

Forde House
Newton Abbot
Telephone No: 01626 215112

E-mail: comsec@teignbridge.gov.uk

9 November 2018

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 20th November, 2018** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
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, Winsor and Wrigley

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.

AGENDA

PART I

(Open to the Public)

1. Minutes (Pages 1 - 4)
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) NEWTON ABBOT - 18/01734/FUL - Butter Market, Market Street_(Pages 5 - 8)
Raise the height of the existing 1.5 metres high steel and glass railing along the south elevation by 0.5 metres to form a total height of 2 metres.
 - b) NEWTON ABBOT - 18/01735/LBC - Butter Market, Market Street_(Pages 9 - 12)
Raise the height of the existing 1.5 metres high steel and glass railing along the south elevation by 0.5 metres to form a total height of 2 metres.
 - c) NEWTON ABBOT - 18/01526/FUL - 8 The Butter Market, Market Street (Pages 13 - 18)
Change of use from A3 (restaurant/cafe) to A5 (hot food takeaway).
 - d) SHALDON - 18/01778/MAJ - Coast View Holiday Park, Torquay Road_(Pages 19 - 30)
Variation of conditions 2, 3 and 4 on planning permission 12/01547/MAJ (use of land for stationing of static caravans for holiday use all year round) to provide an alternative landscaping scheme.
 - e) SHALDON - 18/01779/VAR - Coast View Holiday Park, Torquay Road_(Pages 31 - 38)
Variation of condition 4 on planning permission 15/02763/VAR (variation of condition 4 on planning permission 13/03275/FUL to vary the stated

parameters for the approved decking) to ensure compliance with revised landscaping plan.

- f) DODDISCOMBSLEIGH - 18/01782/FUL - Mistleigh Farm Barns, Doddiscombsleigh_(Pages 39 - 48)
Extension to the existing barn, installation of satellite and attachment of solar panels.
- g) IPPLEPEN - 18/01226/FUL - The Shed, Yarneford Copse_(Pages 49 - 56)
Change of use of forestry building to dwelling.

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 57 - 58)

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

18 December 2018, 22 January 2019 and 19 February 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.

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.

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.

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PLANNING COMMITTEE

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 Dewhirst

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

1. 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).

2. 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.

3. 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.

4. 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)

5. APPEAL DECISIONS

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

6. 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.

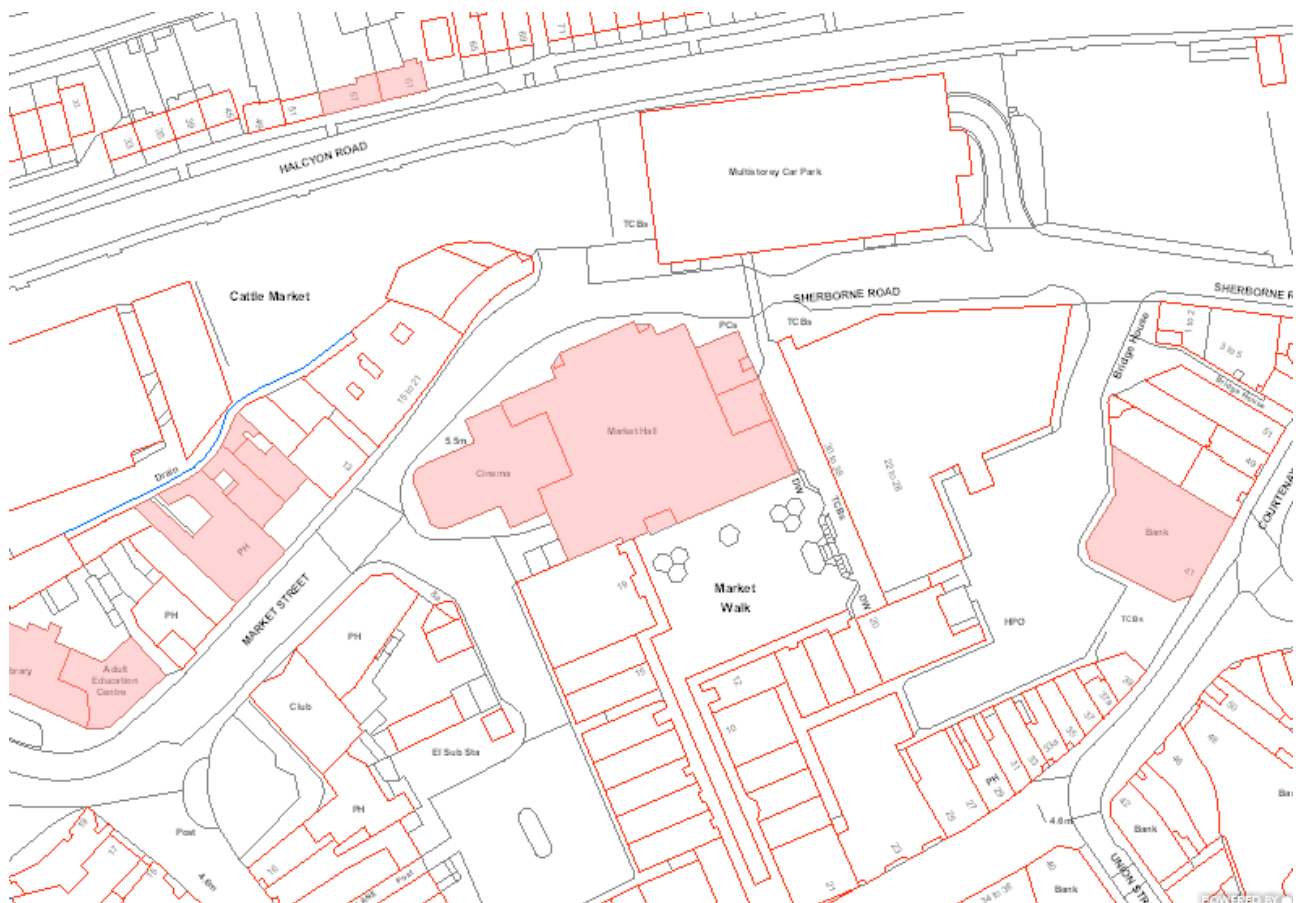
DENNIS SMITH
Chairman

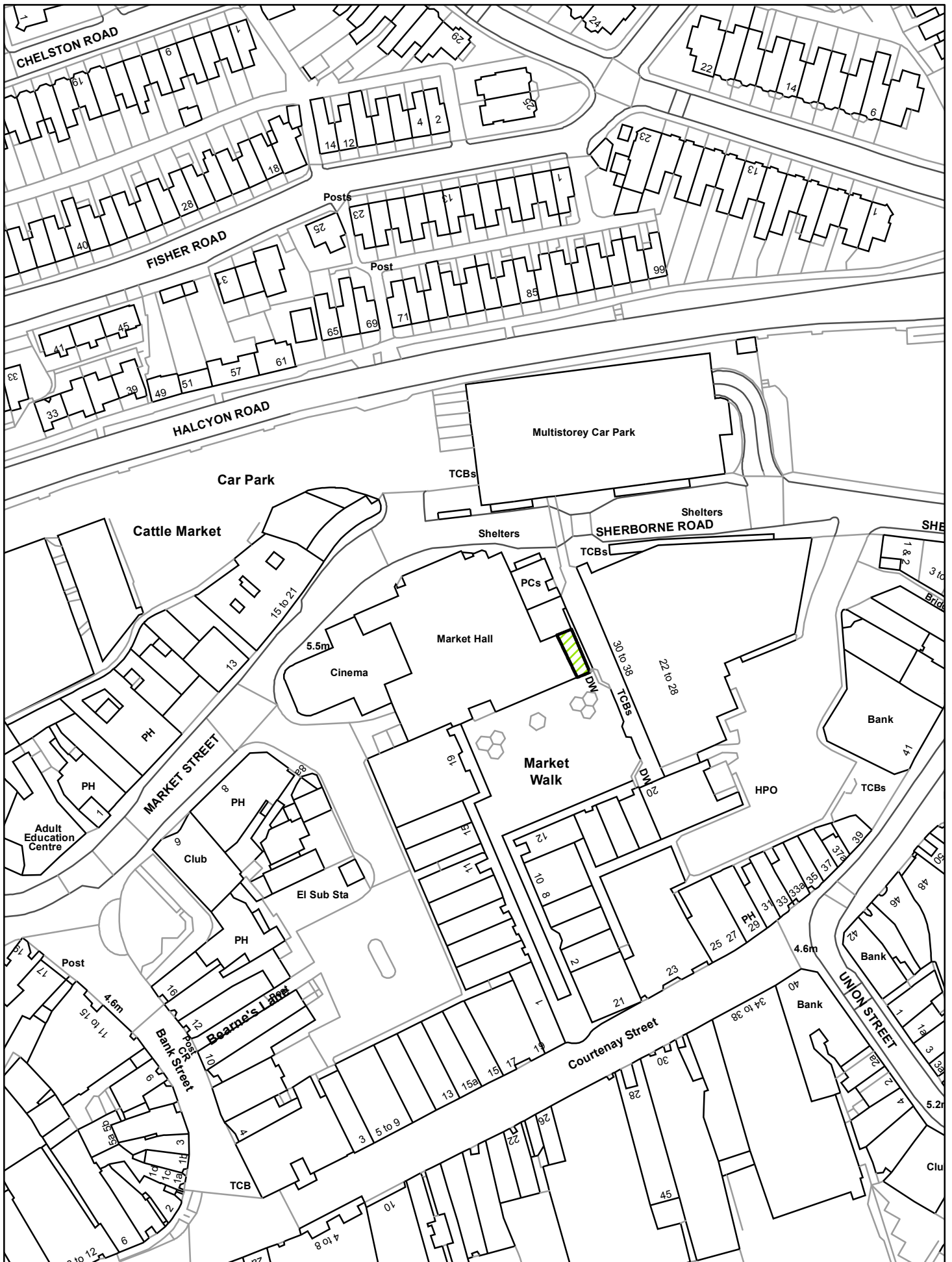
PLANNING COMMITTEE REPORT 20 November 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/01734/FUL - Butter Market, Market Street - Raise the height of the existing 1.5 metres high steel and glass railing along the south elevation by 0.5 metres to form a total height of 2 metres	
APPLICANT:	Teignbridge District Council	
CASE OFFICER	Guy Gibson	
WARD MEMBERS:	Councillor J Hook Councillor Hayes	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01734/FUL&MN	





1. REASON FOR REPORT

The site is owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time condition
2. Works in accordance with approved plans

3. DESCRIPTION

The Site

- 3.1 The application site relates to the Butter Market building that sits in Market Street within the settlement of Newton Abbot. The building was developed by Wolborough Local Board in 1867 and is Grade II listed.
- 3.2 Market Street is in the centre of Newton Abbot town centre and within the Primary Shopping Area, sandwiched between Halcyon Road and Courtenay Street.
- 3.3 The building is a listed property and sits surrounded by additional protected sites.
- 3.4 The Butter Market is set on split levels with pedestrian access being taken from each elevation, although the predominant footfall entrance is from Market Square on the southern entrance.
- 3.5 A major internal and external refurbishment of the Pannier Market was completed in 2007 and the internal layout of the market consists of market stalls and small trading units, some of which are set within the building. These units are flanked on either side of the openings with granite columns. The uses are principally A1 in the Market, but there is also a mix of A2 and A3.

The Application

- 3.6 The application seeks planning permission to raise the height of the existing 1.5 metres high steel and glass railing that sits on top of the modern food hall flat roof situated along the south elevation of the Butter Market. The existing railing was installed with the objective of preventing unauthorised access onto the higher roofs in the vicinity but is not of sufficient height to achieve this objective. Therefore the proposal is to raise the railings so that they deter unauthorised access to the upper roofs. The railings will be raised by 0.5 metres to form a total of height of 2 metres and will be fabricated to match the design and materials of the existing railings, ensuring continuity of appearance.

Impact upon Listed Buildings

- 3.7 Using glazed panels and slender powder-coated steel support posts, coloured anthracite grey, the railings will be kept as light as possible to reduce visual impact on the listed building. No historic fabric is affected as the raised section will be fixed directly to the existing rail that is part of the 1970s extension to the building.

Conclusion

- 3.8 The work to be carried out is minor in nature and will not adversely affect the character of the building. Raising the railing will help to deter unauthorised access onto the higher roofs of this listed building protecting it from vandalism and creating a safer environment. The application is considered acceptable and compliant with Policy EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033.
- 3.9 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 listed buildings, their settings and features of special architectural or historic interest which they possess, and have given them considerable importance and weight in the planning balance.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)
EN5 (Heritage Assets)

Newton Abbot Neighbourhood Development Plan 2016-2033

Listed Buildings and Conservation Areas Act 1990

National Planning Policy Framework

5. CONSULTEES

Conservation Officer - The proposal is to raise the height of an existing barrier for safety reasons above the food hall area to the market hall which is Grade II listed. I consider this is a reasonable adjustment to the barrier and I have no objections to the alterations.

6. REPRESENTATIONS

Site notices erected. No representations have been received.

7. TOWN COUNCIL'S COMMENTS

No objections.

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.

