

Forde House
Newton Abbot
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12 October 2018

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 23rd October, 2018** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEASRS
Managing Director

Distribution: Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Mayne, Kerswell, Nutley, Orme, Parker, Pilkington, Prowse, Rollason and Winsor

Substitutes: Councillors Connett, Dewhirst, Golder, Haines, Hocking, Russell and Thorne

A link to the agenda on the Council's website is emailed to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

Public Access Statement

Information for the Public

Health and safety during the meeting. In the event the fire alarm sounds please evacuate the building calmly but quickly using the nearest exit available, do not stop to collect personal or other belongings and do not use the lift. Fire Wardens will assist you to safety and 'safety in case of fire instructions' are prominently displayed in the Council buildings and should be followed. Should an escape route be compromised the nearest alternative escape route should be used. Proceed quickly to the assembly point in the very far overflow car park. Report to the person taking the roll-call at the assembly point if you have evacuated without being accounted for by a member of staff.

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at www.teignbridge.gov.uk/planningcommittee.

Please email comsec@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** on the **Thursday prior to the Committee meeting**.

This agenda is available online at www.teignbridge.gov.uk/agendas five working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail comsec@teignbridge.gov.uk

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at www.teignbridge.gov.uk/planningcommittee

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline. In the case of sensitive applications representations are not placed on the website All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

A G E N D A

PART I **(Open to the Public)**

1. Minutes (Pages 1 - 6)
To confirm the minutes of the last meeting.
2. Apologies for absence.
3. Matters of urgency/report especially brought forward with the permission of the Chairman.

4. Agreement of the Meeting between Parts I and II.

5. Declarations of Interest.

6. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the Committee.

7. Planning applications for consideration - to consider applications for planning permission as set out below.

- a) IPPLEPEN - 18/01603/FUL - Hettor Barn - Siting of mobile home for three years to support an existing rural enterprise_(Pages 7 - 14)
- 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 (Pages 15 - 22)
- c) DAWLISH - 18/01618/FUL - The Cottage, Shutterton Lane - New vehicular access and parking area for The Cottage and associated ground works_(Pages 23 - 28)

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline. In the case of sensitive applications representations are not placed on the website. All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 29 - 30)

PART II (Private)

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

FURTHER INFORMATION:

Future meetings of the Committee

20 November, 18 December 2018, 22 January 2019

Dates of site inspections

Team 1 –29 November 2018

Chairman, Vice Chairman and Cllrs: Bullivant, Colclough, Fusco, Hayes, Nutley, and Rollason

Team 2 – 10 January 2018,

Chairman, Vice Chairman and Cllrs: J. Hook, Dennis, Jones, Mayne, Orme, Parker

Team 3 – 31 October 2018

Chairman, Vice Chairman and Cllrs: Austen, Kerswell, Keeling, Pilkington, Prowse and Winsor

Notes for Planning Committee members on determining applications

Members are reminded of their legal responsibilities when determining planning applications as set out in the planning practice guidance on the government website Gov.UK.

“Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.”

S70 (2) of the Town and Country Planning Act 1990 and S38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be taken in accordance with the Council’s development plan unless there are material planning considerations that indicate otherwise.

[Article 32 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provides that, subject to additional publicity requirements, a local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed.

The development plan consists of the Teignbridge Local Plan and the Neighbourhood Plans.

The National Planning Policy Framework and National Planning Practice Guidance must also be taken into account.

S70 (2) of the Town and Country Planning Act 1990 provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, will or could be provided to a relevant authority by a Minister of the Crown Court (such as a New Homes Bonus payments) or sums that a relevant authority has, will or could receive, in payment of the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular development will depend on whether it could help to make the development acceptable in planning terms.

APPENDIX 1

THE LOCAL GOVERNMENT ACT 1972

(Local Government (Access to Information) Act 1985)

List of Background Papers relating to the various items of reports as set out in Part I of the Agenda

As relevant or appropriate:

1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.

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PLANNING COMMITTEE

25 SEPTEMBER 2018

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Dennis, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Mayne, Kerswell, Nutley, Parker, Pilkington, Prowse, Rollason and Haines (Reserve)

Members Attendance:

Councillors Clemens and Gribble

Apologies:

Councillors Colclough, Orme and Winsor

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place

Justin Price-Jones, Solicitor

Phillip Debidin, Legal Advisor

Trish Corns, Democratic Services Officer

161. MINUTES

The Minutes of the meeting held on 29 August 2018 were approved as a correct record and signed by the Chairman.
(13 votes for, 1 against and 2 abstentions).

162. MATTERS OF REPORT BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN

Councillor Prowse advised that the Panning Enforcement Review Group had met that morning. Officers were working towards the introduction of the new procedure in a couple of months' time for dealing with enforcement issues for major developments over 50 dwellings.

163. MATTERS OF REPORT BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN

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.

164. DECLARATIONS OF INTEREST.

Councillors declared interests as detailed below:

Councillor Keeling - Application 18/00856/FUL - Appendix A, Paragraph 14 interest. Councillor Keeling left the meeting while the application was dealt with.

165. 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) **BOVEY TRACEY - 18/01453/FUL - Public Conveniences, Mary Street Car Park - Change of use from sui generis to A3 (restaurant/cafe) and A5 (hot food takeaway) including new takeaway hatch**

Public Speaker, Supporter – The facility would provide an educational environment for 0-5 year olds while parents have refreshment; it would be wheelchair friendly, run a plastic free and greener living ethos; no fried and only healthy foods; minimal pollution and noise; and only weekly deliveries.

The Ward Member advised that the Town Council had expressed concern about potential food odours and increase traffic.

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

Resolved

Permission be granted subject to the following conditions:

1. Standard three year time limit for commencement.
 2. Works to proceed in accordance with the approved drawings and documents.
 3. Hours of operation to be restricted to 8.30 to 17.30 Tuesday - Sunday as applied for.
 4. Bin store shown on drawing TDC1 shall be provided prior to first use and retained thereafter to ensure that adequate refuse/recycling storage facilities are provided to serve the development.
- (17 votes for and 0 against).

