

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

30 June 2023

Applications to be Determined by the Committee

Report of the Head of Development Management

INDEX

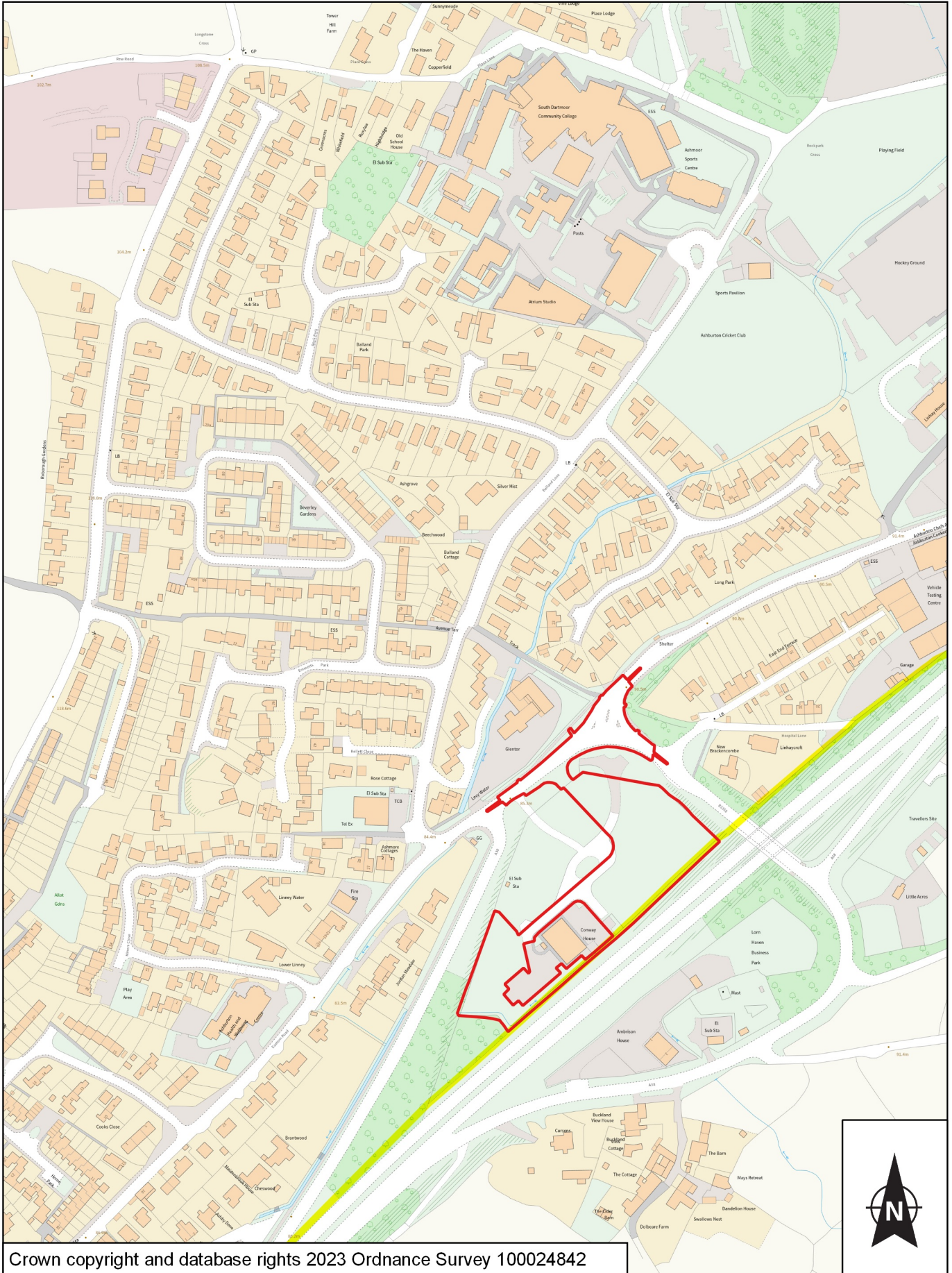
<u>Item No.</u>	<u>Description</u>	<u>Pg. No.</u>
1.	0043/23 – Erection of five flexible non-retail Class E (c), (d), (e), (f) and (g) business units, one electric vehicle charge park with café building and drive thru facilities, with associated landscaping and infrastructure – Dolbeare Meadow Business Park, Dolbeare Meadow, Ashburton.	14

Dartmoor National Park Authority

0043/23

Scale 1:3,500

Compiled by gdriver on 29/3/2023



Crown copyright and database rights 2023 Ordnance Survey 100024842

Item 1

Application No: **0043/23** District/Borough: **Teignbridge**

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

Grid Ref: Officer: **Sassie Williams**

Proposal: **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**

Location: **Dolbeare Meadow Business Park Dolbeare Meadow , Ashburton, TQ13 7FL**

Applicant: **Hazlemoor Partnership**

Recommendation: **That permission be GRANTED**

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out strictly in accordance with drawings numbered PL.03B, PL.04B, PL.10, 1228-0100-P6, 1228-0500-P9, 05717 TPP Rev. A and 05717 TCP Rev. C valid 23 January 2023, drawings numbered 1228-0700-P1 and 1228-0720-P1 received 13 March 2023, drawings numbered PL.01B, PL.02C, PL.05B, PL.06C and PL.07C received 17 March 2023, drawing numbered PL.09C received 20 March 2023, and drawing numbered PL.08D received 23 March 2023.
3. No development shall commence on the development hereby approved until an agreement under Section 278 of the Highways Act 1980, which shall include the completion of the works detailed in drawings numbered 1228-0700-P1 and 1228-0720-P1 received 13 March 2023, has been completed.
4. No works in connection with the setting out and excavation of foundations for the proposed business units, café and associated drive through, or electric vehicle charging area shall commence until the works detailed in drawings numbered 1228-0700-P1 and 1228-0720-P1 received 13 March 2023, including visibility splays, access drive and access drainage, have been provided in accordance with the application drawings. Thereafter, the visibility splays, access drive and access drainage shall be maintained in accordance with the approved drawings and retained for their intended purpose at all times. Uninterrupted access to and from Conway House must be ensured and maintained at all times.
5. Prior to installation, samples of all proposed access road, car park and footway surfacing materials (including kerbing) shall be submitted to the Local Planning Authority for approval; thereafter only the approved surfacing and kerbing shall be used in the development.

6. A detailed lighting strategy shall be submitted to the Local Planning Authority for approval prior to the installation of any permanent lighting within the development hereby approved. The strategy shall be evidenced using light modelling and lux isolines to include both external and internal light sources, shall minimise indirect impacts from lighting, and shall demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. Thereafter, all lighting shall be installed and maintained strictly in accordance with the approved details.
7. Notwithstanding the drawings hereby approved, prior to its installation, detailed drawings and specification of timber type and finish for the proposed timber posts on the café, exterior timber framework on the business units, and the 2.5m timber fence shall be submitted to the Local Planning Authority for approval; thereafter only the approved materials shall be used and maintained in the development.
8. Notwithstanding the drawings hereby approved, prior to their installation, samples of the proposed roofing materials, all timber cladding and louvres, and timber to be used in the construction of the bin stores shall be submitted to the Local Planning Authority for approval; thereafter only the approved materials shall be used in the development.
9. All external doors and windows in the development hereby permitted shall of powder coated aluminium construction and shall at all times thereafter be retained as powder coated aluminium doors and windows.
10. No storage of goods or materials is permitted outside of the approved business units and café. All refuse/bins shall be stored within the designated bin storage areas.
11. No plant or machinery shall be installed on the buildings or within the land forming part of this application.
12. No heat pump or extractor fan shall be installed on the buildings hereby approved until details have been submitted to and approved by the Local Planning Authority. Thereafter, only the approved heat pump or extractor fan shall be installed on the buildings.
13. The development hereby permitted shall be implemented strictly in accordance with the recommendations and mitigation requirements set out in section 5.3 of the Ecological Impact Assessment by GE Consulting dated October 2022.
14. No part of the development hereby approved shall be brought into its intended use until the parking facilities have been provided and maintained in accordance with the application drawings. Thereafter, the parking facilities shall be retained for that purpose at all times.
15. The existing access to the site shall be effectively and permanently closed within one month of the construction of the new access hereby approved in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority

16. No development shall commence until a Method of Construction Statement has been submitted to and approved by the Local Planning Authority, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management),
 - (e) detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted,
 - (f) provision of boundary hoarding behind any visibility zones, and
 - (g) the lighting strategy for the pre-construction and construction phases, which shall be evidenced using light modelling and lux isolines to include both external and internal light sources, shall minimise indirect impacts from lighting, and shall demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented.

