

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 7 February 2014

Present: K Ball, S Barker, G Gribble, P Hitchins, P Harper, J Hockridge, M Jeffery, H Jenny, J Kidner, D Lloyd, C Marsh (Deputy Chairman), J McInnes (Chairman), Dr I Mortimer, D Moyses, J Nutley, M Retallick, P Sanders, J Shears, P Vogel, D Webber

Non attendance: N Oakley

1445 Minutes of the meeting held on 10 January 2014

The Minutes of the meeting held on Friday 10 January 2014 were signed as a correct record.

1446 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, 0653/13 – conversion of electrical, staff and stores building at Burrator Dam, Sheepstor and ENF/0168/13 – installation of hydro-electric generation scheme and works to fish pass at Huckworthy Mill, Sandford Spiney.

Mr Sanders declared a personal interest, by way of contact, in 0653/13 – conversion of electrical, staff and stores building at Burrator Dam, Sheepstor and ENF/0168/13 – installation of hydro-electric generation scheme and works to fish pass at Huckworthy Mill, Sandford Spiney.

Miss Jenny declared a personal interest, having received correspondence, in item ENF/0186/13 – temporary agricultural worker's dwelling, Seven Acre Farm, Bridford.

Mr Harper declared a personal interest, having developed his own hydro scheme in the Teign Valley, in Item ENF/0168/13 – installation of hydro-electric generation scheme and works to fish pass at Huckworthy Mill, Sandford Spiney.

Miss Moyses advised that she had not lobbied opposition to 0517/13 - solar photovoltaic array for Bridge House Lodge, Lydford and had behaved appropriately in relation to that item throughout.

1447 Items Requiring Urgent Attention

None.

1448 Site Inspections

Item 1 – 0517/13 – Erection of ground mounted 4Kw solar photovoltaic array for domestic use – land adjacent to Bridge House Lodge, Lydford

Speaker: Maria Bailey, Agent for the Applicant

Signed 

Date 7-3-14

The Case Officer reminded Members that the application was for the erection of a ground mounted solar photovoltaic array, consisting of 16 panels arranged in two rows, on a part of a dismantled railway.

By way of an update, she advised that questions had been raised at the site inspection about the retention of existing vegetation on the railway escarpment flanking the highway. The applicant had stated that it was her intention to manage the vegetation in accordance with good husbandry practice and the safety of highway users. The proposed positioning of the array had been chosen to minimise visual impact and shading of the panels. The Authority's Trees and Landscape Officer had confirmed that the trees along the escarpment would not be worthy of a preservation order and it would not be appropriate to require their retention by condition for five years. With regard to the type of panel to be used, should permission be granted, officers proposed a condition as follows:

'Notwithstanding the plans hereby approved, details of the type of solar PV panels shall be submitted to the Local Planning Authority for approval prior to their installation'

in addition to a standard three year time limit and the requirement to remove the panels and associated paraphernalia upon redundancy.

Ms Bailey hoped that the Site Inspection and subsequent emails had clarified any outstanding issues. She advised Members that alternative sites had been explored but none of them had proved feasible. The land upon which the array would be placed was a disused railway line and, as such, had no alternative valuable use. She added that the applicant would be happy to work with officers regarding any conditions that may be placed on any grant of permission.

In response to Member queries, Ms Bailey advised that the field at the front of the house, due to the orientation of the house and the amount of shading from established trees within the vicinity there was no other viable option for the siting of the array. The proposed two rows of panels were, she advised, necessary due to the limited amount of space available.

Mr Sanders disagreed with the Officer's statement within the report that the introduction of the panels would have an *undesirable urbanising impact, to the detriment of character and appearance of this part of the National Park*" and proposed that the application be granted, subject to the conditions as set out above.

Mr Barker arrived at the meeting.

A Member thanked the applicant for their assistance at the site inspection but expressed concern that it could not be a condition of any permission that the vegetation on the escarpment should be retained.

Mr Hockridge advised that he had benefited from attending the site inspection; he felt that the panels would be not visible from the high moor or from Lydford and seconded Mr Sanders' proposal.