- b) **BOVEY TRACEY - 18/01454/ADV - Public Conveniences, Mary Street Car Park - Painted wall advertisements and wall mounted board sign**

Public Speaker, Supporter – The external wall art work would be subtle to make its appearance for pleasing than the look of a former public convenience building, and attract clients to the facility.

The Ward Councillor advised that the Town Council was not in favour of the

application because no other building in the vicinity was decorated in a similar way.

Comments from Members included that the proposed artwork was innovative and would improve the appearance of the building.

The Business Manager added that the proposal was a good use of the building, it was not in a Conservation Area, or a Listed Building.

It was proposed by Councillor Prowse, seconded by Councillor J Hook and

Resolved

Advertisement consent be granted subject to the standard conditions governing the display of advertisements.
(17 votes for and 1 against)

c) **BISHOPSTEIGNTON - 18/01319/FUL - 8 Moors Park - Replacement of existing flat roof with extended soffit, alteration to existing fenestration, creation of rear patio and porch extension**

The Chairman reported on a representation from the Ward Member that the revisions appear to satisfy the concerns of the Parish Council and residents, and therefore he was happy with the officer recommendation as set out in the report circulated with the agenda.

It was proposed by Councillor J Hook, seconded by Councillor Parker 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 approved plans (received 7 September 2018).
- (18 votes for and 0 against)

d) **TEIGNMOUTH - 18/01420/FUL - 92 Coombe Vale Road - Creation of parking area in front garden**

The Business Manager advised that four similar proposals had been refused and two appeals had been dismissed, for reasons of harm to the street scene which outweighed the benefits of off-street parking.

Public Speaker, Supporter – The continuity of the brick wall had been broken with an off street parking area and, further along, a garage; the lack of on street parking was a problem causing congestion; materials would be in keeping with the street scene; one side of the road has double yellow lines; and the other side of the road is restricted for parking due to drive way entrances.

Comments from Councillors included: detrimental to the appearance of the street scene; sympathy with the lack of parking; this is a main feeder road to the Lovell estate; the on-street parking should be swapped to the other side of the road where there are no drive ways to enable more on street parking.

The Business Manager advised that the Lovell estate was developed prior to 2017 when the last similar proposal was submitted and refused. Nothing had changed since this time to justify the approval of the application.

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

Resolved

Permission be refused for the following reason:

The proposed parking area, excavation work, retaining walls, planting walls, hand rail and the removal of the existing roadside wall would not be in keeping with or sympathetic to the character of the street and consequently would detract from the visual qualities of the area, contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development), S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework July 2018 and the National Planning Practice Guidance. (11 votes for, 6 against and 1 abstention)

- e) **TRUSHAM - 18/00856/FUL - Overdale, Trusham Hill - Raising roof to form additional accommodation, single storey rear extension, new garage and alterations for access and parking**

Councillor Keeling declared an Appendix A, Paragraph 14 interest and left the meeting while the application was dealt with.

The Chairman reported on a note from the Ward Member objecting to the application. The Ward Members reasons for objecting were as detailed in the report circulated with the agenda as her reasons for calling the application to Committee, and the detrimental effect on the wider views of the area.

Public Speaker, Objector – Objected on the grounds of being detrimental to the amenities of immediate neighbouring properties; overbearing; overlooking directly towards bedroom windows and loss of privacy; obscure glazed windows but which open for emergency exit so they would still result in loss of privacy and overlooking; visual intrusion of the street scene and wider views; and contrary to Policy.

Public Speaker, Supporter – This is a large plot and the increase in height is a mere 1.5 meters; the neighbouring property Haldon View is a large detached dwelling with pitched roof double garage, visible from the village; the other immediate neighbouring property Pidsley Ball is set above Overdale; there

would be minimal impact in terms of light, overlooking and loss of privacy; and the proposal would increase privacy to Haldon View.

It was proposed by Councillor Mayne, seconded by Councillor Jones 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. Details of external materials to be submitted for approval.

(17 votes for and 0 against)

166. APPEAL DECISIONS

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

CLLR DENNIS SMITH
Chairman

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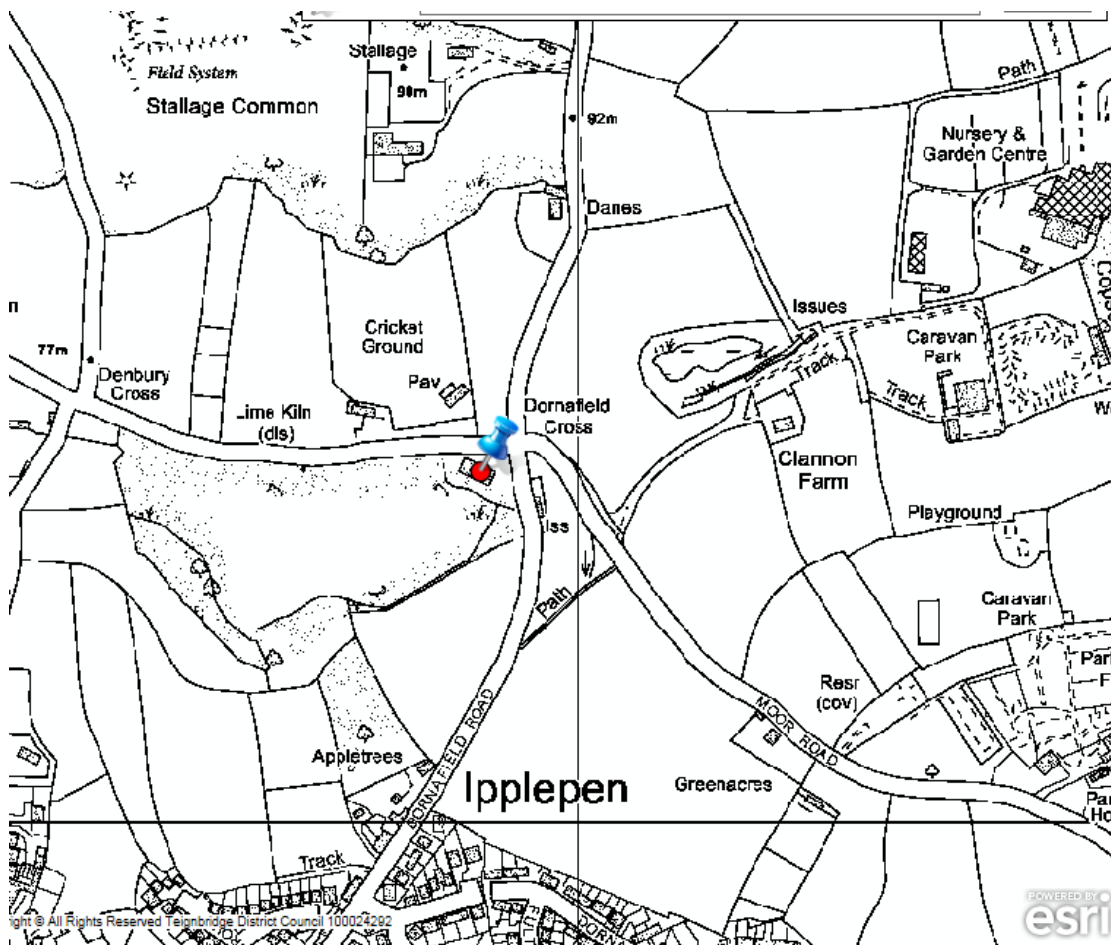
PLANNING COMMITTEE REPORT

