

## **DARTMOOR NATIONAL PARK AUTHORITY**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

**Friday 30 June 2023**

Present: A Cooper, W Dracup, G Gribble, P Harper, G Hill, J McInnes,  
S Morgan, J Nutley, N Oakley, M Renders,  
L Samuel, P Sanders, P Woods

Officers: C Hart, Head of Development Management  
L James, Solicitor (acting on behalf of Devon County Council)(Via Teams)  
S Williams, Planning Officer

Apologies: R Glanville, C Pannell, D Thomas

The Chairman welcomed the registered speakers, Ms S Hogbin, Ms L Wood and Mr W Palk.

The Chairman made the following statement regarding the recent local elections there had been a delay receiving the confirmation from DEFRA regarding the appointment of the Authority Members and as such the Authority was advised by our legal department to not include those members in debate or vote.

#### **1529 Declarations of Interests and Contact**

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

Mr Nutley declared a personal interest, in item 0043/23 – Dolbeare Meadow Business Park, Dolbeare Meadow, Ashburton, he would partake in the debate but not the vote.

Mr Sanders declared telephone communications regarding item 0043/23 – Dolbeare Meadow Business Park, Dolbeare Meadow, Ashburton, these however were procedural and he would take part in the debate and vote.

#### **1530 Minutes of the meeting held on 12 May 2023**

The minutes of the meeting held on 12 May 2023 were agreed and signed as a true record.

#### **1531 Items requiring urgent attention**

None.

#### **1532 Applications for Determination by the Committee**

Members received the report of the Head of Development Management (NPA/DM/23/005).

**Item 1 – 0043/23 - Erection of five flexible non-retail Class E (c), (d), (e), (f) and (g) business units, one electric vehicle charge park with café building and drive-thru facilities, with associated landscaping and infrastructure – Dolbeare Meadow Business Park, Dolbeare Meadow, Ashburton, TQ13 7FL**

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

The application site was located on the edge of Ashburton approximately 700m north east of the town centre. It was within the settlement boundary and adjoined the A38 and the National Park boundary.

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

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

This application proposed the construction of five business units and a café with drive through facilities and an associated electric vehicle charge park. In total, parking for 41 cars was proposed, including 5 disability spaces and 15 spaces with electric vehicle charge points, as well as 20 spaces for bicycles. Access was already approved by the phase 1 application, onto the adjacent B3352.

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

The planning use of the business units would be Class E, limited to (c) provision of financial/professional/other appropriate services, E(d) Indoor sport, recreation or fitness, E(e) Provision of medical or health services, E(f) Creche, day nursery or day centre and E(g) Offices/research and development/industrial processes which can be carried out in a residential area without detriment to its amenity. Class E(a) retail and E(b) sale of food and drink would be excluded from the business units proposal.

The business units would be of the same form, design and materials as those granted in the phase 1 application. They would be 8m in height with shallow dual pitched roofs. The café building would be single storey and 4m in height with a flat roof. The design of the business units would create continuity with the previous agreed 'phase 1' application, while the café design had a simple, functional and low key form which would be at ease with other buildings approved and proposed on the site. The materials proposed were high quality and followed design guidance.

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

The Town Council had stated their support for the application subject to conditions. Ashburton Chamber of Trade objected to the scheme, principally on the grounds of its potential impact on the Town Centre.

21 letters of support, 76 letters of objection, and 7 general comments had been received, with the majority of objections hinging on the impacts of the scheme on the town centre, highways and residential amenity. It was noted that many comments of objection specifically related to the drive through café element and its assumed occupation by a national chain company.

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

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

The economic benefits of the proposal were: an estimated 36 full time jobs would be created, would provide opportunities for existing businesses to expand and new businesses to develop and the café would provide an alternative which would attract a different type of customer to those who frequent the cafés in the town centre.

Devon County Highways had no objection to the scheme, subject to the condition that the highway works were completed prior to commencement.

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

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

Mr P Townsend from Devon County Council Highways stated that all the highway works were covered by the section 278 agreement which was being drafted but had not yet been completed in relation to phase 1 of the development, which had already been approved by the Authority.

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

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

The drive through could facilitate 10-11 cars, then the internal road to the main highway could hold an additional 12-13 cars. This should be adequate for the facilities proposed.