Thereafter, the development hereby approved shall be implemented in accordance with the approved details.

17. No development shall commence until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Thereafter, the measures contained within the agreed Construction Traffic Management Plan shall be implemented in full and shall remain in place for the duration of the construction phase.
18. Within twelve months of the commencement of the development hereby approved, or such longer period as the Local Planning Authority shall specify in writing, the landscaping and planting shall be completed in accordance with drawing numbered PL.08D received 23 March 2023, the accompanying soft landscaping notes by Amanda Hembrough Garden Design dated October 2022, and figure 4 of the Ecological Impact Assessment by GE Consulting dated October 2022. The landscaping and planting shall be maintained for the lifetime of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
19. No development shall commence until all existing trees, shrubs and hedges to be retained have been protected by fences or suitable barriers erected beyond their dripline, in accordance with drawing 05717 TPP Rev A valid 23 January 2023. Such fences or barriers shall be maintained until the completion of the development on the land. Within these protected areas there shall be no storage, deposit, tipping or placing of any materials, soil, spoil or other matter, no parking or movement of vehicles or trailers, no erection or siting of buildings or structures, no excavation or raising of ground levels and no disposal of water or other liquid. Furthermore, no fire(s) shall be lit within 20m of any protected area without the prior written authorisation of the Local Planning Authority.
20. The café premises hereby approved shall be used for Class E(b) purposes only, and the business units 5-9 hereby approved shall only be used for Class E (Excluding E(a) and E(b)) and for no other purpose (in accordance with the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to

that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

21. Prior to the occupation of the business units and café hereby approved, all the active electric vehicle charging points hereby approved shall be operational, and infrastructure in place for a further 14 passive electric vehicle charge points. Full details of the electric vehicle charging points shall be submitted to, and approved in writing by the Local Planning Authority prior to their installation. Vehicle Charging points shall be maintained and retained in perpetuity.
22. No development shall commence until a Construction Environment Management Plan (CEMP) to include details of environmental protection throughout the construction phase and a Landscape and Ecological Management Plan (LEMP) to include details relating to habitat creation, species specification and management for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP and LEMP, and a timetable for implementation to be approved beforehand.
23. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless a suitably qualified ecologist has checked for the presence of nesting birds no more than 24 hours prior to the commencement of works and confirmed in writing to the Local Planning Authority that the works will not disturb nesting birds.
24. 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):
 - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - (b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above. The drainage infrastructure shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development.

25. The use hereby permitted shall not commence until a litter management plan has been submitted to and approved in writing by the Local Planning Authority. The approved litter management plan shall be implemented in full thereafter for the duration of the use.
26. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), no exterior signage

shall be displayed on the site or applied to any building hereby approved without the prior written authorisation of the Local Planning Authority.

27. Any roof-mounted solar panels within the application site shall be all black including framing and shall not protrude more than 200mm from the surface of the roof.
28. The café use including drive through facility hereby approved shall not be carried out other than between the hours of 6.30am and 10pm.

1 Introduction

- 1.1 The application site is located on the edge of Ashburton, within the settlement boundary and adjoining the A38. It occupies a prominent location on the northwest approach to Ashburton town centre and has lain vacant for a long period of time.
- 1.2 Much of the site is set below the level of the adjoining road serving the site and some screening is provided from the A38 by mature trees along the roadside. The site slopes to the southwest and currently has a temporarily access serving the existing police building on the site.
- 1.3 The proposal is for the construction of five commercial units comprising Class E (c), (d), (e), (f) and (g) with associated access and parking, and a café with drive through facilities and an associated electric vehicle charge park. In total, parking for 41 cars is proposed, including 5 disability spaces and 15 spaces with electric vehicle charge points, as well as twenty cycle spaces. It would be accessed directly from the B3352 via a new access with associated works to the highway.
- 1.4 Ashburton is a characterful and vibrant town with a strong emphasis on independent stores and speciality food and drink trade. Visually, the buildings in the town vary and though most are small-scale and incorporate a range of architectural styles and materials from stone, to render and slate hung. It is a gateway town from which to explore the moor.
- 1.5 The application is presented to the Committee in view of its size and the strength of local opinion.

2 Planning History

0626/21 - Full Planning Permission - Provision of five Class E units (one convenience store and four commercial units) served via previously permitted new junction and access. Closure of existing temporary access, with parking, landscaping and infrastructure - Granted Conditionally 19 January 2022

0251/19 - Full Planning Permission - Erection of part two and part three storey eighty bedroom hotel with associated car parking, cycle parking, landscaping and access – Refused 14 August 2020

0506/18 - Full Planning Permission - Erection of eight B1 or B8 units and one B1, B8 or D1 (vet) unit, vehicle access and new junction works, landscaping and infrastructure - Granted Conditionally 23 November 2018

0450/15 – Full Planning Permission - Temporary approval for retention of access road with limited improvements to access road and boundary fencing/landscaping – Granted Conditionally 15 October 2015

0243/11 - Full Planning Permission - Erection of supermarket - Withdrawn

0906/07 – Full Planning Permission - Erection of seven business units with associated access road, car parking and landscaping – Granted Conditionally 14 April 2009

0043/02 - Outline Planning Permission - Employment use, Class B1 only - Granted Outline Conditionally 07 July 2003

0419/01 - Outline Planning Permission - Employment uses B1, B2 and B8 - Refused 10 September 2001

3 Consultations

3.1 The detailed responses from statutory and other consultees can be found in Appendix 1.

3.2 County EEC Directorate (Highways)

No objection. Conditions are recommended following the completion of an appropriate legal agreement to require the completion of those access improvement works before commencement on site for this development (for tangible highway safety reasons).

3.3 Environment Agency (EA)

No objection.

3.4 DNP Ecology

No objection subject to conditions.

3.5 Ashburton Chamber of Trade (ACT)

Object for detailed reasons set out in Appendix A.

3.6 National Highways (NH)

No objection subject to conditions.

3.7 Devon & Cornwall Police (D & CP)

No objection subject to conditions.

4 Parish/Town Council Comments - Ashburton Town Council (ATC)

4.1 ATC believe that with a total of 43 spaces (27+16) there is insufficient parking for the proposed services on phase 2 and would like to see this addressed by reducing

the number of business units by 1 down to 4 units, thus decreasing the number of staff that might need spaces but creating additional space for extra spaces for parking purposes.