Signed 

Date 7-3-14

Other Members took a different view; they felt that the panels would indeed be seen from the highway and would have a detrimental impact on the appearance of what was, essentially, the entrance to the historical village of Lydford. They were also not convinced that there was no alternative site for the panels

Mr Shears arrived at the meeting.

The vote to grant planning permission was NOT CARRIED.

Mr Lloyd proposed the recommendation, which was seconded by Mr Vogel.

RESOLVED:

That permission be REFUSED due to the reasons set out within the report.

1449 Applications for Determination by Committee

Members received the report of the Director of Planning (NPA/DM/14/008). The Chairman proposed, and Members agreed, to move Item 2 to the end of the report.

Item 1 – 0653/13 – Conversion of existing electrical, staff and stores building into as electrical room, toilets and kiosk – Burrator Dam, Sheepstor

Speakers: Phil Townsend – on behalf of the Highway Authority, Devon County Council
Corinna Legassick – Objector
Colin Vallance – for Applicant (South West Lakes Trust)

The Case Officer advised Members that the existing toilet block was closed in 2009 due to problems with vandalism. Visitors to the location were served by an ice cream van on a concession to South West Lakes Trust (SWLT). The application proposed to replace the catering van with a kiosk; a van would continue to be permitted at Norsworthy Bridge in an attempt to spread visitors across the site.

In updating Members, the Case Officer advised that two additional letters of objection has been received since writing the report.

With regard to the proposed conditions, the following changes were proposed:

Condition 5 to read: *'The premises shall be used for a food and drink kiosk limited to the floor plan ...'*

Condition 6 to read: *'...parking signs shall be provided, maintained and retained thereafter prior to the use of the kiosk commencing.'*

The Chairman invited Phil Townsend, Highways Officer, Devon County Council (DCC), to advise the position of DCC. Mr Townsend advised that a visit had been made to the site; it was felt that the proposed development would not generate additional visitors to the site as the kiosk would not be an attraction in its own right. DCC was aware of recent issues regarding parking but it was stressed that in the absence of any parking restrictions, only the police had the powers to deal with obstructive parking on the highway.

Signed 

Date 7-3-14

Ms Legassick refuted the statement that the application would not generate more traffic. She stated that visitor numbers were likely to increase by 25% and the proposed conversion would mean that visitors would potentially stay for longer, exacerbating the ongoing traffic issues. She expressed concern that emergency vehicles would have problems getting through; additional waste would be generated, and there would be the generation of light pollution. All of these issues, she felt, would change Burrator for the worse. She advised that, so far as she was aware, no proper studies had been undertaken to assess the need for this application and questioned the decision not to repair the original building.

Mr Vallance advised Members that the reinstatement of the toilets was welcomed; however, he stated that the charity would have difficulty in providing the service without the income that would come from the kiosk. He stated that the proposals would be unlikely to attract more visitors, but would provide an improved service and facility. The Trust was committed to working with the Authority, Devon County Council and South West Water. Litter clearance would be the responsibility of those running the kiosk.

Members discussed the issues around traffic management, light pollution, litter, visual impact and the special qualities of the area.

Dr Mortimer proposed to DEFER the matter in order that further discussion could be undertaken with regard to the parking issues at the site.

Mr Shears proposed the recommendation.

Mr Barker seconded Dr Mortimer's proposal to defer.

Mr Harper seconded Mr Shears' proposal.

The vote to defer was NOT CARRIED.

The vote to grant planning permission was NOT CARRIED.

Dr Mortimer proposed that permission be refused on the grounds that the introduction of a commercial facility in a location outside a settlement was considered to be inappropriate and unjustified and would have an adverse impact on the special character and quality of the National Park, which was seconded by Mr Sanders.

