

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 7 January 2022

Present: A Cooper, W Dracup, P Harper, G Hill, J McInnes, S Morgan, D Moyse,
J Nutley, N Oakley, P Sanders, P Smerdon, D Thomas, P Vogel,
P Woods

Officers: C Hart, Head of Development Management
P Twamley, Planning Officer
N White, Planning Officer

Apologies: C Pannell, L Samuel, G Gribble, M Renders

The Chairman welcomed Mr N Tigwell, Independent Person.

1470 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 Harper declared a pecuniary interest in Item 1 (0572/21) Land at Lakehead Hill, Bellever, due to his renting land to EE; he advised that he would leave the meeting room and take no part in discussions regarding this item.

Mr Vogel and Mr Nutley declared a personal interest in Item 3 (0626/21) due to being members of Ashburton Town Council and that they would leave the meeting room and take no part in discussions regarding this item.

Mr Cooper, Mr Dracup, Mrs Hill, Mr McInnes, Mrs Morgan, Miss Moyse, Mrs Oakley, Mr Sanders, Mr Smerdon, Mr Thomas, and Ms Woods declared a personal interest, due to having received email communication relating to Item 3 (0626/21).

1471 Minutes of Meeting held on 3 December 2021

The minutes of the meeting held on 3 December 2021 were AGREED as a true record.

1472 Items Requiring Urgent Attention

None.

Mr Harper left the meeting room.

1473 Applications to be Determined by the Committee

Members received the report of the Head of Development Management (NPA/DM/22/001).

Item 1 - 0572/21 - Installation of 30m lattice tower on concrete base upon which will be attached 3 no. antennas and 2 no. 0.6m transmission dishes along with associated ancillary 'MHA' units and cabling - Land at Lakehead Hill, Bellever

Speaker: Mr J Bird, Galloway Estates, agent for the applicant.

The Case Officer advised Members that the development proposed included the installation of a 30m lattice tower on a concrete base upon which would be attached three antennas and two 0.6m transmission dishes along with associated ancillary units and cabling. At ground level and within a compound measuring 10m x 10m there would be built a Foul Weather Enclosure (FWE) accommodating the Home Office equipment cabinets with electronic apparatus, electrical meter cabinet, generator and a 1 200mm satellite dish on a 2.6m high support pole, enclosed within a 1.8m high mesh fence around the 10 x 10 sq.m compound with barbed wire top.

The access route to the site was to be upgraded with a new access track 3.0m wide and around 290m long facilitating safe vehicular access for essential repairs and maintenance of the site, the entire track was proposed to be made up with type 1 'MOT' (usually crushed granite or limestone) and 'grass seeded'. A turning area adjacent to the site at around 8.0m x 10m to facilitate safe vehicular access/egress to/from the site was proposed.

The trees to the south and west of the compound would be removed during the construction of the proposed mast. The proposed site was shown from multiple viewpoints to show the mast, both as it would be with tree coverage, and after the trees have been felled in 2039, as part of the Forestry Commission's intended felling programme.

The Authority's Trees and Landscape Officer report advised that the woodland was a mature conifer plantation, there was evidence of windthrow within the plantation and with the prediction of more intensive storms there was an increased likelihood of further windthrow in the future. Considering previous management of the wood it was highly unlikely that a continuous cover management system would be adopted in this woodland and a traditional clear fell and replant management system would be used. There is strong possibility that the plantation would be felled within the life expectancy of the tower. Officers estimate that it would take about 40 years to achieve the same maturity of tree cover once the plantation is felled.

The proposed development would have an impact on local landscape character. Towers of the type proposed were not found in this immediate landscape and the proposed tower would have a detrimental impact on the character of this landscape. The track would also have an impact on the open moorland which will change the character of the open land.

The Authority's Archaeologist report had advised that the access track appears problematic as it cuts through a relic boundary of the prehistoric field system. In addition, the area contains cairns, barrows and hut circles of prehistoric, probably Bronze Age date as well as the remains of a field system which most likely originates in a similar period. In planning terms, these features are to be

considered undesignated heritage assets and there is an elevated potential for the presence of unknown, buried, heritage assets which have no current surface expression. The proposal failed to conserve or enhance Dartmoor's cultural heritage, with an adverse impact on upstanding archaeology.

The proposed track could result in the permanent loss of UK priority wet heath / mire habitat and could, indirectly, adversely impact a larger area of priority habitat as a result of changes to hydrology and drainage. This would be contrary to local and national planning policy. The Authority's Ecologist has objected to the proposals stating that there is not enough information to demonstrate that the County Wildlife Site and priority habitat would be protected and that impacts can be avoided, mitigated or compensated.

Three letters of support had been received for the proposal including comments relating to the improvement of the emergency service bandwidth.

Fifteen letters of objection had been received; concerns included that the feature would be intrusive in the landscape, the proposed track would tarnish the open moorland and that there would be a detrimental impact on the wildlife.

The Case Officer advised that the site for the mast had been selected to serve an area that receives a high number of call outs in the Bellever area. The coverage zone was a well-used and highly visited part of the National Park. Enhanced operation of the emergency services would benefit the local community and visitors to the area alike. It was considered that the public benefits of the proposal was significant.

Mr Bird advised members that the proposed development was needed to provide a key part of the new Emergency Services Network coverage on Dartmoor, a requirement which has been ongoing since 2017.

