

PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Parish: Stoke Fleming **Ward:** Blackawton and Stoke Fleming

Application No: 3475/17/OPA

Agent/Applicant:

Mr Robin Upton
WYG Planning
Hawkridge House
Chelston Business Park
Wellington
TA21 8YA

Applicant:

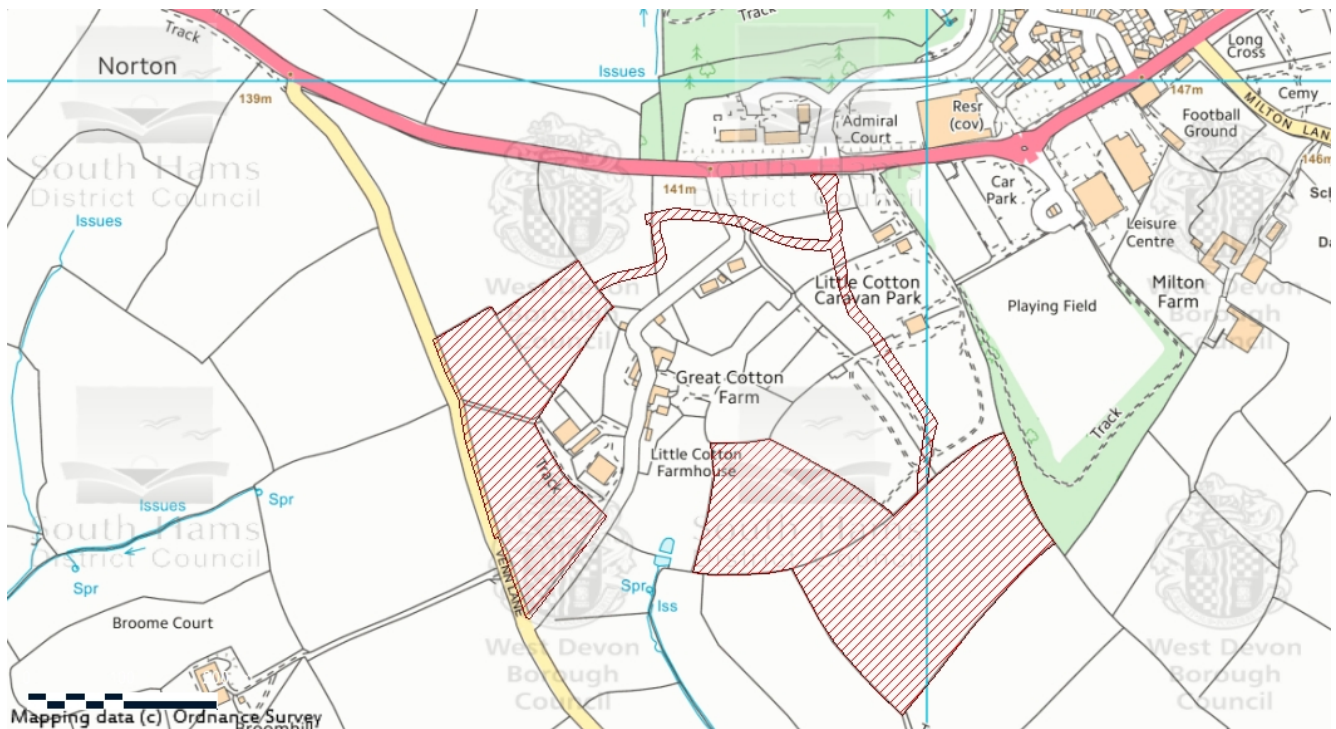
Millwood Homes (Devon) Ltd

Site Address: Proposed Development Site SX 857 506, Land south of Townstal Road, Dartmouth, Devon

Development: READVERTISEMENT (Revised plans) Outline application with some matters reserved (only access to be considered) for residential development of up to 210 dwellings, public open space, green infrastructure, strategic landscaping and associated infrastructure.

Reason item is being put before Committee

The Ward Member has requested that given the strategic importance of the site the application should be considered by DM Committee.



Recommendation

Delegate to CoP Lead Development Management, in conjunction with Chairman, to conditionally grant planning permission subject to a Section 106 legal obligation.

However in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead DM in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 legal agreement.

The conditions and terms of the Section 106 Obligation are set out below.

Conditions

1. Details of the appearance, landscaping, layout and scale (the reserved matters) for each phase or phases of the development shall be submitted to, and approved in writing by, the local planning authority before any development of the relevant phase begins, and the development shall be carried out as approved.
2. Application for approval of the reserved matters for the first phase of the development shall be made to the local planning authority not later than four years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for the first phase of the development.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan Ref. A097890drg02 dated 12 June 2017
 - Parameter plan A097890drf01v4
5. Notwithstanding Condition 4, no development shall take place until a phasing programme for the whole development hereby permitted has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing programme or any variation to this phasing programme that has previously been submitted to, and approved in writing by, the local planning authority.
6. Notwithstanding Condition 4, no development shall take place until a landscape and ecology management plan for the whole development hereby permitted has been submitted to, and approved in writing by, the local planning authority. The plan will reflect the recommendations of the EclA (August 2017). Development shall be carried in accordance with the approved plan.
7. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
8. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365

Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy (Rev. Issue 2; dated 13th December 2017).

9. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

10. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

11. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

12. Notwithstanding Condition 4, no development shall take place within an approved phase of the development hereby permitted until an ecological mitigation strategy for that phase has been submitted to, and approved in writing by, the local planning authority. The strategy shall be based on the proposed mitigation in the Ecological Impact Assessment (August 2017) submitted as part of the planning application. Development shall be carried out in accordance with the approved strategy.

13. Notwithstanding Condition 4, no development shall take place within an approved phase of the development hereby permitted until details of tree protection measures for that phase during construction have been submitted to, and approved in writing by, the local planning authority. The measures shall accord with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations and shall indicate exactly how and when the trees will be protected throughout the construction period. The measures shall include provision for the supervision of tree protection works by a suitably qualified arboricultural consultant. Development shall be carried out in accordance with the approved details and protection measures.

14. Notwithstanding Condition 4, no development shall take place until a construction management plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- The parking of vehicles of site operatives and visitors and car sharing promotion measures;
- the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- areas on-site where delivery vehicles and construction traffic will load or unload
- building materials, finished or unfinished products, parts, crates, packing materials and
- waste with confirmation that no construction traffic or delivery vehicles will park on the
- County highway for loading or unloading purposes, unless prior written agreement has
- been given by the Local Planning Authority;
- Storage of plant and materials used in constructing the development;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction, prepared in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites;
- Measures to control noise and vibration (informed by assessment, if necessary)

- No construction work to be carried out, or deliveries received, outside of the following hours: 0800-1800 Monday-Friday and 0800-1300 on Saturdays and not at all on Sundays and public holidays; unless agreed by the planning Authority in advance;
- hours during which no construction traffic will be present at the site;
- Means of enclosure of the site during construction;
- Construction traffic signage strategy;
- Details of any road closure;
- The proposed route of all construction traffic exceeding 7.5 tonnes;
- Photographic evidence of the condition of adjacent public highway prior to commencement of any work; and
- avoidance and mitigation measures with respect to wildlife before and during construction.

15. No part of the development hereby approved shall be commenced until:

- The access road and roundabout in phase 1 [application 15_51/1710/14/O (Appeal Decision APP/K1128/W/15/3039104),] has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway;
- The ironwork has been set to base course level and the visibility splays required by this permission laid out; and
- The footway on the public highway frontage between phase 1 and the Leisure Centre required by the phase 1 permission has been constructed up to base course level; and
- a site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

16. The development shall proceed in accordance with the programme of archaeological work as set out in the archaeological project design prepared by South West Archaeology (version 3, dated 15th January 2018) and submitted in support of this planning application.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

17. For internal roads on the site within an approved phase of the development hereby permitted; the proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, surface water outfalls, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking arrangements and street furniture within that phase shall be constructed and laid out in accordance with details to be submitted to, and approved in writing by, the local planning authority before their construction commences. The submitted details shall indicate, as appropriate, the design, layout, levels, gradients, materials and method of construction.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

19. No part of the development hereby permitted shall be occupied until a verification report, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation, has been submitted to, and approved in writing by, the local planning authority.

20. The car parking arrangements approved under Condition 12 shall be laid out, surfaced and made available for use in connection with the units to which they relate, prior to their first occupation. The car parking arrangements shall be thereafter retained and kept permanently available for parking to serve the development hereby permitted.

21. Notwithstanding Condition 4, no development shall take place within an approved phase of the development hereby permitted until details of a lighting strategy for that phase has been submitted to, and approved in writing by, the local planning authority. The strategy will include a requirement for dark corridors around site boundaries to avoid impacts on commuting and foraging bats.

s106 (in combination with Phase 1)

Obligation	Phase 1 contribution	Phase 2 contribution (this application)	notes
Affordable Housing	11% (50/50)	30% (50/50)	No need for further provision in Phase 2
Employment Land	2.7 ha	None	
Education	£0	£250 per dwelling	Early years provision only. Sufficient capacity for primary and secondary
Local Centre	0.4 ha	None	No need for further provision
Crossing commuted sum	£11,000	£0	No change to access arrangements
High friction contribution	£9,000	£0	No change to access arrangements
On-site delivery of POS	Deliver on site	Deliver on site	Total provision of 54m ² per dwelling, including NEAP @ 4.16m ² per dwelling LEAP @ 1.6m ² per dwelling
Option of off-site NEAP or on-site provision	£75,000	£75,000	Preference if now for 1 on-site NEAP large enough for both phases
MUGA contribution	£303,228	£0	Preference is now for the MUGA to be delivered on Phase 1
MUGA commuted sum	£44,239.20	£0	Preference is now for the MUGA to be delivered on Phase 1
Sports pitch contribution	£207,878 (£866.16 per dwelling)	£866.16 per dwelling	Continue with off-site contribution for phase 2
Sports pitch commuted sum	£156,681.60 (£652.84 per dwelling)	£652.84 per dwelling	Continue with off-site contribution for phase 2
Off-site footway/cycleway links to Townstal	Provision by developer	None	No need for further off-site footway / cyclepath links
New footway/cycleway maintenance sum	£50,000	£0	No need for further off-site footway / cyclepath links
Park and Ride contribution	£50,000	£0	Requirement to enhance P&R met. Also no defined scheme.
Travel Plan contribution	£550 per dwelling	£300 per dwelling	The level is in accordance with DCC advice. Travel vouchers would need to be provided on occupation to maximise effect on modal shift
Welcome Pack (TP)	Provision to each occupier	Provision to each occupier	Repeat for phase 2