RESOLVED:

That permission be REFUSED for the following reason: *'The introduction of a commercial facility in a location outside a settlement is considered to be inappropriate and unjustified and will have an adverse impact on the special character and quality of the National Park, contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR11, COR18, DMD1b, DMD5, DMD6 and DMD31 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.'*

Signed 

Date 7-3-14

Item 3 – 0626/13 – Erection of agricultural machinery store to adjoin existing building – Elliotts Farm, Buckland-in-the-Moor

Speaker: Terence Andrew – Applicant

Elliotts Farm, situated to the north of the village of Buckland-in-the-Moor, consisted of a dwelling, storage barns, stables, a pool and activities building and a manege. The proposal was for the erection of a machinery store to adjoin and match an existing building which was stone clad, had a slate roof and timber doors. The Case Officer advised that insufficient information had been provided by the applicant to demonstrate a proven agricultural need for the building.

Mr Andrew advised Members that since 1997 he had invested around £60k in the infrastructure of the farm. He stated that his application was not solely for a machinery store; the building would also be used for the storage of hay. In his view, the application was for a modest extension to an existing barn which complied with all National Park policies. Mr Andrew also aired concerns about how the Authority had dealt with a previous application and appeal findings against the Authority.

In response to Member queries, Mr Andrew advised that a professional consultant had confirmed that a further agricultural building was needed. His farm consisted of 75 acres; his stock consisted of horses and ponies; an adjacent farmer shared the land to graze his cattle.

Mr Harper commented that an agricultural assessment had not been undertaken; therefore, there was insufficient information to provide proof of need. He proposed the recommendation, which was seconded by Mr Shears.

RESOLVED:

That permission be REFUSED due to the reasons set out within the report.

Mr Hitchins requested that his abstention from the vote be recorded.

Item 4 – 0569/13 – Alteration and extension to existing agricultural building – The Court, Brentor

Speaker: David Lovell – Applicant

The Planning Team Manager reported that the polytunnel had been withdrawn from the application, so Members were requested to consider the alteration and extension of the existing building only. The extension would be used to store machinery, a tractor and logs.

An amendment to condition 2 was proposed to read:

'... shall only be used for agricultural purposes and the storage of timber solely for the use of The Court'.

The Parish Council had been further consulted regarding the revised plans; no additional comments had been received.

Signed James MCT
Date 7-3-14

Mr Lovell advised that his property was a registered small-holding. Now semi-retired, he had a need to cut and store logs for woodburners in order to reduce his electricity bills. The proposed building would provide space for equipment and an area for cutting during bad weather. It would also reduce noise pollution from the machinery and chain saw. The polytunnel had been removed from the application following objections from neighbours. He acknowledged that the land was in a mess – he had met with the Authority's Enforcement Officer and was working hard to meet the officer's requirements. The proposed height and overall size of the building had been dealt with via pre-application advice.

Mr Barker proposed the application, which was seconded by Mr Sanders.

Members requested a fourth condition to ensure that the colour and finish of the materials to be used on the roof of the extension matched that on the original building.

RESOLVED:

That, subject to the conditions as stated within the report, plus an additional condition to ensure approval of materials to be used on the extension, permission be GRANTED.

Item 2 – 0010/14 – Provision of new steps and ramp access to the front entrance – National Park Visitor Centre, Tavistock Road, Princetown

Speaker: Richard Drysdale – for the Applicant

The National Park Visitor Centre at Princetown was currently accessed via steps at the front of the building, with ramped access to the side. The application sought to provide new steps and ramped access to the front of the building to meet building regulations, Equality Act requirements and provide inclusive access.

The Case Officer updated Members and advised that there were no highway implications, South West Water had no comment and the proposals met with the approval of Dartmoor for All.

The Historic Buildings Officer had expressed concern that, in his opinion, the proposal would cause harm to the cultural heritage and significance of the building within the Conservation Area and recommended refusal. One issue he had raised was that, in his view, the granite steps should remain in situ. This was considered and it was determined that the steps should remain. A condition would be required accordingly to obtain the details of the proposed steps as a result. Signage would be the subject of a separate application in due course.

Should permission be granted, three additional conditions were proposed as follows:

1. Retention of the granite steps
2. Details to be provided for approval regarding materials to be used for the facing walls and ramp finish
3. Details to be provided for approval regarding the lighting to be used.