The height of the proposed mast was 30m which is the minimum height required given the location of the site within an area of mature trees. The antennas should be above the tree clutter, to provide the required coverage. The effects on the signal degradation of the trees should not be underestimated. Signal absorption and shadowing effects vary according to vegetation and density. This can cause dropped calls, calls failing to set up correctly or the voice being incoherent when making a call.

He stated that a detailed consultation was undertaken; no other locations within the search area were brought to the agents' attention as being more suitable or that any of the discounted options should be considered.

It was his belief that the wider public benefits for residents, workers and visitors had clearly been demonstrated and outweighed the minimal harm the proposal would cause.

He stated that the access track would only be 200mm (8 inches) deep and therefore should not interfere with the archaeology of the site.

Mr Bird continued to say that a temporary condition could be applied to the site. This would mean that when the trees were felled in 2039, the site could be

reconsidered at that time and the masts permanence could be re-evaluated at that time.

He added that, whatever the outcome, there was clear and demonstrable requirement for a site in the area to provide the essential emergency services coverage in the area for the wider public benefit of visitors, workers and residents.

In response to Member questions, Mr Bird clarified:

- retention of the trees immediately around the site to form a natural barrier could not be guaranteed as the applicant did not own the land the trees were situated on
- the access track may not be substantial enough for construction traffic; therefore, a temporary track may need to be provided while construction was underway.
- The temporary track may need to be deeper than the 200mm permanent track and may cause harm to the archaeology on site.
- The developer was happy to consider other surfacing options for the road surface, which did not include limestone.
- No detailed information had been forthcoming with regard to the number of actual incidents recorded in the area.
- Search and rescue organisations would have access to the signal, assuming they were using the police bandwidth, which they have access to; search and rescue bandwidth would not be covered by this mast.

In response to Members questions, officers clarified:

- This application was not for a temporary mast but a permanent one, therefore, consideration for a temporary mast was not a part of the discussion.

Mr Sanders proposed the recommendation that permission be REFUSED, which was seconded by Mr McInnes.

Members raised further concerns relating to the integrity of the entire application. Several issues were of concern, including:

- The suggestion of use of limestone road surfacing in an acid environment
- The very late suggestion of a time limited application, which could not be considered by the committee.
- Not looking into the future preservation of a few the trees to help screen the mast in the future once the woodland was felled.
- No detailed information had been forthcoming regarding the number of actual incidents recorded in the area, only a heat map, with no indication of actual figures.

It was clarified that although the applicant had investigated alternate sites prior to the submission of this application, during pre-planning discussions, no alternate site had been identified. However, it was raised that no alternate solution had been considered, for example two small masts, rather than one large one.

Members noted that a committee site inspection was held on 17 December 2021.

RESOLVED: That the application be REFUSED for the following reasons:

1. The proposed development, by reason of its size, appearance, and siting, would cause substantial harm to the character of the moorland landscape and the special qualities of this part of Dartmoor National Park. The proposal is therefore contrary to Strategic Policies 1.1, 1.2, 2.1, 2.4 and Policy 4.7 of the Dartmoor Local Plan, to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2021

2. The proposed development, by reason of its size, appearance and siting, would have a detrimental impact on the cultural heritage of this part of Dartmoor National Park. The development is therefore considered contrary to Strategic Policies 1.1, 1.2, 2.4, 2.7 and Policy 4.7 of the Dartmoor Local Plan, to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2021

Mr Harper returned to the meeting.

Item 2 - 0560/21 - Retrospective replacement agricultural livestock building (12m x 6m) - Land at Blindfield Meadow, Murchington.

Speaker: R. Davis, Applicant.

The case officer detailed that this was a retrospective application for the development of a single agricultural building at 6 x 12m footprint x 4.3m height with no links to other buildings.

The retrospective application related to an agricultural building on land at Blindfield Meadow. Access onto the site was from a minor road through an existing gateway. The building was located on the site of a former Nissen hut.

The application was presented to the committee at the request of the Committee Chair, Mr Sanders, in view of the extensive planning history related to this site.

In 2016 application (0519/16) was for a building measuring 27 x 12m on a site in the adjacent field next to the road and was refused in November 2016 for the following reason - *'The proposed development would comprise the introduction of an isolated building in the open countryside which, by reason of its location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park.'*

In 2017 a further application (0114/17) for two agricultural buildings measuring 18.3 x 9.1m in the adjacent field to the current proposed site was refused in April 2017 for the following reason - *'The proposed development would comprise the introduction of two large agricultural buildings in the open countryside which, by reason of their location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park.'*

In 2018 another application (0144/18) for an agricultural building at 27 x 12m in the adjacent field to the current site location in 2018. It was refused for the following reason - *'The proposed building by virtue of its isolated location, size, together with*

the extent of excavations, will not conserve or enhance what is special and locally distinctive about the pastoral character of this landscape contrary to policies COR1, COR3, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.'