23 October 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 18/01603/FUL - Hettor Barn - Siting of mobile home for three years to support an existing rural enterprise	
APPLICANT:	Mr D Sibley	
CASE OFFICER	West Team Planning	
WARD MEMBERS:	Councillor Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01603/FUL&MN	





1. REASON FOR REPORT

Councillor Dewhirst has recommended that this application be referred to Planning Committee because there have been seven planning applications since 2012 to form this equestrian centre, all of which have expanded the operations on site. At no point has there ever been any mention of a requirement for accommodation on this site 260 metres from the village. This application gives no pressing reason for an on-site equestrian worker and it would appear that the application is purely for the convenience of the operator.

Councillor Dewhirst advises he can see no difference to application 18/00349/FUL roundly rejected by the Teignbridge Planning Committee.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. Written confirmation to Local Planning Authority of date of commencement of development;
3. Development to be carried out in accordance with the approved plans
4. Equine worker(s) occupation only;
5. Details of mobile home (to be in accordance with definition of mobile home within Caravan Sites Act 1968) to be submitted for approval;
6. Mobile home to be removed and land restored to original condition 3 years from date of commencement;
7. No external lighting to be installed unless an external lighting scheme is first agreed in writing by Local Planning Authority.

3. DESCRIPTION

- 3.1 The site is located within designated countryside 340 metres from the edge of Ipplepen. The site is accessed from the main entrance to the large stable building to the south of Dornafeld Cross. The access to the existing timber barn/workshop up a steep slope will also provide access to the siting of the mobile home subject to this application. The buildings and grounds are laid out in association with an equine business. There is a large stabling shed, horse walker and outdoor pens on the lower level.
- 3.2 This proposal seeks consent for the temporary siting of a mobile home for an equine worker on the land associated with the farm buildings. This is to ensure 24 hour attendance of a suitable person on site.
- 3.3 The business currently employs two full-time staff and two part-time staff. The owner and trainer lives in Babbacombe. The business runs horse training and stabling for high level competitive events, having 15 to 20 horses on site at any time.
- 3.4 The proposal is for the siting of a mobile home to provide a temporary dwelling for an equine worker. It would be located adjacent to the site of the stables and isolation unit approved under application references 15/00575/FUL and 15/02466/VAR. A set of four stables and a store were approved under 16/03201/FUL at the lower part of the site. This application is a re-submission of

application reference 18/00349/FUL for temporary siting of mobile home to support an existing rural enterprise considered by Planning Committee on 5 June 2018.

- 3.5 The key issues in the consideration of this application relate to:
- Sustainability/principle of the development
 - Whether the criteria justifying a rural worker's dwelling are met
- 3.6 The proposed mobile home would be on a temporary basis to enable the applicants to prove the on-going profitability and viability of the site and the requirement for a worker to be resident on site at all times.
- 3.7 As the site lies in the Countryside outside any Settlement Limits, Policy S22 of the Teignbridge Local Plan applies. Under this Policy residential development is not acceptable in principle, except for certain exceptional circumstances. One of these exceptions is where residential accommodation is necessary for agriculture, forestry and other necessary rural workers. Clearly such justification is necessary for a residential mobile home to be acceptable in this location. The criteria for such justification are set out in Teignbridge Local Plan Policy WE9.
- 3.8 The Applicant's Planning Statement has been produced by a rural planning consultant who holds a BSc in Equine Welfare with Business Management. It sets out the background to the enterprise and examines the local and national planning policies relating to rural workers' dwellings and examines the functional and financial need for the business to have a permanent on-site residential presence. The expert conclusion is that there is an existing functional need for a worker to live on site for the welfare of the horses and to ensure the future of the business. It is also concluded that there is a financial need – the viability of the business has been proven as it has been operating at the site since 2013. The Business Plan shows that the enterprise has been planned on a sound financial basis and would be able to be more profitable with on-site accommodation.
- 3.9 The Council has sought the independent advice of its Agricultural Consultant to scrutinise this stated need. The Consultant's consultation response to the previous application for the same proposal (18/00349/FUL) concludes that the business has been planned on a sound financial basis and that there is a firm intention and ability to develop the enterprise. The consultant also concludes that there is a proven functional need for a full-time on-site presence at most times of day and night. There are no other residential buildings which could serve this purpose within the vicinity and the consultant concludes, in any event, that the on-site presence required means somebody living actually at the site of the yard. The consultant concludes that the criteria set out in Policy WE9 are satisfied.
- 3.10 The proposed mobile home would be sited adjacent to a building on site, screened by established hedgerows and trees to ensure the least visual impact upon the surrounding landscape. It is considered that there would be no significant harm to the appearance of the countryside that would outweigh the functional and financial requirement for an on-site dwelling, to enable the enterprise to develop.
- 3.11 In accordance with Policy WE9 of the Teignbridge Local Plan, it is considered that there is a functional need for the temporary dwelling, the unit is viable and there are no alternative dwellings that could meet the identified need. The exceptional

circumstances required for residential use in the Countryside have therefore been demonstrated and planning permission should be granted.