4.2 Pedestrian and cyclist safety is not addressed in this application. There is no cycle assessment nor a safe cycle policy showing how to access the site safely. Traffic assessment provided shows on p.4 “ghost islands” on either side of the proposed new access to the site, but no pedestrian crossing to the “ghost islands” which would in our opinion be advisable for the safety of pedestrians. As you are aware this development is in close proximity to South Dartmoor Community College, and twice a day during school term times, the amount of traffic that is on the B3352 increases considerably with minibuses and coaches and the need to have a proper designated crossing is a must. ATC can foresee a huge increase in both vehicle and pedestrian numbers entering the site at these times with parents choosing to drop their children off there, negating the need for them to fight with all the other traffic going down Balland Lane. The safety of all pedestrians and cyclists entering the site is paramount and we feel that this needs to be addressed further.

4.3 Ashburton Town Council support this application with the following conditions:

1. No drive-through at the café as this would increase the amount of traffic entering the site from the A38. There are already “services” at Pear Tree.
2. A proper pedestrian crossing, allowing safe passage for pedestrians to and from Balland Lane area and other residential dwellings, together with pedestrian crossings on the site itself.
3. Proper “green transport” crossing and cycle lanes on the site.
4. Consideration given to a second entry/ exit point for the police.
5. All lighting from the units and café to be reduced at dusk, and that there is to be no visible lighting from Dartmoor and no signage to the A38, in keeping with DNP policies.
6. We request that as this is a major development within Ashburton, all Members of the DNP planning committee have a site visit with members of the Town Council.
7. If the DNPA is minded to support the application, a sum of approximately £5000 be set aside for an in depth study by highways for the crossing points for pedestrians and cyclists, vehicle signage and a continuation of the 20 MPH speed limit past the site.

5 Relevant Development Plan Policies

5.1 Dartmoor Local Plan 2018-2036

Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor’s Special Qualities.

Strategic Policy 1.2 Sustainable development in Dartmoor National Park.

Strategic Policy 1.3 Spatial Strategy.

Strategic Policy 1.5 Delivering good design.

Strategic Policy 1.6 Sustainable construction

Policy 1.7 Protecting local amenity in Dartmoor National Park.

Strategic Policy 2.2 Conserving and enhancing Dartmoor’s biodiversity and geodiversity

Strategic Policy 2.3 Biodiversity Net Gain

Strategic policy 2.5 The Water Environment and Flood Risk.
Strategic Policy 2.6 Protecting tranquillity and dark night skies.
Policy 4.3 Enabling sustainable transport
Policy 4.4 Parking standards for new development
Policy 4.5 Electric Vehicle Charging Points (EVCPs).
Strategic Policy 5.1 Non-residential Business and Tourism Development
Strategic Policy 5.2 Development affecting Town Centres
Policy 5.4 Signs and Advertisements
Policy 6.4 Waste Prevention
Policy 6.6 Renewable Energy Development
Policy 7.1 Settlement Boundaries and Development Sites

6 Representations

6.1 98 public comments received: 21 support / 7 neutral / 70 objections.

6.1.1 Summary of points raised in **support**:

- provision of employment opportunities
- economic benefits
- wouldn't take business away from town centre / independent traders
- would attract more tourists to town
- would support the town centre
- would improve local consumer choice
- environmental benefit of EVCP
- good location for EVCP
- lack of other local EVCPs
- drive through and café will be beneficial for those charging vehicles
- additional facilities for town
- would enhance retail provision of town
- visual enhancement of site
- would attract and benefit commuters and tourists travelling on A38

6.1.2 Summary of **objections** raised:

- negative economic impact on town centre
- negative impact on character of Ashburton
- would draw business away from town centre
- chain café would outcompete independent enterprises through economy of scale
- chain café out of keeping - Ashburton is characterised by independent businesses
- town doesn't need a chain café / drive thru
- poor / unsustainable design and materials
- inappropriate location
- no community benefit
- café would lead to increased littering
- additional traffic generated would add to existing congestion and be hazardous for pedestrians, especially children walking to nearby school
- pollution from increased noise, light and odour associated with café
- operating hours of café could be detrimental to neighbour amenity
- not enough local staff to fill town centre vacancies
- EV charging should be provided within easy walking distance of town centre

- scale of development inappropriate for existing roads
- limited pedestrian and cycle access to the site
- conflict with National Park Statutory Purposes
- increased localised pollution from increased traffic
- drive thru and EVCP are mutually incompatible
- concern about future uses of drive thru café
- proposal would support users of the A38 and not local people
- charge station being installed at Salmon's Leap
- it is noted that many comments of objection specifically refer to the drive thru café and its occupation by a national chain company

6.1.3 General comments:

- EV charge points would be better located in town centre
- EV charge points should be designed for use by local people
- sustainable low carbon buildings needed
- more renewable energy should be incorporated
- more tree planting and meadow areas
- scheme could incorporate parking for town centre / park and ride
- need to secure ongoing maintenance of biodiversity net gain on site in perpetuity
- need to control lighting on the site

7 Observations

THE PROPOSAL

- 7.1 This application proposes 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 is proposed, including 5 disability spaces and 15 spaces with electric vehicle charge points, as well as twenty spaces for bicycles.
- 7.2 The business units proposed 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. They would be positioned in the north-eastern corner of the site with 16 associated parking spaces along the north-eastern boundary. The business units would be of the same form and design as those granted by the phase 1 application 0626/21. They would be approximately 8m in height with shallow dual pitched roofs. They would be constructed with open jointed natural timber cladding, broken up with areas of curtain walling to define the building entrances. The vertical boarding would be interspersed with boards of contrasting colour to break up the elevations. The proposed roof material is a powder coated corrugated metal panel.
- 7.3 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 proposal.
- 7.4 The café with drive thru facilities would comprise 171sqm floorspace and would be Class E(b) sale of food and drink for consumption (mostly) on the premises. There

would be 15 parking spaces associated with the café, and adjacent 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 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.

PLANNING HISTORY

- 7.5 The site has been the subject of a number of planning applications, an overview of which is provided below in chronological order.
- 7.6 Application 0906/07 for the erection of seven business units, associated access, car parking and landscaping has been partly implemented by way of laying out of roadways, and is therefore extant. This permission includes the building now occupied by Devon & Cornwall Police.
- 7.7 Application 0450/15 sought temporary permission, retrospectively, for approval of an access. This permission expired on 1 October 2018 and requires the temporary access to be removed and land restored to its previous condition. This access remains in use and is the main access to the Devon and Cornwall Police building.
- 7.8 Application 0506/18 proposed 9 commercial units and 41 car parking spaces with the access proposed in the same location as the current application. This application has been implemented through the construction of internal service roads, and is therefore extant.
- 7.9 Application 0251/19 proposed an eighty-bedroom hotel on the site and was refused for reasons of scale and design.
- 7.10 Application 0626/21 granted permission for 4 business units comprising 372sqm of employment floor space, and a convenience store comprising 390 sqm of retail floor space and 35 car parking spaces. This is referred to as 'phase 1' and together with this application for 'phase 2' would see a complete redevelopment of the Dolbeare Meadow site.

PRINCIPLE OF BUSINESS AND CAFÉ USE

- 7.11 Strategic Policy 1.3 sets out the spatial development principles for the National Park. The provision of new employment sites is a development priority in Local Centres such as Ashburton.
- 7.12 Strategic Policy 5.1 (Business and Tourism Development) provides support for business development which is of scale and use appropriate to its location and that will conserve and/or enhance Dartmoor's Special Qualities. The policy is clear that within Local Centres, business development will be acceptable in principle. The object of this policy is to direct employment opportunities to sustainable locations within or near to existing settlements. The site is located within the settlement boundary of the Local Centre of Ashburton, where one could expect to see new business premises located. The succession of previous applications for employment

uses on this land has also established B1, B8 and D1 (now class E) uses as appropriate in this location.