TRO contribution (revised speed limits)	£12,000	£0	Requirement met by phase 1
LEMP	Obligation	Obligation	Deliver on site
SUDS	Obligation	Obligation	Deliver on site
Working days	Obligation	Obligation	Repeat for additional houses
Cirl Bunting mitigation	N/A	£222,579	£74,193 per pair towards RSPB off-site habitat creation

The s106 would also make provision for ongoing maintenance of onsite open space and wildlife measures in perpetuity and in accordance with the LEMP; as well as meeting standard DCC Legal fees.

Key issues for consideration

The site lies partly within Allocation D1 of the Dartmouth Site Allocations DPD (2011) and partly within the countryside. It has, therefore, been advertised as a departure from the adopted development plan.

The key issue is, therefore, the consideration of whether or not there are material considerations that would justify allowing this development contrary to the provisions of the adopted development plan.

The first consideration in favour of the development is that in the absence of a 5 year housing land supply a material consideration is paragraph 14 of the NPPF and its presumption in favour of sustainable development.

The second consideration in favour of the development is that the site in combination with the permitted 'first phase' of development, reference 15_51/1710/14/O (Appeal Decision APP/K1128/W/15/3039104), forms proposed allocation TTV5 of the Joint Local Plan.

The key consideration that weighs against the application is the impact on the landscape, including the setting of the South Devon AONB.

Financial Implications (Potential New Homes Bonus for major applications)

It is estimated that this development has the potential to attract New Homes Bonus of £274,680 per annum, payable for a period of 4 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description

The site is located west of Dartmouth and south of Townstal Road, as illustrated in the site plan at the start of this report. The site comprises a western and eastern section sitting either side of Great Cotton Farm and Little Cotton Farm

The northern boundary is formed by the area referred to above as Phase 1 of the proposed TTV5 allocation, a development of mixed uses including residential and employment. The A3122, which is the main road leading into and out of Dartmouth sits immediately north of Phase 1. North of the A3122 are employment and retail uses, beyond that open countryside.

The western boundary of the western section is formed by Venn Lane, which is a local road edged by banks and hedgerows; the eastern boundary of the western section directly abuts Great Cotton Farm; and the southern boundary is formed by the access track to the farm, which is also a local road edged by banks and hedgerows with some mature trees.

The western, southern and eastern boundaries of the eastern section directly abuts farmland and a camp site with hedgerows delineating of the site.

Both the western and eastern sections comprise open farmland with hedgerows. Farmland outside the site to the south falls away steeply into a valley.

The swathe of land running alongside the farm access would remain undeveloped from the junction with Venn Lane to the junction with the A3122.

The Proposal

The application seeks permission for up to 210 dwellings with 30% affordable housing (63 units). In addition to the development area 1.25 hectares of public open spaces would be provided with a further 1.79 hectares of green infrastructure. The public open space areas would provide areas of formal (equipped) and informal (grassed) areas of play. The green infrastructure areas would provide significant buffers at the periphery of the development together with strategic landscaping to mitigate the landscape impact of the development.

The masterplan and other accompanying drawings indicate that the east and west development areas would gain access through the Phase 1 development area. Submitted drawings show the approved Phase 1 area masterplan in opaque colours to distinguish it from the proposals that are the subject of this application.

This would combine with the approved phase 1, which has been granted planning permission for:

- up to 240 dwellings;
- 2.7 hectares of employment land;
- a local centre (0.4 hectares) in addition to the employment land;
- public open space and play areas commensurate with the number of dwellings proposed (1.3 hectares);
- a financial contribution to enhance the Park and Ride within a Section 106 (S106) Agreement
- off-site cycle path and foot path provision linking the site to Townstal; and
- retention of existing sports pitches (outside of the application site)

The submitted site location plan shows a red line around the phase 2 development area, but is also required to show how each parcel can connect to the existing adopted highway (Townstal Road) through Phase 1. The red line application area is therefore extended through the phase 1 area to meet Townstal Road. The remainder of Phase 1 is edged in blue to denote that this area is also within the control of the applicant.