- 3.12 The Applicants have drawn attention to 2 appeal decisions from other parts of the country where temporary dwellings for equine workers have been allowed on appeal for very similar businesses. The application has been resubmitted in the hope of avoiding a lengthy appeal process that will put the Applicant's expansion plans on hold for at least a year, and also to avoid the costs to both parties in making and defending an appeal.
- 3.13 The expert advice submitted by the Applicant is corroborated by the Council's independent Agricultural Consultant. No expert advice has been submitted that supports a contrary view. It is therefore concluded that planning permission should be granted.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

WE9 (Rural Workers' Dwellings)

EC3 (Rural Employment)

EN2A (Landscape Protection and Enhancement)

Devon Minerals Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Agricultural Consultant – Supported the previous application for the same proposal as there is a functional and financial requirement for a dwelling on site (Application reference: 18/00349/FUL)

Devon County Council (Highways) – Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

Devon County Council (Minerals) – No objection on mineral safeguarding grounds but recommend that an informative be included to alert applicant to the location of the site in a Mineral Consultation Area.

Devon Stone Federation - The site lies within a Mineral Safeguarding Area for aggregate minerals, within which the advice of the Devon Stone Federation should be consulted about possible sterilisation of the underlying mineral under the arrangements in policy M2 of the Devon Minerals Plan. Whilst a temporary caravan would not sterilise the nearby deposit, if approved, there is potential for a permanent residential presence to be confirmed for the holding, which would compromise future mineral development of the deposit. Therefore the DSF, as the body that represents mineral operators in Devon, requests that if permission is

granted, an informative note is added, advising the applicant that if sought in future a permanent dwelling on this site would conflict with policy M2 and therefore the DSF would object.

6. REPRESENTATIONS

Nine letters have been received in support of the application. These make the following summarised comments:

1. Do not understand why local parish council does not support the application;
2. A livery business was granted permission, and by the sounds of it a very successful one, which means that there is a need for someone to be on site to look after the horses if/and when they are ill or need looking after. Even if they lived 100 metres away, this makes no difference, they would need to be on site;
3. The applicant has a rural business, in a rural community and what difference does it make if they live there? – it reduces road movements, means they can react to ill animals and develop a business and bring more employment;
4. In order to develop their business it would be beneficial (potentially essential) for someone to be permitted to live on the site;
5. Granting this application would be beneficial to the business, local area and local employment and essential to the animals' welfare;
6. The Agricultural Consultant and Officer recommendation was for the previous identical application to be passed;
7. Parish Council have not provided any information to support their conclusion to object to the application;
8. There have been incidents when trespassers have caused issues of security and safety to the horses. Had a person been on site these issues would have been stopped or would not have happened;
9. The Government is encouraging commercial enterprise within the rural community and I hope due consideration can be given to this venture;
10. The overseeing and general duties involved in the care of top competition horses is a massive responsibility. Being unpredictable animals of great value and several owned by other people it really is a prerequisite for a professional yard to offer on-site 24 hour supervision – a duty of care – for the owner's peace of mind. It is very difficult for the business to move forward and remain a success under the constant threat and worry of security breaches;
11. The wasted man hours travelling to and from the yard would be better used at the yard allowing the business to become more efficient and successful;
12. The yard currently offers employment, opportunities, connections and a great service to myself and others but is unable to sustain effectiveness and at present I believe runs at half capacity due to logistical difficulties and security worries. I therefore feel it is imperative that on-site accommodation be granted for this business to survive in the future;
13. Security and safety for these animals, and the premises, has to be a top priority for this family so I absolutely support this application;
14. Having a dwelling at these premises can only be seen as a positive;
15. A community should do whatever they can to support local businesses;
16. The Teignbridge Planning Committee refused the earlier identical application in July on the grounds stating that 'it has not been adequately justified that there is a functional need for any staff to live on site'. However, the Parish Council, the only objectors, have provided no information upon which this supposed ground is based. Moreover, their position is contrary to the conclusions of the expert's report which recommends that the application should be passed and fails to acknowledge that Teignbridge Planning also recommended the application to be

passed. I believe, based on the submitted documents, that the application should be passed;

17. A successful result on this planning application will help the business grow;
18. All animals are priceless, but the applicants' horses are of top standard with several that will progress to European and World Class team selection. These animals should not be left alone: with the ever increasing theft of every conceivable animal this should be the first consideration, along with the thought that if you have a horse in distress there is no one there to see to this, living off-site is not viable as the animals require 24 hour supervision;
19. Business is being turned away as cannot provide 24 hour supervision;
20. Applicant cannot breed his own event horses with present situation of no on-site accommodation;
21. Having run my own training centre, you cannot be responsible if you do not live on the premises.

7. PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council object to this application again and endorse the findings of Teignbridge District Council Planning Committee "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."

