways regarding the below amendments.

National Highways recommended the submission of further information by way of planning condition, on the basis that such information directly relates to matters under consideration by the reserved matters application, in accordance with paragraph 6 of the Ministry of Housing, Communities and Local Government Guidance 'Use of planning conditions'. These conditions are set out in our attached response dated 8 December 2022.

From a review of the website there have been a number of new or amended documents submitted, although National Highways has received no further consultation subsequent to the issuing of our attached response.

As detailed on our December 2022 response we require:

- A Boundary Treatment Plan
- A revised Arboricultural Impact Assessment & Tree Protection Plan
- A revised Landscaping Plan and associated Planting Schedule
- A revised Noise Impact Assessment and full details of any necessary acoustic mitigation

None of the documents submitted as part of the latest consultation dated 14 June 2023 appear to address the above requirements, and as such we continue to recommend the planning conditions set out in our attached response dated 8 December 2023.

Should documents be available which address the requirements of our recommended conditions I would be grateful if these could please be signposted, and we will review and respond within 14 days of these being provided.

13. Natural England

Initial comments received 8 December 2022

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential likely significant effects on the South Hams Special Area of Conservation (SAC) alone or in-combination with other proposals.

Not all the further information required by the outline consent planning conditions to secure mitigation of impacts on the SAC has yet been submitted. Natural England advises that further details still need to be submitted for:

- The Construction Ecological Management Plan (CEMP)
- The Landscape and Ecological Management Plan (LEMP)
- On Lighting

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on the above and other matters is set out below.

DESIGNATED SITES

The development is within a greater horseshoe bat Sustenance Zone and Landscape Connectivity Zone 1 associated with the South Hams Special Area of Conservation (SAC) and Buckfastleigh Caves SSSI, designated in part due to its internationally important population of greater horseshoe bats. Sustenance Zones are key bat feeding and foraging areas. The Landscape Connectivity Zone includes a complex network of bat commuting routes used by the SAC population of greater horseshoe bats (GHB) and provides connectivity between the designated roots.

Detailed guidance is provided in the South Hams SAC – Greater horseshoe bat Habitats Regulations Assessment Guidance (October 2019). 2 A Devon dark corridors guidance note has now been produced to help protect bat flight lines Maintaining dark corridors through the landscape for bats. This gives technical advice on appropriate light levels and types, buffer widths and landscaping.

Natural England advises that the proposal is unlikely to have a significant effect on other national or international protected sites.

Mitigation measures

At the outline stage, Natural England concurred with your Appropriate Assessment dated 20/07/20, which set out the required mitigation measures necessary to avoid an adverse effect on the integrity of the South Hams SAC. The planning conditions set out the required further information.

Construction Ecological Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP)

Condition 9 of the outline consent reads: The reserved matters application shall be accompanied by a Construction Ecological Management Plan and Landscape and Ecological Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (except private gardens), showing how the recommendations of the Ecological Impact Assessment (dated November 2017) have been incorporated and any mitigation measures deemed necessary.

The Construction Ecological Management Plan (CEMP) requires further details on the necessary lighting controls and how encroachment into the greater horseshoe bat habitats during construction will be prevented e.g. by showing the location and type of fencing.

The Landscape and Ecological Management Plan (LEMP) should include the following:

- Further details of the monitoring proposed in section 5.4, including measures of success.
- References to TDC to be changed to Dartmoor National Park.

Lighting

Condition 11 of the outline consent states:

The lux levels at the eastern boundary of the site shall not exceed 0.5 lux within the area shown on the approved plan 28030 Rev P1. The reserved matters application shall be accompanied by a Lux Analysis of the detailed development plans and a Landscape Ecological Management Plan for this particular feature to be submitted and agreed in writing by the local planning authority before any works commence on site.

Insufficient information is contained within the Lighting report by DIALux August 2022 to demonstrate that light levels within the above described greater horseshoe bat habitat will not exceed 0.5 lux at ground level to 3m from ground level. The LEMP rev02 at 3.1.2 references a lighting plan for the eastern extent of the site, but that a plan for the remainder of the site has not been formulated. Condition 10 requires all lighting details to be submitted.

The Institute of Lighting Professionals has produced guidance on considering the impact on bats when designing lighting schemes Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

To assess light impacts upon greater horseshoe bat habitat from the proposed development, it will assist to provide contour mapping (0.1lux intervals or less) that represents the lux modelling results (including vertical plane, and sample intervals of 200mm) on an OS map backdrop, and that can be used in conjunction with greater horseshoe bat habitat maps. A baseline assessment will be required to evaluate current light spillage associated with the site.