The following drawings and documents are submitted in support of the application:

- Site Location Plan
- Masterplan
- Parameters Plan
- Landscape masterplan
- Application forms
- Planning Statement
- Design and Access statement (DAS)
- Statement of Community Involvement (SCI)
- Topographical Survey
- Ground Conditions Desk Top Study Report
- Results of a Historical Visual Impact Assessment
- Archaeological Assessment and Written Scheme of Investigation
- Ecological Impact Assessment

- Landscape and Visual Impact Appraisal
- Landscape Strategy
- Arboricultural Appraisal
- Tree Constraints Plans
- Flood Risk and Drainage Assessment (original and updated)
- Air Quality Assessment
- Noise Assessment
- Utilities Assessment (within DAS)
- Waste Management Plan
- Transport Assessment (including Framework Travel Plan)
- Draft Section 106 Heads of Terms

Consultations / representations

- Devon County Council Highway Authority

In their consultation response dated 14th November 2017 the Highway Authority raises no objection to the application; and sets out s106 requirements and proposed conditions.

It notes that the Transport Assessment demonstrates the development would not have a severe impact on the public highway in terms of capacity. This is in its own right and in combination with other development permitted at this location. The Highway Authority considers that all the assessed junctions perform adequately in the morning and evening peak periods.

The Highway Authority raises concern with respect to the design of the roundabout for phase one (not this application) and with respect to drainage. Both these matters are considered later in the report, with the conclusion being that it is appropriate to be addressed at the Reserved Matters stage.

- Highways England

In their consultation response dated 30th October 2017 Highways England considers that the proposed development (and noting the existing planning permission for development) would not have a severe adverse impact on the strategic highway.

Highways England raises no objection to the application.

- Devon County Council Education Authority

In their consultation response dated 7th November 2017 the Education Authority advises that there is currently capacity at the nearest primary school and secondary school to accommodate the number of pupils likely to be generated by the proposed development. A contribution of £52,500 (£250 per dwelling) is sought towards Early Years education, which is needed to ensure delivery of provision for 2, 3 and 4 year olds.

- Lead Local Flood Authority (Devon County Council)

In their consultation response dated 15th November 2017 the Lead Local Flood Authority raised concern. Following the receipt of additional information the LLFA confirmed in their response dated 7th February 2018 that the objection was withdrawn and that there is no in-principle objection, assuming that their specified pre-commencement planning conditions are imposed (see conditions and LLFA comments dated 7th February 2018)

- RSPB

In their consultation response dated 21st November 2017 the RSPB objected to the application on the basis of a lack of full survey for curlew buntings and possible under-recording of curlew bunting territories; and insufficient compensation proposed for loss of habitat for curlew bunting breeding territories.

Further concerns were raised with respect to bat surveys and monitoring not according with best practice.

Specifically the RSPB noted that the proposals would result in 200m of the total of retained hedges becoming the rear garden boundaries of dwellings between Phase 1 and Phase 2 developments and that there are two proposed play areas located within areas of retained grassland.

Concern was also raised with respect to light spill onto retained and created hedges from public realm provision and from individual dwellings.

The RSPB response also details suggested mitigation / enhancement measures for species including birds and hedgehogs.

- South Devon AONB Unit

The SD AONB Unit has made an objection verbally. Full details will be reported verbally to Committee.

- SHDC Environmental Health

In their consultation response dated 20th November 2017 the Council's Environmental Health Officer recommends a condition requiring a Construction Management Plan prior to the commencement of development; and the standard unsuspected contamination condition.

- SHDC Housing enabling

The Housing Enabling Officer in their consultation response dated 15th January 2018 expresses support for the proposed development, noting that dwelling sizes and tenure are matters to be considered ahead of / through a Reserved Matters application, should permission be granted.

- SHDC biodiversity

In their response dated 12th June 2018 the Council's Specialist approval of the application subject to conditions and s106 clauses. These have been included in the draft Conditions and the draft s106 Agreement.

- SHDC Open Space, Sport and Recreation

The Council's Specialist raises no objection subject to conditions and s106 clauses. These have been included in the draft Conditions and the draft s106 Agreement.

- SHDC Landscape Specialist

The Council's Landscape Specialist has raised concern with respect to the impact of the development on the landscape, including the setting of the AONB.

- Stoke Fleming Parish Council

Stoke Fleming Parish Council objects, setting out detailed concerns with respect to the following matters (initial representation 21st November 2011 – updated in an undated note that was uploaded 7th June 2018):

- visual impact on the AONB
- extent of the development on its southern boundary
- increased traffic on Venn Lane
- increased traffic congestion on the A3122

- Dartmouth Town Council

Dartmouth Town Council, in their response dated 23rd November 2017 recommends approval 'on the condition that the Town Council request and require that the St Ives Model be applied, that is the houses are primary residence only. Also that the affordable homes are built simultaneously and in parallel with the other houses.'

In a second representation dated 25th May 2018, the Town Council recommends approval 'with the proviso that there is a coherent approach in design to achieve unity with any future developments and public transport services.'

- Historic England

Historic England, in their consultation responses dated 29th May 2018 and 23rd November 2017, does not object, but raises concern that moderate harm is likely with respect to the setting of Woodbury Camp Scheduled Monument. HE advises that the Council should seek the opinion of the DCC Historic Environment Team in this respect.

- DCC Historic Environment Team

In their consultation response dated May 2018 DCC HET confirms that the programme of archaeological works as described in the revised Written Scheme of Investigation (WSI) prepared by South West Archaeology - (version 3, dated: 15th Jan 2018) and submitted in support of this planning application is acceptable to the Historic Environment Team.

