

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 12 May 2023

Present: W Dracup, R Glanville, G Gribble, G Hill, J McInnes,
S Morgan, M Moyse, J Nutley, M Renders,
L Samuel, P Sanders, P Smerdon, D Thomas, P Vogel

Officers: D Kinsella, Effective Head of Development Management
L James, Solicitor (acting on behalf of Devon County Council)
A Gandy, Acting Head of Forward Planning
Oliver Dorrell, Planning Officer
Sassie Williams, Planning Officer

Apologies: A Cooper, P Harper, N Oakley, C Pannell, P Woods

The Chairman welcomed the registered speakers, Mr S Weymouth, Ms S Holburn, Ms L Wood and Mr D Evans, the independent person C Farrell and L James from Devon County Council Legal Department.

The Chairman explained that the meeting was quorate, there was one Secretary of State appointed Member in attendance.

The Chairman read the following statement regarding the recent local elections ‘following the local elections last week, I remind all those present that as governed by the Environment Act 1995, those Members appointed by Parish or Local Authorities remain on Dartmoor National Park Authority for up to 3 months after the date they are no longer a Parish or Local Authority Member or earlier where we have been formally notified of their replacement’.

The Chairman explained that Mr D Kinsella is the effective Head of Development Management, assisting with the meeting due to staff sickness.

1523 Declarations of Interests and Contact

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

Mr Nutley and Mr Vogel declared a personal interest, in item 0043/23 – Dolbeare Meadow Business Park, Dolbeare Meadow, Ashburton, as members of the Parish Council they would partake in the debate but not the vote.

1524 Minutes of the meeting held on 14 April 2023

The minutes of the meeting held on 14 April 2023 were agreed and signed as a true record.

1525 Items requiring urgent attention

None.

1526 Applications for Determination by the Committee

Members received the report of the Head of Development Management (NPA/DM/23/003).

Item 1 – 0394/22 – Use of building as rural workers dwelling - Wren Cottage, Poundsgate, Newton Abbot.

Speaker: Mr S Weymouth, Applicant

The Case Officer detailed that the application was for the use of a building as a rural workers dwelling. The property was known as Wren Cottage and was one of a pair of holiday lets converted from a modern agricultural building in the late 1990s.

The site was in a rural location between Poundsgate and Ponsworthy. Higher Uppacott, a grade I listed medieval longhouse, was located to the north of the site, and there were further grade II listed buildings adjacent to the north-eastern site boundary and further to the east.

The application site, which included the house, the parking and turning area to the north and garden to the south was clarified as well as the land in the ownership of the applicant but not within the application site. In addition to the owned land and buildings the applicant also rented land 150m to the west of the application site. The owned land was approximately two acres in size and the rented land extended to approximately 4 acres.

The property was a modest one-bedroom dwelling with an internal floorspace of approximately 85sqm which was comfortably within the upper limit of 106 sqm referred to in the Rural Workers Housing Policy, Policy 3.9.

The rural business, comprising the llama walking, alpaca breeding and holiday let management, had been independently appraised and was considered that the occupation for a rural worker was appropriately justified.

Officers were satisfied based on the information provided by the applicant that the need for the rural workers accommodation had not been artificially created. The rented land currently relied on by the applicant to operate the business could not be tied to the dwelling by a legal agreement, as required by Policy 3.9 Part 3 (b), as it was not owned by the applicant. However having considered the specifics of this particular rural business, which as set out in the report was multi-faceted and somewhat unique in its operation, and also its longevity as a successful rural enterprise, officers concluded that in this particular case a recommendation for approval was sustained without it.

Some minor adjustment to the wording of two paragraphs within the committee report had changed since the agenda went to print.

