

**DARTMOOR NATIONAL PARK AUTHORITY**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**Friday 10 January 2014**

**Present:** K Ball, P Hitchins, P Harper, J Hockridge, H Jenny, J Kidner, D Lloyd, C Marsh (Deputy Chairman), J McInnes (Chairman), Dr I Mortimer, D Moyse, N Oakley, M Retallick, P Sanders, J Shears, P Vogel, N Way, D Webber

**Apologies:** G Gribble, M Jeffery, Dr I Mortimer, J Nutley

**Non attendance:** S Barker

**1435 Minutes of the meeting held on 6 December 2013**

The Minutes of the meeting held on Friday 6 December 2013 were signed as a correct record.

**1436 Declarations of Interest & Contact**

The Chairman noted that Members had received communication from interested parties in connection with 0517/13 solar photovoltaic array for Bridge House Lodge, Lydford and ENF/0188/13 residential use of land at siting of caravan at Heltor, Bridford.

Ms Moyse declared a personal interest by reason of contact in application 0517/13 solar photovoltaic array for Bridge House Lodge, Lydford

**1437 Items Requiring Urgent Attention**

None.

**1438 Applications for Determination by Committee**

Members received the report of the Director of Planning (NPA/DM/14/001).

**Item 1 – 0953/07 – Residential Development of 19 Dwellings and associated works – Blackdown Garage, Mary Tavy**

**Speakers:** Cllr T Pearce- Mary Tavy Parish Council  
Mr John Hillier - Applicant

The case officer outlined the application and stated that the land formed a site in the heart of Mary Tavy. The former garage had not operated as such for more than five years and the forecourt pumps and canopy had been removed.

*Mr Shears joined the meeting*

Signed .....

Date 7-2-14 .....

An application for planning permission for the erection of 19 dwellings was submitted in October 2007. It was considered to meet policy MTV2 from the local plan at that time and offered the scope for significant enhancement of the site. Members held a site inspection in September 2008. At a meeting of the Development Management Committee in November 2008, it was resolved to grant conditional planning permission subject to the satisfactory completion of legal agreements to secure highways improvements and five affordable dwellings for local people in housing need. A legal agreement was drafted and circulated for signature, but in February 2010, before the legal agreement had been formally completed, the company owning the land went into liquidation.

A new owner acquired the land in 2011 and this current report was effectively a re-consideration of the application, albeit with some changes to the detail. The application was never determined and has remained in abeyance since 2008.

The policy framework had moved forward since the decision in 2008, with the adoption of the DMD and the Design Guide SPD. Also, the Mary Tavy conservation area was designated in 2010.

The redevelopment of this site had been a long-standing planning policy ambition, as set out in policy MTV2 in the DMD.

One of the key questions was that of the viability of the proposed development. The normal policy aspiration would be for 100% of the housing to be affordable housing for local people in housing need. However, this particular site suffers from a number of exceptional costs: soil contamination, previous mining activity, Japanese knotweed, together with the normal costs arising from the demolition of the existing buildings on site and the requirement for a contribution to off-site traffic calming measures. Officers had investigated the viability calculations provided by the applicant and were satisfied that these costs constraints mean that the development would only be viable if the affordable housing element is reduced from the policy aspiration to two dwellings.

The ecological survey information was updated in December 2013 when it was noted that there is no new evidence of bat activity in the former garage buildings or the adjacent bungalow.

There were some minor amendments to the conditions it was proposed to apply to the planning permission, in particular condition 4 which should read:

*"The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements set out in paragraphs 4.2, 4.3 and 4.4 of the Ecological Appraisal & Protected Species Survey Addendum dated December 2013"*

and a proposed new condition 14 to read:

*"No development or site clearance work or tree removal or vegetation clearance shall take place on the land except between 1 September and 31 October inclusive each year, unless with the prior written approval of the Local Planning Authority."*

Signed  .....