- 7.13 Strategic Policy 5.2 sets out the policy approach to development affecting town centres. This details that town centre uses should be located in town centres unless there are no suitable sites. It also makes clear the requirement for proposals with a floorspace of 150sqm or more which are located outside town centres and could have a significant adverse impact on the town centre to submit an impact assessment. The town centre area of Ashburton is not clearly defined; this site is located around 700m and a 15 minute walk from the centre of the town which is considered to be outside the town centre in the context of Ashburton.
- 7.14 A Sequential Test Assessment has been submitted with the application, which assesses the suitability, viability and availability of alternative sequentially preferable sites for the proposed development in line with the NPPF paragraph 87. The report identifies that there are no existing premises or sites within the town centre which could cater for this broad type of development. It acknowledges Chuley Road as the only alternative and sequentially preferential site, however, for a variety of reasons this site is not considered suitable to accommodate the development nor is it available with a realistic prospect of delivery.
- 7.15 A town centre impact assessment has also been submitted. This concludes that the business units, which would cater for a broad spectrum of uses to include financial and professional services, indoor sport and recreation, creche/day nursery and/or office occupiers, would only compete with a very small number (4.8%) of units in the town centre and would therefore not have a significant impact on the overall health of the town centre, and could provide opportunities for the provision of new services for the town. In terms of the café element of the proposal, the report anticipates that this would cater primarily for passing trade and customers charging their vehicles and it is therefore not considered that it would divert trade away from cafés in the town centre. The report notes that 55% of units in the town centre comprise retail uses, and the proposal does not include any retail element.
- 7.16 In terms of the economic benefits of the proposal, the report estimates that 36 full time equivalent jobs would be generated by the proposal once operational, with numerous additional jobs being generated by the construction phase of the development which have not been quantified. On this basis it is estimated that once operational the proposed development would generate around £760,000 per annum for the local economy.
- 7.17 The centre of Ashburton has many high-end stores and businesses, including a number of cafés. The business units would provide opportunities for existing businesses to expand and new businesses to develop in high-specification premises. It is understood from discussion with the agent that tenants are lined up for the four business units approved under 'phase 1', and that there is already considerable interest in the units proposed by this application. The café would provide an alternative offering which is accessible to all and likely to attract a different type of customer to those who frequent the cafés in the town centre, both in terms of local people and those commuting and travelling on the adjacent A38. With this in mind, this proposal is felt to 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. The proposal is felt to comply with the

requirements of Strategic Policies 5.1 and 5.2.

DESIGN

- 7.18 The Government attaches great importance to the design of the built environment within the National Planning Policy Framework, establishing good design as a key aspect of sustainable development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.19 Strategic Policies 1.1, 1.2 and 1.5 require new development to provide high quality, locally distinctive design that conserves and enhances the character of Dartmoor's built environment. Specifically, Strategic Policy 1.5 requires new development to reinforce locally distinctive qualities of place through consideration of open spaces, uses, scale, height, alignment, and design. This is reiterated in the Design Guide.
- 7.20 The buildings are located along the north east and south east of the site, adjoining the area covered by the 'phase 1' development and the Police building. Business units 5-7 would be perpendicular to the road, with the rear of this block facing the proposed access. Business units 8-9, the café, and the EV charge park would sit at the rear of the site along the boundary with the A38. The proposed layout and orientation of the buildings is considered acceptable.
- 7.21 The proposed design is contemporary and sympathetic and proposes a palette of high quality materials such including timber and metal. The design of the business units matches those approved by the 'phase 1' scheme (0626/21). The café has a simple, functional single storey form and would be subservient in scale to the business units. Negotiations through the course of the application have seen removal of the two-storey element of the café and the incorporation of timber post details on the front elevation to create a bespoke design with a stronger sense of continuity with the approved and proposed business units and approved convenience store. The design proposed is considered appropriate for modern business development within the National Park, and should fit comfortably in this location, subject to conditions requiring samples of materials and detailing to ensure they are appropriate.
- 7.22 The uses proposed fit well with previous permissions granted on this site and are suitable uses within the settlement limit. Importantly, they would serve to regenerate this prominent site which is a gateway to the town and has been vacant for a considerable period of time.

LANDSCAPING

- 7.23 The proposed layout retains existing trees growing along the north eastern and south eastern boundaries. The landscaping scheme includes the planting of a number of rowan, cherry and field maple trees, as well as areas of grassland which would contribute to biodiversity net gain and be planted with appropriate meadow or grassland seed mixes, and areas of ornamental planting around the café car parking.

- 7.24 Only the north east corner of the site would directly present to the road, and negotiations have ensured that landscaping in this corner would enhance the existing street scene.
- 7.25 A Section 278 agreement would secure landscaping works to reinstate the verges on the site of the abandoned roundabout (north east corner of site) and the existing access to be closed.
- 7.26 Along the rear, south eastern boundary between the site and the A38, a 2.5m high timber fence is proposed as a barrier between the site and a 5m wildlife buffer corridor. Following discussions with the DNP ecologist, it is clear that this fence is the optimum solution to protect the wildlife buffer from light and noise arising from the site. The Design Guide states that materials for boundary and landscaping should be of high quality and in sympathy with the character of the area. This fence will form an important backdrop to the site, and has the potential to appear monolithic. Negotiations have secured additional planting to soften its appearance, while a planning condition will require submission of materials and detailing for approval to ensure they are appropriate.

AMENITY

- 7.27 The area surrounding the site is predominantly residential, though there are other business uses in the vicinity. The nearest residential neighbours are 80m to the north east and 100m to the north west and west, all of which are lie on the otherside of the B3352.
- 7.28 Policy 1.7 protects local amenity, ensuring that development proposals do not (amongst other things) introduce levels of noise, vibration, lighting, odours, fumes or dust that would adversely affect human health or quality of life, or have an adverse impact on highway safety.
- 7.29 The business units follow previous approvals for the same use on the site and are not anticipated to impact on the amenity of the area.
- 7.30 The café with drive through facilities would be limited to operating hours between the hours of 6.30am and 10pm. Given the distances between the café and the nearest neighbours, the noise generated by the adjacent A38 trunk road, and the 24 hour operation of the adjacent police building, the proposed hours of operation are not considered to pose a detrimental impact on neighbour amenity.

HIGHWAYS

- 7.31 Proposals include works to the highway which were previously agreed under application 0626/21 and have also been submitted with this scheme for completeness, these works are required prior to commencing development on the site and this will be secured by planning condition and S278 agreement. They include the provision of pedestrian pavement where the site meets the B3352 and the addition of four pedestrian crossings to ensure safe access to the site for pedestrians.
- 7.32 No objection has been received from National Highways or Devon County Council Highways, and on the basis of the highway improvement works proposed the scheme is not considered to pose a detrimental impact to the highway network.

- 7.33 The provision of 41 parking spaces is considered to be in accordance with policy 4.4. Fifteen of these spaces would provide active EV charge points, with a further 14 having passive connections to allow future expansion of EV charge point provision at the site in accordance with policy 4.5.
- 7.34 It is noted that no lorry delivery space has been provided for the café, but the agent has confirmed that deliveries would take place outside of operating hours and the vehicle swept path analysis drawings adequately show that each of the units is served by an acceptable access and turning/delivery area.
- 7.35 The existing temporary access is to be removed and the land restored to its former condition once the new entrance is in place, a condition requiring this work to be undertaken will form part of any approval.