The HET adds that in the light of the submission of this document their recommendation is that any consent granted should be conditional.

Representations from Residents

Representations have been received from six residents and cover the following points:

- extra traffic would have serious safety issues;
- Venn Lane is a narrow lane with restricted visibility and increased traffic will enhance danger and overspill into the already congested Stoke Fleming Village;
- situated on the brow of the hill so development would dominate the area;
- overdevelopment of the site and does not accord with the provisions of the current plan;
- impact on AONB;
- light pollution on AONB doesn't seem to have been considered;
- visible from Stoke Fleming;
- photomontages unrealistic and have no design details;
- drainage and impact on a well below the development;
- noise and disturbance to the detriment of Dartmouth as a desirable place to visit;
- Blackpool Valley is subject to flood risk, with development increasing flooding;
- Provision of medical practice absent, with the development of 400 homes overloading the already stretched Health Service and exacerbated by the recent closure of Dartmouth Hospital;
- local infrastructure is not suitable to support such a large development;

- access proposals and road layout appear to make no provision for adequate parking for residents, their visitors and the inevitable overspill that will arise during the tourist season due to proximity to the Park and Ride;
- most people will drive to and from the site, to Dartmouth and to Townstal, both of which are already suffering from parking issues to a greater or lesser extent
- layout / design looks very regimented and imposing being set on high ground;
- site boundary is different to the allocation boundary in adopted development plan and as proposed in the Joint Local Plan (TTV5);
- misleading statements regarding future availability of land;
- impact on habitats and species;
- importance of genuinely effective separation of development from the countryside of Venn Lane;
- Heritage and the effect on the setting of Woodbury Camp;
- Too little provision on social and low cost housing for locals;
- Not enough full time local employment to support the increased number of inhabitants.

Relevant Planning History

The site is part of the proposed TTV5 Allocation of the Joint Local Plan.

The neighbouring land, which forms the remainder of proposed TTV5 allocation was granted appeal in 2016. The application (reference 15_51/1710/14/O) was refused by the Council in 2015, as in offering 15% Affordable Housing the application was not considered to be compliant with Core Strategy Policy CS6, Affordable Housing; Affordable Housing DPD Policies AH1 and AH2; and the Affordable Housing DPD.

The application was subsequently granted planning permission at appeal in 2016 (reference APP/K1128/W/15/3039104) with 11% Affordable Housing. In the Appeal Decision the Inspector commented that the Council did not have a 5 year housing land supply and that the development would not be viable if a higher level of Affordable Housing was required.

ANALYSIS

Principle of Development / Sustainability

The adopted development plan (Dartmouth Site Allocations DPD 2011) allocated a site at this location that would accommodate at least 405 dwellings and 4.5ha of employment land. In comparison, therefore, the proposal would exceed the minimum provision for housing and would be below that envisaged for employment.

During the process of preparing the Joint Local Plan it was recognised that not all the land comprising Allocation D1 would be available during the plan period of the adopted development plan. Consequently, and to retain a similar scale of development, the Joint Local Plan proposes to allocate a different area of land. The application in combination with Phase 1 would be entirely consistent with the JLP proposal TTV5, which reads as below.

Policy TTV5, Land at Cotton is allocated for residential led mixed-use development. Provision is made for in the order of 450 new homes and 10,800 square metres of employment land (Use Classes B1).

Development should provide for the following:

1. A local community hub;
2. Retention of the existing sports pitches with any re-ordering only acceptable if it would result in enhancement of the facility;

3. Provision of both formal and informal open space;
4. Strategic landscaping to address the scale and prominence of the site, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside;
5. A scale, design and southern extent of development which is not overly prominent when viewed from the surrounding countryside;
6. Positive frontages onto the adjoining road network, especially the main road; and
7. Delivery of enhanced connectivity with the lower town for public transport, pedestrians and cyclists.

In the context of the adopted development plan the land lies in countryside. Given that the Council cannot demonstrate a 5 year housing land supply, however, the application must be considered against the provisions of a tilted balance applied to paragraph 14 of the NPPF. In this respect it is noted that this proposal, in combination with Phase 1, carries forward the principles and objectives set out in the 2011 Dartmouth Site Allocations DPD and is in accordance with the emerging development plan. Specifically the proposed development would meet the objective of meeting that identified housing need and affordable housing need that has otherwise not been met fully.

Through the process of preparing the Joint Local Plan a number of sites have been considered for development around Dartmouth. Given the need for this level of new housing it has been concluded that there are no sites better able to accommodate this level of growth without significantly affecting the character of the landscape, AONB, and visual amenity of the area.

The JLP Hearings have been completed and the Plan can be considered to be at an advanced stage. It is noted, however, that full weight cannot at this time be given to Policy TTV5.

Landscape

Given the scale of the proposed development, in combination with Phase 1, and the elevation of the site there will inevitably be significant landscape and visual impacts. This includes impacts on the setting of the South Devon AONB. For the avoidance of doubt, the site lies outside of and approximately 1 kilometre from the AONB to the south and east of the site.