Firstly, paragraph 7.22.9 – there was an additional section of text to be inserted in the middle of this paragraph. For clarity and completeness the paragraph should have read – ‘Should planning permission to be granted for the use of the existing short term holiday let accommodation (Wren Cottage) as a permanent dwelling for a rural worker then conditions could be applied to require such occupation to cease at such time the rural business does not exist in its current form, at which point the property would revert back to a holiday let, however doing so would mean granting planning permission subject to a personal condition which the Planning Guidance Note: (Use of Conditions) at paragraph 015 states should only be used in exceptional circumstances. In this case the property would already be subject to an occupancy condition limiting its use by those working in agriculture, forestry or any other rural land-based business. It is considered a further restriction limiting occupation only for those operating the current business would not meet the tests set out in Paragraph 55 of the NPPF.’

The second adjustment was at paragraph 7.35 in which part of one sentence had been removed, and an additional sentence inserted. The paragraph should have read – ‘Nevertheless, given the specific set of circumstances presented through this application Officers consider overall that, subject to appropriate conditions to ensure that the occupation of the dwelling would be for a rural worker in agriculture, forestry or other land-based rural business, then a recommendation for approval can be supported.’ - Removing the line rural workers accommodation applied for only continues where supported by the rural business enterprise as specifically detailed in this application

Thirdly, at the end of Condition 3 the following sentence had been added – ‘Where used as a holiday accommodation the owner/operator shall maintain an up to date register of the names and main home addresses of all occupiers which shall be made available to the Local Planning Authority on request.’

Mr Weymouth stated that he and his parents, the applicants, were pleased that the officers had recommended approval of the application and appreciated that they had taken due diligence in considering all the evidence. The applicants only wished to remain living and working in the community that had been called home for his entire life.

The independent Business Appraisal appeared to have brought all the elements of the application together although there were a few anomalies in the report. Firstly the applicants did all the cleaning of the Holiday cottage. Secondly, there were some concerns about Land in the report, but the Appraisal did state that there was land available nearby which had been used on occasions and could be utilised in the future. The appraisal acknowledged that part of the success of the business was due to local connections and that there were alternatives readily available, including the nearby farm which is owned and operated by family.

The appraisal acknowledged that the various aspects of the businesses created an overall need for a rural worker dwelling. This was preferable using an existing building rather than to erect a new one.

The two properties which had come on the market, as stated in the report, were unfortunately unsuitable for the applicants. One was removed from the market and the other was not big enough and offered no parking and was therefore not suitable. The low ceilings and doorways would create a challenge for the applicant who was 6'3" and was required to avoid any head trauma.

There were no member questions for Mr Weymouth

In response to Member questions, the Officer clarified:

- Condition 3 was worded in such a way that the property could be used as both a holiday let and a rural worker dwelling, this was to avoid the applicants having to submit another application for Change Of Use, once the current applicants no longer needed to live at the property
- Condition 3 would mean that the property would be available as a rural worker dwelling to locally land based business in the future, which would be assessed at that time for need
- Legal advice had been sought regarding establishing a personal condition only to the property, this was considered to not be an appropriate condition to put on the property
- The application was considered against all relevant policies, and it was considered that the application fit policy; policy 3.9 part 3 stated - permission will be granted subject to the following:
 - a) an occupancy condition requiring the dwelling only be used by a rural worker;
 - b) a legal agreement tying the dwelling and any other relevant dwellings to the holding; and, normally
 - c) a condition removing permitted development rights.

Although there was no recommendation to have a legal agreement to tie the property to the land, as the land was rented, it was considered to be an acceptable departure from that one element of the policy, as it is acceptable in all other elements.

Mr Sanders proposed the recommendation, including the amendments made in paragraphs 7.22.9 and 7.35 and condition 3, which was seconded by Mr McInnes.

RESOLVED: That, subject to the conditions in the report and the amendments made in paragraphs 7.22.9 and 7.35 and condition 3, permission be GRANTED.

