

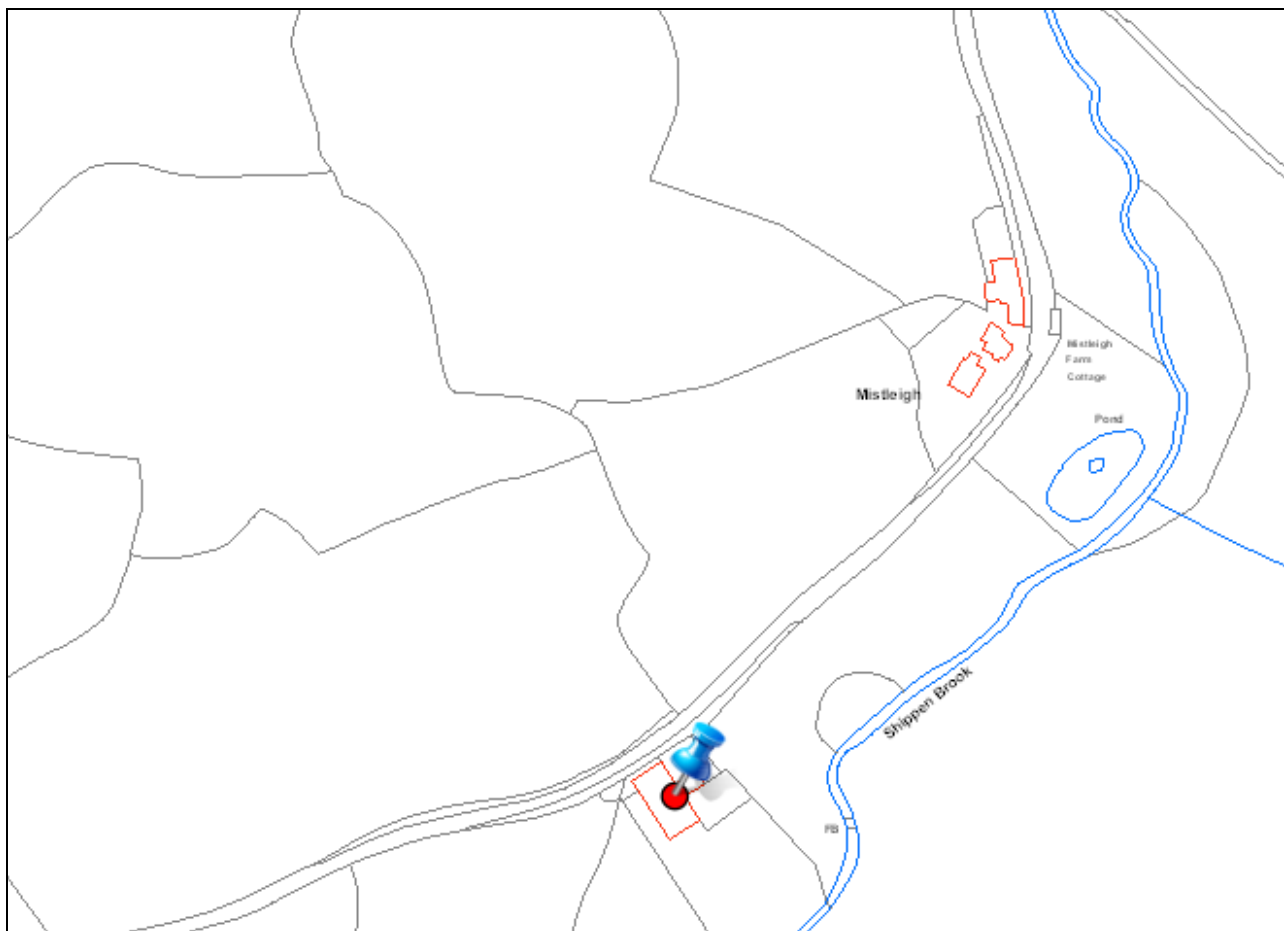
PLANNING COMMITTEE REPORT

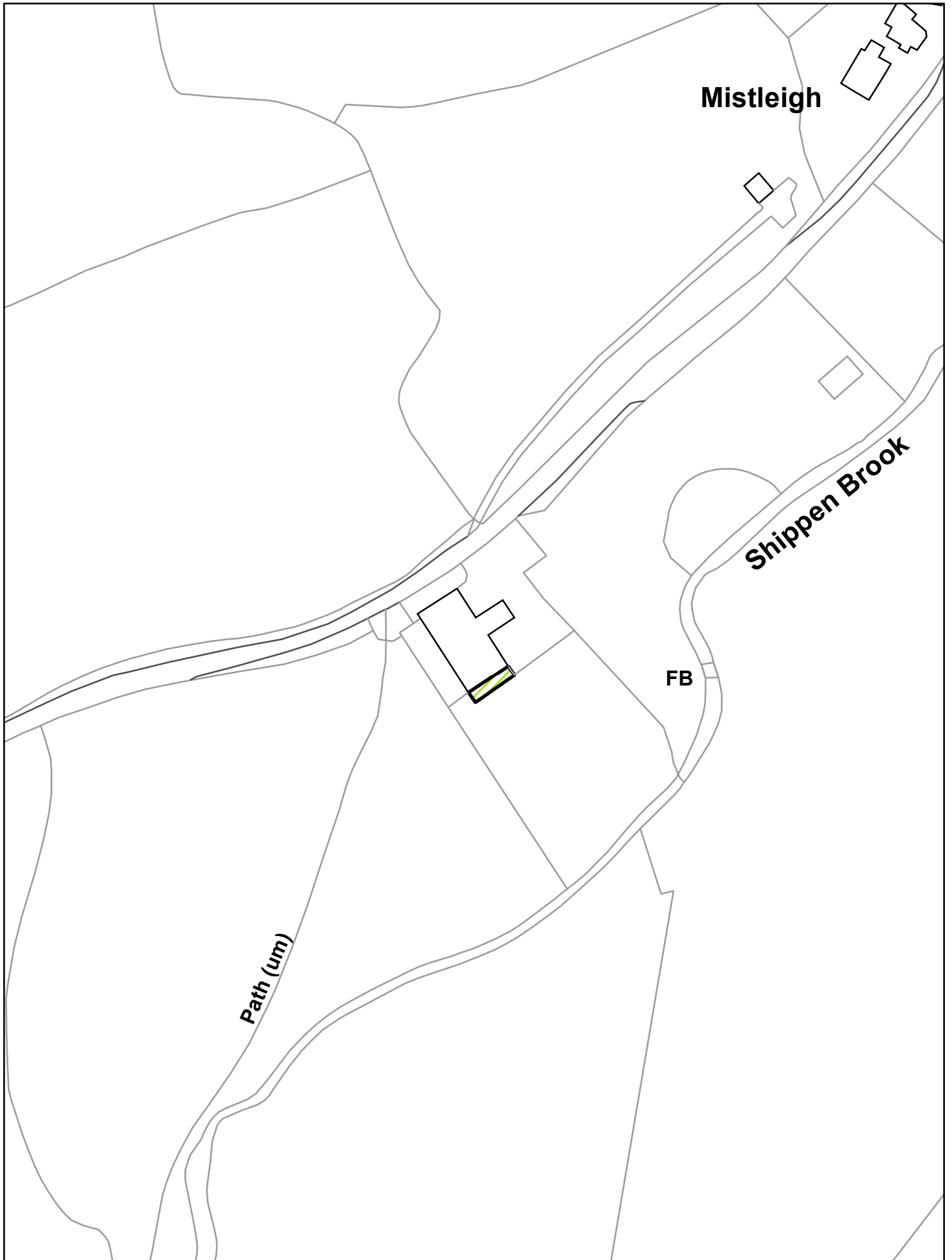
20 November 2018

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