

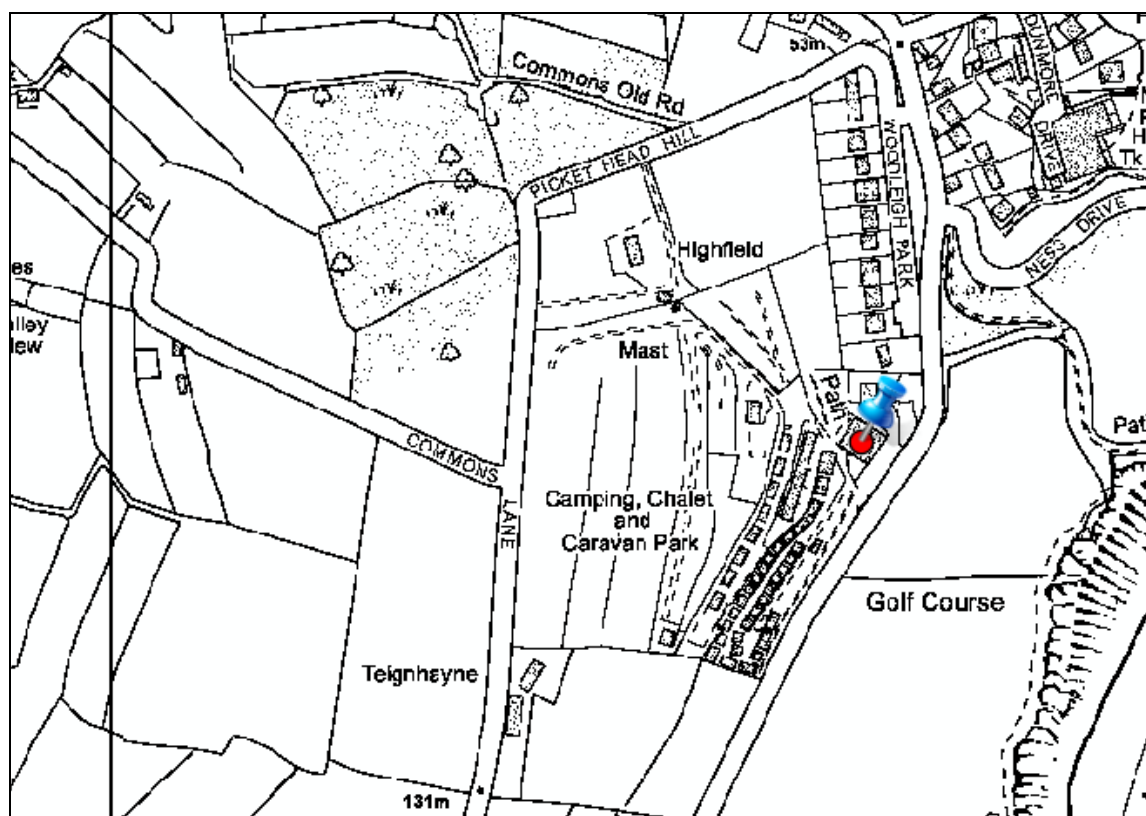
PLANNING COMMITTEE REPORT

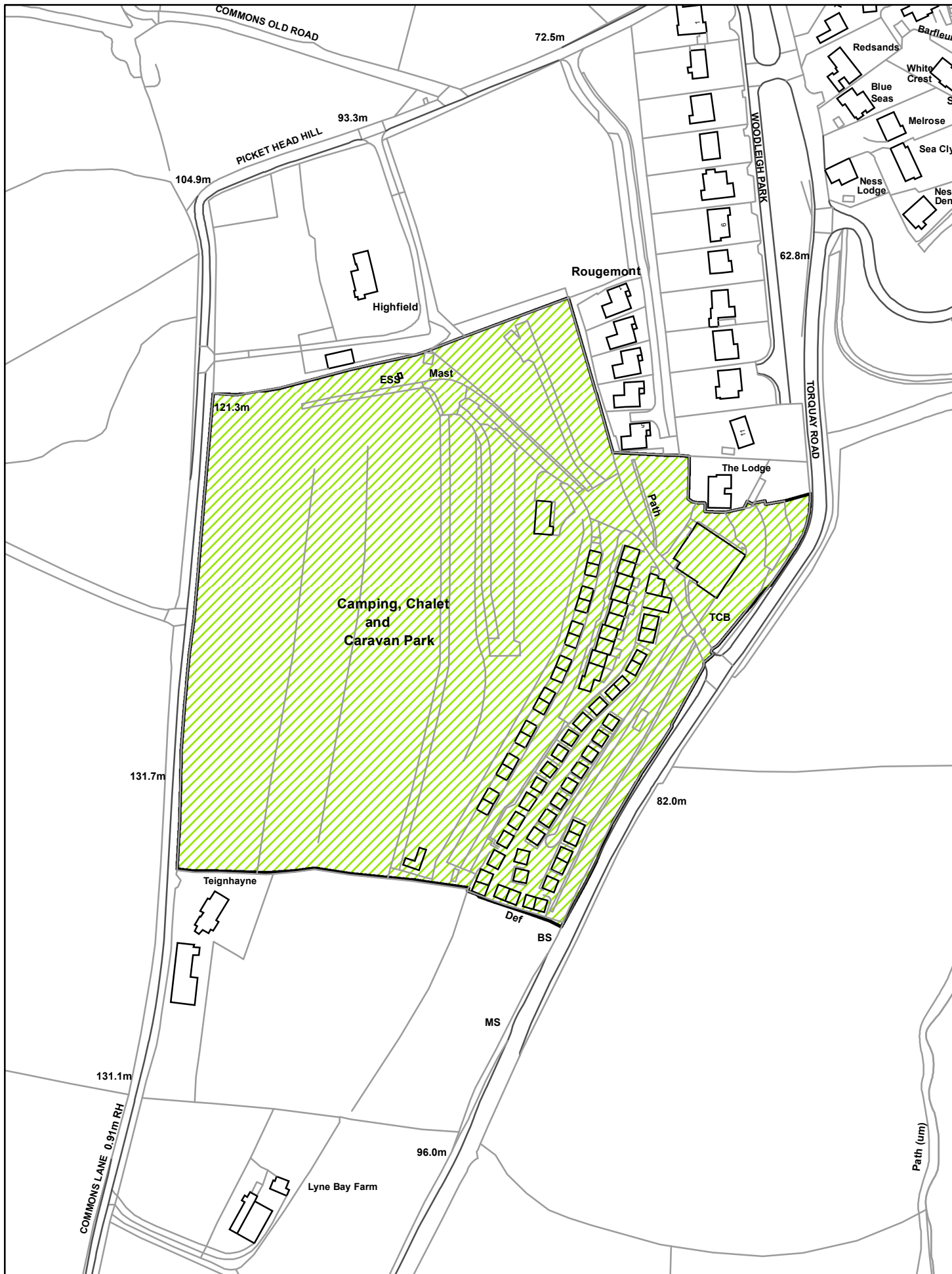
20 November 2018

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 Teignhay. 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 including 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