Item 2 - 0043/23 - Erection of five flexible non-retail Class E (c), (d), (e), (f) and (g) business units, one electric vehicle charge park with café building and drive-thru facilities, with associated landscaping and infrastructure – Dolbeare Meadow Business Park, Dolbeare Meadow, Ashburton, TQ13 7FL

The application was for the construction of five flexible non-retail Class E (c), (d), (e), (f) and (g) business units, and one electric vehicle charge park with cafe building and drive-thru facilities on land at Dolbeare Meadow, Ashburton. The application was presented to the Committee in view of its size and the strength of local opinion.

The application site was located on the edge of Ashburton approximately 700m north east of the town centre. It was within the settlement boundary and adjoined the A38 and the National Park boundary. It occupied a prominent location on the northwest approach to Ashburton town centre and had been vacant for a long period of time with the exception of the Devon and Cornwall police building.

The site has been the subject of a number of planning applications:

- In 2007 an application was granted permission for the erection of seven business units and was partly implemented including the building now occupied by Devon & Cornwall Police.
- An application in 2015 granted a 3-year permission for a temporary access which remains in use by the occupants of the site.
- An application in 2018 granted 9 commercial units and was subsequently implemented through the construction of internal service roads.
- An application in 2019 refused permission for an eighty-bedroom hotel on the site for reasons of scale and design.
- An application in 2021 covered the north west corner of the site only and granted permission for 4 business units comprising 372sqm of employment floor space, and a convenience store comprising 390 sqm of retail floor space. This was referred to as 'phase 1' and together with this application 'phase 2' would see a complete redevelopment of the Dolbeare Meadow site.

This application proposed the construction of five business units and a café with drive through facilities and an associated electric vehicle charge park. In total, parking for 41 cars was proposed, including five disability spaces and 15 spaces with electric vehicle charge points, as well as twenty spaces for bicycles. Access was proposed directly onto the adjacent B3352 as already approved by the phase 1 application.

The business units would provide a total of 449sqm of employment floor space, with units 5-7 nearest the entrance comprising 93sqm of floorspace per unit, and units 8 and 9 to the rear of the site comprising 85sqm of floorspace per unit. The units would be positioned in the north-eastern corner of the site with 16 associated parking spaces along the north-eastern boundary.

The café with drive thru facilities would comprise 171sqm floorspace. There would be 15 parking spaces associated with the café, and adjoining would be an Electric Vehicle Charge Park with 12 spaces. The café and EV charge park would be to the rear of the site along the south-eastern boundary with the A38 and adjacent to the police headquarters.

The south-eastern boundary of the site adjoining the A38 would have a 2.5m timber fence, details of which would be agreed by condition. This would protect a wildlife buffer zone running along this boundary which is known to be a Greater Horseshoe Bat flight path. Dartmoor National Park Ecology have carefully considered the proposal and are content with the arrangements proposed.

The business units would be of the same form, design and materials as those granted by the phase 1 application. They would be approximately 8m in height with

shallow dual pitched roofs. They would have walls of vertical timber cladding interspersed with boards of contrasting colour to break up the elevations, and roofs of corrugated metal. The planning use of the business units would be Class E, limited to (c) provision of financial / professional / other appropriate services, E(d) Indoor sport, recreation or fitness, E(e) Provision of medical or health services, E(f) Creche, day nursery or day centre and E(g) Offices / research and development / industrial processes which can be carried out in a residential area without detriment to its amenity. Class E(a) (retail) and E(b) (sale of food and drink) would be excluded from the business units proposal.

The café building would be single storey and 4m in height with a flat roof. External walls would be of horizontal natural timber cladding and vertical timber cladding stained / oiled black, with timber posts along the front elevation and timber louvres over glazing to the rear. The design of the business units would create continuity with the previous agreed 'phase 1' application, while the café design had a simple, functional and low key form which would be at ease with other buildings approved and proposed on the site. The materials proposed were high quality and followed design guidance.

