

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

12 May 2023

**Applications to be Determined by the Committee**

Report of the Head of Development Management

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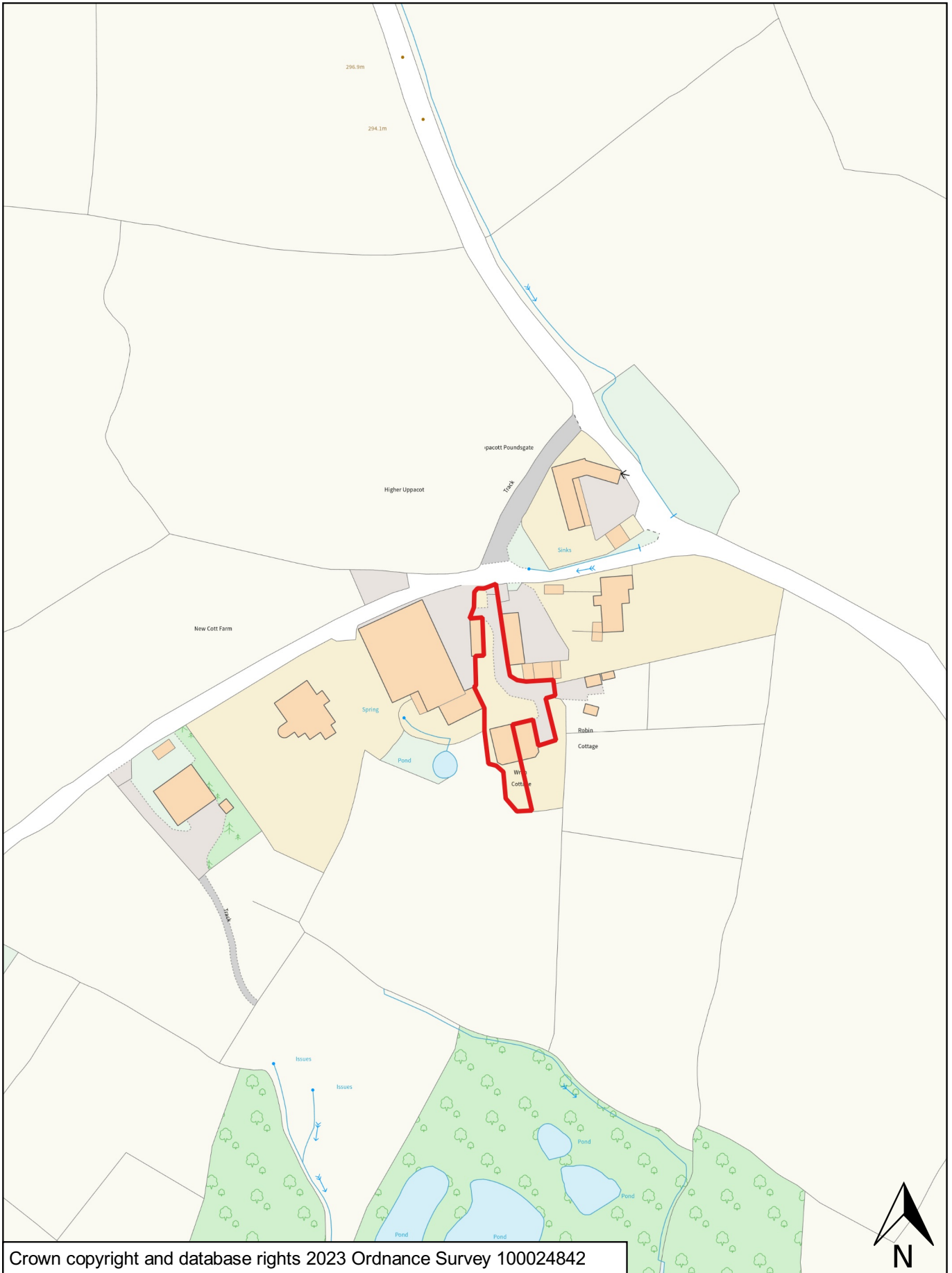
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# Dartmoor National Park Authority

## 0394/22



Scale 1:1,654



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Item 1

Application No: **0394/22** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Widcombe**  
Grid ref: Officer: **Oliver Dorrell**  
Proposal: **Wren Cottage, Poundsgate, Newton Abbot**  
Location: **Use of building as rural worker's dwelling**  
Applicant: **Mr S Weymouth**  
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 permitted shall be carried out strictly in accordance with the Site Location Plan (RevA) and Land Used By Business plan received on 18 September 2022 and drawings numbered Block Plan (RevA) and Site Plan (RevC) received on 12 December 2023.
3. The occupation of the dwelling hereby permitted shall be limited to a person (together with their spouse or partner, children and dependents) solely or mainly working, or last having worked, in the locality in agriculture or forestry or any other rural land-based business or for the provision of short let holiday accommodation. No person, couple, family or group shall occupy or use the building as holiday accommodation for a single period or cumulative periods exceeding 28 days in any calendar year.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwelling hereby approved shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.