The applicant appealed the 2018 decision, the inspector made comment that *'this appeal follows a series of frustrated attempts on the part of the appellants to gain consent for a building that, it is undisputed, is necessary for their agricultural enterprise. I do not doubt that the size of the building proposed is commensurate with the amount of livestock and industry standards, and that providing shelter and storage are not unreasonable requirements in the interests of animal welfare and the viability of the enterprise. I am sympathetic to all of this and recognise that farming and the rural economy are supported within local and national planning policies. However, being inside the National Park, the appeal site is located where the scale and extent of development should be limited and where matters of landscape and scenic beauty carry the highest status of protection.'*

The appeal was dismissed as the inspector considered that the *'proposed development would have a detrimental impact on the character and appearance of the area, which would fail to preserve the landscape and scenic beauty of the Dartmoor National Park. This would conflict with Policies COR1 and COR3 of the Dartmoor National Park Development Plan Document Core Strategy as well as Policies DMD1b, DMD5 and DM34 of the Development Management and Delivery Plan. There be conflict with the statutory duties in respect of National Parks as well as the Framework. The cumulative weight of benefits to the rural economy in favour of the scheme, as well as the evident local support, do not outweigh the significant weight that the harm to landscape and scenic beauty carries.'*

The Trees & Landscape Officer reported that the application states it is a replacement building, there was a building on this site, but it was demolished several years ago. The new building covers part of the footprint of the old structure.

The fields were enclosed with Devon banks with mixed native hedgerow growing on top. The banks and hedges were in good condition. The building will be close to a hedgerow growing along the western boundary of the field. The proposed development would have minimal impact on the bank and hedge.

The proposed development was located in enclosed farmland. The land around the site is undulating agricultural land comprising of small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on the hedge banks. The agricultural land is grazed pasture.

The proposed development was having an impact on the local landscape character. The isolated building changes the character of the local landscape.

Local plan policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognized that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape. The policy states that:

Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:

- respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment; ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;
- retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;
- avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;
- respecting the tranquillity and sense of remoteness of Dartmoor.

The policy is very clear that development should conserve and/or enhance the character of Dartmoor's landscape. The development is having a detrimental impact on the historic field system and the pastoral character of the area. The development does not respect the valued attributes as set out in the Landscape Character Assessment and it does not conserve and or enhance the character of the landscape, the development is clearly contrary to policy.

There were 13 letters of support for this application and 0 letters of objection. summary of comments –

- A good replacement for the collapsing, asbestos cement clad, shed recently on the site.
- The scale is very similar and the location exactly the same.
- The timber cladding will mellow down, and the resultant building will have no greater impact than the previous building.
- A useful addition as a replacement building.
- The barn is a replacement of an existing building and is totally in keeping with the location.
- We often walk up this lane because we live locally in Murchington and were pleased to see the refurbishment/rebuilding on this site.
- Now we have a proper working barn on a proper working farm, supporting a local farmer with innovative farming methods.
- Since the completion of the barn, contamination of the road by mud from tractor tyres has been significantly reduced.
- As a veterinary surgeon, it is my professional opinion that a housing facility is required at Mr Davis land near Murchington, and the old Nissan hut is not suitable to house livestock for modern agricultural methods.
- It is of considerable benefit to livestock to be housed in the correct manner. Poor housing has a major impact on the welfare of livestock and consequently causes severe health issues, which in turn can lead to livestock fatalities.
- It is tucked in under the hedge and doesn't intrude on the landscape at all.
- The Davis family have been farming in the area for generations and strong custodians of the landscape and the environment. They are a young family keen to continue farming.

Mr Davis advised members that there had always been a building at this site; a Nissen hut which was outdated and dangerous. The Nissen hut was severely storm damaged 18 months ago and needed immediate replacement for the welfare of his livestock.

He advised that the building was used for animal welfare and storage of essential feed and bedding for his animals. It had been used to care for sick animals, calving heifers and the lambing season and was essential to the health and wellbeing of his animals. The storage of feed for his animals, as well as for harvested crop was essential for the continued use of his farm.

Mr Davis stated that Dartmoor National Park is filled with a scattering of small agricultural buildings just like this one, and these are essential to the running of a farm. These small businesses are instrumental to the economy of Dartmoor.

Mr Davis was fully committed to mitigating the effect of the barn, he had already planted 780 hedging plants and 9 trees had been purchased ready to be planted around the shed. In addition, he had fitted bat and bird nesting boxes to further increase the biodiversity of the area.

In response to member questions Mr Davis clarified that there were no other buildings available to him, due to a separation of the farming interest and his father and brother retaining the original farming buildings.

In response to member questions officers clarified that the wording 'Teignbridge District Council: Did not wish to comment' was an error in the text, the application was not in the Teignbridge District Council area but in West Devon Borough

Mr Harper proposed that the application be deferred for a site inspection to be undertaken, which was seconded by Mr Cooper.

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

Mr Nutley and Mr Vogel left the meeting.

Item 3 - 0626/21 - 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 - Dolbeare Business Park, Ashburton

Speakers: Cllr E. Baker, Ashburton Town Council, Mr R Baker, Objector, Mr D Evans, DE Planning, agent for the applicant.

Dolbeare business park is located on the edge of Ashburton, within the settlement boundary. The application is located on the northwest of Ashburton and will be accessed directly from the B3352 via a new junction.

The proposal was for the construction of four commercial units (Class E) with associated access and parking, and a convenience store set in the existing undeveloped site adjacent to the Police building, together with associated parking for 35 cars, including 3 disability spaces and 12 cycle spaces.

The site was set below the level of the local roads serving the site and screened from the A38 by mature trees along the roadside. The site slopes from the north to the east and currently has a temporarily approved access serving the existing police unit on the site.