Date 7-2-14 .....

Cllr Pearce stated that there had been a huge amount of work done prior to the decision in 2008. The parish council was disappointed about the reduction in affordable housing provision and wanted to be sure that it would not be possible for the developer to wait until prices rose before building and selling the dwellings. However, the scheme should bring real benefits to Mary Tavy.

In response to a question from a member, Cllr Pearce confirmed that the primary school, which had been rated 'outstanding' by Ofsted, would have 32 spaces from Sept 2014 as result of a dip in the birth rate and not enough families with young children moving into the village.

Mr Hillier stated that he had worked hard to achieve a balanced scheme which had the support of all the stakeholders. He emphasised the exceptional costs associated with contamination, mining, knotweed and stated that these were abnormal costs which had a significant impact upon viability

In response to questions from members, Mr Hillier indicated that in his view an overage clause would be extremely detrimental and could tip the balance of the scheme. The scheme should accommodate 50-60 people on the site and incorporate a green space. The affordable units would be one 1 bed and one 2 bed dwelling.

Members debated the application and proposed scheme at length. Concerns were expressed about the alignment of the highway and the importance of securing the right improvements.

The impact of construction traffic was also a matter of concern.

Some members felt that the provision of just two affordable dwellings (10%) was too low to justify the scheme.

The Director of Planning informed members that the 2012 parish housing needs survey identified a need for just 4 affordable dwellings. The viability had been rigorously tested and officers were clear that the site would not come forward for development if more affordable housing was stipulated.

A member suggested that two affordable dwellings and comprehensive redevelopment of the site would be much better than leaving the site in its current state.

It was proposed and seconded that permission be granted, subject to the conditions and legal agreement as set out in the report

In response to further concerns, the Director of Planning suggested that a Section 106 Agreement could also permit a reduction in the level of affordable housing to two units provided that the development is completed within three years from the date of the decision notice, failing which the proportion of affordable housing shall be re-assessed.

Signed 

Date 7-2-14

The Chairman indicated that a condition should also be added to deal with construction management and hours of work on site

It was requested that condition 13 be amended to include reference to mining

**RESOLVED:**

That permission be GRANTED for the reasons set out within the report, subject to (a) the satisfactory completion of a legal agreement addressing the provision of the completion of the development within three years, affordable housing, a £58,000 contribution to off-site highway improvement works and phasing of the development; and (b) the 13 conditions set out in the report with the following amendments and additions:

*Condition 4 The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements set out in paragraphs 4.2, 4.3 and 4.4 of the Ecological Appraisal & Protected Species Survey Addendum dated December 2013*

*Condition 13 No development shall take place until a contaminated land and mining remediation strategy has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with those approved details.*

*Condition 14 No development or site clearance work or tree removal or vegetation clearance shall take place on the land except between 1 September and 31 October inclusive each year, unless with the prior written approval of the Local Planning Authority.*

*Condition 15 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:*

- i. the parking of vehicles of site operatives and visitors*
- ii. highway safety and traffic management*
- iii. loading and unloading of plant materials*
- iv. hours of work on site*
- v. storage of plant and materials used in constructing and development*
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate*
- vii. wheel washing facilities*
- viii. measures to control the emission of dust and dirt during construction*
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works*

Signed 

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Dr Mortimer asked for his vote against the grant of permission to be recorded.

**Item 2 – 0586/12 – Erection of a pair of semi-detached dwellings and associated works, land adj Grace & Favour, Mary Tavy**

Speakers: Cllr T Pearce- Mary Tavy Parish Council  
Mr John Hillier - Applicant

The case officer explained that this outline application was related to the previous application in that it was affected by similar viability issues and also because the development cannot commence until the highways improvements identified in the previous application had been completed. However, there was no requirement on this application to make a contribution to the highway works..

Cllr Pearce stated that the main concern was the parking for the shop and the provision of bus stops for the village should not be adversely affected.

