

## PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall

**Parish:** Dartington **Ward:** Dartington and Staverton

**Application No:** 1295/19/ARM

**Agent/Applicant:**

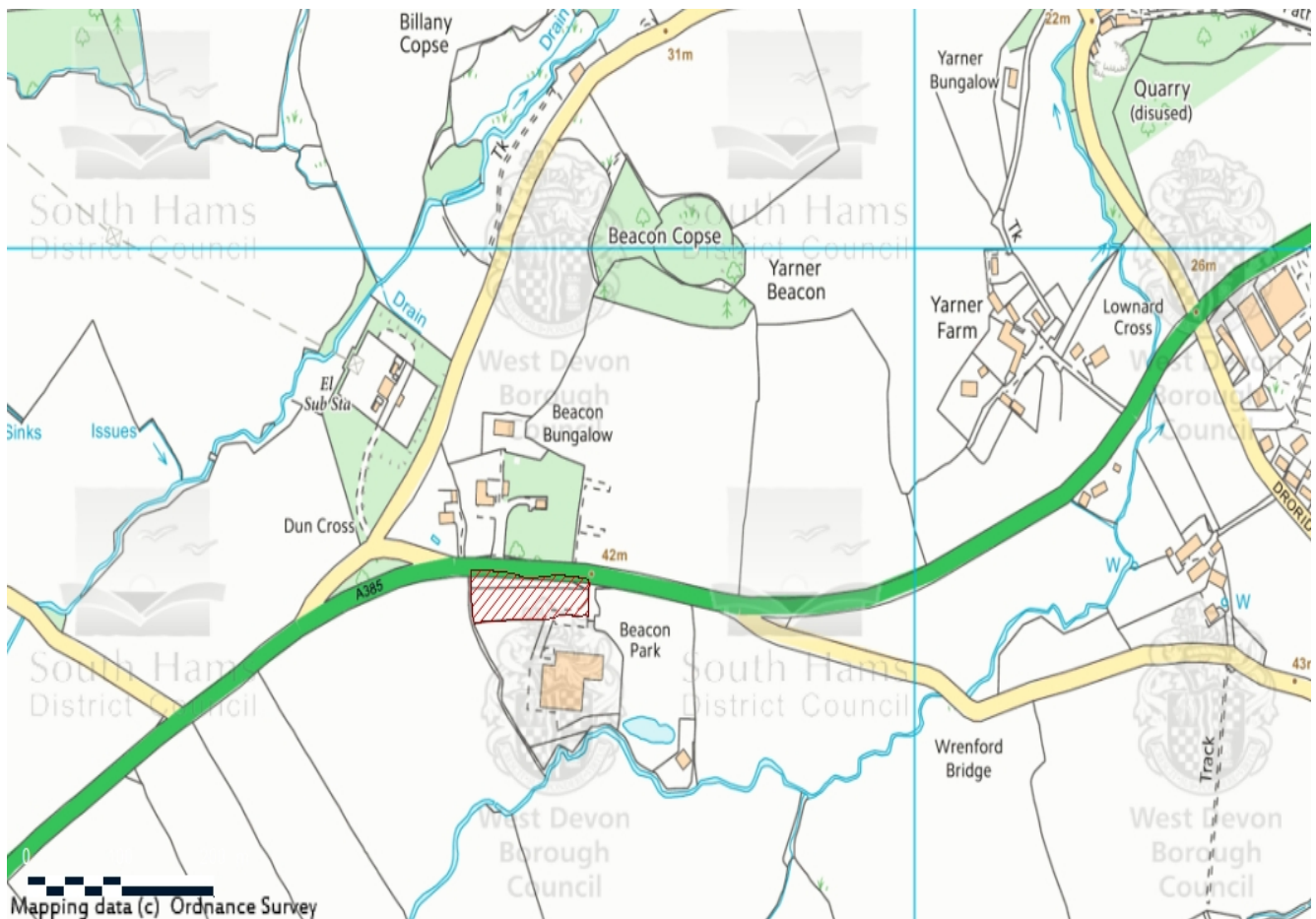
Hopwood Swallow LLP  
Hopwood And Swallow, Pleases  
Passage  
High Street  
Totnes  
Devon  
TQ9 5QN

**Applicant:**

Devon & Cornwall Farmers Ltd  
Lower Woodland Farm  
Woodland  
Ashburton  
TQ13 7LN

**Site Address:** Beacon Park, Dartington, TQ9 6DX

**Development:** Application for approval of reserved matters following outline approval 3631/17/OPA for erection of a mix of B1, B2 & B8 employment buildings



**Reason item is being put before Committee –** At the request of Cllr Hodgson

- I am very concerned about this application as it does not conform to the basic constraints of the original planning permission and in doing so this proposed first phase to redevelop the site would lead to the overdevelopment of this part of the site and adverse impacts.*