Signed

James R. Tunney

Date

7-3-14

Mr Drysdale advised Members that the Authority had been working closely with the Dartmoor Brewery and the Prison Museum with a view to finding ways to encourage more visitors, become more inclusive, and at the same time increase 'dwell time' and spend. Work had commenced on internal parts of the building, particularly the Ballroom, where the Dartmoor story would be told in a modern, interactive way. The 'Made on Dartmoor' range would also be promoted by the Visitor Centre. The proposed access to the front of the building would welcome everyone; the current access for the disabled and pushchairs was unacceptable.

In response to Member queries he advised that the proposed changes to the building have not been taken lightly; all of them would be reversible. The local community and disability groups had been consulted. There was no doubt that access to the building had to be changed. Very careful consideration had been given to each of the possibilities put forward by the architect.

A Member felt that no decision should be taken until everyone affected, including the Duchy, had been consulted and proposed that the application be deferred for this reason. There were also some significant Member concerns about lack of input from English Heritage.

Mr Harper noted that the Authority's Visitor Centres had now always had the benefit of the investment they needed and saw this application as an innovative step forward. He proposed the recommendation which was seconded by Mr Vogel.

Dr Mortimer seconded Mr Kidner's proposal to defer.

In response to a further query from a Member, the Director of Planning advised that the Duchy of Cornwall had been advised of the application and had had sight of the plans. The consultation period was due to close on 7 February 2014; no comments or objections had been received.

RESOLVED:

That, subject to the conditions as stated within the report, plus additional conditions covering:

- Retention of the granite steps
- Details to be provided for approval regarding materials to be used for the facing walls and ramp finish
- Details to be provided for approval regarding the lighting to be used.

permission be GRANTED.

1450 Monitoring and Enforcement

Members received the report of the Director of Planning (NPA/DM/14/009)

Item 1 – ENF/0168/13 – Installation of hydro-electric generation scheme – works to fish pass not carried out in accordance with the approved drawings – Huckworthy Mill, Sandford Spiney

Speakers: Nigel Guy, on behalf of the Environment Agency

Signed 

Date 7.3.14

Mr R Furniss, for Objectors
Mr D Tilney, Applicant's Solicitor

Members were reminded that planning permission for the development was granted in November 2012 and works commenced in February 2013. In August 2013 concerns were raised with the Environment Agency and the Authority that the development, specifically the fish pass, was not being carried out in accordance with the approved plans. Officers visited the site and a number of discrepancies were identified. Since the initial inspection officers have made significant efforts to resolve the concerns, involving liaison with the Environment Agency (EA), the developers and local residents and objectors.

The Case Officer ran through the identified discrepancies as follows:

- Fish Pass – measurements taken by officers showed that the physical dimensions were correct; however, the position of the Fish Pass, relative to the weir and the location of the intake channel was incorrect.
- The position of the intake did not comply with approved drawings; however, it was clear that it had been moved to avoid the removal of a tree.
- The level of the land behind the retaining wall furthest east of the intake had been raised; however, the developer had agreed to stone-face the upper section.
- The Powerhouse building was 0.6m higher than approved, resulting in a steeper roof pitch.
- The concrete anchor block to the rear of the powerhouse was also closer than approved; steps and a pathway had been added.
- In terms of alignment the outfall was also out of position in relation to the riverbank.


The changes detailed above were carefully assessed by the Authority and the EA. It was considered that the revised position of the fish pass and the intake would have only a marginal impact in the character of the area. It was therefore considered that it would not be expedient to take any further action. Similarly, the changes that had occurred to the powerhouse and outfall were not considered to pose significant harm to the landscape and therefore no further action was recommended.

It was proposed that the landowners and developers entered into a Section 106 Agreement which would ensure that the Authority remained in control of the development. The Agreement would also incorporate some amendments to the fish pass which the EA felt were necessary.

With regard to the leat that connected the fish pass and intake to the power house, there was no evidence that a breach of planning control had occurred.