An assessment of light impact is best informed by identifying all potential sources of light and combining this information as part of a Lux analysis. This should include light spillage

from the proposed buildings and transient lighting from vehicle headlights, all sources of external and internal light.

Following the South Hams guidance, the scheme should be designed to avoid future impacts, such as from internal and external householder and safety lighting.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice 3 to help planning authorities understand the impact of particular developments on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Biodiversity net gain

We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the National Planning Policy Framework 2021 (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with paragraphs 174 & 179 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

The Environment Act sets out that there will be a mandatory requirement to achieve at least a 10% biodiversity net gain increase from the pre-development biodiversity value, using the Biodiversity Metric. The requirement is likely to commence in 2023.

In April 2022, Natural England released the updated and improved Biodiversity Metric 3.1 and accompanying guidance. We strongly advise use of this version of the metric to demonstrate that net gain requirements can be achieved.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Additional comments received 12 July 2023

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential likely significant effects on the greater horseshoe bats associated with the South Hams Special Area of Conservation (SAC), alone or in-combination with other proposals.

Further information is required in order to secure mitigation of impacts upon the SAC, and to be in compliance with detailed planning conditions included on the outline consent. We are unable to find this information in the revised submitted documents.

Natural England therefore reiterates our comments of 8 December 2022, where we commented that further detail is required on:

- The Construction Ecological Management Plan (CEMP)
- The Landscape and Ecological Management Plan (LEMP)
- Lighting

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites and advice on other issues is set out below.

DESIGNATED SITES

The development is within a greater horseshoe bat Sustenance Zone and Landscape Connectivity Zone associated with the South Hams Special Area of Conservation (SAC) and Buckfastleigh Caves SSSI, designated in part due to its internationally important population of greater horseshoe bats. Sustenance Zones are key bat feeding and foraging areas. The Landscape Connectivity Zone includes a complex network of bat commuting routes used by the SAC population of greater horseshoe bats (GHB) and provides connectivity between the designated roots.

Detailed guidance is provided in the South Hams SAC – Greater horseshoe bat Habitats Regulations Assessment Guidance (October 2019). A Devon dark corridors guidance note has now been produced to help protect bat flight lines Maintaining dark corridors through the landscape for bats. This gives technical advice on appropriate light levels and types, buffer widths and landscaping.

Natural England advises that the proposal is unlikely to have a significant effect on other national or international protected sites.

FURTHER INFORMATION REQUIRED

At the outline stage, Natural England concurred with your Appropriate Assessment dated 20/07/20, which set out the required mitigation measures necessary to avoid an adverse effect on the integrity of the South Hams SAC. The planning conditions set out the required further information.

Construction Ecological Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP)

Condition 9 of the outline consent states:

The reserved matters application shall be accompanied by a Construction Ecological Management Plan and Landscape and Ecological Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (except private gardens), showing how the recommendations of the Ecological Impact Assessment

(dated November 2017) have been incorporated and any mitigation measures deemed necessary.

Natural England commented on this reserved matters application on 08 December 2022. Our view was that the “Construction Ecological Management Plan (CEMP) required further details on the necessary lighting controls and how encroachment into the greater horseshoe bat habitats during construction will be prevented e.g. by showing the location and type of fencing”.

We have reviewed the revised CEMP dated March 2023 (Rev.3). We are unable to find detail in this document that addresses lighting controls and sets out specifically how Greater Horseshoe Bat habitats will be protected throughout the construction period. This may also include the location of any temporary lighting throughout the construction phase. The document makes reference to a lighting plan which may help to explain this, but we are unable to locate the drawing. Therefore, we maintain our previous comments.

We reiterate our previous comment regarding the Landscape and Ecological Management Plan (LEMP), which should include:

- Further details of the monitoring proposed in section 5.4, including measures of success

Please also note that the LEMP references outdated South Hams SAC Guidance – (Greater Horseshoe Bat Consultation Zone Planning Guidance 2010). This was superseded by the South Hams SAC Habitats Regulations Assessment Guidance published by Devon County Council in 2019¹.