- *Concern about this development straying outside of the allocation of this site by the JLP. Any such overdevelopment of this phase could open the door to further increased overdevelopment of the rest of the site*

## Recommendation: conditional approval

### Conditions

1. Accord with plans
  2. Development to accord with Arboricultural Impact Assessment and Tree Protection Plan
  3. Low Carbon Development
- 

### Site Description:

The site is located at Beacon Park which is situated off the A385 to the south, around 0.5KM to the west of the eastern edge of Dartington. Beacon Park is an existing light industrial park which comprises a mix of employment and A1 retail uses within converted and extended agricultural buildings.

### The Proposal:

The application seeks approval of reserved matters (appearance, landscaping, layout and scale) for the erection of around 995 square metres of B1, B2 and B8 employment buildings. The application follows the approval of outline planning consent for the provision of B1, B2 and B8 employment units (reference 3631/17/OPA). The current application relates to a parcel of land within the north western corner of the wider site and measures around 1.05 acres/0.42 hectares.

The application proposes three employment units which would be split into two buildings. The larger of the two buildings 'building 1' would be a simple rectangular building finished with a dual pitch roof that would include gable ends on the western and eastern elevation. External materials include composite panel metal cladding with a standing seam insulated roof. A number of polycarbonate roof lights are proposed within the roof. Sections of full height glazing are proposed on the southern face and eastern face of the building. The building would have a floor area of around 557 square metres. The building would be sited within the western part of the site and includes a parking area to the east.

The remaining buildings '2 and 3' would be within one building and sited on the eastern part of the site. Similar to building 1, the proposal is for a simple rectangular building finished with a dual pitch roof with gable ends to the west and east elevations. External materials include composite panel metal cladding with a standing seam insulated roof. Each building would have a floor area of around 182 square metres. Parking is proposed to the west and east.

### Consultations:

- County Highways Authority no objections
- Environmental Health Section (SHDC) no comments received
- Dartington Parish Council objection

*The Parish Council objects to aspects of this detailed application. It is vital that this Phase*

*One application sets an appropriate standard of design and operation for development of this major employment site close to Dartington village.*

*Density and location – This Phase One proposal for 921 sq m of employment space, part of a site with Outline Consent for 6,591 sq m Gross Internal Area, constitutes over development. The proposed density, if applied to the whole site, would substantially exceed the Outline Consent granted, creating a form of development that is inappropriate for this rural location and with additional adverse consequences for landscaping, drainage and traffic generation. The Council notes that the site for which OPP was granted differs from the allocation under the adopted JLP and that Phase One is on land which is not allocated.*

*Cycle parking – there is no provision shown.*

*Materials and Waste – the design adopts a colour pallet more suited to an urban location than to a rural business park.*

*There is no provision shown for the safe storage or collection of waste.*

*Drainage – drainage is impacted by the density of development proposed and is not consistent with the buildings layout in the Drainage Plan submitted with this ARM application.*

*Landscaping & Ecology – the consequence of the high density of development in Phase One results in very limited scope for landscaping. Retention of the large tree and improved boundary screening must be prioritised. However, there is no proposed internal landscaping with the result that the three units/two buildings will be viewed against a sea of car parking. The Site Constraint Plan by the applicant in September 2017 identifies the site as containing ‘features that should be considered for retention as identified in Phase 01 Habitat Survey and area of Greater Horseshoe Bat Activity as identified in Devon Wildlife Consultants’ Bat Survey.’ Based on the information provided by the applicant this site should be left undeveloped and if developed, in a much more sensitive manner.*

*Lighting, vibration and noise– for ecological and environmental reasons, lighting, vibration and noise must be minimised during the hours of darkness and at weekends. The Council notes that no lighting plan has been submitted.*

*Hours of operation – should be limited to 6am to 10pm so as not to impact upon nearby residents or wildlife. At present heavy goods vehicles regularly drive through the village throughout the night, disturbing local residents. Comments (continued further): Traffic - The development will generate considerable additional traffic movements particularly at peak times on the A385 and in the back lanes of Dartington village. Traffic surveys, conducted by the community, show that between 40% and 60% of peak time traffic in the back lanes is through traffic. This results in fewer people walking or cycling. This is counter to the NPPF and JLP aims of promoting pedestrian movement and healthy living. Construction and operational traffic for the site should be banned from using the back lanes and Green Travel Plans should be put in place for employee travel.*

*The Decision Notice for the Outline Consent 3631/17/OPA is not on the SHDC website it has proved difficult to frame our objection to this Application 1295/19/ARM. We request that the Decision Notice is posted as soon as possible and that the period for comment on the Application is extended.*