SURFACE WATER DRAINAGE

- 7.36 The proposal is not considered to have any adverse effects on drainage patterns or flood risk in accordance with policies 2.5 and 1.3 of the Local Plan. It is noted that the far south west corner of the site lies in flood zone 3, however no development would be located here with the exception of four grasscrete parking spaces and the EA have raised no objection on this basis.

REPRESENTATIONS

- 7.37 There has been considerable public interest in this application, with over 100 letters of support and objection received.
- 7.38 Comments of support recognise the economic and environmental benefits of the scheme, considering it would attract and benefit tourists, commuters and locals alike, redeveloping a derelict site and improving consumer choice and facilities in the town without taking business away from the town centre.
- 7.39 The key concerns raised by objectors relate to potential impact of the scheme on the town centre and highway impact, both of which are covered in more detail in the 'Highways' and 'Principle of business and café use' sections of this report. Litter from the café and particularly the drive through element has been mentioned many times, and it is therefore considered important to require a litter management plan by condition to fully address this issue. Many comments of objection are also based on the assumption that a large chain business would occupy the café and drive through. It is understood that there is no confirmed occupier for the café building at present. The assessment of this application must consider the planning uses and works proposed and how these fit with planning policies; the type of café business which might occupy the building is not a material planning consideration in the deciding of this application.

8 Committee Site Inspection

- 8.1 A site visit took place on Friday 26 May 2023 with eight Members, the Planning Officer, representatives from the Town Council and Devon County Council Highways, the agent and the applicant in attendance. The group initially stood within the site and the officer talked through the key elements of the proposal, layout of the site, and previous approvals. Following this, the Highways Officer led

the group along the verge of the B3352 and pointed out the location of each of the four pedestrian crossings, and other alterations to be made to the existing highway arrangement. Particular attention was given to traffic levels on the B3352 and school traffic including buses accessing Balland Lane. The Town Council representative had the opportunity to speak and raised concerns regarding the safety of pedestrians and volume of traffic accessing the site.

9 Conclusion

- 9.1 The delivery of this scheme would secure the regeneration of the site, bring economic benefits to the area and enhance this important gateway to the town.
- 9.2 Local concern about the impact of this development, particularly the café use, on the town centre is recognised. However Ashburton has a vibrant mix of independent traders offering a wide range of goods and services in an attractive historic town centre, and a strong case has been presented to show that this proposal will attract new customers to the town with its modern and accessible alternative offering, rather than compete with the town centre.
- 9.3 The site is within easy walking distance of existing residential developments, is located on an existing bus route, provides cycle parking and an EV charge park. The proposal is therefore considered to present a sustainable form of development.
- 9.4 It is of a scale and form that respects its location and is of a high-quality design that will be a positive addition to this part of the settlement, without detriment to the character and vitality of the town.

CHRISTOPHER HART

DETAILED CONSULTATION RESPONSES

1. County EEC Directorate (Highways)

Original Observations dated 13th February 2023

The planning application is supported by a Transport Assessment prepared by LvW Highways, the content and conclusions of which is generally accepted by the highway authority; it is confirmed that the application is acceptable in principle from a highway safety point of view.

However, it is necessary for the proposed highway improvements to the access, as referred to in the the Transport Statement and other supporting application as 'previously approved', to be implemented prior to commencement of the development proposed. For that reason, the improvement to the access must also be included within the red edging on the application drawings for this application so that conditions can be imposed to require its provision prior to commencement of this application too.

Further observations following receipt of additional information 13th March 2023

The additional plans now enable the highway authority to require the previously approved junction improvement and the recommendations are detailed below.

In addition the planning authority have requested a specific comment about the suitability of the location of the 'drive-thru' facility. The highway authority are satisfied that the facility is sufficiently remote from the highway such that no highway safety will be prejudiced by queuing vehicles, and no adverse comments are made.

Conditions are recommended following the completion of an appropriate legal agreement to require the completion of those access improvement works before commencement on site for this development (for tangible highway safety reasons).

Recommendation:

Subject to the applicant first entering into an appropriate legal agreement to provide, at their own expense, the improved site access with separate right turn lane and permanent closure of the existing temporary site access to vehicles, all as generally shown on the application drawings:-

Suggested conditions:

1. No part of the development hereby approved shall be commenced until the access improvements previously approved under planning permission DM/0506/1, the commercial vehicle loading/unloading area, visibility splays, access drive and access drainage have been provided and maintained in accordance the application drawings and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

2. No part of the development hereby approved shall be brought into its intended use until the parking facilities have been provided and maintained in accordance with the application drawings and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

3. The existing access shall be effectively and permanently closed immediately following the construction of the new access hereby approved in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use

REASON: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway

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

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

REASON:- In the interest of highway safety.

2. Environment Agency (EA)

The EA has no objections to this proposal. All the proposed new buildings are located outside areas at risk of flooding and therefore the proposal satisfies the sequential, risk based approach to the location of development set out in paragraph 161 of the National Planning Policy Framework. Nonetheless, it is noted that there are four grass-crete parking spaces and landscaping located within the high risk Flood Zone 3 to the west of Conway House. We advise that there must be no ground raising within this area to ensure flood waters are not displaced and increase risks elsewhere. The site sections within the Design and Access Statement do not indicate the existing and proposed levels in that area.

3. DNP Ecology

No objection subject to conditions.

The development site lies within the South Hams SAC Landscape Connectivity Zone. The proposed development will not lead to the loss, damage, or disturbance at a landscape scale to a network of potential Greater Horseshoe Bat (GHB) commuting routes. Nor will it lead to the loss damage or disturbance to a pinch point or an existing mitigation feature. This is due to the scale of the development in an urban setting with large amounts of external lighting, and lack of suitable features on site for GHBs. In line with the South Hams SAC Habitats Regulations Assessment Guidance document (DCC et al.,2019), and given the above, there is unlikely to be a likely significant effect on the South Hams SAC. A detailed HRA is not deemed to be required.

Biodiversity Net Gain - The proposed habitat creation and enhancement onsite lead to a 11.37% net gain within the redline boundary.

Bat activity transect surveys were undertaken in 2022. The site was used by commuting and foraging light sensitive bats including Myotis, lesser and greater horseshoe. Impacts on commuting bats is anticipated to be low given the availability of suitable habitat onsite. However, increases in artificial lighting onsite will have an impact on bat commuting routes.

A 5m dark corridor will be retained along the south-eastern and north-eastern site boundaries which ensures no light spills onto this boundary and will aim to achieve below 0.5 lux. A smaller buffer than suggested in the Building with Nature: Devon Technical Guidance (Devon County Council, 2022) has been proposed due to the size of the site and predicted impacts. Low numbers of light-sensitive species present – this is acceptable.

No windows are proposed on the south eastern elevation of Units 8-9, adjacent to the buffer; Proposed external lighting kept to a minimum, downwards directional. A 2.5m closed board fence will be installed between the drive thru and buffer to avoid illumination from the building and car headlights; During construction, external works limited to daylight hours.

It is noted from Figure 3 of the EclA and from the proposed site layout drawings, that car parking spaces in the east of the site encroach into the 5m dark corridor for bats. The car park in this location abuts the base of an existing vegetated bank – this means that bats are likely to fly along the higher bank and cars in this location are unlikely to impact upon bat commuting corridors.

No roosting opportunities for bats were identified on Site or within trees adjacent to the site. There will be no negative impacts on bat roosts. Four bat boxes will be included within the design. The boxes will be installed at least 3m from the ground on a southern/ western aspect and avoid proximity to doors and windows. This is deemed suitable to enhance the site for roosting bats.

There will be no negative impacts on dormice, great crested newts.