Lighting

Condition 11 of the outline consent states:

The lux levels at the eastern boundary of the site shall not exceed 0.5 lux within the area shown on the approved plan 28030 Rev P1. The reserved matters application shall be accompanied by a Lux Analysis of the detailed development plans and a Landscape Ecological Management Plan for this particular feature to be submitted and agreed in writing by the local planning authority before any works commence on site.

In our previous comments of 08 December 2022, we commented that “insufficient information has been provided to demonstrate that light levels within the abovementioned Greater Horseshoe bat habitat will not exceed 0.5 lux at ground level to 3m from the ground level. The LEMP rev02 at 3.1.2 references a lighting plan for the eastern extent of the site, but that a plan for the remainder of the site has not been formulated. Condition 10 requires all lighting details to be submitted”.

We are unable to locate a revised lighting report, plans or additional information relating to lighting that demonstrates the above has been suitably addressed. Therefore, we maintain our previous comments of 08 December 2022 regarding lighting and the need for further information.

The lighting report from August 2022 does not demonstrate that light levels will be below 0.5 lux, and there are no contour maps to read alongside the lux results in the assessment. Contour maps (0.1lux intervals or less) can be used in conjunction with greater horseshoe bat habitat/dark corridor maps and help to represent lux modelling

results (including vertical plane, and sample intervals of 200mm) on an OS map backdrop.

The Institute of Lighting Professionals has produced guidance on considering the impact on bats when designing lighting schemes Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

An assessment of light impact is best informed by identifying all potential sources of light and combining this information as part of a Lux analysis. This should include light spillage from the proposed buildings and transient lighting from vehicle headlights, all sources of external and internal light.

Following the South Hams guidance, the scheme should be designed to avoid future impacts, such as from internal and external householder and safety lighting.

PROTECTED SPECIES

We have not assessed this application and associated documents for impacts on other protected species.

Natural England has produced standing advice² to help planning authorities understand the impact of particular developments on other protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

BIODIVERSITY NET GAIN

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 174 and 179 of the NPPF, the Defra 25 year Environment Plan and the Environment Act 2021.

We advise you first to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and Policy DM08 of the Local Plan and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal.

An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions (under Section 40 NERC Act, 2006). Biodiversity metrics⁴ are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Act sets a minimum 10% threshold.

Whilst it is not Natural England's role to comment on metric calculations or to provide detailed advice on biodiversity net gain (BNG) at the planning application stage, we do advise the Local Planning Authority (LPA) to determine the application in accordance with Local Plan policy, and to check the calculations and supporting information to ensure the applicant has provided a clear narrative, and accurate assessment of condition, that enables the LPA to understand what has been factored into the calculations and how gains have been determined. The LPA is advised to secure the details for the delivery, management and monitoring of net gain through planning condition or obligation.

The LPA is advised to liaise with the Councils Ecologist, who has previously provided detailed comments regarding BNG at this site. The Councils Ecologist should be satisfied that their concerns have been addressed before any revised BNG calculations are accepted.

Further comments received by email 12 September 2023

NE has reviewed the submitted lighting report, and note that a lighting contour plan has been provided relating to show lux levels. Page 29 of the submitted lighting report states that:

“internal lighting from the properties has been excluded from the calculation, as it is assumed that in the hours of darkness that any curtains or blinds would be closed preventing any significant spill”.

Contrastingly, Guidance by The Bat Conservation Trust ‘Bats and artificial lighting at night’- note 08/23, sets out that *“Where buildings are proposed in proximity to key features or habitats, plots should also model the contribution of light spill through nearby windows, making assumptions as to internal luminaire specification, internal lighting levels, and visible light transmittance of windows. It should be assumed that blinds or curtains are absent or fully open.”*

As such, the lighting assessment appears to conflict with best practice guidance. Internal light spill should be fully taken into account in the assessment and modelled in any submitted imagery/contour plans. Furthermore, the L shaped building on the contour plan appears to show no internal lighting facing east. As we understand it there are proposed windows on this elevation.

The assessment should be revised so we can be confident that all lighting impact (both internal and external light spill) has been taken into account, and the right level of mitigation can be secured, if necessary.

Further comments received by email 12 October 2023

Natural England are unable to fully utilise the lighting report in conjunction with dark corridor mapping, as a OS full contour map showing lux levels has not been provided. According to the thermal imagery provided, it appears that a continuous boundary fence and bank is located at the rear gardens. In the lighting report these features are shown to act as a wall to fully block light from reaching the eastern boundary.