The application would provide 372 sqm of employment floor space, 390 sqm of retail floor area. The buildings are to be positioned along the northern boundary and centre of the site with a parking area to the west of the business units and the southeast of the convenience store, comprising the parking area. Each unit comprises 93 sqm of ground floor space. The commercial building was approximate 8 m in height to allow for a second storey, the retail unit was approximate 4.5 m in height.

The proposed site is within the settlement boundary and identified as suitable for non-residential development.

The new Local Plan policy 5.1 (Business and Tourism Development) provides support for small scale business opportunities that are compatible with National Park purposes. Within designated settlements policy recognises the opportunity to develop and expand existing businesses and offers support for creative small-scale development aimed at light industrial/office-based uses. 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 Local Centre of Ashburton, and it is within the settlement boundary, where one could expect to see new business premises located. The succession of previous applications for employment use on this land has also established B1, B8 and D1 (now class E) uses as appropriate in this location.

No objection had been received from Highways England or the Highways Authority. The provision of 35 parking space and cycle parking for 12 bikes is considered to be in accordance with policy 4.4. It is noted that a lorry delivery space has been provided. The temporary access was 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.

The Town Council had raised issues including the impact on the sycamores and the trees on the access slipway from the A38; which will be damaged by the access road, and the inconsistency of the building materials. Furthermore, the vehicle swept path analysis was inadequate including delivery vehicles and there was no economic need for this store and there would be an impact on the current convenience stores in the Town Centre.

The chamber of trade expressed concerns regarding the buildings changing use within class E and there may be a loss of trade and income to Town Centre shops.

The loss of trees had been investigated by the Authority's Trees and Landscape Officer and considered acceptable loss. There was also an extant condition in place and a condition in place for a further landscaping scheme to be approved by the Authority.

The materials of the surfacing can be conditioned to ensure uniformity across the development.

Devon County Council has confirmed the swept path analysis is adequate and acceptable for the site.

The retail assessment submitted with the application is sufficient within the Authority's new Local Plan Policy 5.2.

The development is conditioned to restrict the usage; the retail unit falls within class E. However, the commercial units would be further restricted to exclude Class E(a) and E(b), specifically:

- the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.

A further proposed condition on the development is the installation of electric vehicle (EV) charge points. There are 9 spaces which will need to be in place and operation at the time of occupation. Furthermore, 50% of the car parking will need to have the infrastructure in place for installation of EV charge points in the future.

Cllr Baker stated that Ashburton Town Council have objected to this proposal for 4 business units and a convenience store at Dolbeare business park. She presented a summary of the Town Council's objections and concerns about this application:

The building design and materials are low quality and do not reflect the local style. There is an anomaly in design, the business units are timber clad yet store is timber effect clad.

Cllr Baker quoted an objection on Dartmoor National Parks website sent in by the nearest neighbours to the site and A38 slip road at 7, Jordan Meadow
"The slip road from A38 is extremely busy in mornings and early afternoons when numerous coaches use it to drop off and pick up pupils from South Dartmoor College. Plus, the numerous lorries coming off the A38. The slip road at present regularly has drivers going up it the wrong way! An accident waiting to happen".

Incidentally South Dartmoor School had the largest catchment area in the country with 20 buses transporting pupils every school day. The proposal cites a huge increase in vehicle movements of 905 every day

There is no proven need for a convenience store. The economic assessment provided is now over 12 years old and is a telephone survey done on behalf of Teignbridge Council. The supporting documents do not acknowledge Balland Stores 300 m from the site. The owners of this store have objected stating that if the proposed store is built their store would be no longer viable. There will be an adverse effect on the shops, and some may cease to trade.

Both Ashburton Town Council and Dartmoor National Park have declared a climate emergency, and this has not been supported by this proposal. There are no solar panels or low carbon heating systems. 2 Sycamore trees may perish when the proposed access road and business units are built on their roots.

In conclusion this proposal does not have adequate supporting documents. This application does not foster the economic wellbeing of the local community...a declared duty of Dartmoor National Park. It may lead to the demise of Ashburton's prized and praised Town Centre shops and Balland Stores. The proposal damages

the landscape, will cause a loss of significant trees, and hinders the drive to carbon neutrality.

In response to Member questions Cllr Baker clarified:

- The new store would be larger than the two convenience stores in the Town Centre, combined.
- The Town Council would rather see the site used for affordable housing in the town.
- The proposed development is 800m from the Town Centre

Mr Baker stated that he is an arboricultural consultant, practising for the past 16 years; before that he was the Tree Officer for Torbay Council in its various forms for fifteen years; and an arboricultural and horticultural lecturer at Bicton College for six years. He has an honours degree, a post-graduate Arb qualification, the Professional Diploma in Arboriculture; and over forty years professional experience working with trees. He is a Professional member of the Arboricultural Association; a member of the Royal Forestry Society, and vice chair of their SW Division; and a member of other relevant professional bodies. He is trained and experienced in the production of tree reports in relation to development.

He stated he is a long-term resident of Ashburton and was making this plea on behalf of the two large Sycamore trees on site, which are threatened by the proposal; supporting the recommendations made by the landscape officer.

Mr Baker continued to comment that the Authority's Trees and Landscape Officer was only able to go on the data that the developer's tree consultants provided which were substantially incorrect. The key issues were the size of the trees, their importance in the local landscape, and the extent of their root systems. The report substantially underestimated both the height and spreads of these trees, making them apparently smaller than in reality - necessary since the report downgrades the trees to a quality category B; and, critically, underestimates their diameters.