**1 Introduction**

- 1.1 The application site comprises a dwelling, vehicular access and associated garden at Uppacot near Poundsgate.
- 1.2 The property is known as Wren Cottage and is one of a pair of properties which were converted from a redundant agricultural building to two holiday lets under ref: 5/06/229/97/03 granted planning permission on appeal ref: J9497/A/98/294594

(subsequently amended by planning permission ref: 5/06/257/98/03) to allow for use as holiday cottage except between 14 Jan-14 March in any year.

- 1.3 The other property of the pair is known as Robin Cottage.
- 1.4 In 2022 a lawful development certificate for the use of the both dwellings in breach of condition (b) of 5/06/257/98/03 which prohibited their occupation between 14 Jan-14 March in any year was refused under ref: 0191/22.
- 1.5 This proposal is for a change of use of the building, access and garden of Wren Cottage from holiday let to rural worker's dwelling. It is also requested by the applicant that the proposed dwelling be considered as a dwelling for a Local Person.

## **2 Planning History**

- 2.1 05/06/229/97/03 - Conversion of redundant agricultural building to disabled persons holiday accommodation – Refused. Appeal allowed
- 2.2 0191/22- Continued use of Wren and Robin Cottages in breach of condition (b) of 5/06/257/98/03 which prohibited the occupation of the cottages between 14 January and 14 March inclusive in any year – Certificate Not Issued

## **3 Consultations**

- 3.1 Teignbridge District Council - Does not wish to comment
- 3.2 County EEC Directorate - No highways objection
- 3.3 Environment Agency - Standing advice – Flood Zone 1

## **4 Parish Council Comments**

- 4.1 Widecombe-in-the-Moor Parish Council – Support for the following reasons:  
The applicants have been living in the property for some time and are a long-standing local family. There are no proposed changes to the property, internally or externally. There is a demonstrated need to be on-site for the purpose of managing the applicant's businesses, both of which are well established and bring visitors to the area and are consistent with the National Park's special qualities.

## **5 Relevant Local Plan Policies**

- 5.1 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  
Policy 1.7 Protecting local amenity in Dartmoor National Park  
Strategic Policy 2.1 Protecting the character of Dartmoor's landscape  
Strategic Policy 2.8 Conservation of historic non-residential buildings in the open countryside  
Strategic Policy 3.1 Meeting Housing Need in Dartmoor National Park  
Policy 3.9 Rural Workers' Housing

Policy 4.4 Parking standards for new development  
Policy 4.5 Electric Vehicle Charging Points (EVCPs)  
Policy 5.5 Tourist Accommodation  
Policy 5.8 Agriculture, forestry and rural land-based enterprise development

## 6 Representations

6.1 13 letters of support. The comments are summarised as follows:

- Proposal supports farm diversification
- Would allow management of holiday lets and tend to animals
- Replace holiday let with affordable housing stock for local people
- Local plan policies should support local businesses
- Working with livestock is a 24/7 job unlike office work 9-5pm. The owners of livestock need to be close to deal with births, illness and death as well as everyday husbandry jobs.
- The applicants are priced out of housing market

## 7 Observations

### PROPOSAL

- 7.1 This proposal is for a change of use of the building, access and garden of Wren Cottage from holiday let to rural worker's dwelling.
- 7.2 It is also requested that the proposed dwelling be considered as a dwelling for a Local Person.

### KEY POLICY CONSIDERATIONS

#### National Planning Policy Framework (NPPF) 2021

7.3 Paragraph 79 of the NPPF states that:

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”*

7.4 Paragraph 80 states that:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential building; or*
- e) *the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

7.5 Paragraph 10 of National Planning Policy Guidance: Housing Needs of Different Groups it states that:

*“Considerations that it may be relevant to take into account when applying Paragraph 79a of the NPP could include:*

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

*Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.”*

### Dartmoor Local Plan

7.6 The strategy for the Local Plan is founded upon delivering the development required to meet the needs of the National Park and its communities, sustaining them as vibrant and viable places to live and work, whilst also ensuring Dartmoor’s Special Qualities are conserved and enhanced.

7.7 The application site is in open countryside. Policy SP1.3 advises that development in open countryside will be acceptable in principle where it relates to: *farming, forestry or other land-based rural businesses with a proven need to locate in the open countryside, including farm diversification.*

7.8 Policy 3.9 sets the criteria for assessing proposals for rural workers dwellings in the National Park. It states that the principle of new rural workers housing will only be acceptable where:

- a) *it is justified by an essential need for a full-time rural worker in agriculture, forestry or other rural land-based business to live permanently at or near their place of work;*
- b) *the business has been established for at least three years, profitable for at least one, is currently financially sound and has a clear prospect of remaining so; and*
- c) *the business and land management activity contributes to the conservation and/or enhancement of the National Park's Special Qualities.*

7.9 Policy 5.5 sets the criteria for development involving the removal of conditions for holiday accommodation: It states:

*"In the open countryside removal of a holiday let occupancy condition will only be approved where: a) the proposal complies with Strategic Policy 2.8; or b) evidence demonstrates there is no demand for holiday accommodation in the area and the property has been offered on the open market for rent, sale or lease for not less than 12 months at a price which reflects the occupancy condition; and c) the applicant enters into a legal agreement ensuring the property is affordable housing."*

## ASSESSMENT

### Details of rural land-based businesses

- 7.10 The planning statement advises that the proposed dwelling is to be occupied as a 'supervisory' dwelling to support two local businesses which the applicants run from the site, being Dartmoor llamas and the adjoining holiday let (known as Rose Cottage).
- 7.11 The applicants own Wren and Robin Cottage and the adjacent 2 acre field. They rent a further 4 acre field approx 150m to the west of the application site. It is understood that the applicants have occasional use of nearby farm buildings where animals can be kept during inclement weather and also have access to another 6-7 acres of land nearby however neither of these are included in the submitted plans and therefore do not form part of the consideration of this proposal.
- 7.12 Taking the first business, the llama/alpaca business. The supporting statement titled 'Steve Weymouth Landscaping' advises that the livestock business comprises a llama walking business and an alpaca breeding business.
- 7.13 It is stated that the llama walking business commenced in 2007 with the purchase of 2 animals. There are currently 9 animals. The walks take place on average four days per week and last between 2-3 ½ hours each. The walks usually commence and finish at a local car park with a stop for refreshments although it is understood that walks occasionally start from the site.
- 7.14 It is stated that the alpaca breeding business commenced in 2006. Initially the business was operated out of fields rented at Jordan Manor; in 2007 the site of the business moved to the current rented fields. It is informed that at its height the business had 40 animals including 4 stud males.
- 7.15 It states that there are currently 6 alpacas, 2 of which are part of the walking team and 3 are pregnant. The male cria are trained for walking and then sold on or kept to replace older animals; females are weaned and kept or sold on. The statement

advises that the herd has been downsized and with over 80 cria being bred on the site over the years. It states that there are 7 llamas in the walking team. There is no reference to breeding of llamas.

- 7.16 An alpaca stud is now hired in and brought on to the holding each year to put to the females. The breeding females generally produce 1 cria per female per annum. Alpacas tend to live long and as such the herd replacement rate is low. Each female alpaca might produce c.15 cria in her lifetime.
- 7.17 The applicants state that they are currently down on alpaca numbers as they sold more couples last year than they originally intended. They do intend to rebuild numbers over the next few years but advise that in the absence of an agricultural building for shelter etc on the holding they do not intend to restock to the numbers previously kept.
- 7.18 The 'Steve Weymouth Landscaping' supporting statement provides details of the previous employment of both applicants including landscape gardening. These activities are referred to in the past tense and are therefore not considered as forming part of the rural land-based activities relevant to the proposed occupation of Wren Cottage.
- 7.19 In addition to the supporting statement referred to above the applicants have provided details of the current stock levels of the enterprise and a run-down of daily activities during llama/alpaca walk days and non-walk days and sets out other tasks relating to the management of the self-catering unit and maintenance of the land.
- 7.20 Moving onto the holiday let business, having purchased the properties in 2008 the applicants advise that they are involved in all aspects of the business, including check in/out, maintenance of the building and grounds, participation with guests such as feeding chickens, llamas and alpacas. It is not stated that the applicants undertake cleaning duties between bookings and the only labour requirement that appears to be carried out outside of 'normal working hours' would be turning off and shutting down the hot tub at c.10pm.
- 7.21 It is understood from the supporting documentation which accompanies this application that the reasons the applicants are seeking to occupy Wren Cottage on a permanent residential basis are two fold; (i) it is essential for the applicants to live close by to manage their two rural businesses (known as the 'functional test'), and (ii) there is no suitable alternative accommodation in the locally which would allow for continued management of said businesses.
- 7.22 In addition it is necessary to consider whether the proposed development for rural workers dwelling complies with the other criterion of Policy 3.9, namely (iii) whether the business is financially sound with a clear prospect of remaining so (known as the 'financial test') and (iv) the extent to which the business land management activity contributes to the conservation and/or enhancement of the National Park's Special Qualities.

**(i) Essential need for a worker to live permanently on site (Functional Test)**

- 7.22.1 The supporting text to Policy 3.9 states that 'essential need' refers to specific management activities which require a worker's presence at most times and which cannot be achieved by other means, such as electronic surveillance,



mechanical watering etc. Essential need is demonstrated by there being circumstances which might threaten the stability and economic viability of an enterprise and need to be managed day and night most of the week, such as animal welfare and crop quality. Security concerns will not, on their own, be sufficient to justify a new dwelling.