The County Ecologist is likely to be familiar with this local site and its topography, so we direct you to liaise with them in the first instance. Should the County Ecologist be content with the information depicted in the report, then Natural England raise no objection provided that appropriate mitigation is included to ensure that the lighting condition (11) from the outline permission 0332/19 is fully addressed.

14. South West Water (SWW)

Email dated 5 January 2023

SWW note that the FRA assessment was from 2017, and does not reflect the latest LPA requirements – Cornwall LLFA now requires surface water attenuation calculations to include for the 1 in 100yr storm plus 50% for Climate Change, which would have

implications for the storage volume required.

- Provided the LLFA accepts the surface water drainage strategy as proposed (the FRA refers to the Ballard Stream, I can only find reference to Ashburn River on OS and Google), implying no discharge to the water body is possible, then South West Water has no objection to the proposed surface water drainage strategy limiting flows to a maximum of 3 l/sec discharging to the public surface water sewer.
- I further note that the public 150mm surface water sewer is located in Station Yard, not in Chuley Road.

Emails dated 2 February 2023

Thank you for contacting South West Water, and for providing the written statement from the EA refusing connection of additional flows not the Ballard Stream culvert. As mentioned in the earlier email to your colleague Kyle (email attached for reference), given this refusal by EA, South West Water will accept the 3 l/sec flows from the site in the public 150mm surface water sewer located in Station Yard.

No problem, and yes, obviously subject to gaining Technical approval, and being in accordance with the DCG, South West Water adopt flow controls as part of an adoptable surface water drainage strategy.

15. Teignbridge District Council - Environmental Health

Initial comments received 20 December 2022

With regard to the above referenced consultation, the EHO would recommend the following should be conditioned should planning consent be granted;

In order to make an accurate assessment, I believe it necessary that further information, regarding mitigation of activities during the development that may give rise to Statutory Nuisance, be provided.

In the interest of protecting the amenity of existing nearby dwellings during development, no phase of the development shall commence until, in respect of that phase, a method statement regarding noise, vibration and the prevention of disruption of the neighbouring noise sensitive premises has been written in accordance with BS 5228:2009+A1:2014, submitted to and approved in writing by the LPA. The approved method statement shall be implemented on approval and complied with at all times. The statement should note the noise control measures to be employed regarding the type of plant, the methods used to construct and move materials, the phasing of operations, planning the site layout, for example using barriers or acoustic enclosures to control the noise at source. The location of static noise sources shall be sited away from noise sensitive premises wherever practicable with an aim to achieve less disturbance to the neighbouring properties. The standard operating hours should be 08:00 - 1800hrs. Monday – Friday, 8:00 – 13:00 on Saturdays and no working on Sundays or Bank holidays. No works shall be carried out outside of these times unless approved by the LPA. If work or generators are required to operate outside of the above-mentioned hours, the site boundary sound level should be below the background sound level at the nearest noise sensitive dwelling at that time. Boundary and on-site noise levels should be monitored regularly.

The applicant should include a scheme of works for the control of fugitive dust coming from the site.

The applicant should provide further information regarding the noise attenuation methods proposed to mitigate disturbance post-construction, as determined necessary in the Noise & Vibration Impact assessment completed by REC, submitted under ref 0332/19. In this report, it was highlighted that without adequate noise attenuation, amenity spaces and some internal habitable rooms of certain properties may exceed the BS8233:2014 criterion. The information provided should include details of any proposed alternative ventilation, proposed acoustic barriers and any other factors that will be employed to ensure there that there no adverse effects are experienced in relation to noise.

Further comments received 15 September 2023

The EHO has reviewed the original comments and the proposed Acoustic Fence. I would expect an addendum to the original report by a suitably qualified acoustician that demonstrates that the proposed fence will ensure that the amenity spaces and internal habitable rooms exceed the standards set out in BS8233:2014 prior to determination of the application

16. Teignbridge District Council - Housing Enabler

Overview

This reserved matters application follows the outline consent for application 0332/19 which received consent on 10 September 2021.

These comments are based on the information available on DNPA's Planning Portal.

The outline consent available on the planning portal was conditional including a requirement to submit a reserved matters application 1 year from the date of permission being granted. I have been unable to identify any application to vary these conditions.

This is the third consultation response in relation to this site since 2018. The Housing Authority commented on 0332/19 on 2 September 2019 with a holding objection as the scheme was not policy compliant with only 7 affordable homes. Those comments repeat comments made in regard to application 0035/18.