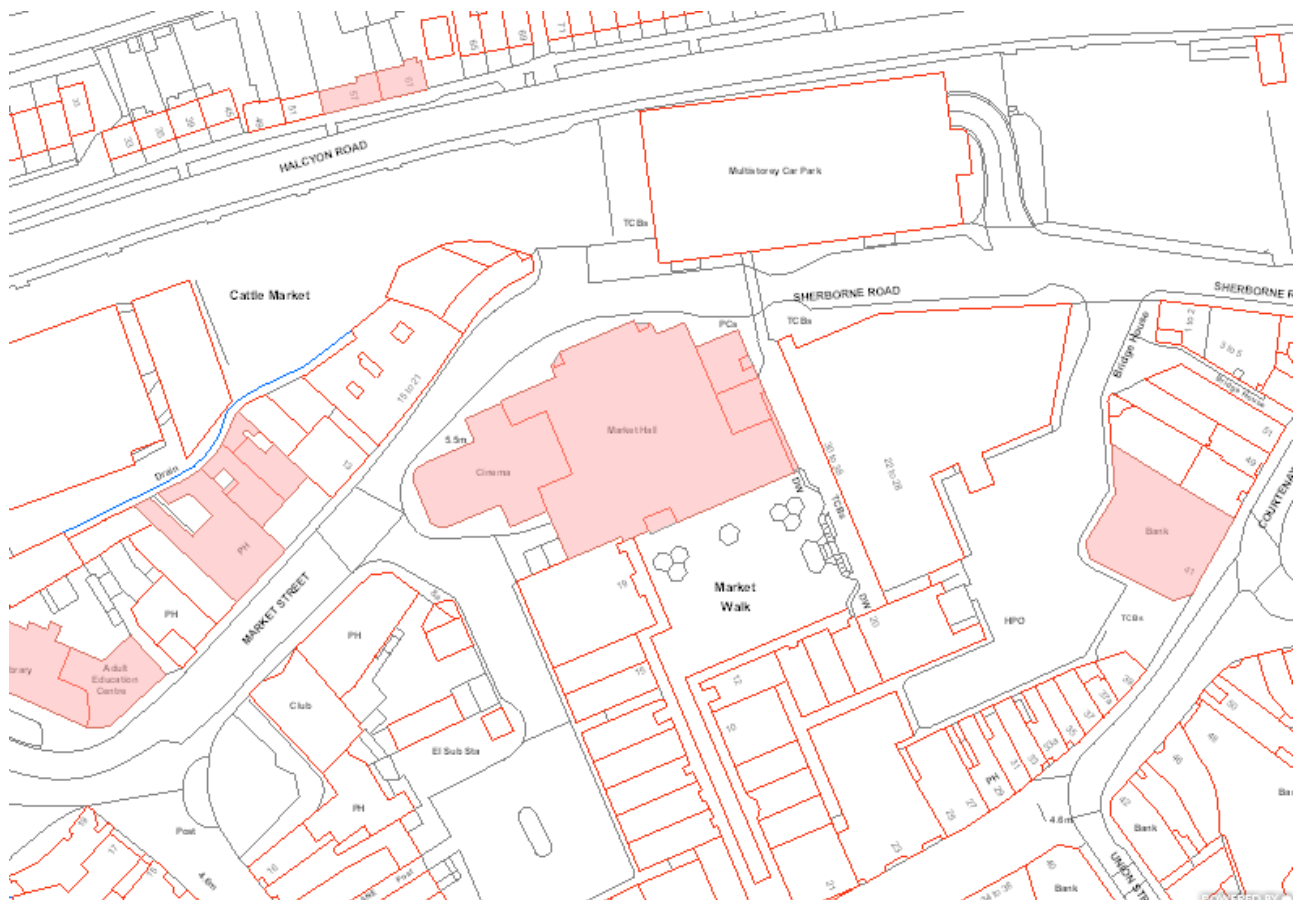
Business Manager – Strategic Place

PLANNING COMMITTEE REPORT 20 November 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/01735/LBC - Butter Market, Market Street - Raise the height of the existing 1.5 metres high steel and glass railing along the south elevation by 0.5 metres to form a total height of 2 metres	
APPLICANT:	Teignbridge District Council	
CASE OFFICER	Guy Gibson	
WARD MEMBERS:	Councillor J Hook Councillor Hayes	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01735/LBC&MN	





1. REASON FOR REPORT

The site is owned by Teignbridge District Council.

2. RECOMMENDATION

LISTED BUILDING CONSENT BE GRANTED subject to the following conditions:

1. Standard time condition
2. Works in accordance with approved plans

3. DESCRIPTION

The Site

- 3.1 The application site relates to the Butter Market building that sits in Market Street within the settlement of Newton Abbot. The building was developed by Wolborough Local Board in 1867 and is Grade II listed.
- 3.2 Market Street is in the centre of Newton Abbot town centre and within the primary shopping area, sandwiched between Halcyon Road and Courtenay Street.
- 3.3 The building is a listed property and sits surrounded by additional protected sites.
- 3.4 The Butter Market is set on split levels with pedestrian access being taken from each elevation, although the predominant footfall entrance is from Market Square on the southern entrance.
- 3.5 A major internal and external refurbishment of the Pannier Market was completed in 2007 and the internal layout of the Market consists of market stalls and small trading units, some of which are set within the building. These units are flanked on either side of the openings with granite columns. The uses are principally A1 in the Market, but there is also a mix of A2 and A3.

The Application

- 3.6 The application seeks Listed Building Consent to raise the height of the existing 1.5 metres high steel and glass railing that sits on top of the modern food hall flat roof situated along the south elevation of the Butter Market. The existing railing was installed with the objective of preventing unauthorised access onto the higher roofs in the vicinity but is not of sufficient height to achieve this objective. Therefore the proposal is to raise the railings so that they deter unauthorised access to the upper roofs. The railings will be raised by 0.5 metres to form a total of height of 2 metres and will be fabricated to match the design and materials of the existing railings, ensuring continuity of appearance.

Impact upon Listed Buildings

- 3.7 Using glazed panels and slender powder-coated steel support posts, coloured anthracite grey, the railings will be kept as light as possible to reduce visual impact on the listed building. No historic fabric is affected as the raised section will be fixed directly to the existing rail that is part of the 1970s extension to the building.

Conclusion

- 3.8 The work to be carried out is minor in nature and will not adversely affect the character of the building. Raising the railing will help to deter unauthorised access onto the higher roofs of this listed building protecting it from vandalism and creating a safer environment. The application is considered acceptable and compliant with Policy EN5 (Heritage Assets) as of the Teignbridge Local Plan 2013-2033.
- 3.9 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 listed buildings, their settings and features of special architectural or historic interest which they possess, and have given them considerable importance and weight in the planning balance.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)
EN5 (Heritage Assets)

Newton Abbot Neighbourhood Development Plan 2016-2033

Listed Buildings and Conservation Areas Act 1990

National Planning Policy Framework

5. CONSULTEES

Conservation Officer - The proposal is to raise the height of an existing barrier for safety reasons above the food hall area to the Market Hall which is Grade II listed. I consider that this is a reasonable adjustment to the barrier and I have no objections to the alterations.

6. REPRESENTATIONS

Site notices erected. No representations have been received.

7. TOWN COUNCIL'S COMMENTS

No objections.

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.

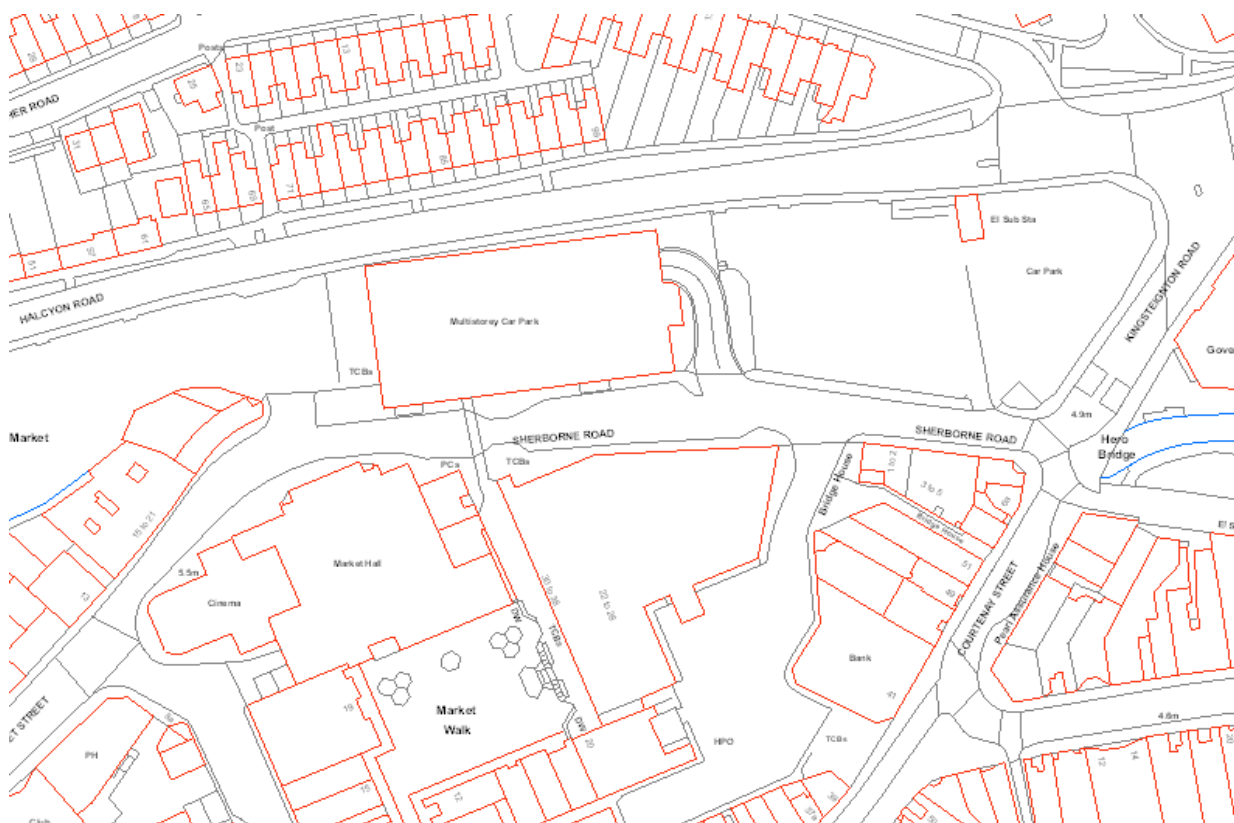
Business Manager – Strategic Place

PLANNING COMMITTEE REPORT 20 November 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/01526/FUL - 8 The Butter Market, Market Street - Change of use from A3 (restaurant/cafe) to A5 (hot food takeaway)	
APPLICANT:	Frozen Spoon	
CASE OFFICER	Guy Gibson	
WARD MEMBERS:	Councillor J Hook Councillor Hayes	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01526/FUL&MN	





1. REASON FOR REPORT

The site is owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to following conditions:

1. Standard time condition
2. Works in accordance with approval plans

Informative

The planning permission hereby granted relates solely to the change of use of the premises from A3 (restaurant/cafe) to A5 (hot food takeaway). As the property the subject of this application is a Grade II Listed Building any physical alteration to the building, including display of new advertisements, will require Listed Building; depending on the size, height and method of illumination of the signage to be erected the Council's "Consent to Display an Advertisement" may also be required.

3. DESCRIPTION

Site, background and proposal

- 3.1 The application site relates to a commercial unit with a fairly modest floor area of 22 square metres located in the north-east corner of the Butter Market close to Sherborne Road. The unit has an external entrance and small outside seating area facing onto the ground level pedestrian link between Market Walk and the multi-storey car park on the opposite side of Sherborne Road. The premises is currently trading as a café called the Frozen Spoon and sells sandwiches, wraps, snacks, ice cream, frozen yoghurt and drinks (hot and cold). This is an A3 (café/restaurant) Use under the Town and Country Planning (Use Classes) Order 1987. Planning permission is sought to use the property as a A5 (hot food take away) which will permit a change in the balance of uses to predominantly the sale of hot food for consumption off the premises.
- 3.2 The Butter Market is a Grade II Listed Building, however, this application is solely for change of use and no physical alterations to the property are proposed in the application. However, an informative is recommended making it clear that any alterations to the building resulting from this change of use, including display of new advertisements, will require Listed Building Consent and possibly Advertisement Consent.
- 3.3 In relation to highway safety this section of Sherborne Road is for bus use only, therefore the proposed take-away use is unlikely to attract customers parking their vehicles as close as possible to the outlet and causing an obstruction to other highway users which can often be an issue with take-away uses.

