

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 3 November 2023

Present: Mr A Cooper, Mr W Dracup, Mr G Gribble, Mr P Harper, Mr M Jeffery, Mrs G Hill, Mr J McInnes, Mrs S Morgan, Mr J Nutley, Mr M Owen, Mr G Pannell, Mr M Renders, Mrs L Samuel, Mr P Sanders, Mr P Smerdon, Mr D Thomas, Mr M Williams, Ms P Woods

Officers: Mr J Aven, Deputy Head of Development Management
Mrs L James, Solicitor (acting on behalf of Devon County Council)
Mrs S Williams, Planning Officer

Apologies: Mrs C Mott

The Chairman welcomed the registered speaker, Mrs James, the Solicitor acting on behalf of Devon County Council, the Authority's Independent Persons, Mr Philip Townsend, National Highways Officer and those registered to speak at the meeting.

1546 Declarations of Interests and Contact

Members agreed to declare those interests set out in the matrix attached to the Agenda (Membership of other Councils).

1547 Minutes of the meeting held on 6 October 2023

The minutes of the meeting held on 6 October 2023 were AGREED and signed as a true record.

1548 Items requiring urgent attention

None.

1549 Applications for Determination by the Committee

Members received the report of the Head of Development Management (NPA/DM/23/011).

Item 1 – 0444/22 – 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 – Former Outdoor Experience Site, Chuley Road, Ashburton TQ13 7DQ

The Case Officer advised that this application related to the old Outdoor Experience site on Chuley Road in Ashburton. This was a Reserved Matters application, which followed the grant of outline planning permission for 29 dwellings (including 7 affordable) with details of access also approved by the Development Management Committee in September 2021. It sought approval for the remaining matters, namely layout, scale, appearance and landscaping. The officer's recommendation was that permission be granted.

The application was presented to the Committee in view of its size and impact on this part of Ashburton. The site lies within the settlement boundary on the eastern side of the town, between Chuley Road and the A38. It is surrounded by a range of development including residential dwellings, light industrial units and garaging. It includes the whole of the former Outdoor Experience site which has been vacant for a number of years and substantially cleared of buildings relating to its last use as a caravan retail and storage business. The site is terraced following the natural slope from the higher ground (east to west). The access approved at the outline planning stage re-uses the existing point of access on the northern side with a direct link to Chuley Road adjacent to the Masonic Lodge.

The site forms only part of the Dartmoor Local Plan allocation 'Proposal 7.4 for Land at Chuley Road'. This site has been allocated since 2014 and significant work on master-planning the area has been undertaken, including consultation with the Town Council and community who expressed a desire to move away from the existing industrial and retail uses and prioritise housing and public parking.

The site has a number of constraints: it adjoins Flood Zone 3 which runs along Chuley Road and falls within a Critical Drainage Area. It falls within the Sustenance Zone and Landscape Connectivity Zone for the South Hams Special Area of Conservation, with a Greater Horseshoe Bat corridor running along the eastern boundary of the A38. It is also adjacent to the Ashburton Conservation Area which lies on the other side of Chuley Road and includes Station Yard.

The dwellings are proposed across two levels and are 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 garden boundaries adjoining the A38. Units 1 to 7 would provide 6 affordable flats and 1 affordable house, which would be a mix of shared ownership and affordable rent as agreed with the Teignbridge Housing Enabler. Units 19-29 would form the lower tier of the site, comprising 3 storey dwellings with integrated ground floor garages and driveways fronting directly onto Chuley Road.

The access, together with the level of affordable housing, were agreed at outline planning stage and have not been reassessed as part of this reserved matters. However, updated projected profits have been submitted and scrutinised as part of this application, and officers have confirmed that no additional commuted sum for affordable housing was required at this stage. The S106 will require this to be reassessed against actual sale values once all plots have sold.

Devon County Council Highways, National Highways, Devon County Council Flood Risk, Teignbridge District Council Environmental Health and Devon and Cornwall Police have all responded with no objection, subject to conditions.

Initial objections from the Environment Agency, Natural England and Devon County Council Ecology relating to flood risk, potential impacts on the Balland Culvert, and impacts on Greater Horseshoe Bats have all been overcome through the course of the application following amendments to the scheme and submission of additional information.

The Town Council had objected due to lack of Biodiversity Net Gain and affordable housing, and concerns relating to flooding and drainage on the site. Five letters of

objection were received and one general comment, with the majority of objections hinging on traffic, flooding and residential amenity.

The main issues raised through consultation related to layout, scale, appearance and landscaping and have been addressed.

The vacant and unkempt nature of the site would offer the opportunity for regeneration and significant enhancement in an important central area of the town. Approval of the scheme would move away from the previous industrial and retail use of the site to deliver public parking, affordable housing for local people, as well as more affordable open market dwellings in a desirable town centre location, an important consideration in a town such as Ashburton where house prices are high. This is in line with Proposal 7.4 of the Dartmoor Local Plan, and objectives expressed by the Town Council and the local community as part of the master planning process which led to the allocation of the site. Approval was recommended, subject to the signing of a revised S106 agreement in relation to affordable housing, education contributions, management of public parking and open space and a further viability assessment once all plots are sold.

Changes to conditions 19, 20, 21, 22, 24, 25, 26, 28 as below were proposed; all other conditions would remain as detailed within the Committee Report:

19. No works in relation to the development of Blocks G and H other than site clearance works (no ground disturbance) shall 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.
20. No works in relation to the development of Blocks G and H other than site clearance works shall 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. No works in relation to the development of Blocks G and H other than site clearance works shall 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 results of the survey shall be submitted to and approved 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 as a consequence of the construction process repaired to achieve the T98 Asset Condition Assessment pre-work standard.