The comments regarding viability and the percentage of affordable homes still stand and we will support measures to increase the affordable housing provision on this site.

Given that the scheme is not policy compliant at 24% affordable homes it is important that the s106 agreement enables further contributions if sales values are higher than the values used in the independent viability assessment. Given the increases in the market in the past 2 years these values are very likely to have increased and grounds for a higher contribution should be explored.

Ashburton has high levels of registered, affordable housing need. This need persists despite recent delivery of new affordable homes at Luce's Mead. Longstone Cross. In April 2023 Devon Home Choice showed a need for 43 affordable rented Homes in the Parish of Ashburton.

Summary of Affordable Housing Offer

No affordable housing schedule has been provided. A schedule provided by applicants is encouraged as aids understanding of the offer. Other plans submitted e.g.. the proposed parking strategy/soft/hard landscaping plan suggests the following:

| Plots | Dwelling Type | Size | Tenure | No. of homes |
|---------|----------------------|--------|---------------------------|--------------|
| 1-2 | 2 Bed 3 Person Flat | 63 sqm | Affordable Rent | 2 |
| 3-5 | 1 Bed 2 Person | 52 sqm | Affordable Rent | 3 |
| 6 | 1 Bed 2 Person | 52 sqm | Affordable Home Ownership | 1 |
| 7 | 3 Bed 5 Person house | 93 sqm | Affordable Home Ownership | |
| | | | Total Affordable | 7 |
| | | | | |
| 8-9 | 3 Bed 5 Person house | 93 sqm | Open Market | 2 |
| 10 - 16 | 2 Bed 4 Person House | 79 sqm | Open Market | 6 |
| 17-18 | 3 Bed 5 Person house | | Open Market | 2 |
| 19-29 | 3 Bed 5 Person house | 99 sqm | Open Market | 10 |
| | | | Total Open Market | 22 |
| | | | Total Homes | 29 |

Affordable Rented Housing Need (April 2023)

| | | | | | | |
|--|---------------|--------------------|-----------------|-----------|-------|-------|
| Ashburton | | | | | | |
| Housing Need by Band and Bedroom | | | | | | |
| | 1 Bed | 2 Bed | 3 Bed | 4 Bed | 6 Bed | Total |
| Band B | 5 | 3 | 1 | 1 | 1 | 11 |
| Band C | 2 | 3 | 2 | 2 | | 9 |
| Band D | 17 | 5 | 1 | | | 23 |
| Total | 24 | 11 | 4 | 3 | 1 | 43 |
| Housing Need by Band and Accessibility | | | | | | |
| | General Needs | Maximum of 3 Steps | Part Wheelchair | Step Free | Total | |
| Band B | 7 | 3 | 1 | | 11 | |
| Band C | 8 | 1 | | | 9 | |
| Band D | 19 | 2 | | 2 | 23 | |
| Total | 34 | 6 | 1 | 2 | 43 | |
| Housing Need by Bedroom and Accessibility | | | | | | |
| | General Needs | Maximum of 3 Steps | Part Wheelchair | Step Free | Total | |
| 1 Bed | 19 | 4 | | 1 | 24 | |
| 2 Bed | 9 | 1 | | 1 | 11 | |
| 3 Bed | 3 | | 1 | | 4 | |
| 4 Bed | 2 | 1 | | | 3 | |
| 6 Bed | 1 | | | | 1 | |
| Total | 34 | 6 | 1 | 2 | 43 | |

At present this proposal offers considerably less than current adopted Local Plan policy of 45% at c24%.

Given the very high levels of evidenced Affordable Housing need in Ashburton it is essential that we seek to secure the maximum deliverable affordable housing for this site.

Affordable Housing Tenure Split

Policy, including Dartmoor NP current and proposed draft SPD, requires 70% affordable rented homes and 30% low cost home ownership. This is 2 low-cost home ownership homes and 5 affordable rented homes.

The NPPF Annexe 2 identifies a range of qualifying low cost home ownership tenures NPPF 2021 annexe 2 Glossary

(d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to government or the relevant authority specified in the funding agreement.

A recent Housing Needs Survey in Moretonhampstead has shown a significant proportion of qualifying local people unable to save for a sufficient deposit for a 40% shared ownership home. This means that a deposit on an intermediate market home can only be more difficult for this group. The preference is therefore Shared ownership which offers a more flexible range of equity share for local, qualifying households.