- Environment Agency no objection
- Ecologist (SHDC) no objection
- Local Lead Flood Authority (DCC) no objection

### **Representations:**

The Council has received one letter of representation which raises objection to the application. The comments made can be summarised as follows: -

- The decision notice for the outline application is not available on the Council's website and should be uploaded ASAP.
- Intensive development proposed within the site which goes beyond what was indicated on the indicative plans at outline stage.
- Information provided with the outline application suggests the site is constrained by virtue of 'containing features that should be considered for retention as identified in phase 01 habitat survey and an area of Greater Horseshoe Bat activity as identified in the bat survey.
- Real opportunity to create a high quality 21<sup>st</sup> century rural business park rather than copy 1980's industrial estates typically found on the edge of urban areas, which the proposal suggests.
- Proposed plot ratio exceeds the ratio shown in the material submitted at outline and thus represents an overdevelopment of the site.
- Proposed density of development is not appropriate within rural location.
- Proposed materials considered out of keeping with rural context.
- Retention of the hedgerow boundary with the A385 is welcomed but number of parking spaces required for the scale of floor space reduces the opportunities for the softening of internal spaces
- Proposal does not go far enough to address sustainable travel with for example no provision for cycle parking.
- Proposal does not make provision for the storage and collection of trade waste
- Density of development will result in significant added runoff requiring additional sustainable drainage solutions.
- Proposal does not address policy DEV32 which requires low carbon development.
- Potential disturbance to residents and wildlife from traffic movements, noise and lighting.

### **Relevant Planning History**

3631/17/OPA, Outline application for the erection of a mix of B1, B2 & B8 employment spaces, together with access, parking, landscaping and other associated works with extended time to commence development, Beacon Park, Dartington, Totnes, Devon, TQ9 6DX – conditional approval

### **ANALYSIS**

Principle of Development/Sustainability:

The principle of employment development on the site has already been accepted by the Local Planning Authority with the extant outline permission. Since the outline application was determined the Plymouth and South west Devon Joint Local Plan (2014-2034) has been adopted. The JLP allocates 11,300 square metres of employment floor space at Beacon Park within the extent of land which was granted at outline stage.

Design/Landscape:

Officers do not have any concerns with the overall scale and design approach put forward for the proposed employment units. The Council's landscape specialist has been consulted and is satisfied that there are no principle landscape issues with the proposed units. The following comments were received.

*'In respect of the character and appearance of the units, the proposed external facing elevations are simple, modest and agricultural in appearance, and are appropriate to their rural context. The scale of the two blocks of built form are also appropriate to their context. Whilst the internal facing elevations contain more glazing and are more contemporary and industrial in appearance, this would not harm the character of the local and would provide for a high quality internal site appearance. Subject to there being no ecological concerns in respect of the higher level glazing, I would raise no concerns over the character and appearance of the proposals under policies DEV20 and DEV24.'*

When the application was originally submitted, the arboricultural information was not up to date. The Council's Landscape Specialist subsequently raised a holding objection on this basis. The information was subsequently provided and the objection withdrawn. An appropriate condition is recommended to secure the measures outlined within the reports are implemented. The landscape officer has also raised some concerns about the level of landscaping information provided, but recognises that this information will be required to comply with the landscape condition imposed at the outline stage.

Concerns have been raised from third parties about the scale of development the application proposes and whether it results in an overdevelopment of the site. It is also considered that its approval would set an undesirable precedent regarding the scale of development across the wider site.

The JLP estimates around that the allocation at Beacon Park would provide around 11,300 square metres of employment space. The current application would provide around 900 square metres of employment floor space, around 8% of the total envisaged for the whole allocation.

Compared with the indicative masterplan which was submitted at outline stage for the whole site, the current proposal represents an increase in proposed employment floorspace within the northwestern corner of the wider site by around 50%. This was an indicative plan which showed how the site might be developed. As discussed, officers are comfortable with the proposal that has been put forward for development within the north western corner of the site and do not consider it results in an overdevelopment. Officers do not consider that its approval would set an undesirable precedent and it is important that each application is considered on its own merits

#### Neighbour Amenity:

In the context of the outline consent which allows for employment development within the site, Officers do not have any concerns with regards to neighbour amenity and are satisfied that the conditions imposed at outline would address concerns such as noise.

#### Highways/Access:

The proposal includes 38 new car parking spaces including 5 disabled spaces, accommodated within 3 parking zones/courtyards adjacent to the proposed employment buildings. Two vehicle charging points for electric vehicles will also be provided together with standard charging point and cabling to comply with condition 19 of the outline consent.