No evidence of nesting birds but site provides opportunities. Vegetation clearance has the potential to cause negative impacts on nesting birds. Dense scrub to be removed outside of the nesting season or with pre-works check by an ecologist. Four bird boxes suitable for house sparrow will be included within the design. The boxes will be installed at or close to the apex, at least 3m from the ground on northern/ eastern aspects and avoid proximity to doors and windows; These measures are deemed suitable and sufficient to mitigate against potential negative impacts and to enhance the site for nesting birds.

Scrub provides some habitat for reptiles. No reptile surveys undertaken but it is assumed that common reptile species (i.e. slow worm) utilise the scrub habitats onsite. Scrub removal should be undertaken under the supervision of an Ecological Clerk of Work (ECoW) in order to avoid any adverse impacts to reptiles. Any reptiles found during these works should be moved to a suitable receptor area from which they can recolonise the Site during operation – this will be detailed in a conditioned CEMP.

No evidence of badgers recorded on site. Badgers may use site to commute. Badgers may be negatively impacted during construction. All excavations created during construction should be covered overnight or means of escape provided such as a ramp – this will be included in the conditioned CEMP. This is deemed suitable and sufficient to mitigate against potential negative impacts on badgers.

Some suitable habitat on site for hedgehogs. Hedgehogs may be negatively impacted during construction. Mitigation as 'Badgers' above.

There will be negligible negative impacts on invertebrates. Wildlife-friendly shrubs and herbs including those on RHS 'Plants for Pollinators' list to be planted. Bee and bug brick placed on southerly elevation at least 1m from ground with no vegetative obstructions. These measures are deemed suitable to enhance the site for invertebrates.

Recommended conditions:

1. A Landscape and Ecological Management Plan will be submitted. This will include details relating to habitat creation, species specification and management for a minimum of 30 years. This will need to be agreed with the LPA.
2. A detailed Lighting Strategy will be submitted for agreement with the LPA. The strategy will minimise indirect impacts from lighting associated with the pre-construction, during construction and operational activities (including internal lighting) and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented.
3. Development shall be carried out in accordance with the actions set out in the Ecological Impact Assessment (GE Consulting, October 2022).3.6
4. A Construction and Environmental Management Plan will be submitted which will include details of environmental protection throughout the construction phase. This will need to be agreed with the LPA
5. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

4. Ashburton Chamber of Trade (ACT)

Ashburton Chamber of Trade represents over 60 local businesses covering the retail, hospitality, business and services sector. ACT considers the planning application to be a major development and as such we have consulted among our membership to form a response. The overwhelming majority feel strongly against the application so as an organisation we object to the planning application.

ACT has no objection to the business units and in fact welcome them as a much needed asset to Ashburton. Many buildings in the town centre are historic and development space is limited. The proposed units will bring industry and employment to the area, allowing businesses to grow and expand whilst not having to leave Ashburton and move to bigger cities. However, ATC cannot support the application on the grounds of the proposed "electric vehicle charge park with café building and drive-thru facilities". This is completely unnecessary for the site and it will have devastating consequences not only on Ashburton

town centre but for Dartmoor National Park.

Dartmoor National Park's Local Plan 5.1.4 states "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"

ACT is certain that this development would have an adverse impact on our town centre and therefore should not be supported. The proposed Drive-Thru and Café cannot claim to boost any trade in the town centre, only draw it away. People pulling off of the A38 will not be encouraged to venture into the town centre, quite the opposite. On the same development site, planning has already been approved for a large convenience store which will compound the problem and directly take business away from our town centre shops.

With just a convenience store on the site it is possible that customers doing their shopping may still venture down into the town centre to grab a coffee or some lunch. If a café is built right next to the store this would be disastrous for our town centre. The location of the café being close to the Secondary School is also going to draw away a lot of the teenagers or families on the school run who use the businesses in town to get a drink or an after school treat, further adding to the loss of business from our town centre shops.

Ashburton town centre supports a range of independent retail shops and cafés but the balance is fragile. Each business brings their own customers to town and this directly benefits the other businesses. Those popping into town for a coffee with a friend will probably pick up a pint of milk or may remember they need a light bulb from the hardware store or be tempted by something in a passing window display. If customers are pulled out of the town centre, even a small proportion, we will not be able to withstand this loss of business and we strongly believe it will lead to many independent businesses being forced to close.

Dartmoor National Park have rightly requested a Retail Impact Assessment to quantify and assess the proposal's impact on the town centre. This has been conducted by a company with no knowledge of the businesses in town, how they are faring and the challenges they are currently facing. Many businesses are on a knife edge at the moment, still feeling the impact of Covid and struggling through the cost of living crisis. I would suggest that the comments made by town centre businesses, particularly cafés, on the application are read and taken into account. Just because Ashburton town centre has been deemed 'healthy' this does not mean it will be able to withstand the loss of business this development will cause.

Within the applicant's Retail Assessment they have included a 'Town Centre Health Check' which draws the conclusion that Ashburton has a healthy town centre and therefore won't be affected by the loss of business and footfall that an out of town development will cause. We strongly disagree with this and would argue that it is because we have not allowed any out of town shopping developments that we are lucky enough to have a vibrant town centre.

The applicant has also largely based the health of Ashburton Town Centre on the percentage of empty units, which was at 6.02% compared to an average of 14.18% nationally, when assessed in September. This however does not include a number of businesses currently up for sale and cannot possibly provide an accurate measure of a town centre's resistance to change.

We also feel that there is truly no need for another coffee shop. In a small town we already have 7 cafés, providing service 7 days a week between them. In addition we have a further 3 pubs and restaurants serving food and drink. In the applicant's own Retail Statement they have shown that food units account for 13.25% of the town centre units, considerably higher than the national average of 9.17%. We believe it is clear that the space on the development site is better used for more business units or to increase the amount of parking for the units and convenience store.

Dartmoor National Park's Strategic Policy 5.1 states "All non-residential business and tourism development should be of a scale and use appropriate for its location and local highway network and will conserve and/or enhance Dartmoor's Special Qualities"

The local highway network surrounding the development is already very busy. With planning permission already granted for a large convenience store and business units this development would mean there would be 9 business units, the existing large police headquarters, a convenience store, EV charge park and café / drive-thru all on one site, making the scale of the development inappropriate for the existing roads and junctions.

The roads surrounding the site are already extremely busy, especially in the mornings and afternoons when these junctions are used by numerous buses carrying pupils to or from South Dartmoor Community College. There are already issues with vehicles regularly driving the wrong way on the A38 slip road right next to the development and this development is surely only going to exacerbate these problems. There is only one proposed entry / exit and very little thought given to pedestrian access surrounding the site.

Dartmoor National Park's Strategic Policy 2.1 states "All development should conserve and enhance the character of the Dartmoor landscape by ensuring its location, layout, scale and design conserves and / or enhances what is special or distinctive about landscape character"

The proposed Café Drive-Thru is going to be located at the gateway to Dartmoor National Park and will not enhance the character of the Dartmoor landscape. The signage required for a large multi-national corporation on a development of this scale is not in keeping with the area, nor is it going to 'enhance Dartmoor's Special Qualities'. Allowing a company such as Starbucks to get a foothold not only in Ashburton but on Dartmoor sets a dangerous precedent for further developments across the National Park. Is a Starbucks Drive-Thru really what we want people to see as they enter Dartmoor?

The National Park's jurisdiction does not just extend to the open moorland, it has an obligation and a responsibility to protect its towns and villages and their businesses. The values of Dartmoor National Park should be represented across the whole moor and they should be supporting and encouraging Dartmoor businesses to succeed, not allowing large multi-national corporations into the National Park. By allowing a large chain to open at the gateway to the moor this is sending the wrong message.