- 7.22.2 It has been established above that the applicants successfully operated their llama walks and alpaca business at the current site at Uppacot from their remote base at Ponsworthy between 2007 and 2018 which is approximately 1.3 miles from the application site. During this time the number of alpacas had been significantly greater than now, at times upward of 40 animals. The applicants purchased the holiday cottages in 2008, again managing these remotely until 2018.
- 7.22.3 On the basis of the written documentation and plans submitted it is not apparent that there has been any significant change in the way that either business operated between 2008 to present day. It is stated that although the herd has been downsized there are pregnant and young alpaca animals every year and it is understood that there are unpredictable birth patterns associated with alpacas - the alpaca gestation period is between 10.5-12 months and often give birth with little advance warning. There is however no business plan or projections for growth of the llama/alpaca breeding business and while the accounts show that the enterprise is making a steady profit, with an uptick in sales for the most recent year 2021-2022, it is not apparent that there is likely to be significant change in circumstances which would require a greater need for on-site presence than exists at today's date.
- 7.22.4 The daily tasks set out in the supporting documentation are extensive and it is acknowledged that the applicants allocate a significant amount of time to the management of their businesses however again there is no indication that these tasks and activities undertaken substantially different or onerous at today's date than during the period 2007-2018 before the applicants took up occupation of the application property.
- 7.22.5 There has been one dog attack during the whole period which was attended by the applicants but unfortunately resulted in two aborted pregnancies. Not only would this have been very upsetting it would have no doubt had a significant impact on profit levels that year however given the relatively modest size of the land holding (approx. 5 acres/2 hectares) and its secluded location not close to any part of the public footpath network it would seem reasonable steps that steps might (or already have) been taken to mitigate risk of this type of event occurring in the future.
- 7.22.6 It was noted during a conversation with the applicant during the officer site visit that all of the equipment relating to the llama/alpaca walking enterprise was stored and transported to the site/walking location within the applicant's four-wheel drive vehicle and trailer, which was present at the rented field.
- 7.22.7 The Authority has commissioned an independent appraisal of the rural based enterprise to advise on matters relating to essential need. The report can be found at Appendix A. It concludes that the small alpaca breeding enterprise would not in itself justify an essential need for a full-time worker to reside on site

at most times of the day and night but that there are other factors, including those relating to security and the inter-relationship between the holiday letting business and the llama/alpaca walking enterprise as well as a need to attend to on-site management activities during early morning and late evening for parts of the year, which taken together would justify a person to be accommodated within the application property.

7.22.8 Officers do not disagree; that this is not a typical farming business and that there are elements which are perhaps unique to this site and business enterprise however the difficulty officers have in respect of whether there is a permanent need for a worker to live on this site to manage the existing rural business are two fold; unlike a traditional farming business a not insignificant proportion of time is spent away from the site conducting the llama/alpaca walks (based on the information supplied approx. 3 hours per day, four days per week, approx 12 hours per week / 624 hours per annum). During which time it is assumed that the alpacas which do not form part of the walking team (including those pregnant) remain on site unattended which leads to questions regarding the need to be on site in part for security and the safety of the animals. Secondly, a large proportion of the land which the applicant relies on for the management of the business is not within the ownership of the applicant. This includes the four acre field to the south-west of the application site where it is understood that the main operations to support the llama trekking take place. The ownership of this land has recently changed, and the applicant has been provided with a letter of comfort indicating that the rental will continue until March 2024 and thereafter reviewed annually but there is no formal lease agreement and therefore no security of tenure over this land. There has been no information presented as to what impact the loss of this parcel of land would have on the viability of the business.

7.22.9 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. Alternatively the current occupier of the property could submit an application to vary any such condition to allow for permanent occupation of the property as an unfettered dwelling. Under current policies such an application would be subject to applicant entering into a legal agreement ensuring the property would be affordable housing for a local person(s).

**(ii) Alternative accommodation**

7.22.10 The supporting text to Policy 3.9 makes it clear this policy does not support new rural worker's dwellings where the need claimed is artificially or unnecessarily created and that a rural worker's dwelling will not be approved if a need is created through recent sale of another dwelling separately from the land holding. Also, that the history of the holding will be investigated to ensure that only genuine applications are approved.

7.22.11 Officers are advised in the supporting documentation which accompanies this application that the applicants sold their property at Ponsworthy House, TQ13 7PJ which is located approximately 1.3 miles from the application property in

December 2018 and moved into the application property as a temporary measure while they were looking for alternative accommodation to stay locally and manage the businesses.

- 7.22.12 The Authority was advised of a potential breach of planning control in March 2022. A Planning Contravention Notice (PCN) was issued and duly responded to by the applicants.
- 7.22.13 The responses to the PCN advise that Ponsworthy House was sold by the applicants in December 2018 for £415 000.
- 7.22.14 The applicants were in negotiations to purchase the property known as Lower Uppercot which is located adjacent to Wren and Robin Cottages for a purchase price of £625 000 however this sale fell through and the property eventually sold to another party for £870 000. The applicants advise that they have since been unable to find alternative accommodation in the locality to serve the business needs.
- 7.22.15 Officers are satisfied based on the information that has been provided by the applicant that they had serious intentions to purchase Lower Uppacot and that the sale of Ponsworthy House to finance the purchase of Lower Uppacot demonstrates a clear desire to move closer to the business.
- 7.22.16 As to alternative accommodation in the locality a cursory search on the property website Rightmove for properties within 1 mile of Wren Cottage showed that there are no properties available for sale on the open market at this time of this report (23 March). On 13 January there was one property available (Lower Town, Poundsgate, TQ13 7PF, £435 000). Since 2018 there have been six properties sold within 1 mile of Wren Cottage for £625 000 or under, and of those two were sold for less than £400 000.
- 7.22.17 The purchase of a place of a residence is obviously personal choice and it is wholly for the applicant to decide if a property is suitable for their needs, and although the applicant has not been asked to comment on the viability of the other properties listed above it is reasonable to assume that given they were not 'on site' then they would not have been considered likely to meet the needs of the business.