Analysis

- 3.4 The premises are in the commercial heart of the town and currently trading as a café. From the application form it appears that the applicant's intention is to sell hot take-away food during the day time only as the applicant states that they will open between 8.30 a.m.–5 p.m. Monday to Saturdays (not open Sundays and bank holidays).
- 3.5 The proposed A5 use would appear to be consistent with Teignbridge Local Plan 2013-2033 Policy S13 Town Centres which supports the role of small scale independent outlets. In the Local Plan the site also falls within the "Town Centre Market Area" which is an Opportunity Area subject to Local Plan Policy NA9. This policy highlights the Butter Market's strategic position in the town centre and its potential for accommodating additional leisure and commercial space including food (A3-A5) units. The proposal is therefore consistent with planning policies for the area and given the location and limited size of the property it is considered that the proposal will raise no amenity issues in this established commercial area.

Summary and Conclusion

- 3.6 For the reasons set out in this report the proposed A5 use is considered acceptable.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S13 (Town Centres)

NA9 (Opportunity Area: Town Centre Markets Area)

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council Highways - Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts – see highway comment in paragraph 3.3 above.

Environmental Health – No comment received.

6. REPRESENTATIONS

No representations have been received.

7. TOWN COUNCIL'S COMMENTS

No objections.

8. COMMUNITY INFRASTRUCTURE LEVY

There is no additional floor space proposed and therefore no CIL charge.

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

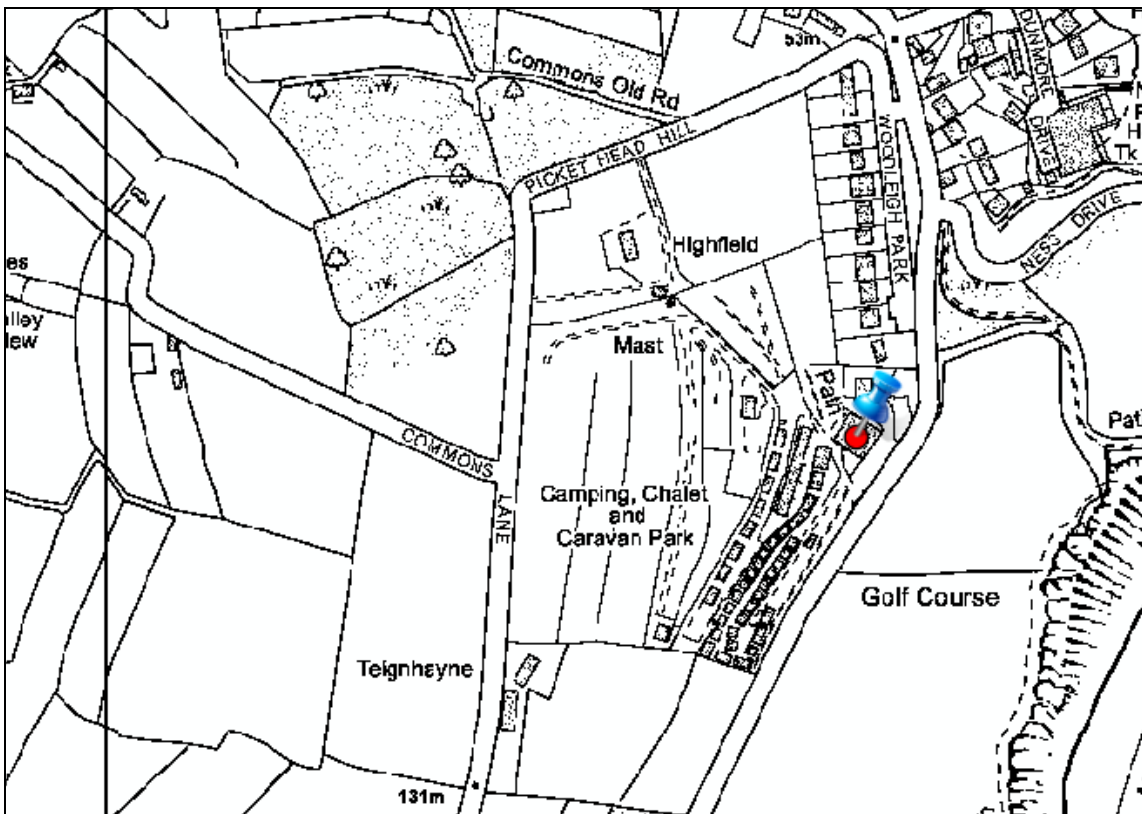
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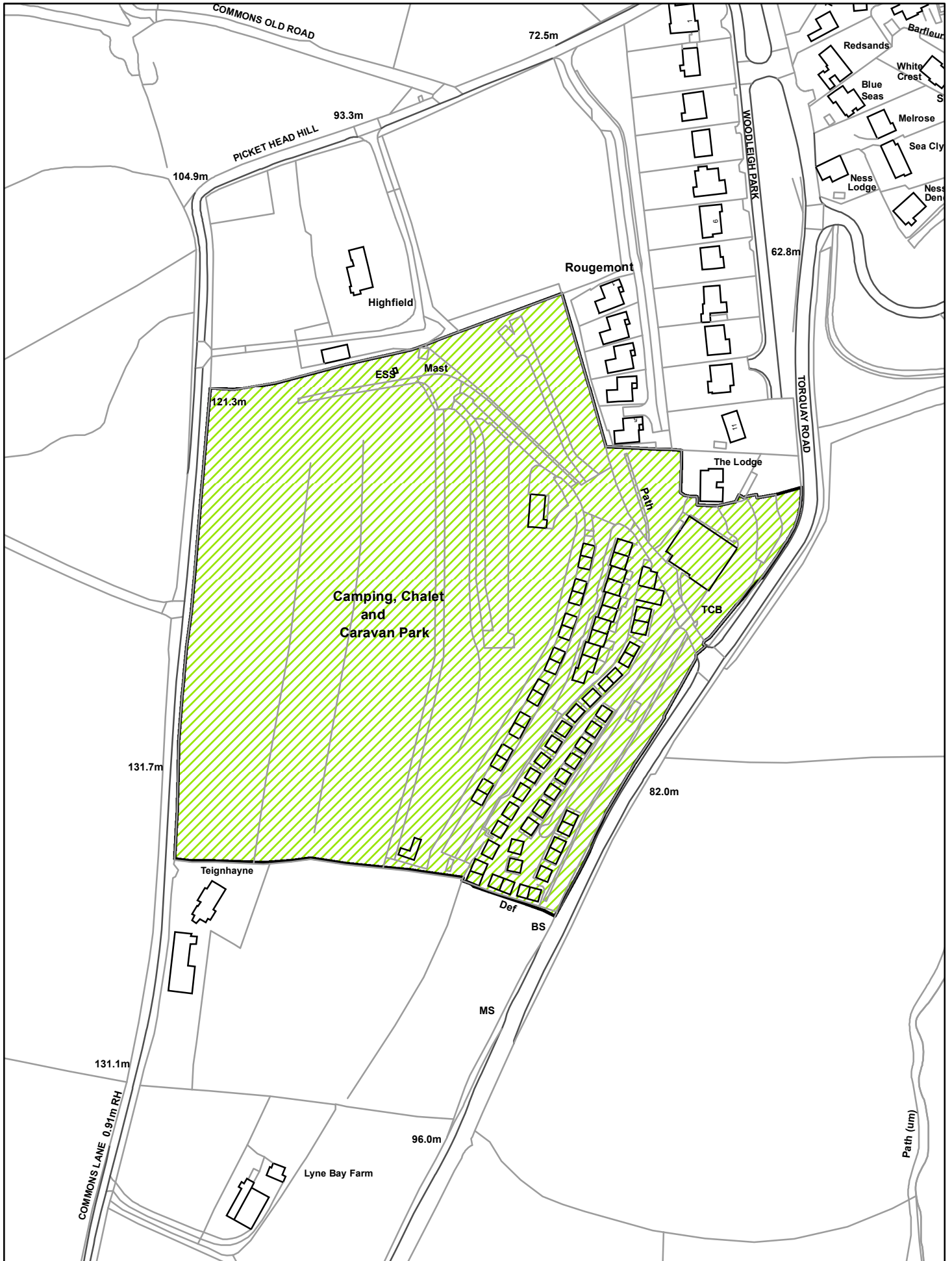
PLANNING COMMITTEE REPORT 20 November 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	SHALDON - 18/01778/MAJ - Coast View Holiday Park, Torquay Road - Variation of conditions 2, 3 and 4 on planning permission 12/01547/MAJ (use of land for stationing of static caravans for holiday use all year round) to provide an alternative landscaping scheme	
APPLICANT:	South West Holiday Parks	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Clarence	Shaldon And Stokeinteignhead
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01778/MAJ&MN	





1. REASON FOR REPORT

Councillor Clarence recommended that the application be referred to Committee if the Case Officer is recommending approval. Application 12/01547/MAJ in 2012 was heard at Committee and approved. Cllr Clarence raises concerns that some of the existing conditions of that approval may not be being fulfilled.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development in accordance with approved plans
2. Landscaping shall be carried out and thereafter maintained in accordance with the Landscaping Details and Landscape Plan, including on a rolling basis after 5 years
3. The number of static caravans in areas 2, 3 and 4 shall be limited to 20, 50 and 60 respectively
4. The static caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main, place or residence; the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority
5. No external lighting shall be installed on the site other than mounted on static caravans, or under 1.5 metres in height, unless otherwise agreed in writing by the Local Planning Authority
6. No gates or fences adjacent to Picket Head Hill are approved under this consent

3. DESCRIPTION

Site Description

- 3.1 The site is on the southern edge of Shaldon and is designated Countryside and Undeveloped Coast in the Teignbridge Local Plan. The site lies just outside the settlement boundary of Shaldon. There is a dwelling to the north known as Highfield and one to the south known as Teignhaye. A row of detached dwellings, fronting Woodleigh Park, lie to the north east.
- 3.2 The site is just under 7 hectares in area and slopes quite steeply from the west down to the east. The site consists of a mixture of chalets and static caravans at the lower end of the site. Chalets in the middle section of the site and the upper part of the site has a Certificate of Lawfulness granted under reference 11/02631/CLDE which allows use of the land as a camping and touring caravan/motor home site in connection with the Holiday Park without any seasonal restriction.
- 3.3 There are some mature trees and planting along the hedge lines on the boundaries of the site and some planting has been undertaken around the chalets and between terraces.

- 3.4 The access to the site is from the main Torquay Road. The site has a fairly steep access from the road into the main car park area in front of a large building that contains the bar and swimming pool serving the Holiday Park.

Proposals and reasoning for request to vary/remove condition

- 3.5 This application has been made under Section 73 of the Town and Country Planning Act. This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. It sets out that on such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and,

(a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and,

(b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 3.6 The current application seeks to vary condition 2 and 3 and remove condition 4 on Application no. 12/01547/MAJ.

- 3.7 Condition 2 of permission 12/01547/MAJ which this application seeks to vary lists the approved drawings and this includes the Landscaping Plan 03788 LSP Rev A and Landscape Appraisal and Management Plan. This application seeks to substitute the approved landscape drawings with the landscape drawings submitted with this application which proposes an alternative landscape scheme to that previously approved.

- 3.8 Condition 3 of permission 12/01547/MAJ which this application seeks to vary reads:

‘Except as otherwise required by Condition 4, landscaping shall be carried out and thereafter maintained in accordance with the details and timetable contained in the ***Landscape Appraisal and Management Plan and Landscaping Plan ref: 03788 LSP Rev A.***

REASON: To protect the appearance of the landscape.’

- 3.9 This application seeks to substitute the words highlighted in bold with the replacement Landscape Plan and Landscape Details submitted with this application.

- 3.10 Condition 4 of permission 12/01547/MAJ for which this application seeks to remove reads:

‘Additional landscaping shall be provided along the northern boundary with Highfield in accordance with details, a timetable and a maintenance schedule to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the occupiers of the adjacent dwelling known as Highfield.'

- 3.11 This application seeks to remove this condition.
- 3.12 The supporting statement submitted with the application states that this condition has not been formally discharged however planting adjacent to the northern boundary with Highfield has been undertaken and this is shown as existing vegetation to be retained on the submitted Landscape Plan with this application. The supporting statement sets out the case that the applicant considers that the proposed variation to conditions 2 and 3 which refers to the revised landscape plan now makes condition 4 unnecessary and therefore its removal is sought.
- 3.13 The main issue in the determination of this application is whether or not the alternative landscape scheme submitted protects the appearance of the landscape and would not undermine landscape character as required under the reason for the originally imposed condition 3 and to determine whether or not the removal of condition 4 would harm the amenities of the occupiers of the adjacent dwelling known as Highfield which was the reason this condition was imposed.

Considerations of the impact of the revised landscaping scheme on the landscape character of the area.

- 3.14 The Council's Landscape Officer has been consulted on the acceptability of the proposed landscaping scheme and the impact on the landscape character of the area.
- 3.15 In his consultation response he advises that he is supportive of the approach taken to the planting and considers that there is good justification for the revised planting strategy proposed. This being to:
- (a) At a large scale, incorporate large evergreen tree species through the site, which it is considered will relate to the wider landscape and will help integrate the development with the wider context;
 - (b) Incorporate a sub-layer, of more decorative, smaller tree species that include both evergreens and broadleaves and tree forms that are distinctive and sculptural which will help to give structure to the spaces, and furnish and further camouflage the development from the wider landscape whilst maintaining views out; and,
 - (c) Incorporate a bold, colourful and textured shrub layer that creates an exotic "holiday" character, building on the characteristics found at the nearby site, The Ness.
- 3.16 It is considered that the revised landscape plan is more appropriate given the topography of the site compared with the earlier scheme and will add more interest into the landscape. It is considered that the proposal would not undermine the landscape character of the area and would still achieve the aims of condition 3 to protect the appearance of the landscape albeit taking a different planting strategy approach to that previously approved.

