

8 March 2021

PLANNING COMMITTEE

A meeting of the **Planning Committee** will be held on **Tuesday, 16th March, 2021** at **10.00 am**. This will be a virtual meeting and you can observe the meeting [via our Youtube Page](#).

PHIL SHEARS
Managing Director

Membership:

Councillors Haines (Chair), Goodman-Bradbury (Vice-Chair), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Kerswell, MacGregor, Nuttall, Nutley, Patch and Parker

Please Note: The meeting will be live streamed with the exception where there are confidential or exempt items, which may need to be considered in the absence of the media and public.

AGENDA

1. **Apologies for absence.**
2. **Minutes**
To confirm the minutes of the last meeting.
3. **Declarations of Interest.**
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.
4. **Chairs Announcements**
5. **Public Participation**

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

6. **Planning applications for consideration - to consider applications for planning permission as set out below.**
 - a) 20/00375/MAJ Higher Mead Farm, Ashburton (Pages 3 - 12)
 - b) Enforcement - The Orangery (Pages 13 - 16)
7. **Consideration of PAS “Mini Peer Challenge” Recommendations** (Pages 17 - 22)
8. **Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.** (Pages 23 - 24)

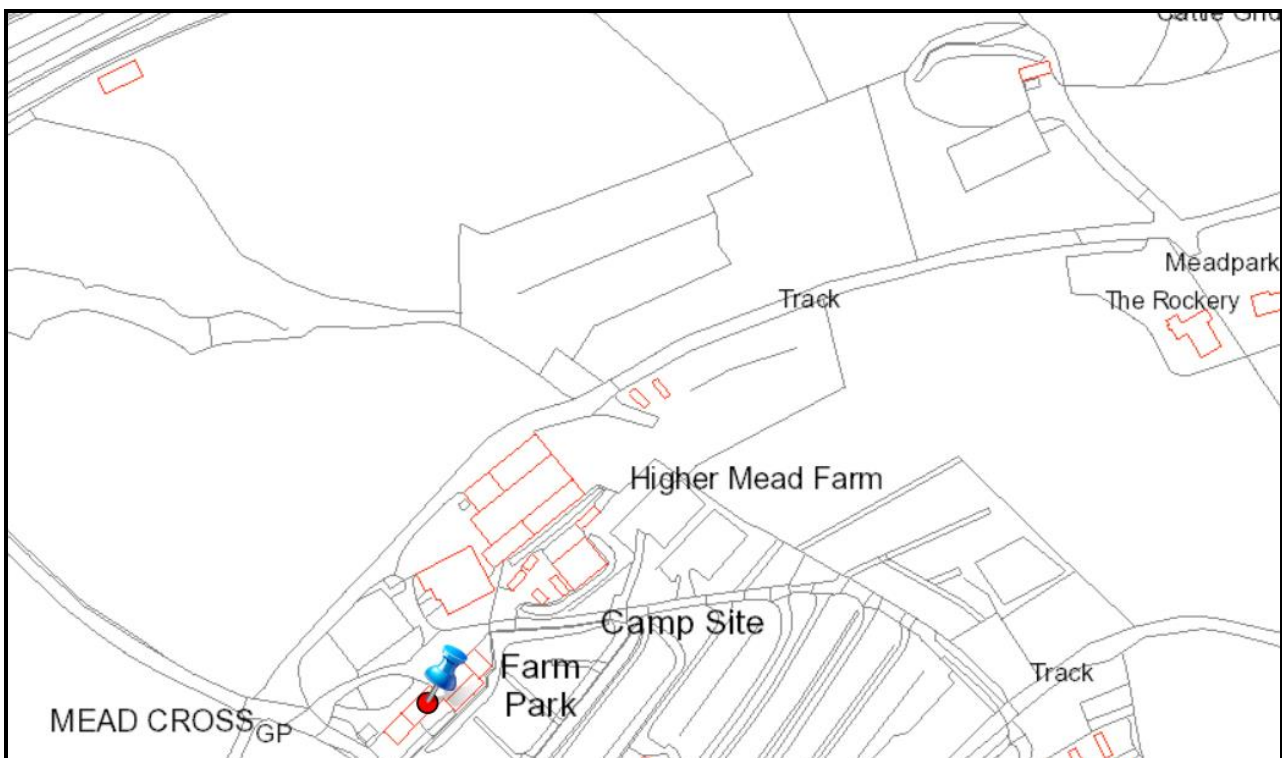
If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