**(iii) Financial viability of the business (Functional Test)**

- 7.22.18 Criterion (b) of Policy 3.9 requires proposals for rural workers dwellings to demonstrate that the rural land-based business has been established for at least three years, profitable for at least one, is currently financially sound and has a clear prospect of remaining so.
- 7.22.19 The advice in the Planning Policy Guidance states that it is reasonable to consider the degree to which there is confidence that the enterprise will remain viable for the foreseeable future when assessing rural workers housing.
- 7.22.20 The application is accompanied by a set of accounts for Mr Weymouth's alpaca and llama breeding and trekking business. A second set of accounts for Mrs Weymouth's holiday let business have also been provided. The unaudited

accounts submitted to HM Custom and Excise for Mr Weymouth have been inspected by the person carrying out the independent appraisal on behalf of the Authority and appear to tie in with the turnover shown in the bookings register for the years ending March 2019, 2020, 2021 and 2022. The appraisal concludes that both businesses have been profitable throughout, appear financially sound, and have a clear prospect of remaining so.

**(iv) Contribution of business to the conservation and/or enhancement of the National Park's Special Qualities**

- 7.22.21 Dartmoor's Special Qualities are the National Park's distinctive and significant features which distinguish it from other areas. The combination of the Special Qualities are what justifies Dartmoor being designated and protected as a National Park.
- 7.22.22 The Special Qualities of Dartmoor National Park include its landscape character, geology, biodiversity, archaeology, history and the rural communities who live and work within Dartmoor now and the history of those who have lived here in the past.
- 7.22.23 Alpacas and llamas are clearly not part of Dartmoor's traditional ecology however it is clear from the information provided that their use for tours is a popular attraction for visitors to National Park. It is also clear from the applicant's website ([dartmoorllamawalks.co.uk](http://dartmoorllamawalks.co.uk)) that the tours which are conducted as part of this business enterprise provide unique opportunities for visitor engagement with the landscape, both through the observations taken during itself and from the commentary provided by the applicants which is understood promotes the history of Dartmoor.
- 7.22.24 There is no evidence that the tours which take place bring about conflict with other visitors to the National Park or negatively impact on the peaceful enjoyment of its Special Qualities. The walks are carried out from established car parks with ready access to the highway network. Regarding environmental impact the llamas themselves are known to cause less soil erosion than ponies and horses due to the structure of their feet.

Local person restriction

- 7.23 In addition to the rural workers occupancy condition, the applicants have advised that they would be willing to accept a restriction to occupation by a Local Person only and have indicated that they would be willing to sign a legal agreement to this effect. It should be noted however that they are not offering this as an affordable unit.
- 7.24 While officers agree that the applicants would likely fall within the definition of Local Persons as set out in Section 3.3 of the Dartmoor Local Plan given their local connection to the area, the only route to a permanent dwelling in the open countryside via Policy 5.5 alone, i.e. by removing the holiday let occupancy condition, would be if (a) the host building was achieved through the conversion of a historic building in the context of Dartmoor's built heritage, as set out by Policy SP2.8, or (b) it has been evidenced through marketing that there is no demand for a

holiday let in this location, and (c) the proposed dwelling would be affordable housing.

- 7.25 Wren and Robin Cottage were converted from a modern agricultural building (circa 1992) to provide holiday accommodation with an emphasis on being accessible for disabled persons, so (a) would not apply. No evidence of marketing of the property has been submitted to demonstrate there is no demand, so (b) would not apply. The dwelling is not being offered as an affordable unit, so (c) would not apply.
- 7.26 Furthermore, it has not been demonstrated the applicants are in housing need and unable to afford market prices in the area, as per paragraph 3.4.4 which accompanies the strategic housing policies.

