

## **PLANNING COMMITTEE**

**20 NOVEMBER 2018**

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Dennis, Fusco, Hayes, J Hook (was Brodie), Mayne, Kerswell, Nutley, Orme, Parker, Prowse, Rollason and Winsor

Members in Attendance:

Councillor Dewhirst

Apologies:

Councillors Colclough, Jones, Keeling and Pilkington

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Trish Corns, Democratic Services Officer  
Phillip Debidin, Legal Adviser  
Claire Boobier, Planning Officer  
Eve Somerville, Planning Officer

### **1. MINUTES**

The Minutes of the meetings held on 23 October 2018 were approved as a correct record and signed by the Chairman. (14 votes for and 1 against)

### **2. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed public speakers to the meeting. He also reminded Members of the Committee that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application.

### **3. MATTER OF REPORT -REGIONAL EXCELLENCE ACCOLADE FOR DAWLISH COUNTRYSIDE PARK**

The Chairman announced that the Council has scooped an Excellence Accolade in Planning Delivery in the Royal Town Planning Institute (RTPI) South West Awards.

Recognised for its work to create Dawlish Countryside Park, the Council turned plans for a 65-acre natural green space into a welcome community facility treasured by local people. The Park provides a natural recreation area for people, reducing pressure and protecting internationally important wildlife sites nearby such as Dawlish Warren National Nature Reserve and the Exe Estuary.

**4. DECLARATIONS OF INTEREST.**

18/01226/FUL - Councillor Smith declared an interest in this application, on the grounds of predetermination, by virtue of his membership of Ipplepen Parish Council and left the meeting while the matter was discussed and determined.

**5. PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the reports of the Business Manager – Strategic Place, together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

**a) IPPLEPEN - 18/01226/FUL - The Shed, Yarneford Copse - Change of use of forestry building to dwelling**

*18/01226/FUL - Councillor Smith, the Chairman declared an interest in this application, on the grounds of predetermination, by virtue of his membership of Ipplepen Parish Council, and left the meeting while the matter was discussed and determined.*

In the absence of the Chairman, the Vice Chairman chaired the meeting for this item.

Public Speaker, supporter – He managed the family forestry business which has been in existence for several years. The agricultural building was constructed in 2011 to replace a dilapidated building. Incidents of theft amounting to the loss of £20k worth of business equipment, and difficulties in obtaining insurance cover resulted in him residing at the building for security purposes. The community supported the residential use of the building.

Comments from Members included: the forestry business is successful and employs 5 full time workers; there is an essential functional need for a full time employee on site; there is no other dwelling on the holding which meets the need; it could be tied for the family and the forestry business; and that there is an essential need in view of the security risks to the business.

It was proposed by Councillor Prowse and seconded by Councillor Fusco that the application be approved subject to the dwelling being ancillary to the business.

The Business Manager urged caution, reminding the Committee that for similar situations an application is supported by an agricultural consultant's report. Permission would be granted for temporary residential use only for a caravan for example, not permanent residential use of a permanent structure.

The Planning Officer referred Members to the report circulated with the agenda and the officer recommendation of refusal on several grounds including contrary

to Policies WE9 and S22. There is not sufficient information to consider the permanent residence of the dwelling. The Business Manager added that an agricultural workers application should be submitted if the Committee are minded to approve permanent residency of the agricultural building. Such an application would provide the additional information required, including an agricultural report to justify approval of the application. The material considerations do not outweigh the need for the permanent residency of the building.

The Legal Adviser urged the Committee to defer the application for the receipt of further information.

A member of the Committee concluded that the application was not supported with the relevant information under Policy WE9 and therefore there was not sufficient information to approve the application contrary to the officer recommendation.

The Business Manager added that she had sympathy with the views of the Members, however the application should be deferred for further information on how the residency, currently contrary to policy could be controlled, when there was no application for an agricultural workers dwelling, merely a change of use of an agricultural building.

Councillor Prowse then advised she wished to withdraw the proposal for approval and propose deferment for further information. Councillor Fusco agreed and seconded the proposal for deferment.

Councillor Rollason proposed that that the application be approved because the security issues were paramount to the success of the business. This proposal was seconded by Councillor J Hook who added that the application was sustainable.

The Business Manager advised that should the Committee be minded to approve the application, a Section 106 Agreement was essential to tie the dwelling to the agricultural business, and that planning permission should be subject only to the satisfactory completion of such an agreement, which delegated authority could be granted to her to complete.

Councillor Prowse advised that she wished to withdraw the proposal for deferment. Councillor Fusco proposed deferment for further information. This was seconded by Councillor Bullivant. A vote was taken and lost by 4 votes for, 10 against and 1 abstention. A vote on the proposal for approval was taken and carried by 12 votes for, 1 against and 2 abstentions.