Design

The conditional outline consent required more detail on the boundary treatment with the A38. This is important as the levels could impact on privacy to the rear of the homes unless carefully designed. In addition, the design of the proposed armco acoustic barrier is critical for the affordable homes. I was unable to find further detail on the acoustic barrier on the portal.

Conclusion

Housing Enabling team maintain their objections to this proposals. Although this application shows provision of 7 affordable homes, the justification for provision significantly below policy and is not sufficient in a Parish with high levels of housing need. Increases in property values since September 2021 justify this contribution being reviewed. We remained committed to exploring options for improved affordable housing delivery and welcome the opportunity to discuss this further.

17. Teignbridge District Council - Planning

No comments to make



NPA/DM/23/012

Dartmoor National Park Authority
Development Management Committee

3 November 2023

**TREE PRESERVATION ORDER :
CLEARVIEW, LYDFORD**

Report of the Trees Officer

Recommendation: **That the Tree Preservation Order at Clearview, Lydford, be confirmed without modification.**

- 1 The Authority made a Tree Preservation Order (TPO) to protect one mature European beech, (Image 1) growing in the grounds of Clearview, Lydford. The Order was made under delegated powers on 30 August 2023.



Image 1. View of tree (red) from the northeast on the public highway.

- 2 The tree is considered at risk of felling following the receipt of a section 211 notice (Reference number 23/0053) for its removal. Insufficient information has been provided demonstrating on the balance of reasonable probability that the tree is causing damage to the adjacent dwelling.
- 3 The tree is a maturing European beech, visible from the main thoroughfare through the village. The tree positively contributes to the amenity and setting of the surrounding area and its loss would have a detrimental impact on the character of the Lydford Conservation Area.
- 4 An amenity assessment (attached at Appendix 1) was undertaken, and the tree has an amenity score of 22, which is 4 points above the TPO benchmark of 18.
- 5 The Authority served the Order on all parties who have an interest in the land and gave them 28 days in which to make representations regarding the Order. No objections to the Order, or requests to modify the Order, have been received.
- 6 The Order has been made under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, which means the trees have immediate, but provisional protection for six months. If the Order is not confirmed within six months the provisional protection comes to an end. Having made a provisional Order the Authority has three options:
 - (i) confirm the Order as made;
 - (ii) not confirm the Order;
 - (iii) modify the Order and confirm the modified Order.
- 7 If the Order is confirmed it will protect the tree in perpetuity. Once an Order is confirmed the management of the tree will be controlled by the Authority. However, work to the tree will still be permitted if it is considered to be acceptable tree management. If the Order is not confirmed the tree will not be protected and the landowner will be able to remove the tree.
- 8 Considering the high visual amenity value of the trees and that no objections to the Order have been received, it is recommended the Order be confirmed as made.

STUART BAKER

TPO Assessment

| TREE PRESERVATION ORDER ASSESSMENT FORM | |
|--|--|
| Date: | 16/08/2023 |
| Surveyor: | S Baker |
| Tree Details | |
| TPO Ref: | |
| Tree/Group Number: | T1 |
| Species: | Beech |
| Owner: | Clearview |
| Location: | Garden of Clearview |
| Detractions | |
| Dead, dying or dangerous | <input type="checkbox"/> |
| Short life expectancy | <input type="checkbox"/> |
| Damage - causing or inevitable | <input type="checkbox"/> |
| Unreasonable interference | <input type="checkbox"/> |
| No space for reasonable growth | <input type="checkbox"/> |
| Replaceable - tree young / small | <input type="checkbox"/> |
| Silviculture reasons | <input type="checkbox"/> |
| Already under sound management | <input type="checkbox"/> |
| Isolated / remote / hidden | <input type="checkbox"/> |
| TPO indefensible (No further action) | <input type="checkbox"/> |
| TPO classification being considered | |
| | T |
| Amenity | |
| Location | 4 |
| Woodland | 1 |
| Rural | 2 |
| Rear garden | 3 |
| Front garden | 4 |
| Open Space | 5 |
| Prominence | 4 |
| Hidden | 1 |
| Glimpsed | 2 |
| Restricted | 3 |
| Unrestricted | 4 |
| "Out front" | 5 |
| Other Trees | 3 |
| Within wood | 1 |
| Many | 2 |
| Some | 3 |
| Few | 4 |
| Alone | 5 |
| Tree Form | 2 |
| Poor | 1 |
| Moderate | 2 |
| Fair | 3 |
| Good | 4 |
| Outstanding | 5 |
| Tree size | 3 |
| New plant | 1 |
| Small | 2 |
| Medium | 3 |
| Large | 4 |
| Very large | 5 |
| Audience Frequency | 4 |
| Remote | 1 |
| Occasional | 2 |
| Infrequent | 3 |
| Frequent | 4 |
| Continuous | 5 |
| Additional Considerations | 2 (Deduct if absent) |
| Within Conservation Area | 2 |
| Veteran | 2 |
| Historic | 2 |
| Rarity | 2 |
| Ecological | 2 |
| Amenity Score | 22 If below '18' TPO unlikely to be defensible. |
| Make TPO | Y |
| TPO unjustified at this time | <input type="checkbox"/> |