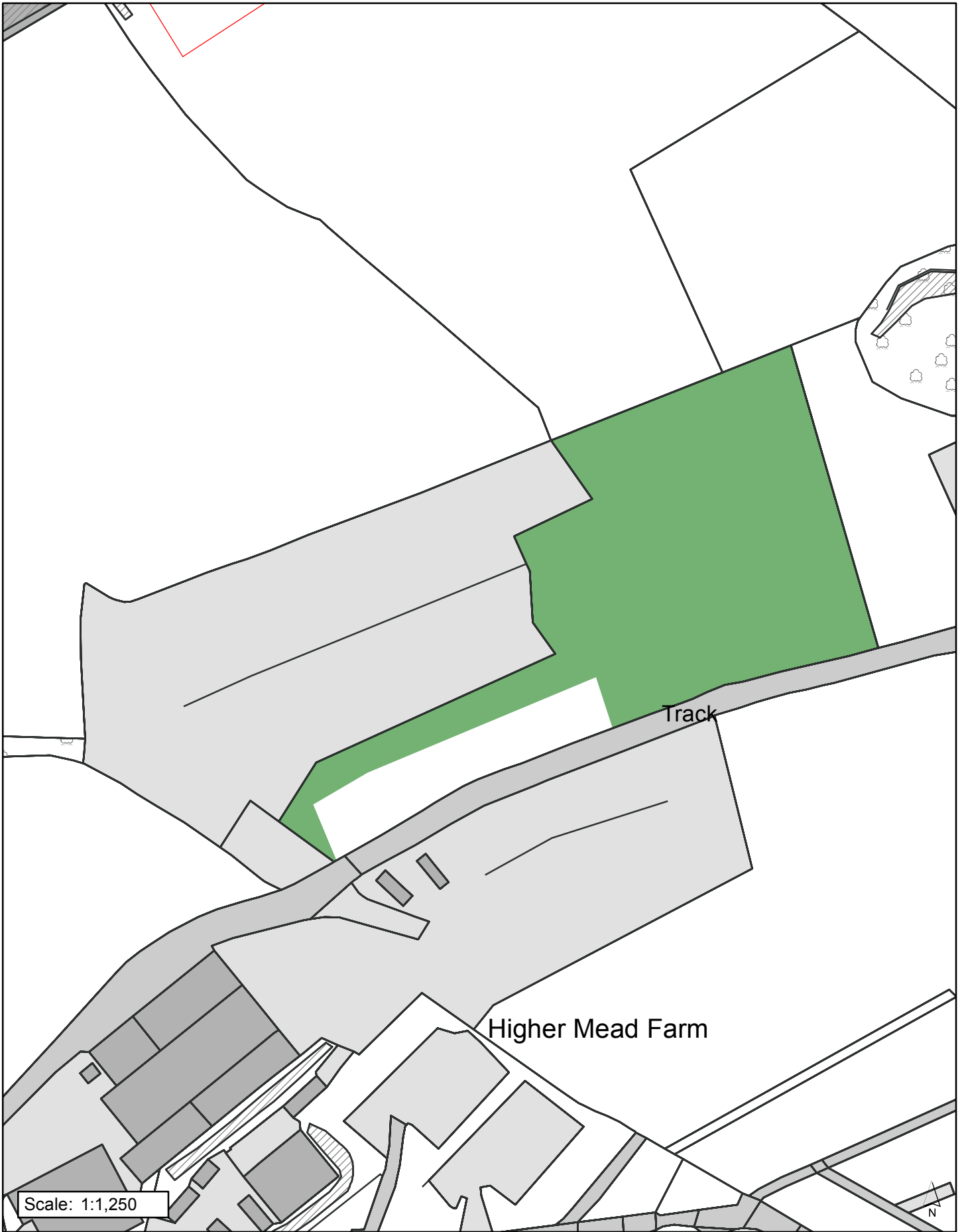
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	ASHBURTON - 20/00375/MAJ - Higher Mead Farm, Alston Cross - Change of use from agricultural land to Use Class B8 storage for caravans, boats and motor homes/vehicles	
APPLICANT:	Mr P Parker	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Huw Cox Cllr John Nutley Cllr Sarah Parker-Khan	Ashburton And Buckfastleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/00375/MAJ&MN	





**20/00375/MAJ - Higher Mead Farm, Alston Cross,
Ashburton TQ13 7LJ**



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1. REASON FOR REPORT

This application is reported to Committee because the applicant is related to a Member of the Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions:

1. The development shall be retained in accordance with the approved plans;
2. Within 3 months of this decision notice, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority;
3. No external lighting shall be installed on, or in association with, the storage area, except for low-intensity, PIR motion-activated lights on a short timer (maximum 2 minutes), sensitive to large objects only (to avoid triggering by bats or other wildlife);
4. Storage shall be of caravans, boats and motor homes/vehicles and for no other purpose including any other use falling in Use Class B8.

3. DESCRIPTION

Site description

- 3.1 The application site relates to land located approximately 150m south of the A38 and on the opposite side of the road to Mead Storage, Mead Garage and Parkers Farm Holiday Park. In terms of planning policy, the site is located with designated open countryside. The site also lies within the South Hams Special Area of Conservation (SAC) Landscape Connectivity Zone and within a Mineral Safeguarding Area for the limestone resource.

The proposal

- 3.2 This application seeks retrospective permission for a change of use of the site from agricultural land to use class B8 for the storage of caravans, boats and motor homes/vehicles. The site has been covered in gravel and has been split into three compounds via the erection of green palisade fencing and gates. The site also features column mounted lights and CCTV cameras.
- 3.3 Five static caravans have been sited opposite the storage area, however, these are subject to a separate currently undetermined planning application (20/00400/FUL).

Planning history

- 3.4 There are a number of previous applications relating to Higher Mead Farm but the most relevant are considered to be:
- 08/03263/COU: Change of use of redundant dairy building and hardstanding to storage of twenty touring caravans outside and twenty touring caravans/boats inside and office. Approved 27/11/2014.
 - 20/00400/FUL: Change of use of land to allow the siting of 8 static caravans for holiday use including associated staff accommodation. Awaiting determination.

Main issues

3.5 The main issues for consideration are:

- Principle of the development;
- Impact upon the character and visual amenity of the area/open countryside;
- Highway impacts;
- Flooding and Drainage;
- Biodiversity impacts;
- Impact on residential amenity of surrounding properties;
- Carbon reduction; and
- Other matters.