Ashburton is a small town and we are proud of our independent businesses who work so incredibly hard. Independent businesses put money directly back into the local community and their profits stay invested in the local area. They use local suppliers and local businesses such as accountants, web builders and graphic designers. A large chain corporation sucks all of its profits out of the area and does not support the local economy.

Among Dartmoor's Sustainable Development Goals, number 9 is to "conserve and enhance character and tranquility". It is clear to us that allowing this Café Drive-Thru to be built will do neither of these things.

Another big concern for us regarding the Drive-Thru element is the inevitable increase in littering across the National Park. Visitors to the National Park are going to be encouraged to pick up a take away on their way to the moor. We see it time and time again in the bigger cities with take away cups, wrappers and packaging strewn across the streets. Not only is this an eye sore on the landscape but it poses a real threat to wildlife. Visitors to the National Park should be encouraged to use the local cafés across the moor or to bring a picnic and really enjoy the Dartmoor landscape and its businesses.

Not only is there littering to consider but the increased light pollution and noise from the 24 hour charging station is going to have an effect on the surrounding area and wildlife in the foraging corridor between the site and the A38.

Whilst we recognise the need for more EV charging points, planning permission has been granted for a café and EV charging station less than 3 miles away just off the A38 - surely that means this stretch of the A38 has been well covered and another in such close proximity is not necessary.

EV charging points should be encouraged in the town centre car parks, bringing people into town and encouraging spend in local businesses while they charge. The proposed café on site is going to keep people there and discourage them from coming into the town centre which is too far to walk in the time it takes to charge.

As a final note, there has been mention of the Café Drive-Thru creating jobs for local people. At the time of writing this there are 4 hospitality businesses within Ashburton and the immediate surrounding area advertising for various roles from waiting staff and baristas, to chefs and kitchen porters. There is no lack of similar roles available given the large number of cafés already in Ashburton.

In conclusion, we believe it is clear that this application will not enhance Dartmoor National Park's special qualities, nor will it conserve the National Park's character and tranquillity. It is clear that the development will have an adverse affect on Ashburton town centre and therefore we strongly object to the proposal.

5 National Highways (NH)

Recommend that conditions should be attached to any planning permission that may be granted

Traffic Impact

National Highways has reviewed the Phase 2 proposal on the basis of 217sqm GIA of café/EV charge park and 620sqm GIA of class E use split across five commercial units.

Based on the supporting Transport Assessment and our own review of TRICs the Phase 2 development is forecast to generate in the region of 85 two-way trips in the AM network peak hour (0800- 0900) and 50 two-way trips in the PM network peak (1700-1800) hour. It is accepted that a proportion of these trips will be 'passby', diverted or linked to other uses on the wider business park site such as the convenience store, and as such already on the network. It is also National Highways Planning Response (NHPR 22-12) December 2022 accepted that not all trips will route via the A38 trunk road, with an estimated 35-50% of vehicular trips associated with the site routing via the SRN in the network peak hours, or less than 1 trip per minute. On the basis of this forecast traffic generation National Highways would be unable to sustain an objection to the development on the grounds of an unacceptable impact on the safe operation of the A38 trunk road.

Drainage

The proposed development is located immediately adjacent to the boundaries of the A38 trunk road and A38 Ashburton northbound offslip. The application proposes drainage works on land and assets within the National Highways estate.

The existing surface water drainage within this section of the B3352 was constructed as part of the A38 and connects to existing A38 surface water drainage assets. In accordance with paragraph 59 of DfT Circular 01/2022, National Highways will not accept any new connections into our drainage systems from third party development. Where there is already an existing informal or formal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue by exception provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment. We therefore require the submission of a revised drainage strategy which demonstrates full compliance with the above.

In addition, based on plan Proposed Off Site Highway Works 2022-722 PL01, the new road junction will directly impact upon the existing drainage layout, associated with the B3352. Chambers, gullies & pipework will no longer be correctly positioned to effectively deal with highway surface water run-off, and therefore will require repositioning, or abandoning, with new drainage assets requiring to be installed. In addition, any existing chambers, gullies & pipework, which can be left in-situ, may be subject to altered traffic loadings leading to more rapid deterioration or failure, and requiring significant additional maintenance. The revised drainage strategy must provide full details of all proposed works and confirm the proposed extent of maintenance responsibilities to be assumed by Devon County Council as the local highway authority. With the exception of any part of our estate within the management of National Highways Planning Response (NHPR 22-12) December 2022 Devon County Council, there must be no encroachment into any land within the control of National Highways without our written permission.

Should the proposals require works within the National Highways estate which is land over which the applicant has no control, National Highways may require the applicant to enter into suitable legal agreements to cover the detailed design and construction of any works.

Boundary Treatment

National Highways have a narrow strip of Operational soft estate between the application site boundary and the A38 carriageway comprising of verge, scrub, and a linear belt of trees to the north.

NH is content that a professional Tree Survey has been undertaken and the Tree Protection Plan shows tree protective fencing to safeguard trees on National Highways estate. The Proposed Soft Landscaping Plan shows 'Emorsgate EH1 Hedgerow mix to be seeded onto the bank', to which we have no objections.

The Design and Access Statement in section '4.7 Visual Impact, Landscaping and Ecology' states there is "almost uninterrupted screening to the boundary with the A38 Devon Expressway." We do not agree that sufficient screening will be provided by the National Highways soft estate and the National Highways soft estate must not be relied upon to contribute any mitigation to the development as the management of our estate may from time to time affect any real or perceived benefits. Our soft estate management includes cyclical maintenance and periodic renewal, either of which could involve significant reduction in any available screening benefit until new planting is well established. We are also needing to consider removal of all dead, dying and diseased trees affected by ash dieback (*Chalara*), where these are on National Highways estate and where they present a safety risk to our assets, neighbours and all road users.

The developer must ensure that the site is adequately screened from the A38 trunk road to ensure there will be no distraction to road users, such as those arising from vehicular headlights within the site. We therefore require the submission of a detailed site Boundary Treatment Plan for our approval prior to commencement.

The developer must ensure that all required and desired mitigation is provided within the development or by a site boundary feature proposed as part of the development. We would encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to sustain this all year round. Any fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, in accordance with DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development".

Landscaping & Planting

Given the proximity of the site to the National Highways boundary and our soft estate we require the submission of a detailed Landscape Plan and associated Planting Schedule for our approval prior to commencement.

We should advise the developer that the following species must not be planted within 10m of our estate

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

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway or any significant National Highways asset:

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

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

Noise

Owing to the proximity of the site to the A38 trunk road the developer must ensure that adequate noise mitigation measures are implemented to safeguard against any adverse noise impact on the future users of the site. Noise levels should conform to thresholds specified in British Standard S 8233:2014 and WHO Environmental Noise Guidelines (WHO), so that indoor and outdoor spaces can be utilised as intended.

Should a development propose any exceedance of the above levels, the justification for such should be clearly evidenced including why the recommended levels cannot be achieved and how the 'desirability' of the development offsets any likely adverse noise impact upon the proposed buildings. We therefore strongly advise that the Local Planning Authority satisfies itself that the development will deliver measures which adequately mitigate noise to levels as set out in BS8233:2014 and the WHO guidelines. National Highways must not be held liable for any adverse noise impact arising from the operation of the strategic road network should the development fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines.

Should the need for acoustic mitigation be identified, National Highways must be consulted on the proposed design, construction and maintenance arrangements to ensure it will not result in an adverse impact on the safe operation of the strategic road network or its assets. Any fences, screening and other structures must be erected outside of the highway boundary in accordance paragraph 57 of DfT Circular 01/2022 'The Strategic Road Network and the Delivery of Sustainable Development'.