The application included highway works to the B3352 to improve safety for pedestrians and vehicles accessing the Dolbeare Meadow site. Works included the provision of pavements along the edge of the site, four pedestrian crossings, and amendments to the existing junction which runs up towards Linhay Business Park to the northeast.

These works were considered essential to the acceptability of the scheme and Devon County Council Highways required a condition securing these works prior to commencement of works on the main site. The works would be the subject of a separate section 278 highways agreement, and conditions would require the S278 to be signed and the highway works to be completed prior to the substantial commencement of the development on the main site.

Devon County Council Highways, National Highways, Devon County Council Flood Risk, Dartmoor National Park Ecology, Devon and Cornwall Police had all responded to the application with no objection, subject to conditions.

The Town Council had stated their support for the application subject to a number of conditions, including the removal of the drive through element. Another condition stated the need for pedestrian crossings, details of which had subsequently been provided as part of plans for works to the highway.

Ashburton Chamber of Trade objected to the scheme, principally on the grounds of its potential impact on the Town Centre.

21 letters of support, 76 letters of objection, and seven general comments had been received, with the majority of objections hinging on the impacts of the scheme on the town centre, highways and residential amenity. It was noted that many

comments of objection specifically related to the drive through café element and its assumed occupation by a national chain company.

Strategic Policy 1.3 listed the provision of new employment sites as a development priority in Local Centres such as Ashburton, and Strategic Policy 5.1 was clear that business development would be acceptable in principle within Local Centres. The site was located within the settlement boundary of the Local Centre of Ashburton where one could expect to see new business premises located, and the succession of previous applications for employment uses on this land had also established Class E uses as appropriate in this location. Although the proposal was not located within Ashburton Town Centre, as required by Strategic Policy 5.2, a Sequential Test Assessment has been submitted which concluded that there were no suitable, viable and available alternative sequentially preferable sites within the town centre which could cater for this broad type of development.

Also required by Policy 5.2, a town centre impact assessment had been submitted. In terms of the business units, it concluded that the broad spectrum of uses proposed would compete with less than 5% of units in the town centre and would not have a significant impact on the overall health of the town centre. In terms of the café element, the report anticipated that this would cater primarily for passing trade and customers charging their vehicles and it was therefore not considered that it would divert trade away from cafés in the town centre. The report noted that 55% of units in the town centre comprise retail uses, and the proposal did not include any retail element.

In terms of the economic benefits of the proposal, the report estimated that 36 full time jobs would be created, generating around £760,000 annually for the local economy. The business units would provide opportunities for existing businesses to expand and new businesses to develop in high-specification premises. The café would provide an alternative offering which was accessible to all and likely to attract a different type of customer to those who frequent the cafés in the town centre.

The proposal was felt to comply with policy, broaden the town's offering for both locals and those passing through, attracting new people to the town rather than drawing people away from the town centre, and boost the local economy.

Devon County Highways had no objection to the scheme on highway grounds, subject to a condition securing the proposed highway works prior to commencement.

In terms of residential amenity, taking into account the mix of residential and business uses surrounding the site, the distances between the site and the nearest residential neighbours, existing noise from the A38 and 24 hour operation of the existing police building, the proposal was not considered to pose a detrimental impact on neighbour amenity. A condition would restrict hours of operation of the café to 6.30am – 10pm.

In summary, this application presents a policy-compliant proposal which would secure the regeneration of this long-vacant site which is a prominent gateway to Ashburton.

Local concern about the impact of this development on the town centre was acknowledged, however Ashburton had a vibrant and healthy centre and a strong case has been presented to show that the proposal would boost the local economy, provide opportunities for existing and new businesses, and attract new visitors to the town rather than diverting visitors away from existing businesses.

The location was sustainable and appropriate for business development, and the scheme would deliver additional EV charging facilities and 10% on-site biodiversity net gain. The application was therefore recommended for conditional approval.

Mr Glanville left the meeting.