Mr Baker had assessed the landscape importance of the trees using a system adopted by local authorities throughout England. This shows that these trees would be classed as 'A' grade under the British standard, not 'B' grade as assessed in the supporting arboricultural report. Even with the reduced Root Protection Areas from the underestimate of diameter, the proposed works overlap the rootzones to a considerable extent; in real life the effect will be more serious.

Since the only concession to the trees' presence in the Arboricultural report is to suggest pruning of roots that are in the way of the excavations for the development, (excessive for a mature tree) it was his professional opinion that the works will result in the eventual loss of both trees through root and basal decay; and in the meantime, render them unstable. The decay symptoms won't start showing for several years, by which time the developer will have moved on and nobody will be liable for damage or the loss of the trees.

One side of the crown of T1 will have to be heavily pruned to allow HGVs to access the site. Therefore, if this application is approved, these trees are effectively condemned. If they are left in place, given their position adjacent to busy roads, they will become a future hazard.

Mr Dale stated that the site is well known to Committee members and is often called a “gateway” site into Ashburton. The site had been subject to numerous applications and is “previously developed” land with the Police building and on-site access works.

There were no access, drainage, ecology, landscaping or other technical objections.

Mr Dale’s client had been working to bring this next phase of development, and all the economic benefits that go with that and has occupier interest for the proposed units. Alongside this the applicant has been discussing the development with officers through pre-application and directly through the discharge of conditions relating to matters like tree protection and landscaping on the implemented permissions.

The scale and design of development is reflective of the existing permissions but is also updated such that there is a positive improvement to what has already been permitted – for example more appropriate external materials, revised landscaping, more bicycle parking and EV charging. The development will make a positive visual and character impact to the area.

The development also brings the significant socio-economic benefits associated with redevelopment and new jobs. 35 total - 15 in store plus 20 in the proposed business units

A Retail Statement had been submitted concluding that there were not sequentially preferable sites and that the Town Centre would not be significantly affected, which is the test for Impact Assessment required by new Local Plan policy 5.2.

The convenience store proposed will not directly compete with local independent town centre traders nor remove all convenience goods shops from the Town Centre. Indeed, the Retail Statement concludes that the most significant trade diversion is back from other settlements like Bovey Tracey and Newton Abbot, as these unsustainable current shopping trips are brought back to Ashburton. This is estimated at circa £1.01million pa, three times the estimate of trade potentially diverted from convenience and non-convenience trade.

Mr Dale acknowledges the objections local traders may have about market competition but concluded with the positives:

- Members know this site well. The site is partially developed already and served by a temporary access.
- Permission will bring forward the junction works, close the temporary access and bring significant visual and character enhancement to this “gateway” site via sympathetic new buildings set within an enhanced landscape.
- The development will bring direct and indirect investment into the Town and not insignificant local jobs.
- There is no significant retail impact and positively the development is estimated to bring back currently leaking trade to the value of over a million pounds per annum.
- Retaining trade in the town has general but also direct benefits to the town overall and also to the Town Centre.
- There are social, economic and environmental benefits and these are the components of “sustainable” development.

There are no significant retail impacts, and the proposal is thus policy compliant specifically policies 5.1 and 5.2 of the new Local Plan.

In answer to member questions Mr Dale clarified:

- Of the proposed 35 new jobs, 15 of these would be in the new convenience store, the remaining 20 would be in the commercial units which had interest from a vet, an architect, a physiotherapist and other commercial interest.
- There had been expressions of interest in the retail unit by the Co-Op.

In answers to member questions, the officers clarified:

- There was 372 sqm of business space, divided into 4 units of 93sqm each.
- There was 390 sqm of retail space in the convenience store
- Condition 13 had been redrafted to include class E restrictions on the business units.
- Devon County Council has confirmed the swept path analysis was adequate and acceptable for the site usage.
- The store would be of modest size, the National Planning Policy Framework requires a formal retail impact assessment for retail units over 2500 sqm, this unit is significantly smaller than this so would not require this assessment.
- There is a condition in place stating that there needs to be 2 spaces (5%) that have electric vehicle charge points operational at the time of opening and infrastructure in place for 50% of the spaces to be convertible to electric vehicle charge points in the future.
- There will be an island crossing point to aid pedestrians to gain access to the site.
- The land could be used for alternative purposes, if an application was forthcoming, however there was already an extant permission on the land for business usage.
- There is nothing in the application that would prevent the commercial units being merged in the future, if an occupier wanted to have 2 units and make one larger space.

Mr Sanders proposed the recommendation that the application be GRANTED with the addition of a condition regarding electric vehicle charging points and the alteration to condition 13 restricting the retail use of the commercial units, seconded by Mr McInnes.