- 3.17 In the Landscape Officer's consultation response he seeks clarification on the number and size of shrub species in a typical planting mix and clarification of the preparation of the tree roots seeking for species to be root-balled or bare root if containerised stock is not available. The landscaping plan and details have been updated to provide clarification on these matters and the landscape officer has advised that this detail is acceptable.
- 3.18 In the Landscape Officer's comments he also suggests swapping hawthorn to blackthorn for new boundary treatments, however as hawthorn exists in the existing boundary treatments for consistency it seems more appropriate to retain hawthorn as part of the species mix.
- 3.19 In summation, it is considered that the revised landscape plan meets the objectives of the reason for the original condition 3 being imposed and it is considered that the proposed revised planting strategy would not undermine the appearance of the landscape. It is therefore recommended that condition 3 be amended to substitute the approved landscaping plan and landscape appraisal and management plan with the landscape details submitted in this application and likewise to substitute the approved landscaping plans in condition 2 which stipulates the approved documents with the revised landscaping plan and details.

Considerations of the impact of the removal of condition 4 on the amenities of the occupiers of Highfield

- 3.20 Condition 4 required the submission of details of additional landscaping to be provided along the northern boundary with Highfield to be submitted and agreed.
- 3.21 As advised above, the supporting statement submitted with the application states that this condition has not been formally discharged however planting adjacent to the northern boundary with Highfield has been undertaken and this is shown as existing vegetation to be retained on the submitted Landscape Plan with this application. The supporting statement sets out the case that the applicant considers that the proposed variation to conditions 2 and 3 which refers to the revised landscape plan now makes condition 4 unnecessary and therefore its removal is sought.
- 3.22 Having referred to the planning history for this site evidence has been found that this condition was formally discharged by letter dated 21 January 2013 which agreed landscaping details along the boundary with Highfield. However, there appears to be some discrepancies between this approval and what has been planted along the boundary with Highfield shown on the submitted Landscaping Plan for this application.
- 3.23 Nonetheless, Officers have since visited the site and note that the owners of Highfield have undertaken planting on their own accord adjacent to the boundary with the application site on their side, and likewise planting has been undertaken by the owners of Coast View along the northern boundary with Highfield shown on the submitted landscape plan as existing vegetation to be retained.
- 3.24 Additional landscaping has been implemented along the northern boundary which is considered acceptable. However, clearly it will take some time for this landscaping to fully establish to a height that will fully screen the site from Highfield. The

planting on the northern boundary is as shown in the photographs below taken from within the grounds of Coast View Holiday Park:



- 3.25 It is considered that once the landscaping has been fully established it will achieve the aims of condition 4.
- 3.26 It is concluded that as this additional landscaping has been undertaken along the northern boundary and is shown to be retained on the submitted landscaping plan which is proposed to replace the landscaping details contained in both the approved plans list (condition 2) and landscaping condition (condition 3) that this will adequately secure the retention of the landscaping works and that condition 4 can therefore be removed without resulting in an adverse impact on the amenities of the occupiers of Highfield.

Summary and Conclusion

- 3.27 The proposed replacement of the approved landscaping plan with the landscaping plan and details submitted with this application is considered to be reasonable and the revised planting strategy proposed is considered to still achieve the aims of the originally imposed landscape condition which was to protect the appearance of the landscape.
- 3.28 Furthermore, it is considered that as the additional planting along the northern boundary with Highfield as required by condition 4 has been undertaken and is shown to be retained on the submitted landscape plan that condition 4 can be removed without having an adverse impact on the amenities of the occupiers of Highfield as its inclusion on the approved plans condition and landscaping plan condition will ensure that it is secured.
- 3.29 Approval is therefore recommended for the variation to condition 2 and 3 to substitute the approved landscaping appraisal and management plan and landscaping plan with the landscaping details and plan submitted under this application and for the removal of condition 4 attached to the original consent.
- 3.30 It is considered that in addition to the variation to the wording of conditions 2 and 3 and removal of condition 4 that all previous conditions be reiterated on this decision with the exception of the following suggested omissions/amendments to the original conditions applied to 12/01547/MAJ:

- Condition 1 (time limit) the development has been implemented within the required time period and therefore this condition does not need to be applied.
- Condition 5 (scheme for monitoring occupancy of the caravans) of consent 12/01547/MAJ has been discharged and therefore it is not required to be applied.
- Condition 9 (foul and surface water drainage details to be agreed) of consent 12/01547/MAJ has been discharged and therefore it is not considered necessary to apply this condition. However, to ensure the means of foul and surface water drainage as approved is applied across the whole site to which the consent relates in accordance with the approved details it is recommended that the approved details be added as approved documents under the recommended condition 2 of this consent (approved plans condition).

3.31 It was also noted from a site visit that security gates and fencing have been installed to an access off Picket Head Hill, these do not form part of this application and for the avoidance of doubt it is recommended that a condition be applied to make it clear that these works are not approved under this application.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

EC11 (Tourist Accommodation)

EN2 (Undeveloped Coast)

EN2A (Landscape Protection and Enhancement)

EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Landscape Officer - I have previously been engaged in pre-application consultation over the approach taken to the planting and I am supportive of the proposals. I see good justification in the planting strategy that has been adopted. This being to:

- a) at a large scale, incorporate large evergreen tree species through the site, these will relate to the wider landscape and will help to integrate the development with the wider context;
- b) a sub-layer, of more decorative, smaller tree species that include both evergreens and broadleaves and tree forms that are distinctive and sculptural - these will help to give structure to the spaces, furnish and further camouflage the development from the wider landscape whilst maintaining views out; and,
- c) a bold, colourful and textured shrub layer that creates an exotic "holiday" character, building on the characteristics found at the nearby Ness.

I am happy with the proposals and specification, however I would like to see the following minor changes/ additions:

- Indications of the number and size of shrub species, in a typical planting area, are required.
- Swap hawthorn to blackthorn.
- The preparation of the trees roots are, in most instances, unclear. The tree officer, quite rightly, usually stipulates that trees on development sites should be containerised. The decision on this is down to his judgement, however
 - the species are not run of the mill and their culture may be restricted to bare root or root-balled only, and,
 - in this instance, the owner of the site has a direct interest in achieving a well planted, high quality planting scheme, in both the short and long term.

I would therefore be happy for root-balled or bare root species to be used if the trees are unavailable as containerised stock. I have spoken to the tree officer and he is happy with this approach.

6. REPRESENTATIONS

Four letters of objection have been received which raise the following summarised comments (see case file for full representations):

1. Cannot understand why this variation can be even considered when the original conditions have quite clearly not been fulfilled;
2. Perception is that the proposed revision of a colourful nonsensical landscape plan which only serve to release the applicant from his moral and community responsibilities in ensuring that the camp does not become an unsightly blot on the landscape;
3. An urgent plan needs to be put in place to ensure that the applicant adheres to the original conditions;
4. Concern about omission of an entire hedgerow with trees to screen the top area of the site within this new plan;
5. Far from preserving and enhancing the existing screening trees and hedgerows as stated by the applicant at Planning Committee in 2012 many have been bulldozed and felled out of existence. All vegetation likely to block views from the new mobile homes has been removed with no regard to the loss of screening when the site is viewed from Teignmouth or the Golf Course and Coastal Path;
6. Concern proposal replaces 12 page landscape appraisal and management plan document in 2012 with 2 page plan.
7. Commenting on the supporting statement submitted which says that “works are continuing on site and as the layout has evolved, it has become clear that the approved landscaping plan is not longer appropriate for the development.” Concern is raised that this has only happened because the developers have failed to follow the original plan. Their solution to having moved too much earth, cleared most of the hedgerows and trees between different levels and squeezed too many lodges on site is to apply to dispense with the original plan.
8. Whilst, we supported the original application since we believed the conditions imposed would result in an acceptable development, since the conditions have not been enforced we now find it unacceptable.
9. There is no guarantee that the new conditions will be complied with.

10. Does compliance with Landscape Management Plan go to the heart of what the council intended when the conditional permission was originally granted? It was granted on the basis of the Planning Committee determining that there would be no visual harm to the Area of Great Landscape Value, Coastal Preservation Area and designated Countryside.

Letter from agent

In support of the applications, I would also like Members to be aware of the following details.

Planning permission 12/01547/MAJ was granted for the replacement of touring pitches with static units across the majority of Coast View Park. That permission required no details to be submitted pursuant to the type and design of unit or their final layout within the site. Works to complete the approved development have been carried on throughout the intervening years and that has evolved into the layout that we now see on site. As a result, it is appropriate to revise the landscaping proposals to fit the layout.

When this site was acquired by the applicant, the boundary hedges were in a poor state of repair having been left to overgrow and become weak. Following a management regime of cutting back, removal of deadwood and damaged trees, additional planting and continued maintenance, the hedges are establishing well and provide a strong screen between the site and neighbouring properties and also to the public roads to front and rear. This management has been mistakenly described as damage and removal by the objectors and we would like to assure the Committee that the management was both necessary and proportionate and that the result is successful boundary hedging that has now established for the long term.

The approved landscaping scheme is simplistic and shows the retention of existing boundary hedgerows and retention of some small amounts of internal planting plus the construction of one additional native hedge with some feature trees across the central area of the site. There was no requirement for any other planting. The internal hedges shown then have little relevance to the layout as it is now.

It is difficult to show the detail of the proposed planting on a site-wide plan but you will note that the planting includes shrubs and feature trees on the banks, a wild rose bank, specimen olives and palms and native tree and hedge planting amongst others. This all comes together to provide a very attractive internal setting for the site and a green palette which softens the site from wider views and which will continually improve with the passage of time.

The internal landscaping is of great importance to the success of this scheme and considerable money and effort is going into ensuring the quality of the internal planting. It is difficult to reflect this on a drawing but a visual inspection will support this assertion. The terraces have been created with high quality walling and have allowed for the new banks to be planted with grass and specimen plants and trees which both soften the development from outside views and create attractive internal spaces for the site users.

This revised landscaping scheme has been carefully thought through having considered all the requirements for both the site layout, neighbour and site user

amenity and the longevity of the established and new planting. The plan has been produced by suitably qualified professionals with advice from Teignbridge's Landscape Officer to create detailed internal landscape that is bespoke to the lodge layout. This revised plan also builds upon the previously-approved scheme with the continued good management of the boundary hedges and trees.

We have noted the concerns raised in the three letters from neighbours and comments from the Parish Council and would like to take this opportunity to address the main points raised, as there are misunderstandings that need to be clarified:

1. Boundary hedges – as detailed above, the hedges are establishing well and provide a strong screen between the site and neighbouring properties. The photographs submitted are images which were taken very recently and these demonstrate the extent and quality of the hedges.
2. Despite suggestions to the contrary, considerable additional planting has taken place between the site and Highfield. This has been viewed by officers and can still be observed on site as the growing trees still have their rabbit guards.
3. This comprehensive planting scheme is a significant improvement upon the minimal lines of hedging previously required by the approved landscaping scheme.
4. There is a nonsensical comparison between the length of the approved Landscape Assessment and the perceived brevity of the submitted proposal. The Assessment was a document produced to support the principle of the proposal and this is not being re-visited. The current applications seek to agree better landscaping details and that is the only matter to be considered.

The applicant has chosen to use high quality lodge-style static units finished in attractive muted colours and natural finishes, and the landscaping is designed to complement these lodges. The planning permission contained no restriction on the design and colour of units that could be used and this business choice means that there is already a significant visual improvement upon what could possibly have been sited.

Considerable expense has gone into managing and maintaining the existing hedges and into existing and future planting to a high specification within the site. It is gratifying that Teignbridge's Landscape Officer is fully supportive of the proposals but it is also disappointing to the applicant that the neighbours cannot see that this high quality development is an asset to Shaldon and the local economy.

7. PARISH COUNCIL'S COMMENTS

The original landscaping plan was a 10 year condition imposed to satisfy a number of objections from Shaldon villagers who had concerns about the size and visibility of the caravans on the site. We are now 6 years in, and a number of affected neighbours at the meeting expressed concerns that the original plan has not been sufficiently implemented. Condition 4, according to affected neighbours has not been carried out. This new variation seeks to further reduce the commitment to adequately shield the development, e.g. it is only 2 pages compared to the original 13 pages, and significant areas of planting are omitted altogether. Shaldon Parish Council feel that the enforcement officer and the case officer need to urgently visit the site and establish exactly what has and has not been implemented before

considering any variation. Shaldon Parish Council object to any reduction in the level of screening which makes the development more visible from any vantage point. Along with 18/0119/VAR, if the case officer is minded to accept these variations, we request Teignbridge Councillor Chris Clarence take the matters to full Planning Committee.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is a variation of condition with no increase in floor space on an existing permission granted before the implementation 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.