Mr Townsend from Devon County Council Highways stated that a Section 278 agreement is an agreement between the developer and the Highways Authority to ensure the works are carried out and completed to a suitable standard to enable the works to be adopted by the Highways Authority, following their completion. All the highway works were covered by the section 278 agreement which is currently being drafted but has not yet been completed in relation to phase 1 of the development, which had already been approved by the Authority.

The closure of the existing temporary entrance to the site, will also be included in the section 278 agreement, as Devon County Council were the landowners of this temporary entrance. The approved highway layout was subject to an independent safety audit and was previously approved at the phase 1 application.

Due to the proximity to the trunk road off the A38 slip road, controlled crossings would not be a viable option, without significantly affecting the flow of traffic at the various junctions. The refuge crossings are considered acceptable.

The Transport Assessment had been assessed by two separate transport authorities, Devon County Council Highways and National Highways, and both highways authorities have accepted the proposals, conclusions and content. Subject to suitable conditions, the proposal is acceptable.

The drive through could facilitate 10-11 cars, then the internal road to the main highway could hold an additional 13-14 cars. This should be adequate for the facilities proposed.

Ms S Holburn from Ashburton Town Council commented that the multiple junctions outside of the site was busy, and some of the junctions had poor visibility. The road could see peak traffic at school drop off and pick up times, and during this time, there was an increase in pedestrian and cycling traffic.

The Town Council did not feel that the crossings proposed were satisfactory, and would prefer to see controlled crossings, where the flow of traffic was stopped by lights. They also felt that the proposed 20 MPH speed limit being introduced to Ashburton should extend to the proposed junction to this development.

The Town Council was in support of the business units, however the café and drive through facilities did give concerns. There were also concerns regarding light pollution and the effects on wildlife.

There were no member questions for Ms Holburn.

Ms L Wood from Ashburton Chamber of Trade commented that Dartmoor National Park's Local Plan 5.1.4 stated "Policies and strategies throughout the Local Plan work to support a vibrant economy. These include: concentrating new residential and business development in settlements to improve footfall on high streets and the viability of local services; ensuring larger scale town centre development is located in town centres and can have a positive effect on their vitality." 5.3.4 states, "a proposal which is outside a town centre and would have a significant adverse impact on a town centre will not be supported"

She questioned how you can assess whether an application will have an adverse impact on the town centre. The Retail Impact Assessment including a Town Centre Health Check was completed by a London based company with no knowledge of Ashburton to produce the report. The assessment was based on inaccurate data from a computer and relied on out-of-date facts from 2010. This reached the conclusion that Ashburton had a healthy town centre and therefore would not be affected.

She reported that businesses were hanging on by a thread and the town was 'on its knees'. The town centre had not yet recovered from the Covid pandemic and businesses were struggling through a cost-of-living crisis, sales and footfall were the worst they had ever been. Businesses were closing and vacant and many businesses would not be renewing their leases. There was no denying that this development would take business away from the town centre and the town centre could not afford to lose even 1%.

Ms Wood commented that if an accurate state of the high street was required, all that was needed was to read the comments on the application - there were over 70 objections to this development many by business owners.

The proposed plans had promised the creation of jobs but within Ashburton and the immediate surrounding area there are many hospitality roles required that could not fill their vacancies.

There were no member questions for Ms Wood.

Mr D Evans, agent for the application stated that the site was well known to the Committee members and was often called a "gateway" site into Ashburton. The site had been subject to numerous applications over the years and was "previously developed" land. It was the second Ashburton business park by the applicant, following on from Linhay, which facilitated over 300 jobs in over 90,000 sqft of accommodation.

The application under consideration today would complete the transformation of this partially-developed site and positively improve the appearance and character of the area.

This development would be a major commercial investment for the area, creating employment and providing services for local residents, workers and visitors. It would provide new high-quality space and facilities for local businesses. It would also provide a much-needed electric vehicle charging facility. The EV charge station and café with drive thru would cater for drivers in a safe, accessible and convenient location, right next to the A38 Devon Expressway.