Resolved

Delegated authority be granted to the Business Manager, Development Management, in consultation with the Ward Member to grant permission subject to the satisfactory completion of a Section 106 Agreement to tie the dwelling to the business, and subject to conditions including addressing the following:

1. Removal of Permitted Development Rights.
2. Standard time condition.
3. Works in accordance with approved plans.  
(12 votes for, 1 against and 2 abstentions)

- b) **NEWTON ABBOT - 18/01734/FUL - Butter Market, Market Street- Raise the height of the existing 1.5 metres high steel and glass railing along the south elevation by 0.5 metres to form a total height of 2 metres**

It was proposed by Councillor J Hook, seconded by Councillor Hayes and

Resolved

Permission granted subject to the following conditions:

1. Standard time limit
2. Works in accordance with the approved plans.  
(14 votes for and 0 against)

- c) **NEWTON ABBOT - 18/01735/LBC - Butter Market, Market Street- Raise the height of the existing 1.5 metres high steel and glass railing along the south elevation by 0.5 metres to form a total height of 2 metres**

It was proposed by Councillor Bullivant, seconded by Councillor Dennis and

Resolved

Listed Building consent be granted subject to the following conditions:

1. Standard time condition.
2. Works in accordance with approved plans.  
(16 votes for and 0 against)

- d) **NEWTON ABBOT - 18/01526/FUL - 8 The Butter Market, Market Street- Change of use from A3 (restaurant/cafe) to A5 (hot food takeaway)**

It was proposed by Councillor Hayes, seconded by Councillor Parker and

Resolved

Permission be granted subject to the following conditions:

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

Informative

The planning permission hereby granted relates solely to the change of use of the premises from A3 (restaurant/cafe) to A5 (hot food takeaway). As the property the subject of this application is a Grade II Listed Building any physical alteration to the building, including display of new advertisements, will require

Listed Building; depending on the size, height and method of illumination of the signage to be erected the Council's "Consent to Display an Advertisement" may also be required.

(16 votes for and 0 against)

- e) **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**

The Planning Officer circulated copies of the landscaping proposals and appraisals for the previous application and also for the current application. Further to the updates document the following have been received: an additional 14 representations of support; 1 comment relating to the validity of the application; and 6 objections of which comments included: no substance for support, the site is an eyesore, and enforcement action has not been taken.

Public speaker, objector – objected on the grounds of: the holiday park has encroached onto his land and part of the site depicted on the plans is not within the boundary of the Park; the proposal will place a concrete base and chalet within the Devon hedge bank; trees have been removed on site in relation to the 2012 application which were conditioned to be protected and to remain; an Ash tree on his land had been felled by the applicant; and trees conditioned to be planted to screen the site from his property have not been planted.

Public speaker, objector – objected on the grounds of: Condition 4 of the previous application for landscape screening to protect the view from his property has not been implemented; why were the conditions not enforced; he has lost land in order to protect his privacy.

Public speaker, supporter – the application will enhance and achieve the original conditions and protect the landscape; all development has planning approval, but appreciates any inconvenience to neighbours during development as a result of earth works and machinery noise; permission was granted without fixed locations for the units, and the previous landscape plan would not work with the layout; the number of units is not excessive and the proposed landscaping scheme, of some 75 specimen trees, will work with the existing layout of the chalets; the facilities at the 5\* Park were open to the public and it provided local employment.

Comments made by Members included: the proposed scheme would enhance the situation; concern about the chalet being set within the Devon hedge bank, and that efforts be made that the hedge bank is not compromised.

The Business Manager advised that the dispute over the application boundary arises following the serving of Certificate A as part of the planning process.

However, the affected neighbour has not been disadvantaged by the use of Certificate A as they are aware of the proposals and their detail. The current

proposal is not a lesser scheme but a different scheme. The chalets would be conditioned for holiday accommodation only, and some landscaping has already taken place

It was proposed by Councillor Bullivant, seconded by Councillor Winsor and

Resolved

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. (9 votes for and 7 against)

- f) **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**

The Planning Officer drew Members' attention to the amended landscape plan and a different date for the wording of the landscape plan condition set out in para 3.13 of the officer report, circulated with the agenda. Since the publications of the representations update document, the following had been received: 15 representations of support; and 3 objections including disputes over the boundary lines, there should be 4 metres distance between the decking and landscaping, and that this should be enforced.

Public speaker, objector – the condition that requires the decking to be 4 metres distance from the hedgerow has not been enforced. The distance is significantly less.

Public speaker, supporter – the site licence allows statics to be positioned closer than 4 meters from the hedgerow. There is no detrimental effect on the planting and distance between the two is acceptable.

The Business Manager confirmed that the Council's Landscape Officer was part of the discussions for the current scheme.

It was proposed by Councillor Bullivant, and seconded by Councillor Winsor that the application be approved as set out in the report circulated with the agenda. The vote was taken as follows: 8 votes for and 8 votes against. The Chairman used his casting vote and it was

Resolved

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. (9 votes for and 8 against)

g) **DODDISCOMBSLEIGH - 18/01782/FUL - Mistleigh Farm Barns, Doddiscombsleigh - - Extension to the existing barn, installation of satellite and attachment of solar panels**

It was proposed by Councillor Prowse, seconded by Councillor Nutley and

Resolved

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.

(14 votes for and 0 against)

## **6. APPEAL DECISIONS**

The Committee noted appeal decisions made by the Planning Inspectorate.

DENNIS SMITH  
Chairman