RESOLVED: That permission be GRANTED with the following 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, in all respects, accord strictly with the approved drawings.
3. No part of the buildings (including foundations) hereby approved shall be commenced until the amended access, visibility splays, and turning area have been provided in accordance with the approved drawings. Thereafter, the access, visibility splays, and turning area shall be retained and maintained as approved at all times.
4. No development shall take place until a Method of Construction Statement, to include details of:

- (i) parking for vehicles of site personnel, operatives and visitors,
 - (ii) loading and unloading of plant and materials,
 - (iii) storage of plant and materials,
 - (iv) programme of works (including measures for traffic management), and
 - (v) provision of boundary hoarding behind any visibility zones has been submitted to and approved in writing by the Local Planning Authority.
- Thereafter, the development shall be undertaken strictly in accordance with the approved Method of Construction Statement.
5. No part of the development hereby approved shall be brought into its intended use until the parking facilities and commercial vehicle loading/unloading areas have been provided and maintained in accordance with the application drawings. Thereafter, the parking facilities and commercial vehicle loading/unloading areas shall be retained for that purpose at all times.
 6. Prior to the commencement of any works, demolition or development on the land, all existing trees, shrubs and hedges to be retained shall be protected by fences or suitable barriers erected beyond their dripline, in accordance with plans submitted to and approved by the Local Planning Authority. 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.
 7. Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Local Planning Authority for approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of not less than five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
 8. Within one month of the new access road hereby approved being brought into use or prior to first occupation of any building hereby approved, whichever is the sooner, the existing vehicular access shall be effectively and permanently closed, and the land restored to its former condition as a grassed highway verge.
 9. Before any operations which involve the movement of materials in bulk to or from the site are commenced, details of how the operator/developer will make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall thereafter be retained and used throughout the development and whenever the said operations are carried out.
 10. A detailed lighting scheme shall be submitted to the Local Planning Authority for approval prior to the installation of any external lighting within the development hereby approved. Thereafter, all external lighting shall be installed and maintained strictly in accordance with the approved details.
 11. Prior to installation, samples of the proposed roofing material, and timber panel detailing shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing,

- only the approved materials shall be used in the development.
12. 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 unless otherwise agreed by the Local Planning Authority in writing, only the approved surfacing and kerbing shall be used in the development.
 13. The convenience store premises hereby approved shall be used for Class E purposes only, and the business units 1-4 hereby approved shall 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.
 14. Unless otherwise agreed in writing by the Local Planning Authority, all external doors and windows in the development hereby permitted, shall be of powder coated aluminium construction and shall at all times thereafter be retained as powder coated aluminium construction.
 15. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and mitigation requirements of the Ecological Appraisal report by GE Ecology dated October 2021.
 16. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no outdoor storage of goods, refuse or other paraphernalia associated with the business units hereby approved.
 17. Unless otherwise agreed in writing by the Local Planning Authority, no plant or machinery shall be installed on the buildings or within the land forming part of this application.
 18. Prior to the occupation of the business units hereby approved, electric vehicle charging points shall be operational, and infrastructure in place for a further 17 parking spaces. Electric Vehicle Charging points shall be maintained and retained in perpetuity unless otherwise agreed by the Local Planning Authority.

Mr Nutley and Mr Vogel returned to the meeting

Item 4 - 0615/18 - Erection of 28 dwellings (7 affordable and 21 open market), estate road, 50 parking spaces and garden areas - Land west of Barn Park, Buckfastleigh.

Speakers: Mr E. Persse, EJFP Planning, agent for the applicant.

The case officer detailed that the application was for 28 dwellings, 7 affordable homes and 21 open market properties. The site extends to approximately 0.8 hectares of steeply sloping rough pasture on the western side of Barn Park within Buckfastleigh.

The site falls approximately 9m from its western boundary, down towards Barn Park, with the lowest point in the north-eastern corner.

The site was allocated in the Development Management and Delivery Development Plan Document (2013) – (Allocation policy ref BCK1). The allocation has been transferred to the recently adopted Dartmoor Local Plan (2021) – (Allocation policy ref Proposal 7.5)

The application is presented to Members in light of it being large scale development and there being significant public interest and an objection from the Town council.

The delays in the application process have been due a result of initial consideration and consultations. It became apparent that there were significant objections from Natural England requiring additional wildlife survey work to be undertaken. Work was also undertaken to modify the design of the dwellings, assess drainage concerns and draft a detailed mitigation scheme to accommodate biodiversity requirements. Alongside this, there was a need to remodel viability considerations to reflect the additional costs to be incurred by the detailed biodiversity mitigation scheme and requests for off-site financial contributions. In particular, the wildlife surveys required detailed assessment throughout a whole year to inform the resulting mitigation strategy.

South West Water (SWW) were approached pre-planning on this proposal and a hydraulic assessment of the public sewer networks (foul and surface water) was undertaken. It was determined that adequate capacity is available, as such SWW has no objection to the application.

It has been forecast that the nearest primary school has the capacity for the number of pupils likely to be generated by the proposed development. A contribution towards secondary school transport costs is required due to the development being further than 2.25 miles from South Dartmoor Community College.

The proposal provides no onsite public open space. For a development of the scale proposed, Devon County Council would recommend a mix of quality open space, connected to pedestrian and cycle routes which contribute to the wider green space network. A MUGA contribution at Duckspound, Buckfastleigh is provided.

A bat foraging compensation area will also be brought forward with this application. This includes an area to the west of the development left to pasture, a "green lane" functioning as a bat corridor, an unlit linear strip with hedgerows on either side, is proposed to run along the north of the site, inside the site boundary, along with landscaping and new hedges throughout the site, including where new boundaries will be formed with the surrounding agricultural land to the west. Further to the west an area of agricultural land is secured as off-site compensatory habitat, to account for the loss of bat foraging habitat on the developed part of the site. Detailed lighting work has been carried out to ensure there is no light spill onto this land.