Ms S Holburn from Ashburton Town Council highlighted that the Town Council was largely in support of the application, their concerns were with the drive through facility.

The Town Council had concerns regarding the Traffic Safety Audit, and that this had to be carried out for phase 1 of the proposal, not phase 2, including the café drive through provision.

Another area of concern was in relation to the installation of 2 new brown signs along the A38, encouraging the use of the junction to access Ashburton and the Moor, and that these were not included in the Traffic Safety Audit.

There were no member questions for Ms Holburn.

Ms L Wood from Ashburton Chamber of Trade commented on the 2 brown signs along the A38, echoing concerns that these were not included in the Traffic Safety Audit.

She commented that Dartmoor National Park's Local Plan 5.1.4 and 5.3.4, did not support development outside a town centre or that which could have a significant adverse impact on a town centre.

She noted that the Retail Impact Assessment including a Town Centre Health Check was completed by a London based company, and was based on inaccurate data from a computer and relied on out-of-date facts from 2010.

The town centre had not yet recovered from the Covid pandemic and businesses were struggling through a cost-of-living crisis, sales and footfall were at their lowest. Businesses were closing and vacant and many businesses would not be renewing their leases.

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

There were no member questions for Ms Wood.

Mr W Palk, on behalf of the applicant stated that at the previous meeting the agent highlighted the many benefits of this development:

- 36 new jobs
- a £3 million investment in the local area
- 12 rapid EV chargers
- 4,500 square feet of new business space
- and that it would bring an 11% biodiversity net gain to the town and surrounding area.

It was reiterated that the access and highway works had already been approved as part of Phase 1 and were safe and appropriate. This second phase was essential to complete the development of this site.

The applicant and family had lived in Devon their whole lives, their daughter attended the local school. The applicants run a family business, based in the National Park, who employ 6 people directly and have another 10 people involved in the business. They work in and around Ashburton and another development of theirs, Linhay Business Park, facilitates the employment of over 300 people.

They support the Charity, Feeding Devon, which was being move into premises in Ashburton and would like to work with the Town Council to help promote Ashburton so the town can evolve and thrive.

The applicant hoped that the site visit was helpful and allayed any concerns in respect of highway issues, they had let the experts lead on the design. An investment of £500,000 was to be put into road works which included the pedestrian crossings and traffic calming.

Positioned right next to the A38 Devon Expressway, Dolbeare Business Park would provide a convenience for local people and services with amenities for many that pass by. This application should bring visitors to Ashburton that possibly would not have otherwise stopped. The drive thru café itself was not in competition as it offered a different service to what is offered in the town.

In summary, he stated that this scheme would bring the site forward to completion: would put Ashburton on the EV Charging Map, provide new spaces for local businesses and employment for local people.

Following member questions for Mr Palk clarified that the Retail Impact Assessment had included both the retail units and the café drive through provision as one.

Following member questions Mr Townsend clarified:

- that the dotted line shown on the plans was the carriageway tie-in, where the new surfacing meets the old road
- extending the 20-mph zone past the proposed junction would not be policy compliant
- the proposed road layout was suitable to service the additional development including the drive through facilities
- the installation of the brown signage would have been fully assessed by National Highways, prior to installation

Following member questions Officers clarified:

- an additional section of text had been inserted in the middle of condition 21 – ‘No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways and the Lead Local Flood Authority):’
- the proposed pv panels were in the drawings, not required by condition
- the number of parking spaces had been calculated using the table associated with the non-residential parking spaces policy, the number proposed was near the maximum amount permitted by policy
- the ‘delivery time’ specifications were not a condition and therefore could not be enforced

During the site visit the locations of the proposed buildings and internal roads were shown to those present to get a clear understanding of the site and the proposed facilities.

The site visit had been arranged for 8am to coincide with the school drop of time, and it was reported that no traffic issues were seen.

Mr Sanders proposed the recommendation, which was seconded by Mr McInnes.

**RESOLVED** That subject to the conditions in the report, permission be GRANTED.

### **1533 Tree Preservation Orders, Section 211 Notifications (Works to Trees in Conservation Areas) Determined Under Delegated Powers**

Members received the report of the Trees Officer (NPA/DM/23/006).

**RESOLVED** Members NOTED the content of the report.