Due to the elevation and sloping topography of the site these impacts cannot be fully mitigated. However, these impacts have been accepted in part by the grant of planning permission for the northern portion of the site and through the JLP decision to allocate the site.

The Landscape Specialist advises that the site lies within the setting of the AONB and has a very high landscape value. It forms part of the elevated rolling landscape that is a distinctive part of the setting of Dartmouth, visible on the approaches from the south and west. Although only a very short stretch of public footpath passes through the site itself, Venn Lane and the lane through Cotton form part of the recreational network, linking to bridleways and public footpaths extending to the south.

An elevated and open site, with gently rolling farmed fields sloping broadly to the south. There are expansive views across the site from surrounding high ground from all directions other than due north. Existing camping and caravanning uses are present to the eastern portion of the site, but are not widely visible.

The key sensitivities of the proposed development are:

- Development on the open plateau areas of the site, and that tipping down the slopes to the south would be visually prominent across a large area, including the AONB.
- Dense mitigation planting used to screen development would significantly diverge from the

simple, open, hedgerow bound field pattern.

- Large-scale development in this open location would erode rural character and intrude into open panoramic views valued in the AONB.

The Landscape Specialist concludes that given the scale of the potential development here, and the elevation of the site, there will inevitably be significant landscape and visual impacts resulting from its development, including impacts upon the setting of the South Devon AONB. Due to the elevation and sloping topography of the site, these impacts could not be fully mitigated. However, these have been accepted in principle by the grant of planning permission for the northern portion of the site.

Therefore, if development were to be promoted here, the following measures would help to contain and moderate the impacts of extending the permitted development further to the south:

- Substantial areas of open space and strategic landscaping along the southern extents of the site, with strategic landscaping extending into the development.
- Low density development to allow a tree canopy to develop within the site area (as open space/garden/street trees), with these and open spaces breaking up the massing of built form in wider views.
- Maximum two-storey development to limit the impact of development on the plateau.
- Muted roofing and façade materials, avoiding pale renders along the southern and western edges of the site.
- Careful design of street lighting to minimise light spill.

In relation to visual impacts, many of the photoviewpoints in the LVIA show the consistent, open and undeveloped landscape, within which large portions of the site would be clearly visible. Although many of the conclusions in Table 5-4 and 5-5 suggest minor adverse, small or negligible changes to views after construction, the Landscape Specialist concludes that the vast majority of them would result in a greater magnitude of change than suggested, and consequently, an adverse effect of greater significance.

A draft Parameters Plan has been prepared by the applicant with the objective of agreeing principles of the development parcels, public open space, and the strategic landscaping. This would be an appropriate mechanism to secure the mitigation principles outlined in the Joint Local Plan assessment, and would provide for the least harmful form of development in this location.

The submitted tree survey provides a fair representation of the trees and hedgerows on site. The indicative layout suggests the retention of all but one hedgerow. Otherwise, important trees and vegetation are located outside the developed areas and could reasonably be retained. Trees and hedgerows should be retained where possible throughout the development as the detailed design evolves.

A full Arboricultural Impact Assessment (including Tree Protection Plan and Arboricultural Method Statement) should be secured by condition, and should be carried out early in the process to inform the design

The Landscape Specialist considers that the proposed development would not be in accordance with policies DP2 and CS9, which seek to give great weight to the conservation and enhancement of the AONB landscape, and seek to conserve and enhance landscape character by:

- reflecting the needs and issues set out in identified landscape character areas;
- ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character)

- avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution.
(DP2)

Emerging Joint Local Plan policies, including DEV26 carry similar sentiments and it is noted that NPPF paragraph 115 requires great weight to be given to the effects upon the setting of the AONB in the planning balance.

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

It is considered that the provisions of the parameter plan, which would be a condition of approval, address the above matters substantially.

It is noted that representations have specifically referred to the potential harm for light pollution. This has been considered and the appropriate response is to include a condition that will require a lighting strategy with the objective of minimising harm to both landscape and biodiversity.

The final layout, form and design would be the subject of reserved matters applications.

Highways / Access

The site would be accessed from Phase 1. The Highway Authority is satisfied that this is appropriate.

The Highway Authority is also satisfied that there would not be a severe impact on the road network with respect to congestion or safety and that the proposed development is, therefore acceptable.

In the interests of promoting more sustainable patterns / forms of transport the Highway Authority recommends the following re secured through a s106 Agreement:

- Sustainable Travel Vouchers of a value of £300 per household
- A Travel Pack for each household

In reaching these conclusions the Highway Authority has considered the information submitted by the applicant and has considered the comments of residents, as set out earlier in this report.

Drainage / water quality

The LLFA has considered the relevant documents that accompany the planning application and is satisfied that there is not likely to be an adverse impact with respect to either the quality or quantity of run off. The concerns of residents with respect to potential flooding downstream and a specific reference to a well have been taken into consideration. The initial consultation response from the LLFA requested additional information from the applicant to ensure that the surface water drainage management plan took account of the worst case scenario. The applicant consequently amended submitted Drainage Strategy to the satisfaction of the LLFA. On the basis of the amended Drainage Strategy, the LLFA raise no objections to the development, subject to the conditions listed at the start of this report.