Principle of Development

- 3.6 The National Planning Policy Framework provides clear direction for Local Planning Authorities to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is likewise, reflected in Policy S1A (Presumption in favour of Sustainable Development) in the Teignbridge Local Plan.
- 3.7 The National Planning Policy Framework seeks to support a prosperous rural economy through, as set out in paragraph 83, 'the sustainable growth and expansion of all types of business in rural areas'.
- 3.8 Planning permission was previously granted under application reference 08/03263/COU for a change of use of redundant dairy building and hardstanding to the storage of twenty touring caravans outside and twenty touring caravans/boats inside and an office at Mead Farm in November 2014.
- 3.9 The site lies beyond any defined settlement limits and within the open countryside and Policy S22 of the Teignbridge Local Plan applies to the consideration of the acceptability of the principle of this proposal in this location.
- 3.10 Policy S22 sets out that in open countryside, development will be strictly managed, and limited to uses which are necessary to meet the overall aims of this policy, which are to manage development and investment to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. The policy sets out the uses that would be supported in the open countryside in the interests of ensuring a resilient rural economy, two of which are business and warehousing, subject to compliance with a number of criteria. The storage use for the site could be reasonably concluded to fall within the warehousing category given that it is similar in nature - albeit with potentially greater landscape impacts as a result of open storage rather than storage within a building - and therefore could be seen to accord with Policy S22.
- 3.11 Furthermore, Policy EC3 (Rural Employment) of the Teignbridge Local Plan supports uses with a strong functional link to local agriculture, forestry or other existing rural activity and extensions or expansions of an existing business or employment site. Given that there is an existing use on the wider site for the

storage of caravans and boats, it is considered that the proposal would comply with Policy EC3.

- 3.12 As such, it is considered that the principle of development is acceptable, subject to compliance with other relevant policies of the Local Plan.

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

- 3.13 It is acknowledged that the proposal does have an impact upon the character and appearance of the open countryside. However, the site is set down from the A38 and it is well screened when viewed from the A38 by a mature belt of trees and hedges. Furthermore, the site is set against a backdrop of existing buildings and caravans which form Mead Garage and Parkers Farm Holiday Park and as such, it is considered that the proposal does not appear unacceptably out of keeping with the character of the area. In addition, the Council's Landscape Officer has been consulted on this application and he has raised no objections to the development.

Highway impacts

- 3.14 There is access to the site from Alston Cross on the A38 via the C227 and although the site is accessed off an unclassified County Road which is restricted to 60 mph, due to the width of the carriageway, speeds are considered to be much lower. Furthermore, due to the location of the site there is likely to be little through traffic past the site to the east due to the nature of the unclassified road from this point.
- 3.15 Devon County Council's Highways department has been consulted on this application and they have commented that they do not consider that the number of vehicles that the site is likely to generate will have a severe impact on the existing Highway network and as such the Highway Authority has raised no objections to the proposal.

Flooding and Drainage

- 3.16 The submitted Drainage Report details that during the construction of the compounds, the existing topsoil and subsoil were excavated and replaced with 600mm of crushed rock and gravel. As such, the applicant has proposed that surface water from the development will be disposed of via infiltration through the crushed rock and gravel which have been installed on the surface of the site. Devon County Council's Flood and Coastal Risk Management Team initially objected to this application in their role as Lead Local Flood Authority as they considered that insufficient information had been submitted to demonstrate that all aspects of the surface water drainage management plan had been considered.
- 3.17 Following the submission of additional drainage information during the course of the application, Devon County Council's Flood and Coastal Risk Management Team withdrew their objection to the proposal as the applicant submitted infiltration test results which demonstrated that infiltration through the crushed rock and gravel which have been installed on the surface of the site is viable.

Biodiversity impacts

- 3.18 The application site is located within the South Hams Special Area of Conservation (SAC) Landscape Connectivity Zone. TDC's Biodiversity Officer has been consulted on this application and she has commented that for the benefit of the SAC's greater horseshoe bats, connectivity of bat flyways along linear landscape features should be retained and light spill/pollution should be avoided.

3.19 The site features existing column mounted lighting and the Biodiversity Officer has requested that a condition is included with any permission which states that these lights and any other lights, existing or proposed on site, should must be motion-activated rather than on all night and should have bat/wildlife-friendly light output. In addition, as there will still be some light spill, to help maintain a choice of dark flyways for SAC bats, the Biodiversity Officer has recommended that a further condition is included with any permission which requires the retention of the existing hedge along the northern and eastern site boundaries; and creation of a Devon bank and native-species hedge along the eastern site boundary. These details will be requested via the submission of a Landscape and Ecological Management Plan.

Impact on residential amenity of surrounding properties

3.20 Due to the distance between the nearest residential property and the application site, it is deemed that the proposal does not result in any adverse impacts upon the residential amenity of any surrounding properties.

Carbon reduction

3.21 Policy S7 (Carbon Emission Targets) of the Local Plan states that the council will work proactively with partners and through public and private investment and the management of development, will seek to achieve reductions in carbon emissions per person arising within Teignbridge of about 48% from 2017 levels by 2050. Policy EN3 (Carbon Reduction Plans) of the Local Plan details that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in Policy S7. As the proposal does not involve built development, it has not been subject to the carbon calculator

3.22 However, it is considered that the proposal would contribute to achieving a reduction in carbon emissions as it supports domestic tourism and is therefore likely to result in less international air travel. Furthermore, the proposal is also likely to minimise the number of long distance trips towing caravans as it provides caravan owners with a storage site in the south west of England.