### Planning Balance

- 7.27 The proposed development would result in the net loss of one holiday let and the net gain of one permanent dwelling in the open countryside of the National Park.
- 7.28 Local Plan policies are clear that permanent residential uses in open countryside should only be permitted where they respond to an identified need. In this case it is asserted that there is an essential need for rural workers housing for the effective management of the rural-based businesses owned by the applicants.
- 7.29 It has been identified that the land-based business comprising the keeping of llamas and the keeping and breeding of alpaca for the purposes of operating a trekking business and sale has been a successful operation from this site at Uppacot for a number of years prior to this application during which time the applicants lived off site. There has been no apparent substantive change in the way this business enterprise operates.
- 7.30 The holiday let business comprising the management of the remaining holiday let (Robin Cottage), while complimentary to the trekking business, does not in itself require a person to be present most of time and insufficient evidence has been submitted to demonstrate that there is no demand for holiday accommodation of this type to justify the permanent occupation of the application property by a Local Person. Furthermore it has not been demonstrated that the applicants are in housing need and unable to afford market prices locally.
- 7.31 There is evidence that there have been opportunities for the applicants to secure permanent residential accommodation of properties no greater distance from their rural businesses than their previous house at Ponsworthy.
- 7.32 It is also apparent that the applicants have no security of tenure over the rented land to the west of the site and it is unclear how the loss of this land would impact their business.
- 7.33 Notwithstanding the matters highlighted above, the independent appraisal which was commissioned by the Authority recognises that the labour requirements relating to the business would justify an essential need for a full-time worker, noting the unique nature of the enterprise and its operation.

- 7.34 The proposed development would involve the use of an existing building which has a lawful use as a dwelling, albeit restricted to holiday purposes. There would be no change to the appearance of the building. The environmental impact would be significantly less than if a new dwelling would be required to be constructed, both in terms of the embodied energy within a new any building and the potential impact of a new dwelling on the character of the local landscape. Being on site would also negate the need for the applicant to travel to and from a place of residence which would have a modest benefit in carbon emissions.
- 7.35 Officers are satisfied that the applicants land-based business and knowledge of the locality which is imparted during the regular trekking tours contributes positively to the understanding and enjoyment of the Special Qualities for visitors to this part of National Park. Officers are concerned over the apparent reliance on unsecured rented land to support the business enterprise however and have been presented with limited information on how the loss of this land might impact on the ability of the business to remain viable in the future. Nevertheless, given the specific set of circumstances presented through this application Officers consider overall that, subject to appropriate conditions to ensure that the rural workers accommodation applied for only continues where supported by the rural business enterprise as specifically detailed in this application, then a recommendation for approval can be supported.

