

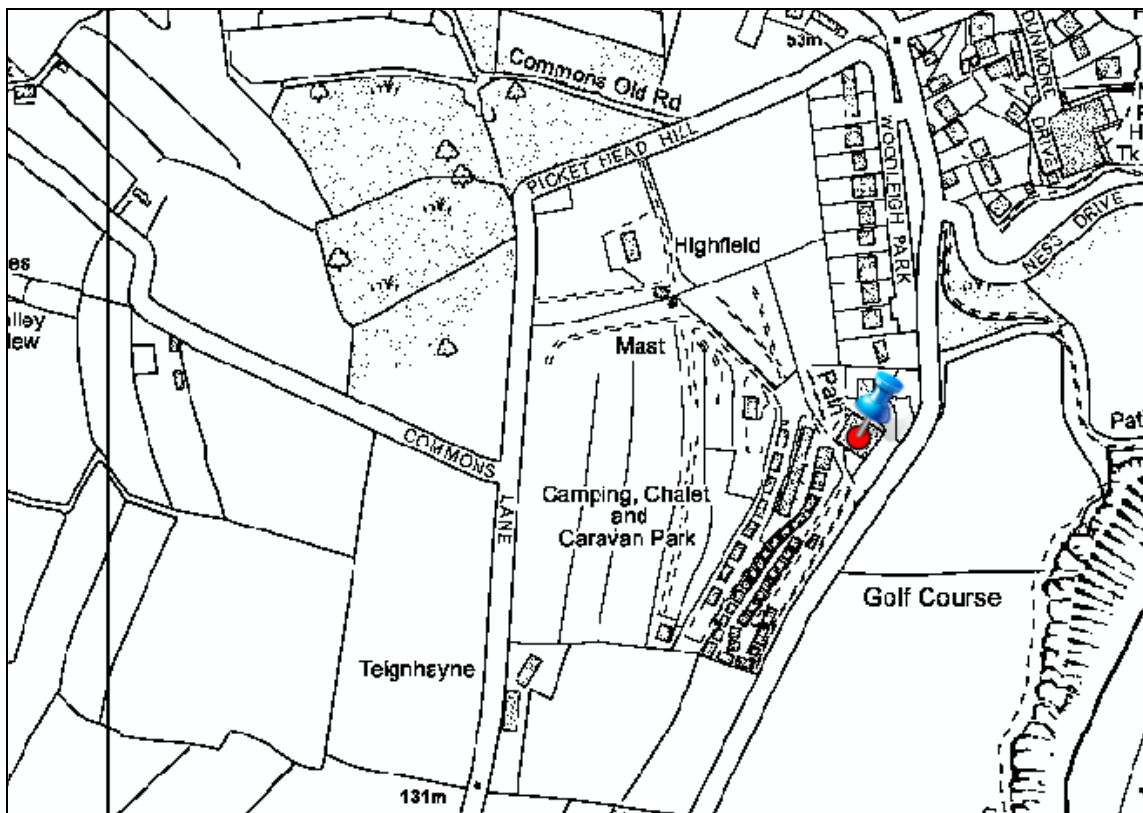
PLANNING COMMITTEE REPORT

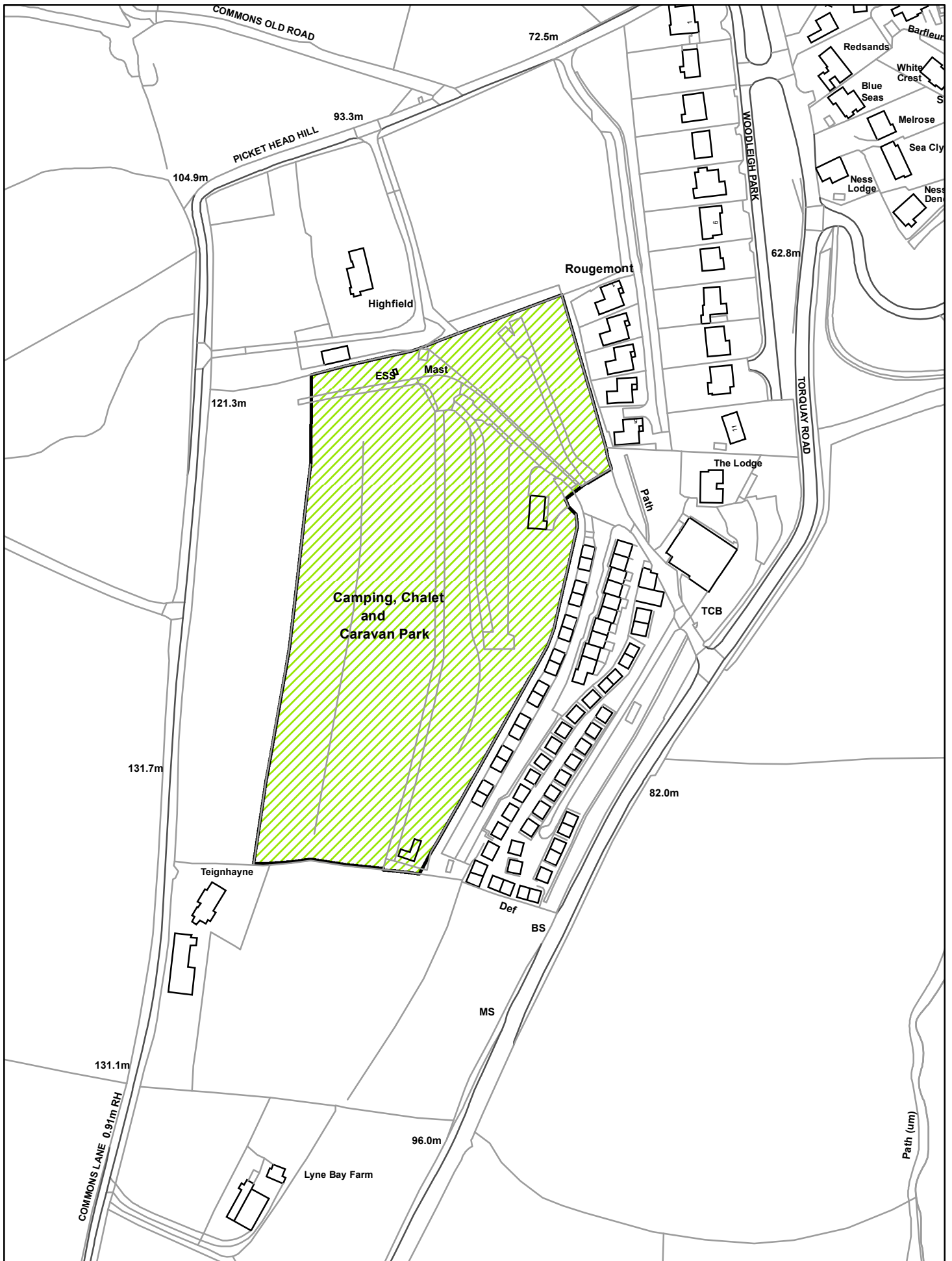
20 November 2018

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