Other matters

3.23 Although the application site is located within a Mineral Safeguarding Area for the limestone resource, given that this area of resource is already constrained by existing development, both Devon County Council's Minerals department and the Devon Stone Federation have raised no objections and as the development would not materially increase the degree of constraint.

Conclusion

3.24 The proposal is considered to support an existing business in this rural area and it is not considered that there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits that this consent would bring to the local rural economy. Officer recommendation is therefore to grant conditional approval.

4. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

Policy S1A (Presumption in favour of Sustainable Development)

Policy S1 (Sustainable Development Criteria)

Policy S2 (Quality Development)

Policy S7 (Carbon Emission Targets)
Policy S22 (Countryside)
Policy EC3 (Rural Employment)
Policy EN2A (Landscape Protection and Enhancement)
Policy EN3 (Carbon Reduction Plans)
Policy EN4 (Flood Risk)
Policy EN8 (Biodiversity Protection and Enhancement)
Policy EN10 (European Wildlife Sites)
Policy EN11 (Legally Protected and Priority Species)

National Planning Policy Framework
National Planning Practice Guidance

5. **CONSULTEES**

TDC Landscape Officer: No objection.

TDC Biodiversity Officer:

The site is within the South Hams Special Area of Conservation (SAC) Landscape Connectivity Zone. For the benefit of the SAC's greater horseshoe bats, connectivity of bat flyways along linear landscape features should be retained and light spill/pollution should be avoided.

To minimise impacts on SAC bats, please attach a lighting condition. The Planning Statement says here is currently 'discreet lighting at the entrance'. This is in the form of column mounted lighting. These lights and any other lights existing or proposed on site should must be motion-activated rather than on all night and should have bat/wildlife-friendly light output – please impose a condition.

As there will still be some light spill, to help maintain a choice of dark flyways for SAC bats, please require: retention of the existing hedge along the northern and eastern site boundaries; and creation of a Devon bank and native-species hedge along the eastern site boundary. Please require management of the existing and new hedges to achieve dense screens at a height of at least 3m.

DCC Highways:

Observations

The site is accessed off an unclassified County Road restricted to 60 mph although, due to the width of the carriageway, speeds are considered to be much lower. Where the site is situated there is likely to be little through traffic due to the nature of the unclassified road from this point. Vehicles are unlikely to turn left from the site but rather turn right towards Mead Cross. There is good access from the A38 via the C227. This is a typical rural road with no footways or street lighting. There has been one "slight" collision, at Mead Cross, reported to/by the police between 01/01/2015 and 31/12/2019. The Highway Authority does not consider the number of vehicles the site is likely to generate will have a severe impact on the existing Highway network and as such has no objections to the proposal.

Recommendation

No objection.

DCC Flood and Coastal Risk Management Team:

Comments dated 24 November 2020

Recommendation:

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

It is understood that this site is already constructed and this planning application is seeking retrospective planning permission. It is noted within the Surface Water Drainage Assessment (Ref. 534/FRA2; dated 24th August 2020) that western field has been covered with 500mm thickness of gravel with a soakaway beneath. It is also noted within the Surface Water Drainage Assessment that plans for the soakaway do not exist. The applicant must confirm how the location and size of the soakaway is known. The applicant must provide further details of the ordinary watercourse which is noted to flow along the southern boundary of the site. The applicant must submit photographs of this watercourse to demonstrate its condition. The applicant must also submit details to confirm the size of the watercourse. The watercourse has been depicted on the topographic survey (drawing No. FRA1; dated August 2020), however, further details are needed. The applicant must complete soakaway tests, in accordance with BRE Digest 365 Soakaway Design (2016), to demonstrate the suitability of infiltration at this site. If infiltration is viable, then the applicant will need to submit MicroDrainage model outputs (or similar) to demonstrate that the pore spaces within the gravel meets the surface water drainage volume.

Comments dated 1 February 2021

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Observations:

Following my previous consultation response (FRM/TE/00375/2020; dated 24th November 2020), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. The applicant has submitted infiltration test results to demonstrate that infiltration is viable.

Police Designing Out Crime Officer:

Whilst I have no objection to the proposal, I would like to make the following comments and recommendations for consideration.

Such storage compounds can be at significant risk of crimes such as theft, damage and arson etc. Therefore, the security of such a site must be effective and robust enough to reduce the potential for such offences. The recommendations below are aimed at negating such a risk.

- I note that 'the site is secure, with a combination of mature hedgerow and 1.8m high chain link fence around the perimeter and access gates' This is supported and it is recommended that security fencing is of an anti-climb design is certified to LPS 1175 SR 1/2. The hedgerow must be robust and sufficient enough to prevent access all year around.

- Gates within the perimeter fencing should match the design, height and construction of the adjoining fence and not compromise security. They should be hung on anti-lift hinges which together with any lock should be protected to deter attacks using burning and/or cutting tools.

- I note and support that the site is covered by CCTV. The following advice is given in relation to CCTV:

- Entry and exit points should be covered as well as the storage area.
- A Passport for Compliance Document, including an Operational Requirement (OR) should be drawn up prior to any installation.
- Cameras, wiring and recording or monitoring equipment should be secured.
- CCTV should be designed in co-ordination with external lighting and landscaping.
- The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution.
- Any CCTV is advised to be installed to BS EN 50132-7: CCTV surveillance systems for use in security applications.
- CCTV systems may have to be registered with the Information Commissioners Office (IOC) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via www.ico.gov.uk
- For guidance on the use of CCTV images as legal evidence see also BS 7958:2005 CCTV Management and Operation Code of Practice.
- In order to be effective, the system should incorporate an element of monitoring in order to respond to live incidents.