Mr Hillier described the site as unsightly and indicated that he would be happy to answer members' questions

In response to a question, Mr Hillier indicated that the sites were linked by the fact that the gain from this site makes the affordable housing on the other site possible. Contamination was also possible, though to a lesser extent.

A member proposed refusal on the grounds that the application did not include any affordable housing for local people in housing need. The proposal was duly seconded.

The Director of Planning indicated that in his view refusal of this application would risk the viability of the permission granted on the previous application, as the viability issue had been assessed and taken together.

The Chairman pointed out that page 22 of the officer report clearly set out the relationship between the two applications. The Director of Planning confirmed the outline status of the application, but proposed that a condition be attached limiting the development to two semi-detached dwellings.

The proposal to refuse permission was NOT CARRIED

*Dr Mortimer left the meeting due to a prior engagement.*

Mrs Marsh proposed that permission be granted with conditions as set out in the report. Mr Vogel proposed that the conditions should include further conditions relating to construction management; development by way of a pair of semi-detached dwellings; and a Section 106 requirement to re-assess viability of the development if it is not completed within three years from the date of the decision notice. This was accepted and on this basis Mr Vogel seconded the proposal.

Signed James R. M. Jones

Date 7-2-14



**RESOLVED:**

That, subject to the conditions as stated in the report and the additional conditions set out above, and a satisfactory section 106 planning obligation agreement requiring the completion of the development within three years or viability would be reassessed, permission be GRANTED.

**Item 3 – 0517/13 – Erection of a ground mounted 4Kw solar photovoltaic array for domestic use – land adjacent to Bridge House Lodge, Lydford**

Speaker: Maria Bailey, Applicant's Agent

The Planning Team Manager reported that the application was for a total of 16 panels arranged in two rows; part of the structure would be 2.5m above ground level. The panels would be sited some 70m from the house which was considered to be outside the domestic curtilage. It was felt that the panels, by reason of the materials to be used and the divorced location would introduce a harmful urbanising development that would be detrimental to the visual amenity and character of the National Park.

Ms Bailey advised Members that her client took great pride in residing within the National Park and had taken great care in seeking to find a suitable renewable energy source for her property. She added that her client had entered into lengthy negotiations with planning officers to try to find an acceptable solution. There was no gas supply nearby so her client's choices of fuel were limited to oil, LPG or electricity; each of these cost approximately £3,500 per annum. With regard to the position for the array, the proposed site was the only possibility as all other areas on the site were north facing. In addition, it was felt that the location would have the least visual impact; the applicant did not want to spoil the landscape but was in need of making her property sustainable.

In response to Member queries, Mr Bailey advised that the number of panels and positioning of the array followed an assessment of all available products and the number required to generate enough energy for the property.

Mr Sanders stated that the proposed siting on the panels was on a disused railway line and would make good use of an area of land which served no other useful purpose, and proposed that permission be granted.

Other Members disagreed with this statement.

Mrs Marsh, in view of the sensitivity of the application and the opposing views of Members, proposed that the matter be deferred in order that a Site Inspection may be undertaken, which was seconded by Mr Ball.

**RESOLVED:**

That determination be deferred until a SITE INSPECTION has taken place.

Signed 

Date 7-2-14

**Item 4 – 0611/13 – erection of wooden interpretation board on legs – Harford Moor Gate Car Park, Ivybridge**

The Planning Team Manager reported that an interpretation board had been requested by the local community to help with parking issues. Members discussed the justification for the sign.

Mr Hitchins proposed the recommendation.

Miss Jenny agreed that the National Park Authority has a duty to provide information but felt that the Parish Council was correct in its view that the sign, should it be constructed of wood and be free-standing would, in the proposed area, suffer an arson attack within a short period of time. She proposed that the sign not be free-standing and be constructed of an alternative material.