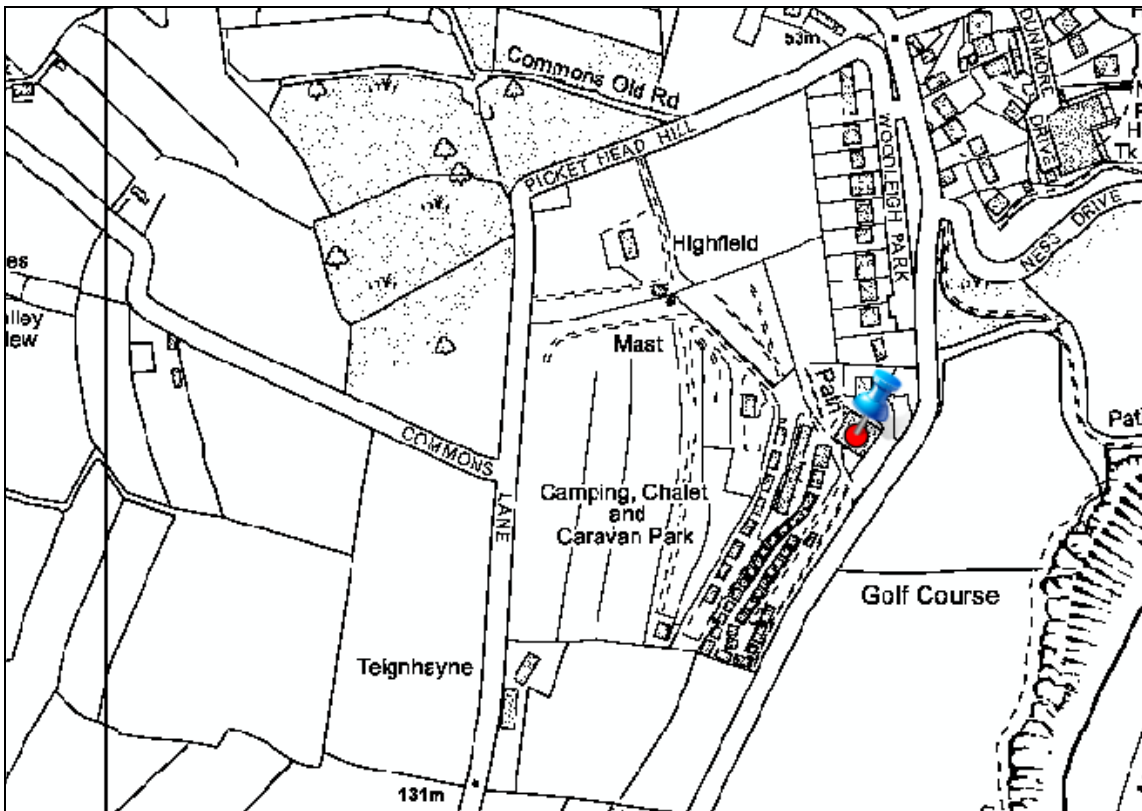
Business Manager – Strategic Place

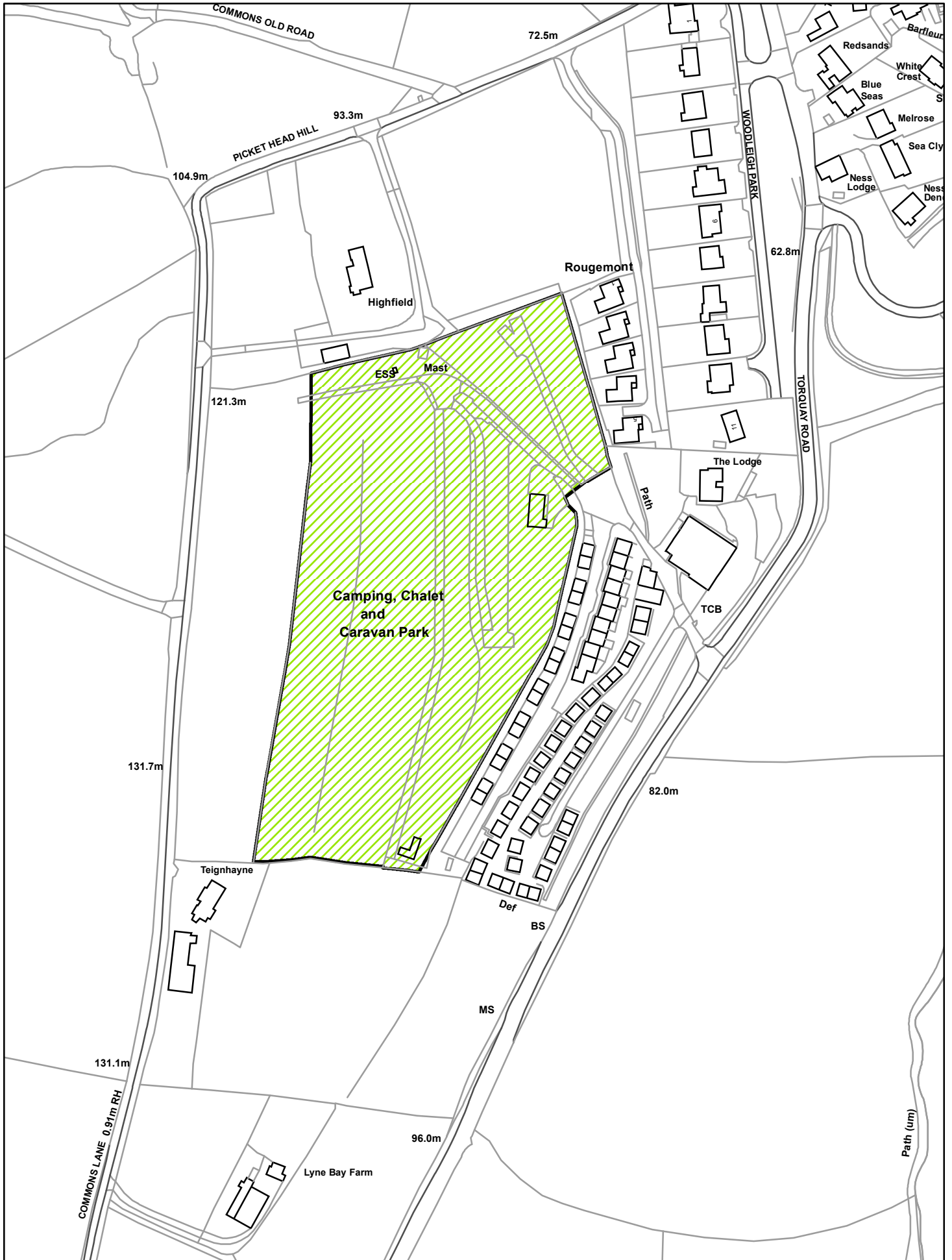
PLANNING COMMITTEE REPORT 20 November 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	SHALDON - 18/01779/VAR - Coast View Holiday Park, Torquay Road - Variation of condition 4 on planning permission 15/02763/VAR (variation of condition 4 on planning permission 13/03275/FUL to vary the stated parameters for the approved decking) to ensure compliance with revised landscaping plan	
APPLICANT:	South West Holiday Parks	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Clarence	Shaldon And Stokeinteignhead
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01779/VAR&MN	





1. REASON FOR REPORT

Councillor Clarence has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reason given for this request is concerns that this looks like overdevelopment of the site. It is also requested that this item be referred to the same Committee meeting as application 18/01778/MAJ.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to accord with approved plans
2. The decking hereby permitted shall be dismantled and removed from the site on or before the removal of the static caravan to which it is attached;
3. All decking shall be constructed within the following parameters:
 - (a) Decking shall be no more than 3.6 metres deep measured from either the side or front of the static caravan and the total area of decking excluding any steps or sloping walkway (for disabled access) shall not when installed exceed 45 square metres;
 - (b) The decking shall be limited to a maximum of 2 elevations of the static caravan;
 - (c) The floor level of the decking shall not exceed the threshold/floor level of the static caravan at any point;
 - (d) The maximum height of any balustrade shall not exceed 1300mm.
4. No area of decking shall be positioned where it would prevent/compromise the successful establishment of the approved landscaping scheme as detailed on the Landscape Plan and Landscape Details agreed under application 18/01778/MAJ.

3. DESCRIPTION

Site Description

- 3.1 The site is on the southern edge of Shaldon and is designated Countryside and Undeveloped Coast in the Teignbridge Local Plan. The site lies just outside the settlement boundary of Shaldon. There is a dwelling to the north known as Highfield and one to the south known as Teighhaye. A row of detached dwellings, fronting Woodleigh Park, lie to the north east.
- 3.2 The site is just under 7 hectares in area and slopes quite steeply from the west down to the east. The site consists of a mixture of chalets and static caravans at the lower end of the site. Chalets in the middle section of the site and the upper part of the site has a Certificate of Lawfulness granted under reference 11/02631/CLDE which allows use of the land as a camping and touring caravan/motor home site in connection with the holiday park without any seasonal restriction.
- 3.3 There are some mature trees and planting along the hedge lines on the boundaries of the site and some planting has been undertaken around the chalets and between terraces.

- 3.4 The access to the site is from the main Torquay Road out of Shaldon. The site has a fairly steep access from the main road into the main car park area in front of a large building that contains the bar and swimming pool serving the holiday park.

Proposal and reasoning for request to vary condition

- 3.5 This application has been made under Section 73 of the Town and Country Planning Act. This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. It sets out that on such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and,

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 3.6 The current application seeks to vary only condition 4 on Application no. 15/02763/FUL to alter the wording of this condition.

- 3.7 Planning permission 15/02763/FUL permitted decking for the static holiday units within the approved red line and sets specific parameters for those decking areas.

- 3.8 Condition 4 of permission 15/02763/FUL states:

‘No area of decking shall be positioned where it would prevent/compromise the successful establishment of the approved landscaping scheme agreed under application 12/01547/MAJ. A minimum distance of 4 metres shall be maintained between the centre of any approved/retained hedgerow or tree and any of the decking hereby approved.

REASON: In the interests of landscape protection.’

- 3.9 This application seeks to remove the second line of the condition ‘A minimum distance of 4 metres shall be maintained between the centre of any approved/retained hedgerow or tree and any of the decking hereby approved.

- 3.10 The supporting statement submitted with the application sets out the reason for this request is that it is not considered to meet the National Planning Policy Guidance tests for a condition in that the statement sets out that it is not considered that the condition is precise, relevant or enforceable.

- 3.11 The supporting statement goes on to state that it is considered that the imposition of the condition conflicted with the planning consent 12/01547/MAJ in that there is no requirement for an approved layout as part of this consent and no restriction in that permission or in the site licence to prevent new static units being placed within 4 metres of any hedge. Furthermore, the condition has been imposed for ‘landscape protection’ and it is considered that this 4 metres is an arbitrary figure

and there is no evidence that a lesser distance would affect the establishment/retention of planting.

3.12 The supporting statement requests the variation of the condition to read as follows:

'No area of decking shall be positioned where it would prevent/compromise the successful establishment of the approved landscaping scheme as detailed on 03788 Coast View LSP Details (dated 24 August 2018) and 03788 Coast View LSP (dated 24 August 2018).'

3.13 It should be noted that since the supporting statement was completed a revised landscaping plan and landscaping details have been submitted and therefore if minded to approve the suggested wording should be amended to reflect the date of submission of the latest landscaping details and plan. It is also recommended to refer to application 18/01778/MAJ in an amended condition to tie this application to the landscaping scheme required under that application.

The wording should therefore, if minded to approve, read as follows:

'No area of decking shall be positioned where it would prevent/compromise the successful establishment of the approved landscaping scheme as detailed on 03788 Coast View LSP Details (dated 31 October 2018) and 03788 Coast View LSP (dated 1 November 2018) agreed under application 18/01778/MAJ.

REASON: In the interests of landscape protection.'

3.14 The main issue in the determination of this application is to determine whether or not the removal of the minimum distance requirement for decking from any approved/retained hedgerow or trees would prevent approved landscaping from being established or existing hedgerows and trees from being retained.

3.15 A letter of representation received has advised that they consider the condition to be precise giving a clear 4 metres distance between two points, relevant in that the landscape protection and the condition are enforceable.

The effect of the change on landscape protection

3.16 Having visited the site and viewed the decking that has been erected to the static units on site it is clear that where there is existing vegetation predominately in the form of hedgerows this is well established and does not appear to have been adversely impacted by the decking being sited less than 4 metres from the existing landscaping treatments on site as depicted in the example photographs below taken of the installed decking sited closest to existing landscaping:



- 3.17 It is therefore not considered that were the 4 metres restriction to be lifted that it would have an adverse impact on the protection of the existing landscaping on site.
- 3.18 With regard to approved landscaping, the submitted variation to the landscaping scheme being considered by Planning Committee (application no. 18/01778/MAJ) proposes a revised landscaping scheme, having considered this scheme with the Council's Landscape Officer it is not considered that were the 4 metres restriction to be lifted that this would prevent the landscaping from becoming established.
- 3.19 Furthermore, the retention of the first sentence of the original condition: 'No area of decking shall be positioned where it would prevent/compromise the successful establishment of the approved landscaping scheme'. Is considered sufficient to achieve the aims of the condition which was given as landscape protection.
- 3.20 It is therefore considered that the second sentence of the original condition was unnecessary and its removal would not undermine the reason that the condition was imposed. Furthermore, the 4 metres measurement given appears to be a rule of thumb guideline figure and no evidence was presented in the original officer report to demonstrate why if the decking was less than 4 metres from the landscaping that this would undermine its establishment/retention.