- A monitored perimeter intruder detection system can be considered as they can be used to support perimeter fencing or to create 'virtual' secure compounds within an area. This would provide some guardianship to the site

DCC Minerals (in response to adjacent application 20/00400/FUL):

The application site is within a Mineral Safeguarding Area for the limestone resource, with Policy M2 of the Devon Minerals Plan seeking to protect such resources from sterilisation or constraint by non-mineral development.

In this case, this area of resource is already constrained by existing development, and the proposals would not materially increase the degree of constraint. Devon County Council therefore has no objection in its role of mineral planning authority.

Devon Stone Federation (in response to adjacent application 20/00400/FUL):

The DSF represents aggregate mineral operators in Devon and is a consultee for planning proposals within Mineral Safeguarding Areas and Mineral Consultation Areas defined in the adopted Devon Minerals Plan. In this case, the site lies within the Mineral Safeguarding Area defined to protect an important limestone aggregate deposit.

In commenting on applications, the DSF considers whether the proposals are consistent with Policy M2 of the Devon Minerals Plan, which seeks to prevent mineral resources, including aggregate deposits, from being constrained by incompatible surface development. In this case there is already more sensitive development closer to the ongoing and future quarrying of the deposit than the proposal would be and therefore it would not cause additional constraint than exists at present. Therefore the DSF does not wish to raise an objection to the proposal.

6. REPRESENTATIONS

A site notice was erected.

One letter of support has been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ashburton Town Council have commented that they have a neutral opinion on the application.

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.

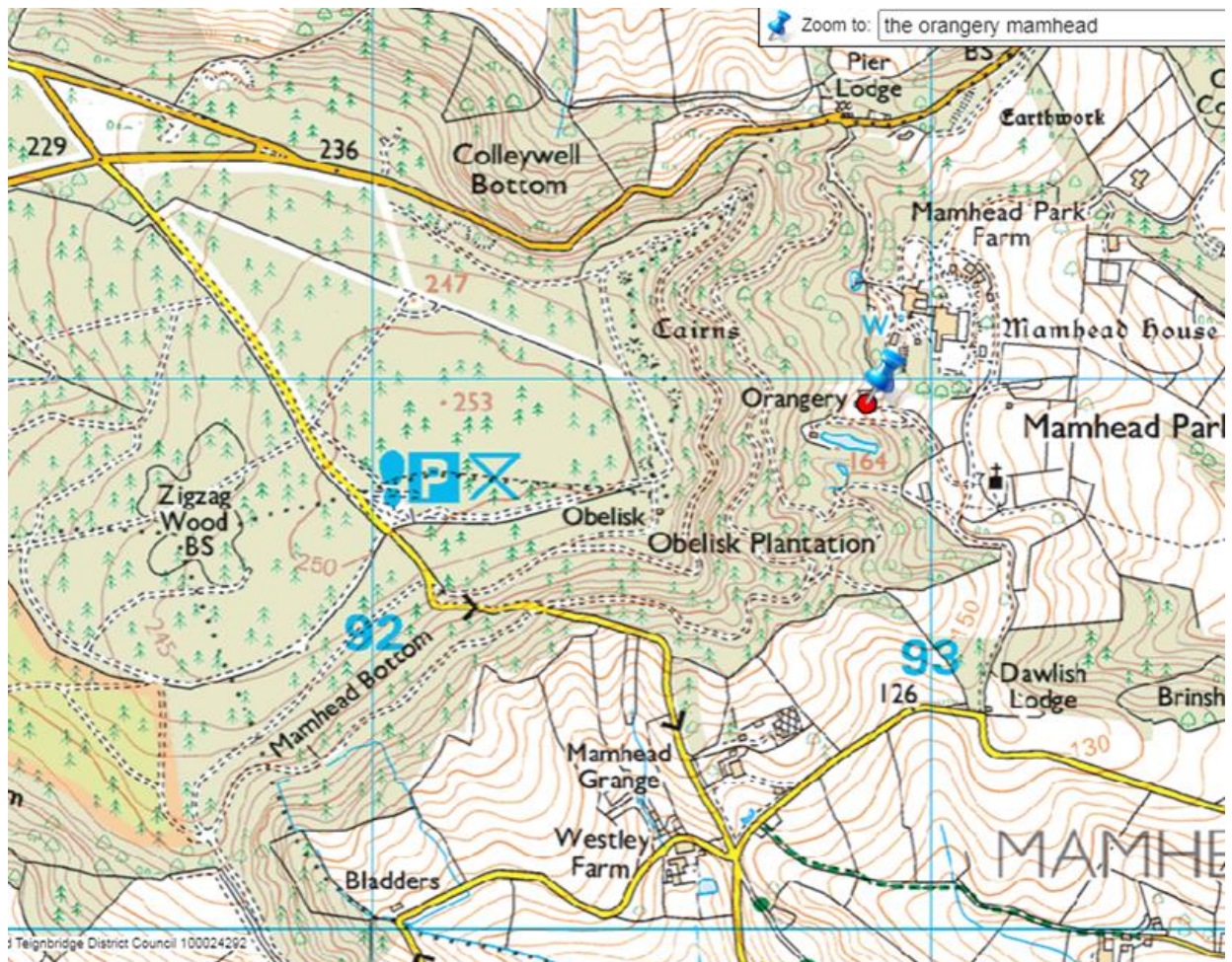
10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place