The Director of Planning proposed that the matter be DEFERRED in order that further consideration could be given to the siting of the proposed board, together with the materials to be used. A further report would also give a more detailed justification for the information sign in this location.

**RESOLVED:**

That determination be DEFERRED to allow officers to consider further the proposed location of the board and materials to be used.

**1439 Monitoring and Enforcement**

Members received the report of the Director of Planning (NPA/DM/14/002)

**Item 1 – ENF/0188/13 – unauthorised residential use of land (caravan) and siting of caravan for tool shed – land at Heltor, Bridford**

Speaker: Mr G Coxall, Landowner

The Case Officer reminded Members that the area of land had been the subject of previous enforcement action regarding an unauthorised timber building that the landowner had claimed to be a caravan. A visit to the site in October 2013 observed that two touring caravans had been placed onto the site. One of the caravans was being used as the residence of the landowner and his wife; it was claimed that the other was used for storage of forestry equipment.

The landowner had provided an assessment of the forestry works that he intended to carry out. The Authority's Trees and Landscape Officer had advised that although the works could be carried out at certain times of the year, they were purely standard forestry operations and did not justify or necessitate any residential use of the land, or require the storage of forestry tools on the land.

Given the fact that the caravan was the landowner's main residence, it represented an unauthorised change of use of the land for residential purposes. In addition, the siting of the second caravan on the land for the storage of tools and equipment was

Signed 

Date 7-2-14

considered unjustified. The caravans did not comply with the Authority's policies with regard to design, visual impact and landscape character.

It was the understanding of Bridford Parish Council that it was the landowner's intention to remove the residential caravan in the summer when the current project was completed. The Council had suggested that, should an enforcement notice be issued, it should enable the landowner to complete the works and remove the caravan from the land.

Mr Coxall stated that it had never been his intention to live permanently on site but that he and his wife were staying in a caravan as seasonal forestry workers which, in his opinion, was authorised under the General Permitted Development Order 1995 (Schedule 2 Part 5). He added that the caravans did not constitute 'development' in planning law.

He advised Members that their intention was to replace the mono-culture plantation of diseased larch with a wide variety of trees and shrubs and to utilise management strategies derived from permaculture, agroforestry and mycoforestry. He disputed the officer's opinion regarding visual impact, stating that the caravans were on private land, sited within spruce woodland and not visible from any angle, and added that he felt that any enforcement action would be in violation of the Human Rights Act 1998.

Mr Sanders proposed the recommendation, which was seconded by Mr Webber.

**RESOLVED:**

That the appropriate legal action be taken to:

- (i) secure the removal of the residential touring caravan and its associated awnings from the land;
- (ii) secure the removal of the touring caravan used for storage from the land, and
- (iii) secure the cessation of the residential use of the land.

**1440 Consultations by Neighbouring Local Authorities**

Members received the report of the Director of Planning (NPA/DM/14/003).

**RESOLVED:**

Members NOTED the response made under delegated powers.

**1441 Appeals**

Members received the report of the Director of Planning (NPA/DM/14/004).

**RESOLVED:**

Members noted the content of the report.

Signed 

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**1442 Applications Determined Under Delegated Powers and Applications Withdrawn**

Members received the report of the Director of Planning (NPA/DM/14/005).

**RESOLVED:**

Members noted the content of the report.

**1443 Enforcement Action Taken Under Delegated Powers**

Members received the report of the Director of Planning (NPA/DM/14/006).

**RESOLVED:**


Members noted the content of the report.

**1444 Appointment of Site Inspection Panel and arrangements for site visits**

0517/13 – Erection of a ground mounted 4Kw solar photovoltaic array for domestic use – land adjacent to Bridge House Lodge, Lydford

Friday 24 January 2014

Panel to consist of: Mr Sanders, Miss Jenny, Miss Moyse, Mr Hitchins, Mr Hockridge, Mr Shears, Mr Webber, Mrs Marsh

Signed   
Date 7-2-14