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place

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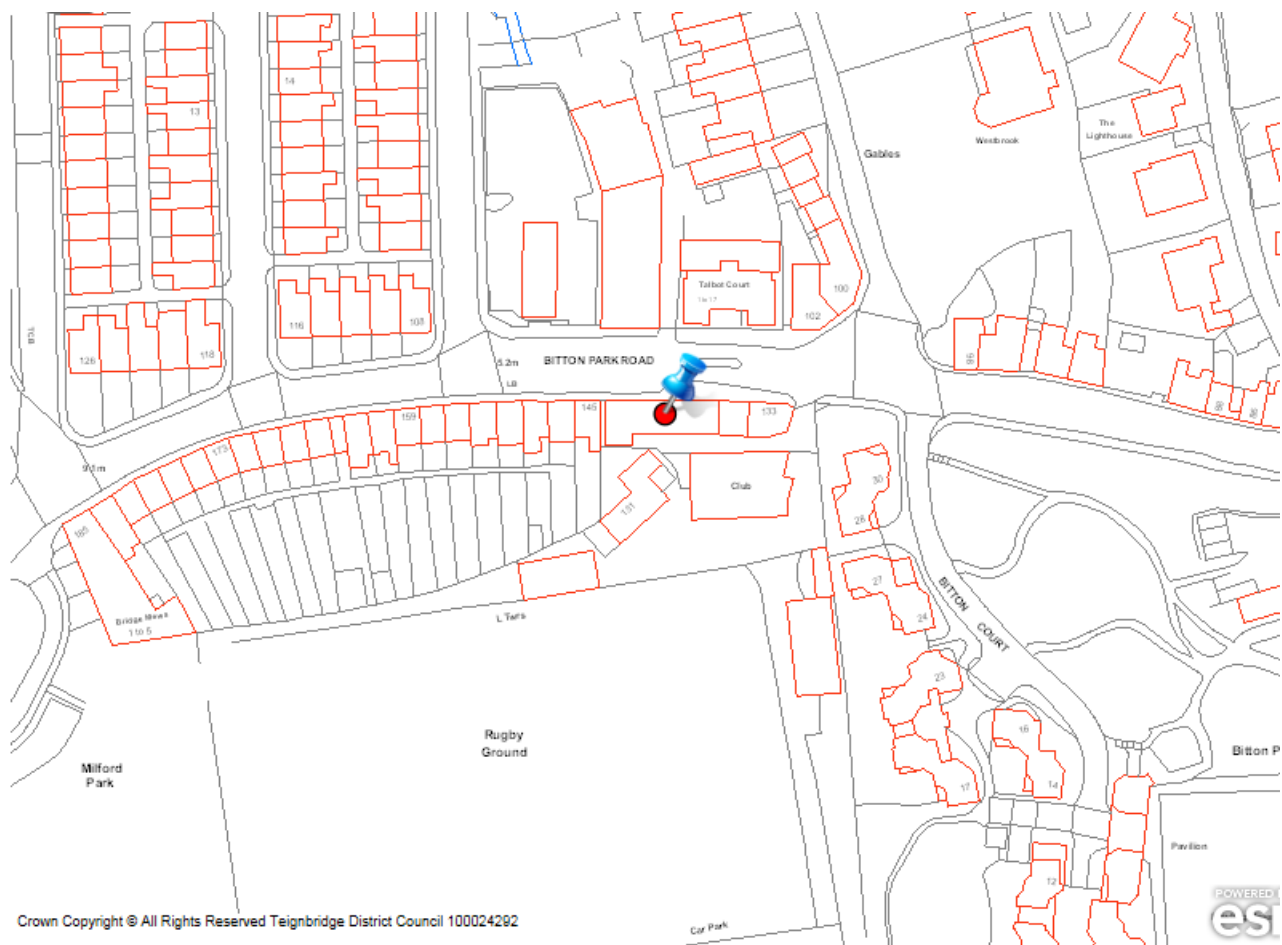
PLANNING COMMITTEE REPORT

23 October 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	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	
APPLICANT:	Mr A Roberts	
CASE OFFICER	Estelle Smith	
WARD MEMBERS:	Councillor Matthews Councillor Cox	Teignmouth West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00908/FUL&MN	



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1. REASON FOR REPORT

Councillor Cox requests Committee consideration if the Case Officer is recommending approval because he considers that there are air quality and traffic and parking problems.

This application was deferred from 29 August 2018 Committee at the request of the applicant.

2. RECOMMENDATION

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

3. DESCRIPTION

- 3.1 The application site lies outside the primary or secondary shopping areas for Teignmouth.
- 3.2 The site is the ground floor (and basement area) of the old Dillons convenience store/One Stop shop, sited opposite the Tesco's store on Bitton Park Road. It is currently vacant and in a state of disrepair having been so since the Tesco store was constructed around 2008.
- 3.3 There is an access lane to the rear separating the building from the rugby club complex function room on which at the time of the site visit were parked two cars.
- 3.4 This proposal seeks to change the use to a hot food takeaway with external repairs and decoration together with internal alterations to form a moped garage in the basement, and store rooms, a cold room and wash-up area. The Manager's office, kitchen and customer service and seating area with customer w.c. would be on the ground floor with alterations to allow for a kitchen ventilation grille, new roller shutter door to moped garage, new access door from ground floor, and a bin storage area, all to the rear. The application also seeks to retain the external staircase giving access to the first floor accommodation.
- 3.5 Proposed advertisements are to be subject of a further Advertisement Consent application.
- 3.6 Proposed hours of operation are from 11:00 to 23:00 daily.

- 3.7 The application has been revised during its progression consisting of the removal of an originally-proposed ventilation flue on the east elevation which would have had an adverse effect on the streetscene and the nearby listed buildings.
- 3.8 Principle of the development/sustainability
- 3.9 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case it is considered that the principle of the development is sustainable as it comprises the beneficial re-use of a vacant building in an accessible location.
- 3.10 Impact upon setting of listed buildings and the character and appearance of the Conservation Area
- 3.11 Although the site is not within a Conservation Area there are listed buildings within the vicinity, namely 90 Bitton Park Road (Grade II), Bitton House (Grade II*) and The Orangery (Grade II). None of these buildings, it is considered, would have their settings adversely affected by the revised proposals, which omit the large ventilation flue.
- 3.12 In coming to this decision the council must be mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.13 The development now accords with Policy EN5 (Heritage Assets).
- 3.14 Impact upon the character and visual amenity of the area
- 3.15 It is considered that although the area is predominantly residential, a hot food takeaway will not be an alien feature in this location, there are three existing A5 uses in the immediate vicinity, a fish and chip shop, a kebab shop and a Chinese takeaway and there is a “local” supermarket opposite. It is considered that the character and appearance of the streetscene will not be adversely affected by the development. In fact the development seeks to improve the external decoration on the building and the visual appearance of the streetscene and will be seen as an improvement. The development therefore accords with Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) in this respect.
- 3.16 Impact on residential amenity of surrounding properties
- 3.17 Currently, the flat on the first floor, above the site is unoccupied. The development seeks to retain and upgrade the external staircase to the rear giving access to that flat, so it appears that it will, in time, be occupied again. This will be the closest residential property to the development, although there is an attached house to the west, but this is sited further away from the proposed ventilation grille.
- 3.18 The Environmental Health Officer’s initial comments in respect of the original scheme, which has now been altered to omit the tall flue, were positive i.e. they had

no issue with noise, odour or air quality. In their more recent consultation reply they have suggested a condition to limit the opening hours to 09:00 – 21:00 as this would be the same as the takeaway at 135 Bitton Park Road that was approved under reference 15/01307/COU. However, it should be noted that the Environmental Health Officer's consultation reply on that application recommended opening hours of 11:00 – 23:00. The condition requiring earlier closure was imposed at the request of the Applicant. It is therefore considered that the development would not have any undue impact on the residential amenity of any future occupiers of that property or any neighbouring residential properties with regards to noise or odour. Furthermore, the last use of the property was as a retail outlet, with possibly no controllable hours of operation, so it would be difficult to argue that the proposed use would be more intensive than the average footfall associated with a retail use. The development therefore accords with Policy S1 in this respect.