**TEIGNBRIDGE DISTRICT COUNCIL
PLANNING COMMITTEE
MARCH 16 2021
PART I**

Report Title	Alleged unauthorised change of use at The Orangery, Mamhead
Reference Number:	16/000198/ENF
Purpose of the Report	To determine whether or not to take enforcement action
Recommendation	It be RESOLVED no enforcement action is taken at the current time
Ward and Ward Member	Kenton with Starcross Cllr Connett
Report Author	Business Manager – Strategic Place Ros Eastman Email: rosalyn.eastman@teignbridge.gov.uk



1 BACKGROUND

- 1.1 This case is referred to committee at the request of the local ward member.
- 1.2 It concerns a site originally part of the Mamhead House estate which has been separated off and is now occupied as a separate residential unit with its own garden and associated parkland (“**the Site**”).
- 1.3 In June 2019 the Council received a complaint about a sculpture park being created at the Site that was advertised as being open to the public. The complaint referred to marketing information and signage at the Site entrance encouraging members of the public to turn up unannounced to view the Site and such having a detrimental impact on the amenity of nearby residents. It has also been alleged that the Site has changed from a residential unit with its own gardens and associated parkland, to commercial garden / Sculpture Park; including a café for visitors. Reference was also made to the Sculpture Park within the Site being advertised publicly for viewing.

2. ENFORCEMENT INVESTIGATION APPROACH

- 2.1 In response to the complaint, information was sought and obtained from site visits, the site owners and from complainants. Further advice has been sought on the impact of the use of the Site from Highway Authority (in terms of traffic generation) and Historic England and the Conservation Officer (in terms of the impact of the use on the historic fabric of the Site). The Council’s Tree Officer and the Landscape Officer have also provided comments.
- 2.2 This evidence has been considered within the context of the relevant planning law which provides:
 - (i) Has there been a material change of use which amounts to development. Under planning legislation you are entitled to operate a business from a residential property without requiring planning permission subject to there not being any material impact on the surrounding area and nearby residential properties. This may potentially permit the public to view private gardens without requiring planning permission. Indeed, private garden showing can also take place either as an ancillary activity or through schemes such as Devon Open Studios or the National Gardens scheme.
 - (ii) If there has been a material change of use, is the development permitted development so that planning permission is not required? Permitted development rights exist which allow land to be used for the temporary / occasional change of use of non-residential land.
 - (iii) If not, planning permission is required. This could cover for example a situation where the use as a visitor attraction becomes the dominant use of the Site.

3. ENFORCEMENT TEAM'S FINDINGS

(i) Has there been a Material Change of Use?

The Nature of the Activity at the site

- 3.1 Tours and events relating to both re-wilding and the sculpture park are being offered and / or carried out on the land. The landowner suggests that the majority of the tours / events that are taken up related to the various agricultural activities that are carried out on the land. There is no established "drop in" café on site. Those involved in tours are provided with refreshments as appropriate using the existing kitchen associated with the house.

The Level of Activity at the site

- 3.2 Having established that a business use is taking place at the site alongside the residential use, our next step has been to review whether or not this needs planning permission based on the extent of the use – frequency / volume of visits / disturbance caused etc.
- 3.3 Complainants had provided some information regarding their view of the level of disturbance the use was causing however in order to be sure this was a consequence of the business use and not residential activity a Planning Contravention Notice (PCN) was served to require the owner to provide information about the use of the land and buildings.
- 3.4 It is an offence to knowingly give false or misleading information in response to a PCN.
- 3.5 The returned PCN confirmed:
- the activities being undertaken;
 - the number of visits and visitors.
- 3.6 The number of visitors to see the gardens and sculptures is objectively low for a site of this scale. Prior to the covid-19 pandemic there had been 15 separate tours with a combined total of 35 people. Since the site was reopened, there had been 3 tours with a total of 7 people attending up to the point of the PCN being returned at the end of September 2020.
- 3.7 The number of visitors for this element of the use has not caused a change of use to have occurred at the site.
- 3.8 The rewilding tours appear to attract larger groups with 6 to 20 people attending at a time, however, this is not a frequent occurrence and March – September 2020 there were 5 days when these events had been held.
- 3.9 Again, these numbers are objectively low.

The Impact of the Activity at the Site

- 3.10 Information available on the DSP website has been updated and any visits have to be booked in advance.
- 3.11 It is understood that some neighbours feel their residential amenity has been affected by the use. With the management of the tours that is now in place – advance booking and the removal of on-site signage in particular – it is not considered that any impact would be material at the objectively evidenced levels of use.
- 3.12 Neither our Landscape Officer nor our Conservation Officer consider the activities cause harm to the heritage assets. Historic England do not have any concerns regarding the use.
- 3.13 Devon County Council as Highway Authority does not consider the use materially affects the highway network.

Conclusion Regarding a Material Change of Use

- 3.14 Having considered the nature, level and impact of the use at the site, it is not considered that there has been a material change of use at the site.
- 3.15 There is therefore no need to consider whether permitted development rights apply or a planning application should be submitted at this time.