Summary and Conclusion

- 3.21 The proposed amendment to the wording of condition 4 is considered to be reasonable and it is not considered that approving the variation to the wording would undermine the reason the condition was imposed. Whilst one of the comments submitted suggests the 4 metres gap may also be required for emergency services, emergency access, including fire safety provisions, is covered by site licence provisions and should not be duplicated in planning control.
- 3.22 Approval is therefore recommended of the variation to condition 4, and it is also recommended that all other conditions of the original consent which are still relevant be re-applied to this decision.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

EC11 (Tourist Accommodation)

EN2 (Undeveloped Coast)

EN2A (Landscape Protection and Enhancement)

EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

Representations raise the following issues:

- One objection to the application received says that the agent's letter states that "this condition has been imposed for no other reason other than landscape protection". No other reason is necessary surely.
- The Teignbridge District Council condition passes the 6 point test, in particular it is:
 - i. Precise – What could be more precise than a 4 metres distance between two defined points?
 - ii. Relevant – This landscape certainly needs protection
 - iii. Enforceable – By either DSFRS or Teignbridge District Council.
- 12/01547 gives the maximum numbers of static caravans allowed in areas 2, 3 and 4. The site licence gives separation distances etc. and 15/02763/FUL permits decking within the approved red line and imposes the 4 metres condition. We cannot however reconcile the actual positions of the caravans with the site plan required by the site licence; a site visit will reveal the exact

situation. The problems on the ground cannot be resolved by simply doing away with the 4 metres requirement as this applicant wishes.

- Another objection received comments on the supporting statement in which it is claimed that the condition is “imposed for no reason other than landscape protection”. The contributor comments that they fear the statement has missed the point entirely about the landscape conditions imposed. These conditions were made to screen and mitigate against the loss of visual amenity caused by 130 new mobile homes on the site. The second objection in the statement is that the condition is “not precise, relevant or enforceable’. The contributor comments that they fail to see what is imprecise about 4 metres.
- It must also be said that apart from the protection for the hedgerow afforded by a 4 metres gap, such a space may well be important for access for emergency services.
- Do they still have planning permission if they have not complied with their conditions?
- We remain concerned that the top field which only has permission for tents and touring caravans, has been used as a dumping ground for large amounts of excavated earth.

7. PARISH COUNCIL’S COMMENTS

Shaldon Parish Council object and request a site visit be completed, if the officer is minded to approve the application Shaldon Parish Council have requested that Councillor Clarence takes the application to Committee.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is a variation of condition with no increase in floor space on an existing permission granted before the implementation 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.

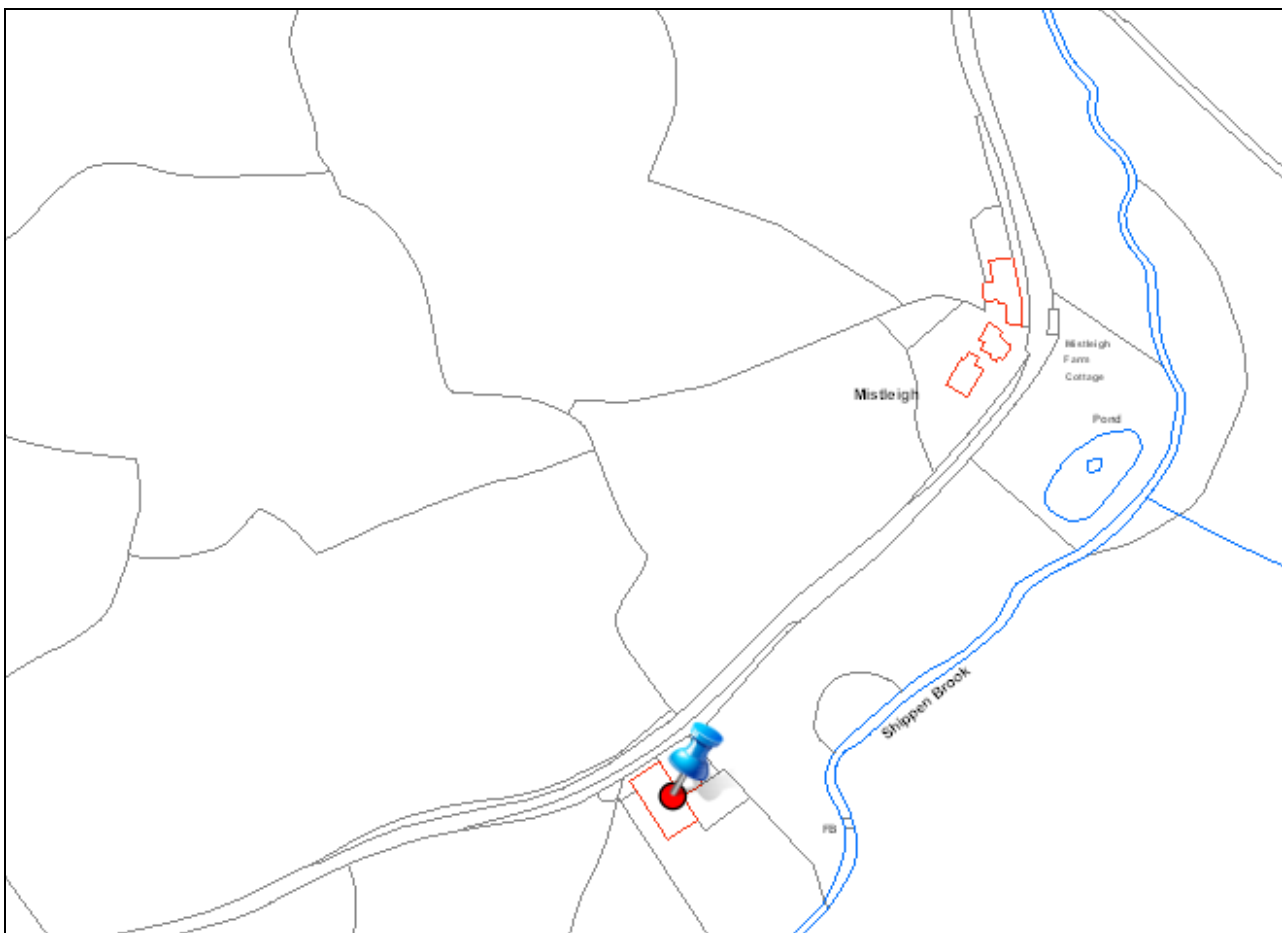
Business Manager – Strategic Place

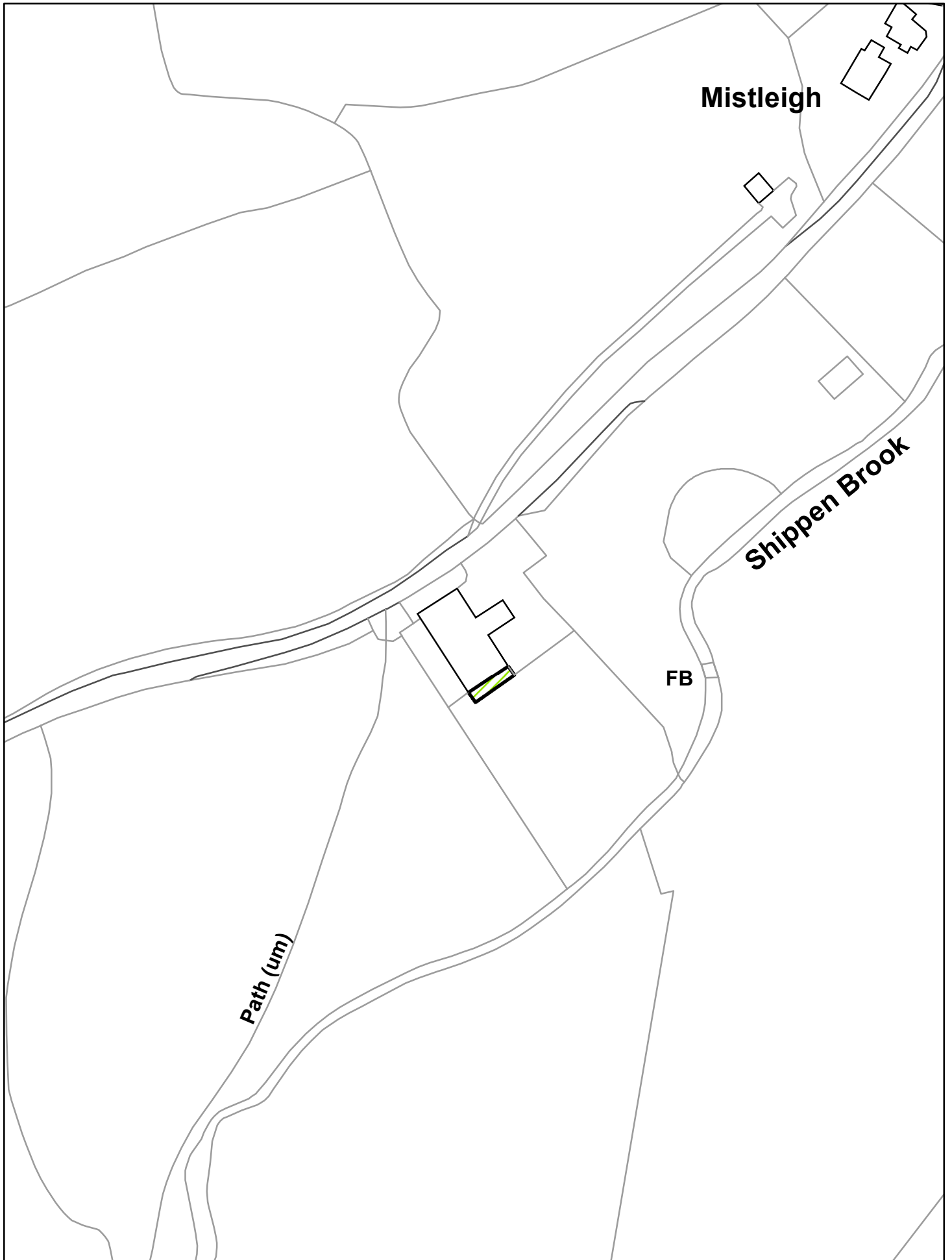
PLANNING COMMITTEE REPORT 20 November 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	DODDISCOMBSLEIGH - 18/01782/FUL - Mistleigh Farm Barns, Doddiscombsleigh - Extension to the existing barn, installation of satellite and attachment of solar panels	
APPLICANT:	Mr R Chidgey	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Ford	Teign Valley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01782/FUL&MN	





1. REASON FOR REPORT

A request was received from Councillor Ford for the application to be referred to Planning Committee for determination. The reasons given for this request were that this is a retrospective application. The request notes that the use of solar power to replace noise generators is welcomed.

However Councillor Ford considers that elements of the application for this classic vehicle storage facility are misleading and what has been built is enabling:

- a. *“the on-going use of building for the storage and processing of scrap and as a depot for the commercial vehicles used in this enterprise*
- b. *the use of the site to repair and store passenger vehicles (i.e. a motor vehicle repair business)*
- c. *the unpermitted residential use of the building*

(a) and (b) are in breach of the planning controls that are already in place for the building/yard and are having a negative impact on the local environment and the quality of life for neighbouring households. Robust enforcement action to tackle the above, as promised at the December 2017 Planning Committee Meeting, has yet to deal with these planning matters effectively.”

Whilst none of the points raised in the Committee determination request, with the exception of the reference to solar power being welcomed, relate to the application as submitted, the application has been referred to Planning Committee by the Business Manager for consistency of decision-making because the previous application for the use of the building was determined by Planning Committee on 19 December 2017 (Application reference: 17/02394/FUL).