24. Notwithstanding the drawings hereby approved, no development above Ground Floor Finished Floor Level (FFL) of the development of Blocks A-F inclusive 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. Notwithstanding the drawings hereby approved, no development of Blocks A-F inclusive shall take place and no vegetation shall be felled or cleared along the eastern edge of the application site until a revised Arboricultural Impact Assessment & Tree Protection Plan for the boundary adjacent to the A38 trunk road has been 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 of Block A-F inclusive 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.
28. No development other than site clearance works (no ground disturbance) 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.

The Chair invited Mr Townsend, National Highways Officer, to clarify the situation with regard to access / road issues which were established at the outline planning stage.

Mr Townsend advised that the previous use of the site had resulted in heavier traffic use compared to current proposals. The access route onto the site had been agreed and formed part of the outline planning permission. With regard to Chuley Road itself, double yellow lines extend the complete length; the proposed development would displace 3-4 parking spaces.

Mr Searight was invited to speak to Members. He advised that he was a member of the Town Council and Chair of the Town Planning Committee.

He stated that the Council was pleased to see a new housing development in Ashburton. He reiterated the Council's comments that the site was situated within a very congested area. On the assumption that there would be a minimum of 29 vehicles within the development, and with that the potential number of vehicle movements each day, it would be imperative that there was an increased awareness with regard to speed. The increase in traffic past the school, together with the restrictions on St Lawrence Lane needed to be brought to the attention of the developers.

Mr Searight advised that, although he was aware that the flood risk and possible issues regarding the culvert had been assessed and mitigated for, the potential for future flooding should be seriously considered. He requested that as soon as the detailed construction management plan was available, a copy be made available to the Town Council.

The applicant's agent, Mr Dulling, reiterated that the application before Members was for Reserved Matters, Outline permission having been granted in 2021. The site has long been allocated for housing, since 2014. A culmination of positive and proactive dialogue and engagement between himself and the applicant, the Case Officer and Head of Development Management had resulted in the application before Members today. Design was always a key focus and plans had been amended to address every concern, including design and materials, parking, affordable housing requirements. The development would unlock this long standing site which has stood idle for a long time. He advised that the conditions, including those amended as above, were all acceptable to his client.

In response to Member queries, officers responded as follows:

- With regard to potential flood risk, critical drainage area and the culvert, the application has evolved in response to all queries/issues raised, and have been mitigated against as far as is possible.
- Clarified that the area on the plan to the north of the site, shaded in blue, was in the ownership of the applicant but was not included in the proposed development site.
- Housing mix – the Authority's policy would normally require 45% affordable housing. However, the viability assessment confirmed that this would not be possible on site – two intermediate dwellings had therefore changed for shared ownership to help with the shortfall.
- Additional parking spaces – confirmed that there would be four public parking spaces at the entrance to the site, together with a further three spaces further within it – the management of these spaces would be determined and set out in the revised S106 agreement. These would be for public use, not just for visitors to the dwellings on site.
- Rear access to properties would all be gated as per the suggestion of Devon & Cornwall Police.
- Affordability/commuted sum – the S106 agreement would contain a standard clause stating that the time lapse between permission being granted and the sale of properties would result in values of the dwellings being assessed. If the value of the properties had increased then the Authority would have the right to collect a commuted sum which would be used for affordable housing on adjoining sites.

- Following rigorous negotiations with the agent and applicant, the final design and proposed materials were deemed to be acceptable and would not have a detrimental impact on the local area.
- To mitigate the removal of the area of hedgerow along Chuley Road, similar planting was proposed elsewhere.
- The tree barrier at the top of the site, along the A38, was outside of the site boundary and was the responsibility of National Highways. A tree protection plan is included within the proposed conditions for the application.
- Acoustic barrier at the top of the site to mitigate noise from the A38 – proposed condition no.27 would require a noise impact assessment to be undertaken. National Highways specify acceptable decibel levels. Materials agreed for the barrier would have to meet standards set.

Mr Sanders proposed the recommendation, subject to the revised S106 Agreement and amended conditions, which was seconded by Mr McInnes.

Members thanked the Case Officer for her excellent and balanced report, together with a clear and informative presentation.

RESOLVED: That, subject to completion of an updated s106 legal agreement, and subject to the conditions within the report and amendments as set out above by the Case Officer, permission be GRANTED.

A Member asked that the agent liaise with the Town Council as soon as possible.

1550 Tree Preservation Order – Clearview, Lydford

Members received the report of the Trees Officer (NPA/23/012).

The Authority made Tree Preservation Order (TPO) under delegated powers, on 30 August 2023, to protect a mature European beech, growing in the grounds of Clearview, Lydford. The tree is considered at risk of felling following the receipt of a section 211 notice (Reference number 23/0053) for its removal; however, insufficient information has been provided to demonstrate that the tree is causing damage to the adjacent dwelling.

The tree has a high visual amenity value; no objections to the Order have been received.

RESOLVED: It was proposed, seconded and AGREED by all Members that the Tree Preservation Order be confirmed as permanent.

1551 Tree Preservation Orders, Section 211 Notifications (Works to Trees in Conservation Areas) Determined Under Delegated Powers

Members received the report of the Trees Officer (NPA/DM/23/0013).

RESOLVED Members NOTED the content of the report.