

PLANNING COMMITTEE

TUESDAY, 23 OCTOBER 2018

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Dennis, Fusco, J Hook (was Brodie), Keeling, Mayne, Nutley, Parker, Prowse, Rollason, Winsor, Connett (Reserve) and Golder (Reserve)

Members in Attendance:

Councillors Clemens and Dewhurst

Apologies:

Councillors Colclough, Hayes, Jones, Kerswell, Orme and Pilkington

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Phillip Debidin, Legal Adviser
Claire Boobier, Planning Officer

216. MINUTES

The minutes of the meeting held on 25 September 2018 were approved as a correct record and signed by the chairman. (15 votes for, 0 against, and 1 not voted).

217. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application. The Chairman also welcomed public speakers to the meeting.

218. DECLARATIONS OF INTEREST.

Councillor Austen - application 18/01603/FUL declared an Appendix A, Paragraph 14 Interest by virtue of a close relative residing in close proximity to the application site. Councillor Austen took no part in the debate or voting of this application.

219. PLANNING APPLICATIONS FOR CONSIDERATION

The Committee considered the reports of the Business Manager – Strategic Place, together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

a) **IPPLEPEN - 18/01603/FUL - Hettor Barn - Siting of mobile home for three years to support an existing rural enterprise**

Councillor Austen-application 18/01603/FUL declared an Appendix A, Paragraph 14 Interest by virtue of a close relative residing adjacent to the application site. Councillor Austen took no part in the debate or voting of this application.

Public Speaker, Objector – In addition to objections submitted by the Parish Council objections of the ground that the business has been running successfully since 2013 without a full time worker on site; resubmission of an application refused in June 2018; series of planning applications since 2012 including retrospective applications; applicant currently lives 30 minute drive away; access and highway safety; narrow highway network not suitable for large horse boxes.

Public Speaker, Supporter – the application is in accordance with the Local Plan; additional information is available for consideration since the previous refusal; the Council's agricultural adviser has concluded there is a proven, functional need for a worker to live on site to ensure the welfare of the horses and the future of the business; duty of care and animal codes of welfare responsibilities; the business has grown; and the Council can test the business success in 3 years' time with the temporary permission.

Comments made by Councillors included: the 9 letters of support are from individuals as far away as Cornwall; successful business but the site is just 250 metres from the village, on a ridge with panoramic views but the activity associated with the business is on the other side of the ridge and not close to the proposed location for the mobile home; the planning history includes the building of an isolation unit in connection with the livery business, constructed differently to permission; and the construction of 8 stables contrary to permission for 4.

The Planning Officer confirmed that the agricultural consultant had taken the proximity of the village into account in concluding the essential need for a full time worker on site. The Business Manager added that the NPPF included guidance on dwellings for rural workers and the main issue was whether there was an essential need for a worker to be resident on-site.

Further comments from Councillors included: the location of the mobile home is not in view of the business; there were available properties within 500 metres of the site; and there is no need for the mobile home.

It was proposed by Councillor Connett, seconded by Councillor Fusco and

Resolved

Permission be refused for the following reason:

The proposal constitutes residential development outside any settlement limit, and hence within a countryside location, where it has not been adequately

justified that there is an essential functional need arising from the equine business for a worker to be housed on the site. The proposal is therefore contrary to Policies WE9 (Rural Workers' Dwellings) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework and the National Practice Guidance.

(12 votes for and 3 against)

Note: The refusal of the application was contrary to the advice of the Business Manager. The Committee considered the application unacceptable for reasons set out above.

b) **TEIGNMOUTH - 18/00908/FUL - 137-139 Bitton Park Road - Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) with ancillary seating, extraction, ventilation equipment and associated external alterations**

Public Speaker, Objector –No need for another takeaway in Teignmouth; the national average is 60 takeaways per 100,000 residents, Teignmouth has equivalent to 80 per 100,000; the application will result in smell pollution, detrimental to air quality; lots of refuse bins; rats; increased use of the zebra crossing holding up traffic and causing increased car fumes emissions.

Comments from Councillors included highway and air quality concerns, and the dilapidated and derelict nature of the premises being a poor advert at the entrance to a tourist coastal town.

The Business Manager advised that the number of takeaways per population was not a planning reason to refuse the application, and there was no highway objection from Devon County Council. The premises was formally a convenience store so there was no highway reason to refuse the application. Recommended condition 3 as detailed in the report circulated with the agenda set out requirements for extract ventilation.

It was proposed by Councillor Prowse, seconded by Councillor Dennis and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with the approved plans.
3. Notwithstanding Condition 2 the extract ventilation details should be only in accordance with revised details received on 2 July 2018.
4. Hours of opening to be 11:00 – 23:00 only.
5. Notwithstanding Condition 2 the approval hereby given does not extend to any signage on the east gable (elevation B).

INFORMATIVE: Advertisement consent should be sought separately for any signage not displayed by Deemed Consent i.e. Part 5, Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. (15 votes for and 1 against)

c) **DAWLISH - 18/01618/FUL - The Cottage, Shutterton Lane - New vehicular access and parking area for The Cottage and associated ground works**

The Planning Officer confirmed the receipt of written confirmation of no objection from Devon County Highways.

Public speaker, supporter - The proposal would provide two separate entrances, as opposed to a shared access, for the existing dwelling and the new dwelling which had recently received planning permission; and two accesses would be safer for pedestrians and vehicles using Shutterton Lane.

The Chairman read a written statement from the Ward Members who was unable to attend the meeting, which expressed concern in relation to road safety.

Comments from Councillors included concern for road users, however it was considered that the two separate accesses would be safer than a shared access.

It was proposed by Councillor Mayne, seconded by Councillor Prowse and

Resolved

Permission be granted subject to conditions:

1. Standard 3 year time limit for commencement.
 2. Development to proceed in accordance with the approved plans.
- (16 votes for and 0 against)

220. APPEAL DECISIONS

The Committee noted appeal decisions made by the Planning Inspectorate on appeals against refusal of planning permission.

221. NICK DAVIES BUSINESS MANAGER

The Committee noted that Nick Davies, Business Manager was leaving the Council's employment at the end of the month to take up a position with the planning Inspectorate, and thanked him for his support, professionalism and fair mindedness. They congratulated Mr Davies on his new position and wished him well for the future.

DENNIS SMITH
Chairman