3.19 Highway safety

3.20 No end user is presently mooted, however, the proposal includes the provision of a moped garage and it is envisaged that its business model will likely include a proportion of hot food deliveries as well as walk and drive in collections/orders.

3.21 The County Highways Authority has raised no objection to the proposal. They initially referred Teignbridge to their Standing Advice but later made their formal comments.

3.22 The site lies within walking distance of a large number of dwellings and a delivery option appears to be available. It is considered therefore that the development will not adversely impact on highway safety and is in accordance with Policy S9.

3.23 Other matters (including issues raised in representations and consultations that have not already been covered above)

3.24 Some of the objections relate to the desirability of the use of the site for a residential development. It would, it is considered, be difficult to find a suitable alternative use for this site. As it is within an Air Quality Management Zone, any sort of residential development would be difficult to achieve, with no opening windows facing the road for example. Policy S11 advises that the Local Planning Authority seeks to keep vulnerable uses, such as housing, out of areas where they would be harmed by existing pollution levels. Residential development would therefore be resisted.

3.25 The application submission argues that as the site has remained unused for the last 10 years Policy WE12 is met as the use is no longer necessary or viable in the long term, due to the close proximity of the Tesco's store opposite. The new use will re-use the empty unit, improve the visual amenity of the area, it is on a bus route, there is parking available nearby and it is close to a largely residential area which will mean people will also access the unit on foot.

3.26 A condition is recommended which omits any approval for any signage positioned on the gable end of the building. Advertisement consent is needed for a sign in this position. All advertisements not displayed with deemed consent should be subject to a separate and further advertisement application.

4. POLICY DOCUMENTS

Teignbridge Local Plan

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S9 (Sustainable Transport)

S11 (Pollution)

S21A (Settlement Limits)

EN5 (Heritage Assets)

EN6 (Air Quality)

WE12 (Loss of Local Facilities)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEEES

Devon County Council (Highways) - The site is accessed off the A379 a County Primary Road which is restricted to 30 m.p.h.. The site has a bus stop located outside and a pedestrian crossing. There are a number of parking places located along the A379 which at certain times of the day may be fully used by residents, although as the location of the shop is near to residential areas this may encourage customers to visit by foot. The Highways Authority has no objection to this application.

Environmental Health (Environmental Control) – The applicant has submitted a detailed risk assessment following the Defra guidance to identify mitigation for both noise and odour.

Should planning permission be granted the adherence to the submitted details should be conditioned and the installed system shall be maintained in accordance with the manufacturer's guidelines.

The application site is in close proximity to an existing premises with a similar use, 135 Bitton Park Road, Teignmouth, TQ14 9DQ (15/01307/COU). I recommend that the same hours of use condition for that premises is applied to the application should permission be granted.

Condition 4

The use hereby permitted shall not take place other than between 9am and 9pm.

REASON: To ensure that no disturbance is caused to the occupiers of neighbouring properties as a result of unreasonable trading hours at the premises.

This will prevent disturbance to the neighbours and a gradual creep of the prevailing background noise levels in the evening.

Environmental Health (Air Quality) - No objections.

Conservation Officer - As the applicant has now removed the large roof flue and replaced it with a balanced flue I do not consider that this affects the setting of any of the listed buildings and there is no need to consult Historic England.

Historic England - Do not wish to offer any comments, suggest you seek the views of your specialist conservation and archaeological advisers

6. REPRESENTATIONS

One letter of support received raising the following points:

1. Will improve the streetscene with something productive and positive
2. Great idea for the community

11 objections received raising the following points:

1. Yet another takeaway
2. Insufficient parking
3. Increase in illegal parking on Westbrook Avenue, will become an even worse rat run
4. Unsafe for school children using the roads
5. Traffic lights (pedestrian controlled) will be used more causing additional congestion
6. Increase in pollution
7. Use will encourage more litter
8. Use will encourage rats
9. Affordable housing would be a more useful idea
10. Result in odour
11. Sufficient existing food outlets in the locality
12. Prominent position
13. Concern over policy for child obesity
14. Increase in noise disturbance especially if open late
15. Concern with poor and noisy ventilation
16. Concern right of way access will be further restricted to rear of Bitton Park Road

7. TOWN COUNCIL'S COMMENTS

No objection but the Committee requests particular attention is paid to the ventilation and extraction proposals.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 277.07m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is nil. The CIL liability for this development is £41,560.50. This is based on 277.07 net m² at £150 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place