Biodiversity

It is noted from the ECIA and observations of the Council's Specialist that the site does not fall within a protected designation and the proposed development does not have the potential to impact on any protected site (including SAC, SPA, SSSI, CWS).

With respect to species, notable points are that a low population of common lizard has been recorded; three circl bunting territories were recorded within or adjoining the site; and no trees or buildings with potential to support roosting bats were recorded within the application site.

Bat activity and static surveys recorded at least nine species using the site; common pipistrelle was the most frequently recorded species with low numbers of more scarce and light sensitive species including barbastelle, Myotis species and greater horseshoe also recorded. Highest levels of activity was associated with the eastern boundary.

The ECIA notes that the proposed development would include the following:

- retention and protection of the majority of hedgerows within the site;
- landscape / ecological buffers / corridors around key boundaries within the proposed development, linked to corridors within the Phase 1 development;
- landscape planting within the habitat buffers and public open space, incorporating new hedgerow planting, native tree and shrub planting and wildflower meadow;
- Sustainable Drainage System (SuDS) including attenuation basins providing new wetland habitat; sensitive public realm lighting scheme to ensure no light spill onto retained and created habitats / corridors; and
- bird and bat boxes on buildings and trees.

Development would include the loss of approximately 6ha poor semi-improved grassland and the loss of approximately 150m of hedgerow.

Measures to avoid, mitigate and compensate adverse effects and provide ecological enhancement would include the following:

- habitat creation including wildflower meadow, wetland planting, native tree planting, and approximately 400m of new native hedgerow;
- protection of retained hedgerows and mature trees during construction through use of temporary barriers (e.g. Heras fencing), with post and wire mesh fencing installed alongside residential boundaries to reduce interference with hedgerows;
- incorporation of dark corridors around site boundaries to avoid impacts on commuting and foraging bats;
- a pre-construction badger survey to confirm the status of badger setts, with any setts that could potentially be damaged or disturbed during construction would be subject to a Natural England Badger Development Licence;
- habitat manipulation and a destructive search to displace individual reptiles and amphibians from the development area prior to site clearance
- A sum secured through the s106 of £74,193 per territory to compensate for the loss of three circl bunting territories, to enable off-site strategic habitat creation and management (in accordance with the 'Wildlife and development guidance note: Circl bunting' dated October 2017);
- removal of bird nesting habitat outside of the bird nesting season or subject to a pre-start check by an ecologist to ensure that no active nests were affected;
- a destructive search for hedgehogs would be undertaken prior to the start of construction, with hedgehog passes created in new garden fences to allow hedgehogs to move around and through the site post-development works;
- pre-commencement CEMP and LEMPs including all ecological management actions during the construction and post-construction phases respectively

The SHDC Biodiversity officer considers these mitigation measure to be acceptable.

Open Space Sport and Recreation

The Design and Access Statement sets out the following on-site OSSR:

- 1.25ha (59.5m²) public open space (0.78ha in eastern portion and 0.47ha in western portion);
 - 1.79 ha (74.5m²) amenity green infrastructure;
 - On-site NEAP in western portion; and
 - On-site LEAP in eastern portion.

This would combine with the provisions secured through Phase 1 to provide an appropriate quantity and mix (see s106 summary at the start of the report).

The outline masterplan provides for green space (combined public open space and amenity green infrastructure) in excess of that required by SHDC policy standards, this partly being possible because of site constraints requiring the amenity green infrastructure space to act as a visual buffer to filter views of the development to the south.

The potential exists for the green space to have multiple benefits for formal sports and play, informal recreation, biodiversity, landscape and SuDS (SuDS dependent on further testing). A balance would need to be achieved within the detail at reserved matters stage with respect to enabling the appropriate level of public access and management of particular areas for wildlife and SuDS.

It is proposed that the approach to delivering the OSSR elements from both phases will be co-ordinated and this will require a variation to the Phase 1 s106. Officers consider that this allows the opportunity to maximise benefits and give greatest scope to avoid nuisance in terms of neighbouring residents and wildlife. The details of the layout, form and management would then be established through the reserved matters process.

Specifically, the Phase 1 application secured a contribution for an off-site MUGA to be delivered by the District Council, with the intention that this would be at the adjacent Norton Fields. Flexibility exists with respect to this and the use of the off-site sports facilities.

Infrastructure

No objection has been received from any infrastructure provider.

Concern has been expressed by residents with respect to the provision of a medical practice. The scope exists to discuss this matter with the developer and other relevant parties, with the potential to incorporate in the Phase 1 development within the approved local centre area.

Heritage

Historic England advises that in the context of NPPF great weight should be given to the heritage impact.

It is noted that, at paragraph 17 of the NPPF, a core planning principle is to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (NPPF paragraph 132).

Officers consider that although it has been identified that the development proposal has the potential to cause harm to the setting of the identified heritage asset (namely, Woodbury Camp SAM, approximately 1 kilometre to the west of the site), such impact has been suggested to be 'moderate' equating to a less than substantial impact. Officers are mindful that a less than substantial impact still represents a harmful impact and as such when weighed in the balance great weight must be given to the preservation of the identified asset and its setting. This level of harm was also identified in respect of the approved phase 1 development.