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CHRISTOPHER HART

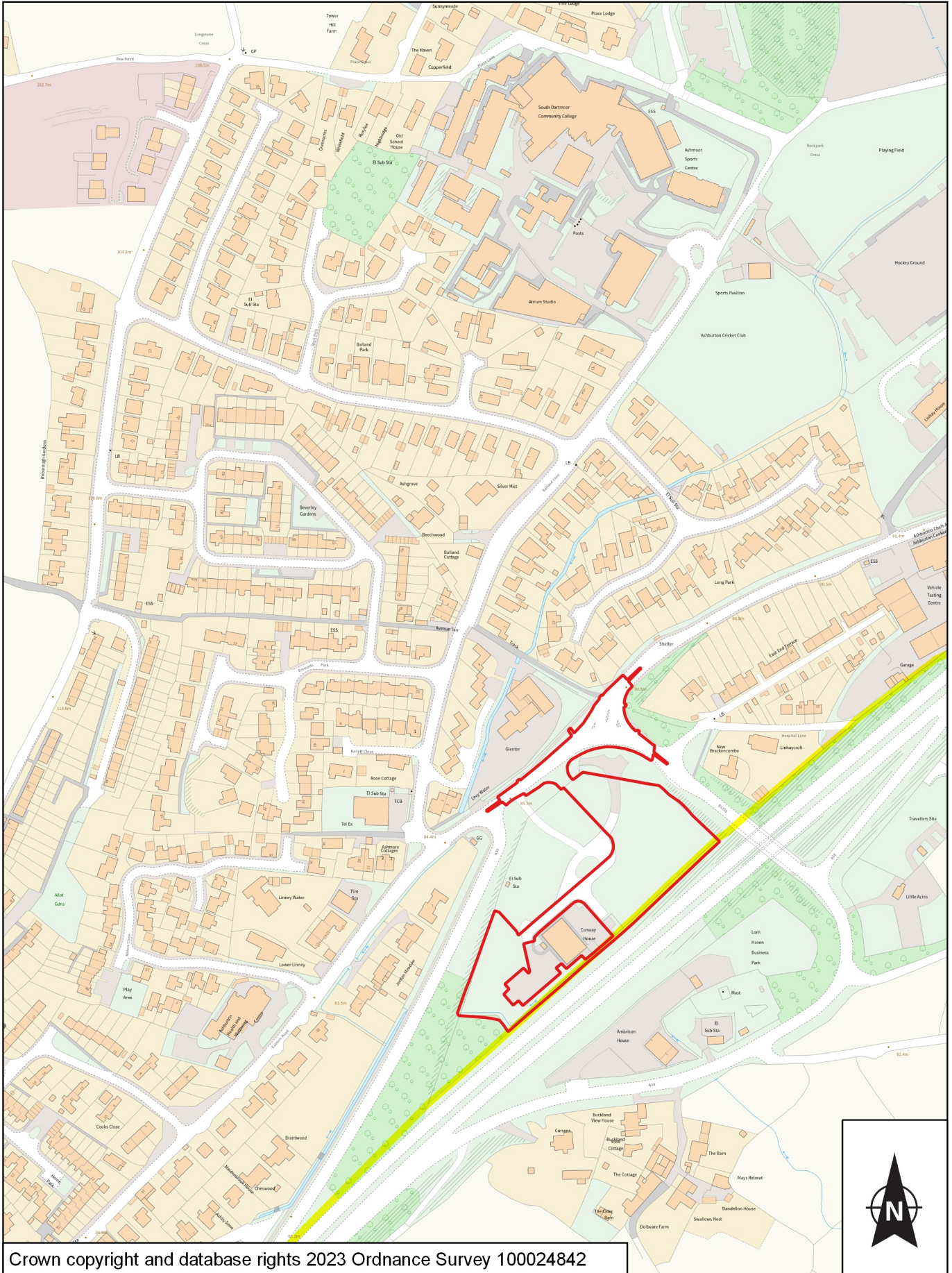


# Dartmoor National Park Authority

0043/23

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Item 2

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. Electric 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:
  - (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 other side 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 Conclusion**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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.

8.5 Approval is therefore recommended.

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**CHRISTOPHER HART**

## DETAILED CONSULTATION RESPONSES

### 1. County EEC Directorate (Highways)

#### Original Observations dated 13<sup>th</sup> 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 13<sup>th</sup> 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](http://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/23/004

Dartmoor National Park Authority  
Development Management Committee

14 April 2023

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

Report of the Trees and Landscape Officer

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

**TREE PRESERVATION ORDERS**

**Teignbridge**

Ref: 22/0046                      Grange Green, Buckfast                      SX 7385 6741

Application to reduce a beech tree. The works are minor and will have minimal impact on the health or appearance of the tree. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 22/0048                      3 Lears Cottage, Christow                      SX 8145 8569

Application to pollard a maple tree. The tree is in poor condition and pollarding will extend the life of the tree. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 22/0053                      Little Tor Farm, Bridford                      SX 5102 6943

Application to reduce an oak and beech tree. The works will have minimal impact on the health or appearance of the trees. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 22/0062

Rosebank, Buckfastleigh

SX 7362 6597

Application to reduce a lime and beech tree. The works will prevent the trees damaging an adjacent property. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 22/0054

Yonder Wreyland, Lustleigh

SX 5102 6943

Application to fell a sweet chestnut tree. The tree is in very poor condition and prone to failure. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. Replacement planting of one half standard sweet chestnut tree within the crown spread of the original during the first planting season following felling.

Ref: 23/0012

Amberley Close, Ashburton

SX 7449 7058

Application to crown lift an ash tree. The works will prevent the tree damaging passing vehicles. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 23/0018

Hatherleigh Farm, Bovey Tracey

SX 7987 8086

Application to cut back two oak trees. Branches extend into the adjacent telecoms tower and may damage the infrastructure. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

## **West Devon**

Ref: 22/0057

Okehampton Castle

SX 5814 9437

Application to fell an ash and reduce a beech tree. The ash tree is infected with Ash Die Back and the works to the beech will prevent upper crown failure. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 23/0004

Willowby Gardens, Yelverton

SX 5244 6764

Application to reduce a line of beech and ash trees. The works will have minimal impact on the integrity of the group. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 23/0005

Briar Tor, Yelverton, Yelverton

SX 5232 6805

Application to carry out works to several trees in Briar Tor. The felling will allow more light into adjacent properties and prevent damage to the buildings. The pruning works will have minimal impact on the health or appearance of the trees. Replacement planting is not considered appropriate in this instance because of the dense shade cast by the retained trees. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 23/0007

Briar Tor, Yelverton, Yelverton

SX 5234 6808

Application to reduce a limb from a beech tree. The works will have minimal impact on the health or appearance of the tree. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Ref: 23/0008

Horrabridge Station Area

SX 5102 6943

Application to fell an oak tree and reduce a cherry tree. The oak is unstable and liable to collapse. The works to the cherry will have minimal impact on the health or appearance of the tree. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

## SECTION 211 NOTICES

### Teignbridge

Ref: 22/0043                      10A Crest Hill, Buckfastleigh                      SX 7353 6606

Notification to fell a horse chestnut and reduce an oak tree. The horse chestnut is in very poor condition and the works to the oak tree are minor.

A Tree Preservation Order has not been made.

Ref: 22/0049                      Pillars, Manaton                      SX 7501 6812

Notification to fell eight cypress trees. The trees are in very poor condition.

A Tree Preservation Order has not been made.

Ref: 22/0051                      Souther Wreyland, Lustleigh                      SX 7878 8113

Notification to fell a cherry tree. The tree is unbalanced and has limited amenity value.

A Tree Preservation Order has not been made.

Ref: 22/0037                      Gate House, North Bovey                      SX 7399 8392

Notification to reduce two oak trees. The works will prevent the trees damaging an adjacent property.

A Tree Preservation Order has not been made.

Ref: 22/0047                      2 Manor Cottages, Widecombe                      SX 7174 7676

Notification to fell a lime tree. The tree is unstable and prone to failure in high winds.