The housing has been designed to fit the contours of the slope, and the access routes run along these to aid in access. The properties have been designed to reflect the properties in Barn Park. Due to the slop of the site, the properties have been angled to mitigate and reduce overlooking. There are a range of properties in the proposal

This planning application proposes 28 residential units, comprising of 7 affordable units and 21 open market dwellings. The mix is as follows;

- Affordable housing - 2 x 1 bed flats, 5 x 3 bed dwellings
- Open market dwellings - 4 x 1 bed flats, 17 x 3 bed dwellings.

The dwellings are grouped in either semi-detached pairs or short terraces stepping up the contours of the site facing onto the access spine road. A new vehicular

access is proposed from the existing Barn Park estate to the east linking with the access road through that development.

In accordance with paragraph 177 of the National Planning Policy Framework there is a requirement to assess the characteristics of the development. Local Plan policy SP 1.4 (formerly DMD2) reiterates this stance. Having regard to the character, nature and scale of the proposed development adjoining the settlement boundary, and taking the local circumstances and context into account, it is not considered to fall under the paragraph 177 definition of 'major development'.

The proposal has been screened under the Environmental Impact Assessment (EIA) Regulations and determined not to have a significant environmental impact requiring the submission of an EIA.

The time spent in refining the data has meant that Natural England has now withdrawn its objection and is satisfied that the Authority has met its obligations under the Habitats Regulations. The mitigation measures are in accordance with the policy SP 2.2. The proposal also meets the requirements of biodiversity net gain as set out in policy SP 2.3.

The concerns of the objectors were noted. Sustainable Urban Drainage Scheme (SUDS) guidance dictates that there should be a betterment in terms of surface water run-off from any development and subject to securing the drainage as per the conditions, and its management being secured through the S106, that is considered the case here; the SUDS will direct water away from these existing properties.

In terms of foul drainage, it was proposed to connect to the existing mains sewer system. South West Water have assessed the proposal and confirmed the system has capacity to accept the additional flows that would be generated by this proposal.

Disturbance during construction is inevitable with any development. Teignbridge District Council's Environmental Health Officer has recommended conditions be imposed to control hours of construction and minimise disturbance to surrounding properties from noise or dust. A detailed Construction Method Statement will be required to ensure impacts are kept to a minimum. This should ensure the development meets policy objectives.

It was noted that residential developments within Local Centres must be predicated on a defined local housing need, bringing forward affordable housing to meet identified demand. It is clear that there is a latent demand for affordable housing within the settlement. It is recognised that, in the absence of significant Government funding, open market returns will be necessary to bring forward affordable housing delivery. The Authority sets a high threshold (45%) and will strive to meet that target wherever possible. However, national and local policy acknowledges that there will be other factors that may influence decisions, specifically where viability, abnormal site conditions, community infrastructure and biodiversity demands need to be factored into the equation. Unfortunately, it has been proved that these issues, collectively, have reduced the affordable housing offer to 25% of the units. Members can be assured that officers have, with the aid of independent advice, scrutinised all aspects to ensure that is the best offer that

can be achieved while ensuring the development is viable and has the potential to be deliverable at this time.

It was noted that the recommendation with regard to the necessary s106 agreement should read *ii. Maintenance of all highways, landscaping and areas not within the ownership/control of individual properties* to include the word highways.

Mr Persse commented that the site was allocated in 2013 and reallocated in the new Local Plan as Housing. Paragraph 6.60 of the report states *that allocation has been further scrutinised (alongside other potential sites within Buckfastleigh) and found to be necessary, relevant and deliverable, leading to its continued inclusion in the new Local Plan.*

The amount of time this application has been with Dartmoor National Park was relating to matters arising from ecology mitigation and viability. The Applicant and Dartmoor National Park Authority have worked closely together to deliver a scheme that meets all of the difficult criteria presented. This scheme is presented having resolved all outstanding matters over a protracted period it is now considered appropriate to reach a conclusion as set out in the recommendation.

Mr Persse noted that paragraph 6.61 of the report states that Members can be assured that officers have, with the aid of independent advice, scrutinised all aspects to ensure that is the best offer that can be achieved while ensuring the development is viable and has the potential to be deliverable at this time.

In addition to this an extensive ecology mitigation plan has been proposed both on and off site. Natural England and Dartmoor National Park ecology officer agree that this proposal will not result in any adverse effects on the South Hams SAC.

All other matters in relation to Highways, layout, design, and drainage are all deemed to be acceptable.

In answers to member questions, Mr Persse clarified that the site will be maintained and managed by a management company. This will be set out in the Section 106 agreement and included the maintenance of all highways, landscaping and areas not within the ownership/control of individual properties.

In answers to Member questions, officers clarified:

- The plan did not include the installation of any electric vehicle charging points as the viability study had been submitted under the old local plan, which did not require this. However, as the Authority now had the new Local Plan a condition could be applied to include electric vehicle charging points.
- There is no street lighting proposed in the plan as it is a condition for the bat mitigation. However, there will be sufficient low lighting provided with the scheme for safety.
- The MUGA at Duckspound is within a 10-minute walk of the development.
- Devon County Council as the flood risk authority are satisfied that the flood prevention scheme is sufficient to release surface water in a controlled manner.
- There will be the allocation of 50 parking spaces on site, 2 for each dwelling and 1.5 for each flat, which is policy compliant. There is limited dedicated visitor parking proposed and it is expected on-street parking within the

development would serve this function; the roads have been designed to allow this without causing obstruction.