4. OTHER CONSIDERATIONS

- 4.1 The enforcement report has been prepared taking account of Human Rights Act 1998. In arriving at this recommendation, due regard has been given to the site owner's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

5. CONCLUSION

- 5.1 The Business Manager (Development Management) does not consider that there has been a material change of use based upon evidence available.
- 5.2 There is therefore no need to consider further whether any permitted development rights for possible changes of use would apply and nor is there any development in respect of which a planning application should be sought.
- 5.3 Consequently, no further action should be taken at the current time.

**TEIGNBRIDGE DISTRICT COUNCIL
PLANNING COMMITTEE
16 March 2021
PART I**

Report Title	PLANNING ADVISORY SERVICE RECOMMENDATIONS: IMPROVING OUR PRACTICE
Purpose of Report	To provide background information for Members on our current practice, the PAS recommendations and relevant LGA advice
Recommendation(s)	It is recommended that Planning Committee: 1. Accept the recommendations made by PAS and 2. Consider options for implementation of the recommendations
Financial Implications	Email: finance@teignbridge.gov.uk
Legal Implications	There are no legal implications to this report. Deputy Monitoring Officer Email: legal@teignbridge.gov.uk
Risk Assessment	If no changes are made to our Committee practice, there is a possibility that our decision making processes could become less robust and more open to challenge however this report itself does not give rise to any different risk. Business Manager – Strategic Place Email: rosalyn.eastman@teignbridge.gov.uk
Environmental/ Climate Change Implications	There are no Environmental / Climate Change Impact implications to this report. Business Manager – Strategic Place Email: rosalyn.eastman@teignbridge.gov.uk
Report Author	Business Manager – Strategic Place Email: rosalyn.eastman@teignbridge.gov.uk
Executive Member	EM for Planning Cllr G Taylor
Appendices / Background Papers	Teignbridge "mini" planning peer challenge

1. INTRODUCTION / BACKGROUND

1.1 Following a resolution of Full Council in Spring 2020, the Planning Advisory Service reported in December 2020 on what they termed a “Mini Peer Challenge”. This report made five recommendations:

- Review size of planning committee
- Improve arrangements for site visits
- One team approach and ownership to planning committee arrangements
- Tailor arrangements where necessary, for example speaking arrangements

- Joint officer councillor training to cover planning; political awareness – the art of the possible

1.2 This report does not provide a specific recommendation to Members at this point but rather outlines details for Members in relation to our practice, and best practice advice in relation to:

- 1.2.1 The size of planning committee;
- 1.2.2 Site Visits;
- 1.2.3 Speaking arrangements at committee; and,
- 1.2.4 Joint Member / Officer Training.

2. REPORT DETAIL

The size of Planning Committee

The current position

2.1 In Spring 2020, Planning Committee was composed of 21 Members. It has since been reduced in size to 17 Members. This is still larger than comparable committees.

2.2 Other South West Council's Planning Committees are sized as per the table below.

No. of Members Overall Members	No. of Members on Planning Committee
42	11
31	10
31	12
47	15
48	16
50	27 temporarily 13 looking to reduce
57	13
60	16
59	15 looking to reduce to 11
123	4 x 15
60	15
54	8
36	9
42	15

The Pas Recommendation

2.3 PAS suggest that:

“Lastly as a general observation the size of the Teignbridge planning committee (at 21) is large for a district council. It is entirely a matter for the council to decide on but compare (for example) to Ipswich at 13. Bigger committees are more difficult to manage, train, and keep consistent.”

Committee Site Inspections

The current position

2.4 If necessary, Officers undertake site visits before making a recommendation in relation to a planning application. All applications for Committee consideration will have been visited by the Case Officer.

2.5 At present, all Planning Committee Members are invited to site visits in relation to Major planning applications and a “team” approach is used for applications deferred from committee for a site inspection.

- 2.6 Site inspections for Major applications usually take place in the month before the meeting at which the application is to be heard, but circumstances beyond officers' control mean that this does not always happen.
- 2.7 There are clear advantages to undertaking site inspection in relation to major applications for planning permission that require committee consideration prior to initial committee consideration as it can avoid determination of applications being delayed unnecessarily.
- 2.8 Site visits are not open to the public and no debate on the merits of the proposal takes place on site.
- 2.9 The site's characteristics are noted and the scheme described by a Planning Officer, with support from DCC Highways (or other consultees) if required.
- 2.10 Representatives of the Town or Parish Council are invited to attend as there may be local knowledge that can help Committee Members to understand the characteristics of the site. Their views will already have been provided as part of the statutory consultation process.
- 2.11 Notes of Site Visits are not currently made but verbal reports are given by attendees as part of the debate on the subject application.

The PAS Recommendation

- 2.12 PAS suggest that:

“This “Site Inspection Team” approach is confusing, as is having such a long delay between a site visit and a record of it. Either a visit is necessary in order to make a robust decision (in which case all committee members should go) or it is not. We suggest that a simpler approach is adopted, with a clear statement of the issue the visit is responding to and short notes of the meeting shared very shortly after. The Council can consider how much “teeth” they want this approach to have – i.e. unless members can demonstrate they understood the issue they should not be allowed to vote on the application.”

- 2.13 Local Government Association Advice reinforces this and notes:

- *“Visits should only be used where the benefit is clear and substantial; officers will have visited the site and assessed the scheme against policies and material considerations already*
- *The purpose format and conduct should be clear at the outset and adhered to throughout the visit*
- *Where a site visit can be “triggered” by a request from the ward councillor, the “substantial benefit” test should still apply*
- *Keep a record of the reasons why a site visit is called*

A site visit is only likely to be necessary if:

- *The impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers.*
- *The comments of the applicant and objectors cannot be expressed adequately in writing*
- *The proposal is particularly contentious*

Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters. This should be made clear to any members of the public who are there.

Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might

be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.”

Public Speaking

The current position

- 2.14 At present, up to two people may speak in support of or as objectors to a scheme.
- 2.15 This is limited to 3 minutes each for smaller applications and 5 minutes each for Major applications.
- 2.16 In the interests of fairness, if 2 objectors wish to speak, a single supporter would be offered the same amount of time (i.e. 6 or 10 minutes) to speak.
- 2.17 If more than this, objectors are asked to work together to keep public speaking time to the maximum limits with no more than 2 people speaking for / against each proposal.
- 2.18 To inform discussions, a review of adjoining authority websites has been undertaken to identify public speaking practice. There are inevitable differences in relation to the manner in which objectors must register to speak but by and large representors are encouraged to collaborate or appoint a spokesperson where possible or a “first come first served” approach is taken.
- 2.19 This quick review shows that Teignbridge is by no means an outlier or unusual in limiting the number of speakers who may address committee at present.

Council	No of objectors	Time per speaker
Teignbridge major	2	5
Teignbridge minor	2	3
Torbay	1	5
SH major	1	5
SH Minor	1	3
WD	1	3
ECC	1	3
EDDC majors	5	3
EDDC minor	2	3
Mid Devon	1	3

The PAS Recommendation

“Arrangements for speaking at planning committee could be improved. ... It is appropriate to have some flexibility around arrangements for speaking. The Council currently requires objectors to organise themselves if there is more than two objectors or supporters. Similarly the Council allows the same number of speakers regardless of the application. It would seem more appropriate to allow more speakers in some situations, such as contentious major applications, to allow local voices to be heard. If there are multiple objectors, applicants can be allowed additional time to respond to ensure fairness.”

- 2.20 The LGA Probity In Planning Advice suggests:

“In the interests of equity, the time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the local planning authority in writing.

New documents should not be circulated to the committee as councillors may not be able to give proper consideration to the new information, and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. Late

information might lead to a deferral. This should be made clear to those who intend to speak.

Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.”

Joint officer councillor training

- 2.21 Members currently receive mandatory annual training in relation to the planning system and membership of Planning Committee. This training provides an opportunity for Members to be updated on changes in Planning law and practice that have taken place over the past year and a chance for all parties to remind themselves of the requirements of Membership of the Planning Committee. Whilst this is particularly important for new Members of Committee, it is a useful opportunity for all.
- 2.22 In addition to this mandatory training, Officers deliver topic-specific training on subjects such as permitted development rights, enforcement, design etc during the year subject to demand / and resources.

PAS Recommendation

“We have recommended joint training to start bridging the gap between officers and councillors, but it might require something more proactive and holistic, an example of which is mediation.”

3. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Financial

- 3.1 There are no financial implications to this report.

3.2 Legal

- 3.2 There are no legal implications to this report.

3.3 Risks

- 3.3 If no changes are made to our Committee practice, there is a possibility that our decision making processes could become less robust and more open to challenge however this report itself does not give rise to any different risk.

3.4 Environmental/Climate Change Impact

- 3.4 There are no Environmental / Climate Change Impact implications to this report

4. ALTERNATIVE OPTIONS

- 4.1 N/A

5. CONCLUSION

- 5.1 Committee is recommended to consider the recommendations of the PAS Report and how our Committee practice could develop.

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 16 March 2021
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

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

- 1 20/00054/REF TEIGNMOUTH - Den House Den Promenade**
Appeal against the refusal of planning permission
20/00786/FUL - New parking and access ramp along
with extension and alterations of existing ground floor
balcony

APPEAL DISMISSED - DELEGATED REFUSAL

- 2 20/00055/REF TEIGNMOUTH - Den House Den Promenade**
Appeal against the refusal of Listed Building Consent
20/00787/LBC - New parking and access ramp along
with extension and alterations of existing ground floor
balcony

APPEAL DISMISSED - DELEGATED REFUSAL

- 3 20/00053/NONDET NEWTON ABBOT - 6 Higher French Park Newton
Abbot**
Appeal against the Non-determination of
20/00634/FUL - Construction of vehicular
hardstanding to front

APPEAL ALLOWED – NON DETERMINATION

- 4 20/00061/FAST BUCKFASTLEIGH - 29 Dart Bridge Road
Buckfastleigh**
Appeal against the refusal of planning application
20/01381/HOU - Double garage

APPEAL ALLOWED – DELEGATED REFUSAL

TEIGNBRIDGE DISTRICT COUNCIL

- 5 20/00049/REF KINGSTEIGNTON** - Longfield Stables Caravan Park
Humber Lane
Appeal against the refusal of planning application
19/02152/FUL - Change of use for the existing
Utilities Building to a residential dwelling for the use
of the site manager.

APPEAL ALLOWED – DELEGATED REFUSAL

- 6 20/00056/NONDET EXETER** – Devon View Whitestone
Appeal against the non-determination of planning
application 20/00230/FUL - Change of use of
agricultural land and conversion of existing buildings
to commercial use (Use Classes B1, B2 & B8)
including widening of existing access

APPEAL DISMISSED – NON DETERMINATION

- 7 20/00060/REF HOLCOMBE BURNELL** - Montgomery House Higher
Wheatley Farm
Appeal against the refusal of planning application
20/00419/FUL - Change of use of building from offices
to residential

APPEAL DISMISSED – DELEGATED REFUSAL