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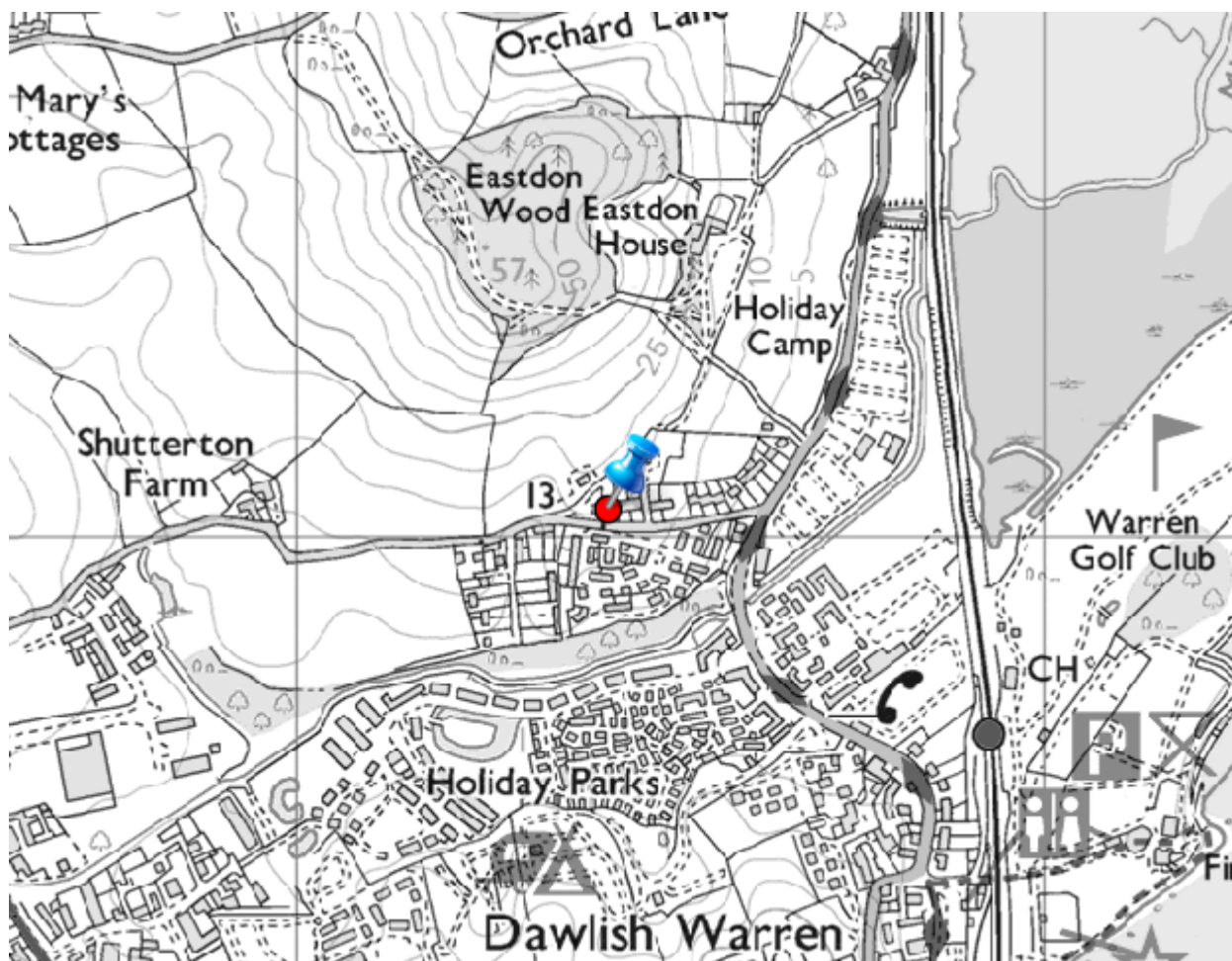
PLANNING COMMITTEE REPORT

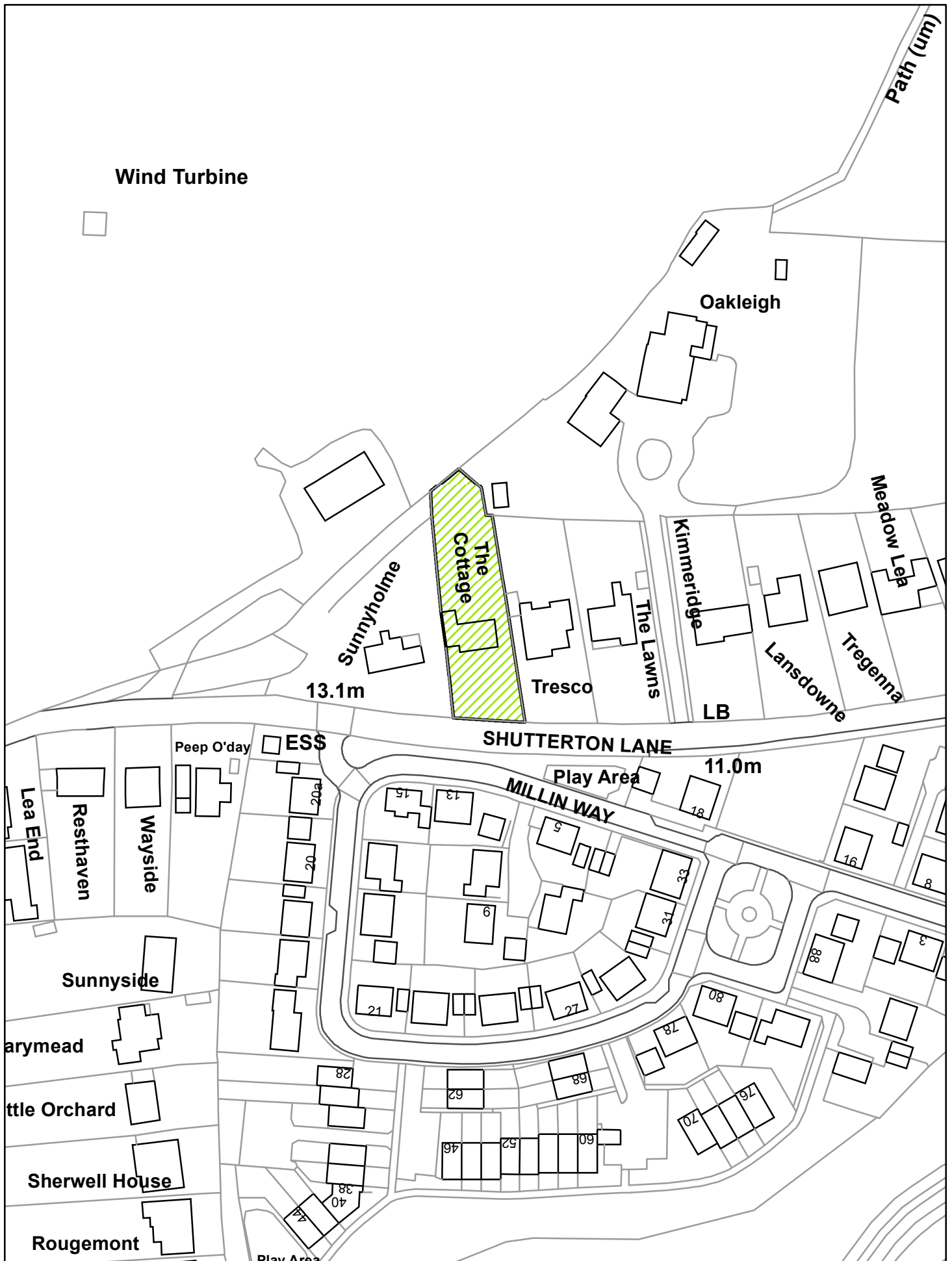
23 October 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	DAWLISH - 18/01618/FUL - The Cottage, Shutterton Lane - New vehicular access and parking area for The Cottage and associated ground works	
APPLICANT:	Mrs Young	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Hockin Councillor Mayne Councillor Wrigley	Dawlish Central And North East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01618/FUL&MN	