- Conditions 7 & 9 are in place to mitigate flooding and drainage issues during the construction phase.

Mr Sanders proposed the recommendation that permission be GRANTED, subject to the amendment in II of the proposal and the addition of a condition for the provision of electric vehicle charge points in accordance with the policy, to be in place before occupancy which was seconded by Mr McInnes.

RESOLVED: That, subject to the completion of a s106 legal agreement to include;

- i. The affordable housing as rented properties in perpetuity including future review of viability
- ii. Maintenance of all highways, landscaping and areas not within the ownership/control of individual properties
- iii. Implementation of biodiversity mitigation measures
- iv. Maintenance of the bat corridor, hedgerows and off-site compensatory land
- v. Maintenance of the SUDS drainage system
- vi. a contribution of £21000 to off-site MUGA provision
- vii. a contribution of £22680 to off-site active recreation provision
- viii. a contribution of £10070 towards education transport requirements

permission be GRANTED subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Development in accordance with schedule of approved drawings
3. No development shall take place until a detailed Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) have been submitted to and approved in writing by the Local Planning Authority. These plans shall incorporate the recommendations of EclA and greater horseshoe bat mitigation strategy and shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site together with the amenity of neighbouring residents. The plans shall also include details of the following: (i) parking for vehicles of site personnel, operatives and visitors (ii) loading and unloading of plant and materials (iii) storage of plant and materials (iv) programme of works (including measures for traffic management) (v) provision of boundary hoarding behind any visibility zones (vi) measures to control dust (vii) measures to prevent mud and other materials from entering the public highway (viii) timings of working with machinery on site to avoid undue disturbance, vibration, dust, etc. (ix) arrangements for delivery/unloading of plant, materials, etc. Only the approved details shall be implemented during the construction period.
4. No work shall commence on the development hereby permitted until a written scheme providing for an appropriately qualified archaeologist to carry out a full archaeological watching brief during all stages of the development has been

submitted to and approved in writing by the Local Planning Authority. The watching brief shall include all associated ground works, both internal and external, the laying of services and landscaping. The scheme, which shall be written and implemented at the applicant's expense, shall provide for the observation, recording and recovery of artefacts and post-excavation analysis. A full report detailing the findings shall be submitted to and approved in writing by the Local Planning Authority before the substantial completion of the development.

5. No part of the development hereby approved shall be commenced until: (i) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway (ii) The ironwork has been set to base course level and the visibility splays required by this permission laid out (iii) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
6. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority: (i) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed; (ii) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level; (iii) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed; (iv) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined; (v) The street nameplates for the cul-de-sac have been provided and erected. When constructed and provided in accordance with the above conditions, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians.
7. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
8. No construction works shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment & Drainage Strategy (Ref. 10939; Rev. P1; dated 17th August 2018). No part of the development shall be occupied until the surface water management scheme serving that part of the development

has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

9. No construction works shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
10. Works likely to give rise to significant levels of noise (including vehicle movements) should be restricted to the following times and days; Monday - Friday 0800 – 1800, Saturday 0900 - 1300. There should be no working on site on Sundays or on Bank holidays. Deliveries and collections of materials to the site should only be made during the above-mentioned times.
11. Technical details relating to the sound pressure levels (LAeq@1m) should be provided of any mechanical power generation, together with details of any security lighting which will be in use during the construction phase. Lighting should be situated in such a way and be of such intensity so as to avoid causing a nuisance to nearby residential dwellings.
12. No groundwork or preparatory works shall take place on the land, unless all existing trees, shrubs and hedges to be retained are protected by fences or suitable barriers erected beyond their dripline. 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.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance or extension of the affordable housing units shall be permitted.
14. Details of all proposed surfacing, external facing, exterior doors, windows, rainwater goods, boundary fencing, and roofing materials shall be submitted to the Local Planning Authority for approval in writing prior the construction of the dwellings hereby approved; thereafter, only approved surfacing, external facing and roofing materials shall be used in the development.
15. The proposed landscaping and planting scheme shall be carried out in accordance with the approved mitigation scheme. The landscaping and planting shall be maintained in perpetuity in accordance with the agreed schedule. Such maintenance shall include the replacement of any trees or shrubs that die or are removed.
16. There shall be no street lighting on the development hereby approved. A detailed lighting scheme for individual dwellings, in accordance with the approved lighting assessment, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. Any lighting shall only be permitted in accordance with the approved scheme.

17. Electric vehicle charging points shall be provided for each of the 28 dwellings hereby approved. The charging points shall be connected and functional prior to the occupation of the dwellings.

1469 Appointment of Site Inspection Panel and Arrangements for Site Visit

Item 2 - 0560/21 – Retrospective replacement agricultural livestock building (12m x 6m) - Land at Blindfield Meadow, Murchington

The Site Inspection to be undertaken on Friday 21 January 2022; the following Members were appointed to the Site Inspection Panel: Mr Harper, Mrs Morgan, Mr Dracup, Mrs Hill, Mr Smerdon, Ms Woods Mr Sanders and Mr McInnes.

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