When weighing the public benefits of this development proposal against the acknowledged moderate harm Officers conclude that the public benefits associated with the development in this particular instance outweigh the potential impact to the asset and its setting. The benefits are considered to be the provision of housing, including affordable housing; and open space, sport and recreation.

The mitigation of the impact on Woodbury Camp is in the form of dealing with an appropriate development boundary to the west side of the site adjacent to Venn Lane, with the parameters plan establishing a good set back and planting. In addition the landscape treatment and design of a suitable development edge will break up the massing of built form in wider views. The detail would be finalised through the reserved matters process.

It is considered, therefore, that the requirements of paragraphs 126, 129, 131, 132, 134, and 137 of the NPPF would be met.

Environmental Dimension

It is acknowledged that the development will result in some harm to biodiversity interests, as set out earlier in the report. The proposed mitigation measures, which can be secured at RM, would result in a net positive impact on biodiversity.

It is considered that the mitigation measures proposed and that can be secured at reserved matters would result in the net impact on biodiversity being acceptable, but still causing some harm.

Social Dimension

It is considered that the provision of housing, affordable housing (30%), which complies with the emerging JLP Policy DEV8 and the current evidence base with respect to viability; and open space, sport and recreation would have a significantly positive impact.

Dartmouth Town Council has requested that open market houses are restricted to primary residence and that the affordable homes are built simultaneously and in parallel with the other houses. It is not possible to restrict housing to primary residence as the Council has no adopted policy to require this. Similarly the Council cannot specifically require that open market and affordable housing are built at the same time, but Officers will seek to ensure Affordable Housing is built as soon as possible by working with the developer.

It is recognised that there would be some harm in terms of highway congestion, but it is noted that the Highway Authority is satisfied that the additional traffic would not result in an unacceptable or severe impact with respect to congestion or safety.

It is the view of Officers that this application would support the viability and maximising the potential benefits of the already permitted phase 1.

Economic

It is considered that the provision of housing, affordable housing and open space, sport and recreation would be significantly positive in terms of the direct impact of providing housing and facilities and in terms of the employment opportunities during construction and, to a lesser extent, maintenance.

Concern has been raised that additional noise and disturbance would be to the detriment of Dartmouth as a desirable place to visit. Officers recognise that one of the main reasons that visitors are attracted to the area is to enjoy what is a relatively undeveloped area, there is no evidence that additional development at this location would deter visitors.

Planning balance

Ahead of adoption of the JLP the Council is not able to demonstrate a 5 year housing land supply. In this context paragraph 14 of the NPPF requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The considerations of the environmental, social and economic dimensions in the context of the adopted development plan, the NPPF and the emerging development plan (the JLP) are set out above. It is considered that the benefits of the development are clear and significant. It is recognised specifically that there would be harm to the landscape, including the setting of the AONB, but this harm is not considered to outweigh the benefits.

Furthermore, it is considered that some weight can be attributed to Policy TTV5 of the emerging development plan. Policy TTV5 seeks to bring forward the development in this application together with that permitted as phase 1. The objectives of TTV5 are in accordance with those first established in the 2011 Dartmouth Site Allocations DPD:

- complements the town's historic core
- meets needs, particularly for affordable housing and quality jobs
- helps to regenerate the town's economy, vitality, community cohesion and self
- sufficiency to improve the quality of life
- establishes a new 'gateway' to the town; and
- protects and enhance the historic, natural and maritime environment of the whole town.

The boundary of the D1 allocation includes land to the east of the proposed TTV5 allocation that is no longer available. In order to retain a similar level of development across the whole allocation, TTV5 includes additional land to the south. It is concluded, therefore, that the proposed development would meet the long standing objectives for Dartmouth and should be approved.

The process of preparing and moving to adoption of the JLP has involved the consideration of a number of sites to meet the housing need of Dartmouth and the wider District. In balance, and recognising the inevitable harm to the landscape of the proposed development, the area of land identified in Policy TTV5 is considered to be the best option.

The proposed conditions and s106 Agreement reflect those attached to the planning permission granted for application 15_51/1710/14/O (Appeal Decision APP/K1128/W/15/3039104), and as advised by consultees.

If permission is granted Officers would work with the relevant parties to seek to co-ordinate the two phases of development through the reserved matters process.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant development plan policies:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS8 Infrastructure provision
CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

Dartmouth Site Allocations DPD

D1 Land West of Dartmouth

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the natural environment
SPT12 Strategic infrastructure measures to deliver the spatial strategy
SPT13 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
TTV4 Spatial priorities for development in Dartmouth
TTV5 Land at Cotton
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV14 Maintaining a flexible mix of employment sites
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV32 Meeting the community infrastructure needs of new homes

Neighbourhood Plan

There is no made Neighbourhood Plan for the area.

The provisions of the **Human Rights Act 1998 and Equalities Act 2010** have been taken into account in reaching the recommendation contained in this report.