1. REASON FOR REPORT

Councillor Wrigley has referred this case to Planning Committee if the Case Officer is recommending approval because of increased safety concerns for road use. It is considered that an extra exit is dangerous to increased pedestrian use of the nearby Country Park entrance. Prior approved application had adequate access.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions:

1. Standard 3 year time limit for commencement
2. Development to proceed in accordance with the approved plans.

3. DESCRIPTION

Site description

- 3.1 The site relates to the front garden of a property known as The Cottage off Shutterton Lane, Dawlish Warren. Outline planning consent was granted by Committee (application reference: 17/01480/OUT) followed by full planning permission (application reference: 18/00698/FUL) for a dwelling in part of the rear garden of The Cottage. Access to the new dwelling is to be provided via a shared access using the existing access off Shutterton Lane, which would be extended into the garden with the removal of the garage at the property. This would be a shared access for the existing dwelling and the new dwelling.

The proposal

- 3.2 This application seeks planning consent to create a separate access to serve The Cottage in order for the existing dwelling and the approved dwelling to have separate means of access.
- 3.3 Due to the change in ground level between the front garden and Shutterton Lane this would involve some engineering works and the removal of the existing conifer screen on the road frontage to facilitate the provision of an access and provide associated visibility splays. The access would have a surface of compressed gravel with areas of the existing lawn remaining on either side of the access. Two parking bays would be provided on site.

Principle of development

- 3.4 The application site is located within the settlement limit of Dawlish as depicted in the Teignbridge Local Plan 2013-2033. Policies S1A, S1 and WE8 of the Local Plan are permissive of residential development, subject to policy criteria being met. Thus, the principle of the proposed development can be acceptable, subject to compliance with policy.

Impact upon the character and visual amenity of area

- 3.5 The proposed works will be visible from the public realm and can be seen in either direction along Shutterton Lane due to the nature of the proposal and the proposed removal of the conifer screen. However, taking into account existing access points

along Shutterton Lane, overall it is considered that the proposed additional access and associated works would not have a detrimental impact upon the surrounding area or subject property by way of appearance and visual amenity.

Thus, the visual impact of the development is considered to be acceptable and compliant with the criteria of Policies WE8, S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033.

Impact on residential amenity of the occupiers of surrounding properties

- 3.6 Given the separation distance to neighbouring accesses and properties it is not considered that the siting and design of the proposed access and associated works would have a significantly detrimental impact on residential amenity in the context of Policy WE8 of the Teignbridge Local Plan 2013-2033.

Highway safety

- 3.7 The Town Council has raised concerns that Shutterton Lane is in their opinion a dangerous road and, with increasing foot traffic from residents and visitors to the Country Park, an additional entrance would compound existing issues.
- 3.8 There is a new footpath that has been installed for pedestrians and cyclists between Warren Road adjacent to Hazelwood Park which provides a connection between Dawlish Warren and Exeter Road, Dawlish on which the new Country Park is located. This new connection avoids the need for pedestrians to use Shutterton Lane to gain access by foot to the Country Park.
- 3.9 The location of the proposed access is on a straight section of Shutterton Lane and provides adequate visibility splays for the proposed access whilst removing vegetation adjacent to the existing access to improve visibility from the existing access point onto Shutterton Lane.
- 3.10 Devon County Council Highways originally advised Teignbridge District Council to use the standing advice issued to them to consider the highway impacts of the development, however following the receipt of the Town Council's concerns the Devon County Council Highways Officer was asked to review this case. Having viewed the site, she has verbally advised Officers that Devon County Council would have no highway safety objection to the provision of an additional access in this location.
- 3.11 In conclusion; adequate visibility splays have been provided; the access is on a straight section of the lane; Devon County Council Highways have raised no highway safety concern; there are alternative pedestrian and cyclist-friendly routes to gain access to the Country Park. It is therefore not considered that a refusal on highway safety grounds would be justified.

Conclusion

- 3.12 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality. This is considered to represent an appropriate form of development whereby the Local Planning Authority considers that the balance of considerations weigh in favour of granting planning permission. There is therefore a recommendation to approve subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033:

S1A (Presumption in favour of Sustainable Development)

S2 (Quality Development)

S21A (Settlement Limits)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council (Highways) - Originally recommended that the Standing Advice issued to Teignbridge District Council be used to assess the highway impacts.

Following receipt of concerns from the Town Council and Ward Member, Devon County Council Highways were asked to review the site and to consider highway safety impact. They have advised verbally that they would have no objection to the proposed additional access in this location.

6. REPRESENTATIONS

No representations received.

7. TOWN COUNCIL'S COMMENTS

Refusal of this application in line with a previous application further along the lane. It is a dangerous road with increasing foot traffic from residents and visitors to the Country Park so an additional entrance would compound existing issues.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 23 October 2018

REPORT OF: Business Manager – Strategic Place

SUBJECT: Appeal Decisions

- 1 18/00027/REF EXMINSTER** - Milbury Barton Exminster
Appeal against the refusal of 17/02961/OUT - Outline -
erection of 4 dwellings (all matters reserved for future
consideration)

APPEAL DISMISSED (DELEGATED REFUSAL)

- 2 18/00017/REF DAWLISH** - 15 Barton Terrace Dawlish
Appeal against the refusal of planning application
17/02709/FUL - Dwelling in garden

APPEAL ALLOWED (DELEGATED REFUSAL)

**PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS
AVAILABLE ON THE COUNCIL'S WEBSITE**

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