A Tree Preservation Order has not been made.

Ref: 22/0059                      1 Newcause, Buckfastleigh                      SX 7358 6610

Notification to re-pollard an oak tree. The works will have minimal impact on the character of the Conservation Area.

A Tree Preservation Order has not been made.

Ref: 22/0060                      Widecombe Green                      SX 7188 7683

Notification to fell a Horse Chestnut tree. The tree is infected with honey fungus and prone to failure in high winds.  
A Tree Preservation Order has not been made.

Ref: 23/0001                      Manaton Church                      SX 7474 8129

Notification to reduce a yew tree. The works will prevent the tree damaging gravestones and an adjacent property.

A Tree Preservation Order has not been made.

Ref: 23/0002                      British Legion, Ashburton                      SX 7557 6974

Notification to re-pollard two maple trees. The works will have minimal impact on the amenity of the area.

A Tree Preservation Order has not been made.

Ref: 23/0010                      Pillars, Manaton                      SX 7501 8126

Notification to fell cypress and holly trees. The trees are in very poor condition and have minimal amenity value.

A Tree Preservation Order has not been made.

Ref: 23/0013                      Church House School, Manaton                      SX 7501 8123

Notification to fell a sycamore tree. The tree is damaging an adjacent wall.

A Tree Preservation Order has not been made.

Ref: 23/0017                      Kingcombe Court, Buckfastleigh                      SX 7407 6608

Notification to reduce the crowns of two lime trees. The works will prevent the trees damaging adjacent buildings.

A Tree Preservation Order has not been made.

**West Devon**

Ref: 22/0042                      Foxhole, Murchington                      SX 6865 8828

Notification to fell two sycamore trees. The trees are poorly rooted in a high bank immediately over a road.

A Tree Preservation Order has not been made.

Ref: 22/0044                      12 Blackabrook Close, Walkhampton                      SX 5334 6967

Notification to fell re-pollard an oak tree. The works will have minimal impact on the character of the Conservation Area.

A Tree Preservation Order has not been made.

Ref: 22/0045                      Riverside, South Zeal                      SX 6518 9352

Notification to reduce two cherry trees. The works will prevent branch failure and prevent the trees damaging an adjacent building.

A Tree Preservation Order has not been made.

Ref: 22/0050                      Dartmoor Prison                      SX 7174 7676

Notification to fell an infected ash trees and crown lift trees adjacent to the road. The works will prevent the trees damaging passing vehicles.

A Tree Preservation Order has not been made.

Ref: 22/0052                      Lavender House, Meavy                      SX 5414 6718

Notification to reduce a cherry tree. The works will have minimal impact on the health or appearance of the tree.

A Tree Preservation Order has not been made.

Ref: 22/0055                      Tawleat, Sticklepath                      SX 6450 9404

Notification to fell a walnut tree. The tree is in very poor condition.

A Tree Preservation Order has not been made.

Ref: 22/0056                      Lydford Castle                      SX 5100 8489

Notification to fell three ash trees. The trees are infected with Ash Die Back.

A Tree Preservation Order has not been made.

Ref: 22/0058                      Lavender House, Meavy                      SX 5415 6721



Notification to reduce a Horse chestnut tree. The works will have minimal impact on the health or appearance of the tree.

A Tree Preservation Order has not been made.

Ref: 23/0003                      Longacre, Sticklepath                      SX 6410 9416

Notification to reduce a lime tree. The works will have minimal impact on the health or appearance of the tree.

A Tree Preservation Order has not been made.

Ref: 23/0006                      The Elms, Horrabridge                      SX 5148 6993

Notification to reduce a beech tree. The works will have minimal impact on the character of the Conservation Area.

A Tree Preservation Order has not been made.

Ref: 23/0009                      Pomeroy's, Lydford                      SX 5134 8507

Notification to fell a line of ash and beech trees. The trees are in poor condition and growing out of a high bank immediately above a road and the works will prevent the trees falling into the road

A Tree Preservation Order has not been made.

Ref: 23/0011                      1 New Cottages, Meavy                      SX 5420 6715

Notification to reduce an oak tree. The works will have minimal impact on the health or appearance of the tree.

A Tree Preservation Order has not been made.

Ref: 23/0014                      St Olaves Cottage, Murchington                      SX 6869 8825

Notification to fell a spruce tree. The felling will have minimal impact on the character of the Conservation Area.

A Tree Preservation Order has not been made.

Ref: 23/0015                      The Smithy, Walkhampton                      SX 5334 6963

Notification to fell a spruce tree and prune an oak, holly and beech tree. The felling will have minimal impact on the character of the Conservation Area and the works to the other trees are minor and will have minimal impact on their health and appearance.

A Tree Preservation Order has not been made.

**South Hams**

Ref: 23/0016

The Meadows, South Brent

SX 6963 6011

Notification to fell a group of cypress, a horse chestnut and reduce a cypress. The cypress trees are in very poor condition and are starting to collapse, the horse chestnut has a large basal wound with honey fungus and the works to the other cypress are minor.

A Tree Preservation Order has not been made.