Dartmoor National Park Authority

TPO Clearview, Lydford



Scale 1:388

251100

224.0m

84900

84900

LB

Lydonia

T1 Beech

Clearview

Clifton Cottage

Old

Crown copyright and database rights 2019 Ordnance Survey 100024842

Wal

251100



NPA/DM/23/013

Dartmoor National Park Authority
Development Management Committee

3 November 2023

Tree Preservation Orders, Section 211 Notifications (Works to
Trees in Conservation Areas) Determined Under Delegated Powers

Report of the Trees Officer

Recommendation: **That the decisions be noted.**

TREE PRESERVATION ORDERS

Teignbridge

Ref: 23/0059

Ashburton House West Street, Ashburton

Application to fell one Sycamore, one Horse Chestnut, three Beech, one Portuguese Laurel, remove branches overhanging footpath and remove 1 main trunk growing towards footpath of one Portuguese Laurel, crown lift two Lime to 8m from road surface, crown lift to 3m above roof one Beech and fell stem closest to the building of one Cherry. The proposed works follow a condition assessment of the trees at the site, which makes broadly appropriate recommendations for their management. This includes the removal of four trees and pruning works to six other trees within the TPO. No objection is raised to the proposed works.

Consent was granted subject to conditions:

1. The works hereby consented to shall be carried out within a period of two years from the date of the decision notice.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.
3. Four replacement trees shall be planted as close as practicable to the same location in the first planting season following the felling of the tree hereby permitted to be removed. The replacement tree shall be a minimum of 8 -10cm in girth and shall be maintained for a period of five years; such maintenance to include the replacement of the trees they die. The species of the trees may be selected from the following list or other species and location, size and timing as may be agreed in writing by the National Park Authority.
European beech
Hornbeam

Wild cherry

Ref: 23/0073

24 Wallaford Road, Buckfastleigh

Application to reduce canopy by 20%, Crown lift to 3.2m and deadwood walnut tree. The tree has started to shed branches into the surrounding gardens. The proposed tree works to reduce the size of the trees crown should address this. In this case, it is considered appropriate to allow the works under the Dead, Dangerous exception.

Consent was granted subject to conditions:

1. The works hereby consented to shall be carried out within a period of two years from the date of the decision notice.

West Devon

Ref: 23/0047

Fancy Dale, Clearbrook

Application to fell sycamore tree on edge of leat, adjacent to road/utility cable branch fallen into road. A further branch is broken and lodged between two branches. Top of tree does not look healthy tree can be seen with branch from inside garden.

Application Withdrawn

Ref: 23/0054

Memorial Hall Meavy Lane, Yelverton

Application to remove deadwood over 25mm in diameter one Ash, crown raise to approx. 6m from ground level by removing low trailing branches up to 50mm in diameter one Beech, crown raise to approx. 6m from ground level by removing low trailing branches up to 50mm in diameter six beech, crown raise to approx. 6m from ground level by removing low trailing branch up to 50mm in diameter one Oak, reduce tertiary branches at 8m from ground level on western limb by 1.2m and max finished pruning cut at 25mm in diameter one Oak, crown raise to approx. 6m from ground level by removing low trailing branch up to 50mm in diameter one Sweet chestnut, crown raise to approx. 6m from ground level by removing low trailing branch up to 50mm in diameter one Sycamore, crown reduce tertiary branches on west side limb at 15m by 2m, max. finished pruning cut at 50mm in diameter one Beech, crown reduce 1 secondary limb at 6m, by 3m to reduce lateral growth over tennis court, finished pruning cut at 50mm one Sweet chestnut. The proposed works will allow management of tree branches where they overhang the Tennis Courts at the Yelverton Recreation Ground. These works are considered reasonable and proportionate tree management. No objection is raised to the proposed works.