Construction Management

As the site is located immediately adjacent to the A38 trunk road National Highways will require the submission of a detailed Construction Traffic Management Plan (CTMP) to ensure the proposal will not result in any risk to the safe operation of the A38 trunk road. The CMP must include as a minimum:

- Start date and duration of works
- Description and number(s) of plant, construction and contractor vehicles and frequency of associated traffic movements
- Construction traffic routing and parking arrangements National Highways Planning Response (NHPR 22-12) December 2022
- Arrangements for screening of construction works/construction vehicle headlights
- How dust and materials associated with the development will be controlled to ensure this will not present a risk to the safe operation of the adjacent A38 trunk road
- Details of any abnormal load movements required. Advance notice of any proposed abnormal load movements must be submitted to National Highways

National Highways Recommendation

National Highways has no objection in principle to application 0043/23 subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a detailed surface water drainage strategy which includes proposed maintenance responsibilities for all drainage works, shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset.
2. Prior to the commencement of the development hereby permitted, a detailed Boundary Treatment Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.
3. Prior to the commencement of the development hereby permitted, a Landscape and associated Planting Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: To protect the National Highways soft estate.
4. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). The measures contained within the agreed Construction Traffic Management Plan will be implemented in full unless otherwise agreed in writing by the local planning authority (in consultation with National Highways). The Construction Traffic Management Plan shall remain in place for the duration of the construction phase. Reason: in the interest of the safe and efficient operation of the strategic road network.

6 Devon & Cornwall Police (D & CP)

D & CP ask that the following planning conditions are considered:

1. Uninterrupted access to and from Conway House must be ensured and maintained at all times. This should be referenced in any Travel Plan included within the application.

Reason: To ensure the ongoing effective operation of Conway House.

2. No CCTV or subsequent CCTV installed as part of the development to overlook Conway House or its grounds.

Reason: To maintain the privacy of Conway House and protect the contents and staff within.

Further recommendations:

3. Boundaries must be clearly defined with clear demarcation between public and

private space with access to the latter restricted. Casual intrusion to the Conway House site should be prevented.

4. Where unit frontages need vehicle mitigation measures, anti-ram bollards must be placed minimum 1.2m apart. Any recreational areas i.e. seating should have enhanced protective measures in place.
5. Units should be fitted with the necessary infrastructure to enable easy installation of monitored intruder alarm systems. For a police response the system must comply with the requirements of the Security Systems policy, which can be found at www.securedbydesign.com
6. External doorsets and easily accessible windows should be certificated to a nationally recognised security standard suitable for a commercial setting.



NPA/DM/23/006

Dartmoor National Park Authority
Development Management Committee

30 June 2023

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

Report of the Trees Officer

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

TREE PRESERVATION ORDERS

Teignbridge

Ref: 23/0022 7 Amberley Close, Ashburton

Application to reduce overhanging limbs by 2-3m and raise canopy to 3m of a Cedar. The proposed works allow for reasonable management of the tree and raise no objection. Consent was granted subject to conditions:

1. The works hereby consented to shall be carried out within a period of two years from the date of this decision notice.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

West Devon

Ref: 23/0020 Ballygate, Burrator Road, Dousland, Yelverton

Application to undertake the following work:

- Oak – Deadwood
- Oak - Reduce crown by 30%
- Oak - Reduce crown by 20%
- Beech - Reduce crown by 30%
- Beech - Raise canopy to 5.5m over road, and
- Beech - Reduce branches over road by 1.5m.

The works will have minimal impact on the health or appearance of the trees. Consent was granted subject to conditions:

1. The works hereby consented to shall be carried out within a period of two years from the date of this decision notice.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

South Hams

Ref: 23/0021 Middle Green, South Brent

Application to reduce an oak tree. This large spreading tree is now in contact with the adjacent dwelling. The proposed works are considered necessary and appropriate. Consent was granted subject to conditions:

1. The works hereby consented to shall be carried out within a period of two years from the date of this decision notice.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 23/0026 3 Greenfield Drive, South Brent

Application to lift lower branches away from neighbour's property and cars to provide sufficient clearance, to remove dead wood, and minor thinning of the crown. The proposed works allow for reasonable management of the tree given the close proximity of the surrounding dwelling. Consent was granted subject to conditions:

1. The works hereby consented to shall be carried out within a period of two years from the date of this decision notice.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

SECTION 211 NOTICES

Teignbridge

Ref: 23/0019 Pomeroy's, Lydford, Okehampton

Notification to fell conifer on boundary. The tree is a large asymmetrically formed Fir, its removal can reasonably be considered a thinning operation to favour the adjacent broadleaved tree.

A Tree Preservation Order has not been made.

Ref: 23/0024 Buckfastleigh Primary School Bossell Road, Buckfastleigh

Notification to fell the three Lawson Cypress to favour the Field Maple, Silver Birch and Beech. The proposed removal of the three conifers can reasonably be considered a thinning operation, to give space to and favour the adjacent deciduous trees. The removal of these tree will not be detrimental to the amenity of the conservation area.

A Tree Preservation Order has not been made.

Ref: 23/0027 9 Silver Street, Buckfastleigh

Notification to remove 1 x Monterey cypress and replace with a native tree.

Application withdrawn.

Ref: 23/0032 Wisteria Cottage, Lustleigh

Notification to fell Conifer. The tree has a thin crown indicative of poor vitality. The tree is of low amenity value and not suitable for protection with a Tree Preservation Order. No objection is raised to the removal of the tree.

A Tree Preservation Order has not been made.

Ref: 23/0038 St Andrews Church, Ashburton

Notification of the Removal of 3 dead Ash trees.

Exempt works notification.

West Devon

Ref: 23/0025 Rivercote Chapel Lane, Horrbridge, Yelverton

Notification to Pollard three sycamores in the garden. The proposed tree works specification has been amended in consultation with the Applicant and Dartmoor National Park's Trees Officer. The works allow for the reasonable and pragmatic management of the trees.

A Tree Preservation Order has not been made.

Ref: 23/0028 6 Grosvenor House Barrack Road, Princetown

Notification for the removal of 1 x Leylandi tree. The tree is an asymmetrically formed non-native species, of insufficient amenity value to be considered for protection with a Tree Preservation Order. No objection is raised to the removal of the tree.

A Tree Preservation Order has not been made.

Ref: 23/0029 South West Water Ltd, Hydro Electric Power Station, Mary Tavy

Notification to dismantle & remove to ground level an Oak which has failed. Fell an Ash tree. Crown lift six Sycamore, five Hazel and four Ash trees to achieve a minimum of 2 metre clearance. The proposed works are considered appropriate tree management and raise no objection.

A Tree Preservation Order has not been made.

Ref: 23/0031

Chaplains House, Tavistock Road, Princetown, Yelverton

Notification of Crown reduction of the lower section of the tree's north-facing crown by 3 meters of a Common Beech. Fell a Common Beech and formative prune the small, suppressed tree under canopy. Fell a Common Beech. The proposed works are considered appropriate tree management and raise no objection.

A Tree Preservation Order has not been made.

Ref: 23/0035

16 Higman Close, Mary Tavy, Tavistock

Notification to reduce x 9 primary/secondary branches of a Beech, finishing pruning cuts 25mm in diameter. The proposed works represent the applicant exercising their Common Law right to prune over hanging branches. The proposed pruning works are relatively minor and allow reasonable management of the adjacent tree.

A Tree Preservation Order has not been made.

STUART BAKER
Consultant Trees Officer