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to proceed in accordance with the approved plans
2. No external lighting shall be installed on the building including extension without the prior submission and approval of an External Lighting Scheme
3. Building shall be used only for the storage of historic and classic vehicles and no vehicles of less than 20 years of age shall be stored or worked upon within the building
4. No storage of parts shall take place under the extension hereby permitted other than the storage of the solar panel batteries shown on drawing TDC4 (Floor Plan) and a vehicle shall only be stored in the extension during daylight hours where it complies with condition 8
5. Only the area marked as workshop area on the indicative storage layout diagram received on 13 April 2018 under application reference 18/00801/VAR and hereby approved shall be used as a workshop. This designated area shall only be used to repair and maintain the vehicles stored within the building and all other areas of the building shall be used for the storage of historic and classic vehicles of more than 20 years of age and parts associated with these vehicles only
6. No overnight parking of vehicles or storage of parts shall take place on the site outside of the building as extended
7. No vehicle parts or scrap materials shall be stored outside the building at any time

8. During daylight hours historic and classic vehicles of more than 20 years of age shall only be stored on the hardstanding area (or under the extension) hereby approved when space is needed inside the building to undertake works on historic and classic vehicles of more than 20 years of age. Only one such vehicle shall be stored on the hardstanding to provide space within the building at any one time
9. The hardstanding area shall only be used for the parking of two passenger vehicles for the owner to access the site and no commercial vehicles and associated plant or trailers are to be brought onto the site other than for the purpose of transporting historic and/or classic vehicles or conducting maintenance work to the land and/or building
10. No parts or machinery shall be stored within the building (excluding the extension hereby approved) other than those needed to repair the historic and classic vehicles of more than 20 years old stored within it or materials necessary for undertaking maintenance and/or repair work to the building and/or land including means of enclosure. The storage of such materials shall only be in the areas as depicted on the indicative storage layout diagram received on 13 April 2018
11. Repair and maintenance works shall at no time be undertaken outside the building or in the extension hereby approved
12. All doors to the building (excluding the extension hereby approved) shall be kept shut whilst noise generating equipment is being used to facilitate the repair and maintenance of classic and historic vehicles of more than 20 years old stored within it
13. Noise arising from the use of the building including any equipment or machinery associated with the use shall not exceed more than 5dB above the background noise levels prevailing at the time of operation measured at the boundaries of the site
14. No burning of waste created from the use of the building shall take place on the site
15. The extension structure shall be clad in profile cladding in a colour to match the existing

3. DESCRIPTION

Site Description

- 3.1 The building the subject of this application is a barn located on the southern side of the road.
- 3.2 The site lies within an Area of Great Landscape Value.
- 3.3 A change of use of the building to allow for the storage and maintenance of historic and classic vehicles (Use Class B8) was approved by Planning Committee at the Planning Committee meeting held on 19 December 2017.

Proposal

- 3.4 This application seeks consent for an extension to the existing barn to facilitate the installation of a satellite dish and attachment of solar panels.
- 3.5 The applicant has been running a number of generators at the site about which the Environmental Health Department has received noise complaints. This application seeks as a solution to the complaints received to provide solar panels to generate the power required for the site to cease the need to use the generators.

- 3.6 This application is a retrospective application with the extension the subject of this application in situ and therefore if minded to approve a time condition for implementation condition is not required.
- 3.7 The main part of the original barn is rectangular and measures 22.8 metres wide x 13.7 metres long with a projecting element to the front measuring 4.9 metres wide x 7.9 metres long. The building is on two levels with the lower level approximately 1 metre below the main building floor. The proposed extension has been erected over an existing part of the yard, and is a simple structure with roof timbers supported on large timber posts. It measures 13.7 metres long x 5.2 metres wide x 3.9 metres high to the eaves (4.88 metres to its attachment to the wall of the original barn).
- 3.8 The plans show the layout of the solar panels on the roof of the extension and the building is shown to be clad in the same sheet cladding material that has been used for the walls of the original barn.
- 3.9 The floor plan shows that two boxes measuring 1.5 metres x 1 metre x 1 metre high are located within the structure, which are the battery stores for the solar panels and a satellite dish has been installed on one of the supporting timber posts.

Principle of Development

- 3.10 Teignbridge Local Plan policies S6 (Resilience) and S7 (Carbon Emissions Targets) seek to minimise the impact of climate change and fossil fuel scarcity.
- 3.11 In principle, this proposal for an extension to facilitate the installation of solar panels would assist with meeting the objectives of these policies in that it would prevent the need for the applicant to rely on fossil fuels and would enable the current use of generators on the site to cease through the use of more sustainable means of energy generation. There is therefore "in principle" support for the development.
- 3.12 Condition 8 of the original consent permitted during daylight hours the storage of one historic and classic vehicles of more than 20 years in age to be stored on the hardstanding to provide space within the building to work on the historic and classic vehicles contained within it. The Planning Statement submitted with this application suggests that the applicant in the interests of visual amenity may store a vehicle under the extended structure removing such a vehicle from the rest of the yard. There is no objection to a historic and classic vehicle being stored in this location during daylight hours. The location of the extension did form part of the hardstanding when the original application for the change of use was granted and it is recommended that, if minded to approve, condition 8 be re-applied to limit the storage to historic and classic vehicle only with an alteration to the wording of the condition to make it clear that a historic and classic vehicle can be stored on the hardstanding area (including under the lean-to extension the subject of this application).

Impact upon the character and visual amenity of the area/open countryside

- 3.13 The proposal is a small lean-to style extension to the building to be clad in materials to match the existing building.

- 3.14 Whilst the site does lie within an Area of Great Landscape Value, it is not considered, subject to a condition to ensure that the profile cladding matches the existing building, that the proposal will have an adverse effect on this designation or the landscape character of the area. Whilst the proposal does include the installation of a satellite dish this would not be readily visible from the public domain and therefore would not undermine the landscape character of the area.
- 3.15 The previous application for the change of use of the building imposed a number of conditions restricting storage of vehicles and materials/vehicle parts on the hardstanding surrounding the building in the interests of visual amenity. It is recommended that these conditions be re-imposed on this consent and it is also recommended that a condition likewise be imposed for the extension to not be used for materials/vehicle parts storage, and that as advised above a condition be imposed limiting vehicle storage to daylight hours and for only one vehicle which meets the criteria of a historic and classic vehicle as set out in condition 8 above to be stored in the extension or on the hardstanding at any one time.
- 3.16 With the recommended conditions imposed it is concluded that the development can be accommodated without having an adverse impact upon the character and visual amenity of the area.

Residential Amenity

- 3.17 Given the location of the works the proposed extension, solar panels and satellite dish are not assessed to harm the residential amenity of the occupiers of neighbouring residential properties in terms of being overbearing or resulting in loss of light. Furthermore, the proposed solar panels to replace the use of the generators should alleviate noise nuisance complaints received.
- 3.18 The conditions applied to the original consent for the change of the use of the building are recommended to be re-applied to restrict the use of the building and use of the surrounding hardstanding area to ensure that the amenity of neighbouring occupiers is protected. These are listed in the recommended conditions above, subject to these conditions being re-applied it is concluded that the proposal would not have a harmful impact on residential amenity.

Landscape Considerations

- 3.19 Representations received dispute that a new hedge has been planted on the perimeter of the site.
- 3.20 This application is for an extension only. Planting can take place on the site without the need for planning consent: however it would be unreasonable as part of this application to request this planting to be undertaken or to request agreement to details of this planting as the extension as it is not considered that landscaping works are needed as a mitigation factor to be able to support the proposal. Whilst any new native planting is always welcome in the rural landscape it is not a matter that the Local Planning Authority would deem justifiable to condition to take place as it is not required to make the proposed development acceptable.

Highway Considerations

- 3.21 The roads giving access to the site, by reason of their width, poor horizontal alignment and junctions, would make it unsuitable for a significant increase in traffic to and from the site to be created as a result of the development.
- 3.22 In considering the change of use of the building it was concluded that, whilst the local roads are not ideal to access the site, the proposed change of use not to result in a significant increase in vehicle movements above that which one would expect in relation to its former agricultural use. A refusal on the grounds of highway impact was concluded to be unjustified.
- 3.23 This proposal for a small extension to the building would not generate the potential for increased vehicular movements and it is considered that the proposal would have a negligible impact on the local road network.

Lighting Considerations

- 3.24 The plans submitted do not include any details of lighting for the existing building or the extension.
- 3.25 Environmental Health previously advised in commenting on the original application for the change of use of the building that all lighting sources should be directed downwards or otherwise shielded so as to keep all light and glare confined to the site boundary and no upward-facing light should be installed in the interests of ensuring that any lighting does not adversely affect the amenities of occupiers of the surrounding premises.
- 3.26 The application as submitted does not propose any lighting. In order to retain control over any future lighting that may be desired at the premises it is recommended that a condition be applied to state that no lighting to the exterior of the building including extension shall be installed unless an external lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. This will enable the Local Planning Authority to judge the acceptability of any lighting that may be desired and allow the Local Planning Authority to retain control over the type of lighting that could be installed at the premises.

Other Matters

- 3.27 The Committee consideration request refers to alleged unlawful uses of the site and the representations received also refer to past history on this site of unlawful works. A site visit has been undertaken at the premises and no evidence was found of unlawful activity in the form described being undertaken on the site.

Conclusion

- 3.28 Whilst the representations received refer to unlawful use of this site, this application must be determined on the basis of the proposal as submitted in this application. The change of use of the building was previously determined to accord with Policies EC3 and S22 of the Teignbridge Local Plan 2013-2033 and guidance contained within the NPPF and the proposed extension to facilitate the installation of solar panels is assessed to accord with Policies S6 and S7 of the Teignbridge Local Plan and guidance contained in the NPPF. Officer recommendation is therefore to grant

consent subject to the recommended conditions which in part re-iterate the conditions applied to the earlier consent for the change of use of the building.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S6 (Resilience)

S7 (Carbon Emission Targets)

S22 (Countryside)

EN2A (Landscape Protection and Enhancement)

National Planning Policy Framework

National Planning Policy Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

A representation has been received from the owners of Mistleigh Farm Cottage advising that they do not agree that the structure is needed to support the solar panel installation. The panels could either be ground-mounted where they could be set to face south rather than south-east, or could easily be fixed to the existing roof: An over-roof is the solution to installing solar panels on fibre-cement and older asbestos-cement roofs. It eliminates fixing issues as the PV structure only connects to the rafters, and therefore does not disturb the asbestos cement. It is fully endorsed by roof sheet suppliers.

A representation has also been received from the owners of Mistleigh advising that they welcome the installation and use of solar power as an alternative to diesel generators for the provision of electricity at the site. This will be positive for the local environment and will address many of noise and smoke/fume issues that have regularly impacted the occupiers of neighbouring properties throughout the last 11 months.

They note the application is retrospective and make the following observations:

- An installation of 40 solar panels will generate an average daily power output of around 50kWh – this is over 6 times the power consumption of an average UK domestic property. Even in winter months, when there might be as little as 1.5 hours of sunshine per day, 40 panels are likely to generate over 16kWh. We wonder why so much power is needed for a building that is used for the storage and occasional maintenance/repair of historic vehicles, bearing in mind that it will not be possible to feed any excess power into the National Grid?
- The proposed plans, as submitted, indicate that the extension structure is to be clad with green profile cladding in line with discussions with the Planning Department on 4 July 2018 prior to submission of the application (Planning Statement paragraphs 2.6 and 2.7). However, the

vertical black cladding that is already in place was installed in early January 2018 (i.e. approximately 25 weeks before construction of the extension commenced) and it has its light-grey inner side facing outwards. We consider that this has created a negative visual impact for the occupiers of neighbouring properties and users of the adjacent public footpath.

- An array of 50 solar panels (i.e. 10 more than stated in the application) has already been installed during the period 10-18 September 2018 despite the fact that planning application is still being determined.
- Paragraph 6.1 of the Planning Statement indicates that “new hedges have been planted around the perimeter of the site”. As of 8 October 2018, there is no evidence that this has actually happened at any point along any of the site boundaries, aside from the frontage.
- A television satellite dish is referred to in the application and shown on the plans. This dish was in fact installed on the extension in July 2018 and we question why it is needed for a storage facility that has no planning permission for residential use?

We support this application in principle. However, given the planning history of the site, we ask for the following to be addressed fully as part of the determination of this application.

We note that paragraph 2.7 of the Planning Statement refers to the possibility of parking a single “stored vehicle” within the yard area under the extension roof on an as-needs basis in order to improve visual amenity of the site in general at those times. We have no objection to this but, in order to align with the existing planning conditions for the building, we feel that it is very important that any planning consent makes it clear that the parking or storage of anything other than a single historic or classic vehicle (e.g. modern commercial/passenger vehicles, plant, machines, scrap, caravans and campervans) in this area is specifically prohibited.

If the Planning Department is unable to do this, then we object strongly to this application on the grounds that there is a significant risk and high likelihood that the enclosed area created by this extension will enable activities which are proscribed by the control that were put in place for the original building in December 2017 to continue to occur. Such activities, related to:

- The transportation, storage and processing of scrap vehicles and scrap metal;
- The storage, repair and maintenance of passenger vehicles, plant and machinery have had a significant negative impact on local amenity and our quality of life throughout the last 2 years.

7. PARISH COUNCIL’S COMMENTS

Doddiscombsleigh Parish Council wish to make no observations on the application.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling.