It would use the same access and junction improvement works already approved at Phase One, which included an additional four pedestrian crossing points. The Transport Assessment for this application has concluded that traffic associated with the new development would be safely accommodated on this revised junction and highway network.

Policy compliant parking was proposed on site and no vehicles would need to wait or park on the main road or on the internal access road. Devon County Council Highways had confirmed that, "...the facility is sufficiently remote from the highway such that no highway safety will be prejudiced by queuing vehicles...".

There were no access, drainage, landscaping, design or other technical objections and the development had been carefully planned to create an 11% biodiversity net gain with no impact on any protected species and improved landscaping and habitat creation.

The development also brought a £3million commercial investment, that contributes £760,000 annually to the local economy. It would also create around 36 new full time jobs for local people, as well as between 20 to 30 full time construction jobs. Feedback on the business unit element of the application has been mostly supportive, recognising the value of the investment, the importance of completing the development of this site, the benefit of the new facilities and the positive impact of new jobs.

We acknowledge and understand the range of reactions to the EV charge park and café drive through. However, the submitted Sequential and Retail Impact Statement report concludes that there are no sequentially preferable sites and that this development represents no threat to the vitality and viability of the town centre. This report concluded that the Town Centre would not be significantly affected, which was the test for Impact Assessment required by Local Plan policy 5.2.

This development would complete this partially developed "gateway" site, with numerous social, economic and environmental benefits. It would provide much needed facilities for locals, businesses and visitors. It would create employment and encourage more businesses into the area.

Following member questions for Mr Evans clarified:

- Negotiations with Western Power had commenced to obtain the power requirements for the rapid charge points, this could not be progressed further until planning permission had been granted

Following member questions Mr Townsend clarified:

- A controlled crossing was a light assisted crossing, which stops the flow of traffic, this sort of crossing at this location would give rise to traffic flow issues
- An uncontrolled crossing was pedestrian assessed i.e. a zebra crossing or refuge crossing, the proposed refuge crossing would allow pedestrians to navigate one half of the road at a time
- Extending the 20 MPH speed limit to the proposed junction would be against policy as it would reduce the speed limit from the trunk road to rapidly
- The Highways assessment and the Independent Safety Audit both included cyclist traffic, into, out of and around the proposed junction
- The school, and pupils were taken into consideration in the Highways assessment and the Independent Safety Audit
- The priorities of the roads already in place would not be changed as a result of this proposal

Following member questions Officers clarified:

- There was an additional section of text to be inserted in the middle of condition 24, for clarity and completeness the paragraph should have read – ‘No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways and the Lead Local Flood Authority):’

Mr Thomas proposed that the application be deferred for a site inspection to be undertaken, which was seconded by Mrs Morgan.

RESOLVED: The application was DEFERRED in order that a Site Inspection may be undertaken.

1527 Tree Preservation Orders, Section 211 Notifications (Works to Trees in Conservation Areas) and Hedgerow Removal Notices Determined Under Delegated Powers

Members received the report of the Trees and Landscapes Officer (NPA/DM/23/004).

RESOLVED Members NOTED the content of the report.

1528 Appointment of Site Inspection Panel and Arrangements for Site Visit

Item 2 - 0043/23 - Erection of five flexible non-retail Class E (c), (d), (e), (f) and (g) business units, one electric vehicle charge park with café building and drive-thru facilities, with associated landscaping and infrastructure – Dolbeare Meadow Business Park, Dolbeare Meadow, Ashburton, TQ13 7FL

The Site Inspection to be undertaken on Friday 26 May 2023 at 8.15 am so we can see impact of school bus run; the following Members were appointed to the Site Inspection Panel: Mrs Hill, Mr Renders, Mrs Morgan, Mr Dracup, Mr Thomas, Mrs Samuel, Mr Vogel, Mr Nutley, Mr McInnes and Mr Sanders.