Consent was granted subject to condition:

1. The works hereby consented to shall be carried out within a period of two years from the date of this decision notice.

Ref: 23/0070

6 Church Lane, Moorhaven

Application for notification of 5 day exemption removal T1 Ash fell, dead T2 Pine fell dead and T3 Pine fell dead. No objection is raised to the removal of these dead trees subject to replacement planting.

Consent was granted subject to conditions:

1. The works hereby consented to shall be carried out within a period of two years from the date of this decision notice.
2. Three replacement trees shall be planted within the curtilage of the property in the first planting season following the felling of the trees hereby permitted to be removed. The replacement trees shall be a minimum of 8 -10cm in girth and shall be maintained for a period of five years; such maintenance to include the replacement of the trees should they die. The species of the trees may be selected from the following list or such other species and location, size and timing as may be agreed in writing by the National Park Authority.

European beech

Pedunculate oak

Scots pine

South Hams

Ref: 23/0055

Lower Kerries Kerries Lane, South Brent

Application to Pollard at crown break (approx. 5m from crown) one Oak. The proposed pollarding of the tree is excessive and inappropriate tree management, it is considered contrary to the guidance in BS3998:2010. These works will cause significant adverse physiological harm to the tree and is disproportionate to the trees condition. The works will also be damaging to the amenity value of the tree. In the absence of evidence to support the need for these works the application should be refused.

However, lesser more appropriate works should be allowed to establish a smaller more compact tree crown. Crown reduction via thinning will reduce apical dominance and allow light into the inner crown, stimulating new adventitious growth, It will also allow some reduction in overall crown size. These works are designed to artificially replicate tree crown retrenchment. Th new inner growth can in future be used as reduction points, to establish a smaller more compact tree crown (which is the tree owners long-term objective).

The following works is allowed as part of this split decision:

T8, Oak: Crown reduction via thinning, to remove up to 1.0m from branch tips, along with the removal of deadwood.

Reason: The approved works will avoid the physiological shock, caused by the refused pollarding works. The approved works are intended to work towards establishing a smaller more compact tree crown.

Consent was granted subject to conditions:

1. The works hereby consented to shall be carried out within a period of two years from the date of this decision notice.

2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

SECTION 211 NOTICES

Teignbridge

Ref: 23/0057

Dunsford Village Hall, Dunsford

Notification to Crown lift to 3m from ground level, remove dead wood and crown thin one Willow, remove dead wood and crown thin one Silver birch, crown lift to 3m from ground level, prune back to fence line Various broadleaved trees. The proposed thinning, crown lifting and removal of Deadwood from the Goat willow and the Silver birch are relatively minor works and raise no objection. The hedgerow has now grown over the southern end of the public open space. The proposed cutting back of this overhanging foliage is effectively re-establishing hedgerow management of the hedgerows northern face. No objection is raised to the proposed works.

A Tree Preservation Order has not been made.

Ref: 23/0060

Ashburton House West Street, Ashburton

Notification to Fell one Sycamore, four Lime, one willow, one Portuguese laurel, one Holly and one Birch, remove epicormic growth at base of mixed trees, remove Apple stem growing over road, remove several small stems putting pressure on wall of one Lime, and crown lift to 3m over path two Lime. The proposed works follow a condition assessment of the trees at the site, which makes broadly appropriate recommendations for their management. These includes the removal of five trees and pruning works to seven other trees within the conservation area. No objection is raised to the proposed works.

A Tree Preservation Order has not been made.

West Devon

Ref: 23/0061

The Copse Tavistock Road, Princetown

Notification to Fell 8 Monterey cypress and 1 Norway spruce from the Rear Garden and to Fell 1 Beech, 1 Sycamore and 1 Conifer from the Front Garden. The front and rear garden of the property are dominated by either overly dominantly, or completely inappropriate tree species, which have been left to grow unchecked over many years. The proposed removal of these trees raises no objection.

A Tree Preservation Order has not been made.

Ref: 23/0062

7 Hawthorn Park, Lydford

Notification of a 3-metre crown reduction of the north-eastern aspect, T1 Beech. The proposed works are a repeat of previous tree management, minor in nature and allow the applicant reasonable control of the overhanging vegetation. No objection is raised to the proposed works.

A Tree Preservation Order has not been made.

STUART BAKER
Consultant Trees Officer