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

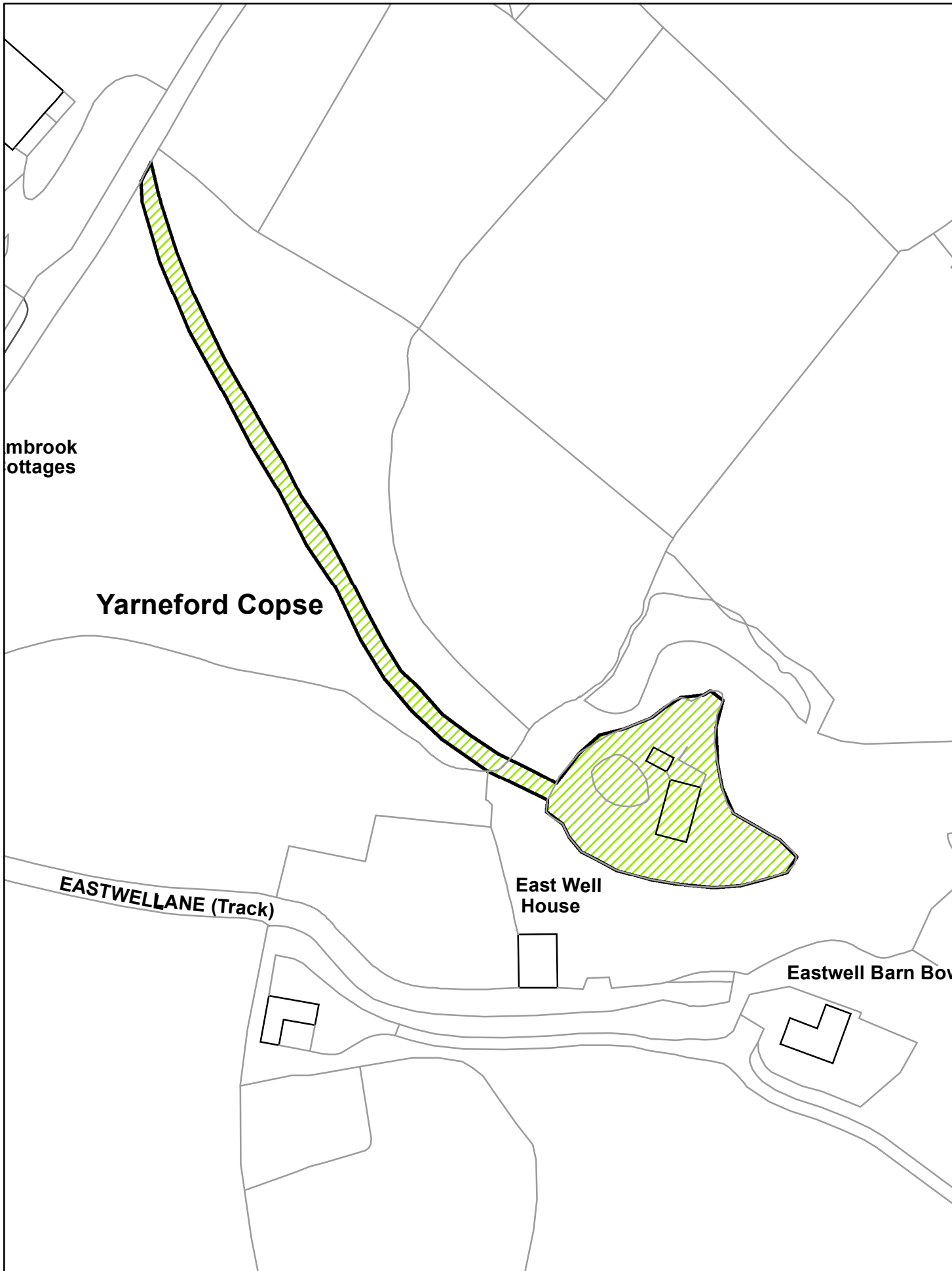
PLANNING COMMITTEE REPORT 20 November 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 18/01226/FUL - The Shed, Yarneford Copse - Change of use of forestry building to dwelling	
APPLICANT:	Mr & Mrs N Courtier	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Councillor Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planningapplication-details/?Type=Application&Refval=18/01226/FUL&MN	





mbrook
cottages

Yarneford Copse

EASTWELLANE (Track)

**East Well
House**

Eastwell Barn Bow



1. REASON FOR REPORT

Councillor Dewhirst has recommended that this application be referred to Committee should the Planning Department recommend refusal, for the following reason:

Mr Courtier provides vital employment within the local area – at least 6 people work at the site. I am conscious of the fact that the business has repeatedly been targeted by thieves due to the isolated location of the property. The site is an important rural workplace and the application fully meet Policy WE9/a, b and c of the approved Local Plan 2013-2033.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

The proposal constitutes residential development outside any settlement limit in a countryside location where residential use is normally resisted. It has not been adequately justified that there is an essential functional need arising from the business for a worker to be housed on the site. The Council is able to demonstrate a five-year supply of housing land and the housing trajectory is realistic and can be delivered. The proposal is contrary to Policies WE9 (Rural Workers' Dwellings) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018.

3. DESCRIPTION

Proposal

- 3.1 The application seeks permission to use an approved forestry building as an unrestricted residential dwelling.

Site description

- 3.2 The site is located south of the Ipplepen settlement limit, off a private access which leads from a narrow country lane, bounded by agricultural land.
- 3.3 Internally the site accommodates a number of timber outbuildings, the subject building, and paraphernalia associated with a domestic use. At the time of the site visit, the building appeared to be in residential use. More widely, the site is used for some operational aspects of the owners' log and tree surgery business.
- 3.4 Planning permission was granted for the development of a "Forestry building for storage of machinery, tools and equipment, timber and drying/restroom" in 2011. This is in situ and is the building for which the change of use is now sought.

Principle of development

- 3.5 The application site is located within the open countryside and outside any defined settlement limit as depicted in the Teignbridge Local Plan 2013-2033. Policies S1A (Presumption in favour of Sustainable Development Criteria), S1 (Sustainable Development Criteria) and S22 (Countryside) of the Teignbridge Local Plan 2013-

2033 seek to protect open countryside and do not permit isolated residential dwellings unless they are for agricultural, forestry and other necessary rural workers (under WE 9 Rural Worker's Dwellings).

3.6 The application does not seek permission for a restricted essential rural worker's dwelling. Policy S22 is supportive of the use of land for forestry purposes and this aspect of the site's current use is clearly compatible with policy. As an active business, it is important that the right buildings and facilities are available to meet the needs of that business - which is why the development of a building on this site for storage etc purposes was supported previously.

3.7 Policy does not however support the sporadic siting of dwellings in rural areas. Affordable housing should be located adjoining settlement boundaries (see WE5) or, in accordance with Policy WE9 (Rural Worker's dwellings) on site for an agricultural, forestry or other rural business. In this respect, it is important to note that tree surgery is not itself an intrinsically rural business, although clearly forestry is. It is also of note that the proposal is not for an affordable dwelling and, whilst a permission could be conditioned as such, it is not proposed by the applicant that the building should be limited in this way or to a rural worker's dwelling.

3.8 The NPPF is also clear, as the latest statement of government policy, that:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; ...

c) the development would re-use redundant or disused buildings and enhance its immediate setting; ..." (Paragraph 79)

3.9 An Appeal against the Local Planning Authority's refusal of permission for a dwelling for security purposes in Exminster was dismissed in 2017. In that instance the Inspector concluded:

"Much of the evidence submitted has been focused on the need for the manager to live on site in order provide improved security and due to their knowledge and understanding of the management of the [business]. From the evidence presented to me, both written and orally, there is a compelling case that the proposed building would provide a dwelling that would improve the security of the site and facilitate the growth of the business. However, I am not satisfied that it has been demonstrated that there is an essential need for a rural worker to live permanently on the site. As such, it fails to comply with Policy WE9 of the LP and paragraph 55 of the Framework." (Paragraph 55 of the NPPF 2012 was the forerunner of Paragraph 79 of the NPPF 2018.)

Our Development Plan policy is up to date and reflects this policy.

Although it has been noted the Applicants justification for a dwelling in this location is theft from his premises on Totnes Road, which is not in this location.

- 3.10 Whilst it is accepted that the site accommodates part of an established local business, it is not considered that sufficient justification has been provided to either demonstrate that the requirements of policy WE9 are met or, exceptionally, that there are material considerations that outweigh the policies in the Plan to support the use of this authorised forestry building for residential purposes.
- 3.11 The Applicant's justification for the dwelling rather relates to a perceived security threat – details of equipment thefts are included in the planning statement. It is clear from Policy S22 Countryside that open market residential development in the Countryside should be resisted. It is also considered that provision of security for a business does not constitute the special circumstances required to justify a dwelling. This is an argument that could be used in numerous cases across the district and elsewhere in Ipplepen, which is well supplied with business premises for its rural location. Alternative means of crime prevention could be adopted, but it has not been demonstrated that these security measures have been explored or considered. For example, no evidence of the consideration of alternative security measures that could be installed has been presented.
- 3.12 Furthermore, no details have been submitted to demonstrate (in accordance with WE9), insofar as may be relevant, that:
- a) There is an essential functional need for a full-time worker to be on site;
 - b) The business unit is of a sufficient size to require a full-time employee, or that the business is economically viable; and,
 - c) There are no dwellings on the holding which could meet the need.
- 3.13 The proposal is not in accordance with the adopted Teignbridge Local Plan 2013-2033. The Council is able to demonstrate a five-year supply of housing land and the housing trajectory is realistic and can be delivered.
- 3.14 There is no need to release this land for unrestricted residential development when considered against the proposal's conflict with Policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and advice as set out within the National Planning Policy Framework. There are no material considerations that outweigh the conflict with the Development Plan and National Policy. The recommendation is one of refusal.

Design/visual impact

- 3.15 The site lies within the open countryside and therefore the design and visual impact of the development needs to be carefully considered. In assessing the design of the proposal, the existing character of the area and materials should be taken into consideration to ensure that the proposal harmonises with that of the existing development.
- 3.16 The subject proposal however simply seeks permission for the change of use of the permitted forestry building to a residential unit. It is considered, on balance, that the erected structure does coincide with the approved structure – albeit that there are a number of differences in elevation treatment from the approved, functional, forestry building.

- 3.17 The nearest neighbours are at such a distance that the height, design and use of the building as a dwelling would not cause any material impact on the amenity of neighbouring residents.

Summary and Conclusion

- 3.18 The proposal is in clear and direct conflict with the strategic policies of the Development Plan. It is not considered that the proposal constitutes sustainable development and therefore in-principle support for the development cannot be given. It is not considered that the security requirements of the applicant constitute exceptional circumstances that would justify a breach of this policy.
- 3.19 This recommendation is consistent with decisions taken by the Local Planning Authority elsewhere within the District and supported on Appeal by the Planning Inspectorate.

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)

EN2A (Landscape Protection and Enhancement)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Environmental Health - This planning application proposes a use that will be particularly vulnerable to the presence of land contamination should it be present. To make certain that this development will not be exposed to such pollution, further information in the form of a Contaminated Land Assessment is necessary.

Environmental Health - Contaminated Land Officer has no objections.

6. REPRESENTATIONS

Application has been advertised by way of a site notice and neighbouring letters on 3 July 2018.

Two letters of objection have been received, and 10 letters of support.

Objection:

1. Non-compliance with local planning policy
2. Contravention of a number of national planning policies
3. Misleading argument for the justification for a dwelling
4. This is not an exceptional circumstance
5. There is little evidence of a business

6. Thefts were not from this site but Totnes Road

Support:

1. No objections
2. I often see the applicant on site
3. They have set up a successful business
4. The applicant also keeps an eye on my farm
5. No detriment to neighbouring amenity
6. Well situated and well planned

7. PARISH COUNCIL'S COMMENTS

No objections.

8. COMMUNITY INFRASTRUCTURE LEVY

The application is recommended for refusal therefore the CIL liability at this stage is zero.

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: Tuesday 20 November 2018
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

- 1 17/00072/TREE NEWTON ABBOT** - 9 Aspen Drive Newton Abbot
Appeal against the part refusal of application
17/02308/TPO to Fell five silver birch tagged as 54 to
58 in Area A2

APPEAL SPLIT (DELEGATED SPILT DECISION)
- 2 18/00009/REF IDE** - Land Off Polehouse Lane Ide
Appeal against the refusal of planning application
17/01346/FUL - Erection of a temporary dwelling for
agricultural worker

APPEAL ALLOWED (COMMITTEE REFUSAL –
OVERTURNED OFFICER RECOMMENDATION)
- 3 18/00008/REF NEWTON ABBOT** - Main Bow Farm Perry Lane
Appeal against refusal of planning application
17/00562/OUT - Outline - Three self build dwellings in
garden (approval sought for access)

APPEAL DISMISSED (DELEGATED REFUSAL)
- 4 18/00024/REF BROADHEMPSTON** - Parke Barn Broadhempston
Appeal against the refusal of Variation of Conditions
application 17/02849/VAR - Variation of conditions 3 & 4
on planning permission 11/01085/COU to (change of
use and conversion of barn to holiday unit and
alterations to vehicular access) to allow use as a single
dwelling

APPEAL ALLOWED (DELEGATED REFUSAL)

TEIGNBRIDGE DISTRICT COUNCIL

- 5 18/00036/REF IPPLEPEN** - Land East Of Great Ambrook Great Ambrook Avenue
Appeal against the refusal of 18/00104/FUL -
Agricultural building
- APPEAL DISMISSED (DELEGATED REFUSAL)
- 0 18/00032/REF KINGSTEIGNTON** - 2 Oakford Kingsteignton
Appeal against the refusal of planning application
17/01984/FUL - 2 bedroom flat above garage to include
external terrace
- APPEAL DISMISSED (DELEGATED REFUSAL)

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