Concern was raised about the absence of cycle parking on the original plans. Although this could be agreed as part of a green travel plan which is required to satisfy condition 20 of the original consent, the plans have subsequently been amended to include cycle parking provision.

The Highway Authority has not raised any objections to the proposals.

#### Drainage:

The Environment Agency has confirmed they have no objections to the application. This is on the basis that the details are in line with the principles agreed at the Outline stage and the development will be located outside flood zones 2 and 3. They have advised that any non-mains foul drainage system associated with the development will require an Environmental Permit from the EA, unless it satisfies the General Binding Rules for small sewage discharges. An appropriate informative will be attached to any notice of approval.

The Local Lead Flood Authority initially objected to the proposal on the grounds of insufficient information. Further information was provided and in response this objection was removed. Based on the comments received Officers are satisfied the site can be adequately drained. To comply with conditions imposed on the outline consent, full drainage details will need to be provided before the development can commence.

#### Ecology:

The Council's Ecologist has reviewed the submission and is satisfied that no further information is required at this stage. The outline consent includes pre-commencement conditions which apply to this phase and necessary licences/approaches to vegetation clearance.

It is noted that the conditions require the submission of a lighting plan at reserved matters stage to demonstrate that the proposal will not exceed light levels of 0.5 lux within 20m of the southern habitat corridor. The reason for this is to avoid illumination on the southern boundary habitat corridor. The site area covered by the current application falls outside of the identified 20m zone. It would be sited within the north western part of the site which is separated from the habitat corridor by existing and proposed development.

The Ecologist has also confirmed he has reviewed the HRA and Appropriate Assessment undertaken at Outline stage and is satisfied it remains relevant and does not need updating in the context of the current submission.

#### Other Matters:

It is noted within the comments received that the decision notice relating to the outline consent is not available to view on the planning pages of the Council's website. This was an unfortunate error which was rectified as soon as Officers became aware of the issue.

The Parish Council have requested conditions to restrict the hours of operation and limit lighting, vibration and noise.

The outline permission includes conditions which require a construction management plan to be submitted and requires details of the daily hours of construction to be provided. There are also conditions which prevent lorries being delivered to or dispatched from the site and refrigeration units on lorries operating between the hours of 23.00 and 07.00. In determining the outline application it was not considered necessary to impose further conditions restricting the hours of operation recognising that flexibility is required.

## Conclusions

The principle of employment development on the site has already accepted by the Local Planning Authority. The site forms part of a wider site at Beacon Park which the JLP allocates for the provision of around 11,300 square metres of employment floor space. Outline planning consent has previously been granted for the development of the site in accordance with the allocation. This application seeks the approval of reserved matters for provision of employment units within the north western corner of the site, and notwithstanding the concerns which have been raised by the Parish Council and a third party, Officers consider the development is acceptable. There are no outstanding technical objections. The application is recommended for approval subject to conditions.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

## Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT4 Provision for employment floorspace  
SPT8 Strategic connectivity  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
SPT13 Strategic infrastructure measures to deliver the spatial strategy  
TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV24 Site allocations in the Smaller Towns and Key Villages  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV14 Maintaining a flexible mix of employment sites  
DEV15 Supporting the rural economy  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts  
DEV36 Coastal Change Management Areas

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

### **Neighbourhood Plan**

The Dartington NP has not yet reached an advanced stage where its policies can be taken into consideration.

Policy 2 – safeguarding dark skies

Policy 3 – conserve, protect and enhance the natural environment

Policy 4 – design

Policy 6 – new business space

Policy 7 – climate change

Policy 8 – renewable energy

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Conditions**

1. The development hereby approved shall in all respects accord strictly with drawing number(s) 100 162018 (site location plan), 101 162018 (application site plan), 201 162019 (proposed site landscaping plan), 210 162018 (employment building 01 Floor Plans), 211 162018 (employment building 01 roof plan), 220 162018 (employment building 01 elevations), 230 162018 (employment building 01 sections), 310 162018 (employment building 02/03 floor plans), 320 162018 (employment building 02/03 elevations and sections) and 420 162018 (proposed elevation materials) received by the Local Planning Authority on 23.04.19 and 200 162018 Rev A (proposed site plan and access road section) received by the Local Planning Authority on 19.08.19.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.



2. The recommendations and mitigation measures set out within the Arboricultural Survey (Aspect Tree Consultancy, Tree Survey, June 2019, drawing number 04191 Phase 1 TPP 5.7.19 (arb impact assessment) and 04191 Phase 1 TPP 5.7.19 (tree protection plan) shall be fully implemented, and the following should be adhered to: -

(a) No development or other operations shall take place except in complete accordance with the approved scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be erection in accordance with the details set out and retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

3. Prior to development above slab/dpc level details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To demonstrate that the development that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.