The Authority's Senior Archaeologist had raised concerns regarding a historically important keystone which would have formed part of the original weir crest. The Case Officer advised that the Authority had entered into negotiations with the developers to explore whether the stone could be retained on site.

Communication had been received from the Environment Agency to advise that the National Fish Pass Panel had approved the modifications.

Signed 
Date 7-3-14

The Head of Legal and Democratic Services advised Members that he had taken time to access the discrepancies found on site to be confident that they were, in fact, a breach of planning control before considering the appropriate course of action. A Section 106 Agreement was as powerful as an enforcement notice should it need to be enforced. Any divergences from original plans would be likely to be considered a breach of planning control. Should the changes all be small, they could not be aggregated, each change would need to be assessed individually to consider what 'harm' had arisen. The proposed Section 106 Agreement would have two focuses: (i) the conditions as set out in the original planning permission, and (2) it would recognise the changes required by the Environment Agency and would make them obligatory; this would not undermine the planning permission. He was confident that this type of Agreement would enable the Authority to maintain control over the development, and would be a proper, robust and valid alternative to enforcement action. Should Members determine that enforcement action was required, this would effectively mean that works would be required to remove all development works carried out so far. Any Inspector would consider whether enforcement action would necessitate more harm than good.

Mr Guy stated that the Environment Agency had issued three licences in relation to the development : an impounding licence, one for the works to the weir and one for the fish pass. Fisheries technical specialists had considered the work undertaken so far and made recommendations for modifications which had been approved by the Fish Pass Panel. An application for a variation to the impounding licence had been received from the developers. No concerns were recorded with regard to the power house and outfall.


In response to Member queries the Senior Archaeologist felt that much of the integrity of the weir had already been lost. Should Members determine that enforcement action was required, then more of the weir would be lost; therefore, Members were probably left with no choice. Mr Guy confirmed that, in the opinion of the Environment Agency, none of the changes seen to date would be considered significant in terms of the operation of the fish pass.

Mr Ball left the meeting for a prior engagement.

Mr Furniss, Secretary to the South West Rivers Association, stated that he had worked for the protection of rivers since 1971. In his view, the Authority had taken a great deal of care in considering the original application; the developers, in making the modifications recorded above without consultation, had disregarded the Authority and adversely impacted on the property rights of neighbours. The public record should record that concerns had been expressed.

Mr Tilney stated that the scheme provided a contemporary use for the weir and leat. He added his clients had agreed to the changes required; it was unintended to remove more of the weir than originally planned. In his opinion the ordnance survey map for the area did not depict the weir in its rightful place. In response to a Member query Mr Tilney was unable to confirm whether his clients had undertaken a survey of the site prior to submitting their planning application.

Dr Mortimer advised that he had posed himself the question "How important is the site?" In undertaking some research, he advised that he had found documented evidence for 15 weirs of historical interest nationally, eight of which were in Devon.

Signed 
Date 7-3-14

None of the weirs were listed; all had been rebuilt at some point in their history. He strongly urged Members to ensure that the weir was not damaged further and proposed the recommendation, which was seconded by Mr Barker.

A Member asked why a Stop Order had not been placed on the development. He felt that public perception was that the developers could do as they wished. The Director of Planning advised that just because the National Park Authority had recommended that no further action be taken, this did not mean that it had abdicated its responsibility. The Authority had investigated all options on how to deal with the issues; the best solution was with a Section 106 Agreement. The Head of Legal and Democratic Services added that by taking 'no further action' the Authority was choosing to act by enforcing a Section 106 Agreement. New conditions could be added but would have to be a requirement – hence the modifications required by the Environment Agency could be included. There was no requirement of the applicants to make a new planning application.

RESOLVED:

That, subject to the issuing of the necessary licenses by the Environment Agency and the developers and landowners entering into a Section 106 Agreement transposing relevant conditions attached to the original planning permission onto the current "as built" development, to include any additional requirements by the Environment Agency, **NO FURTHER ACTION BE TAKEN.**

Mr Sanders asked that his objection to the recommendation be recorded.

Item 2 – ENF/0186/13 – Failure to remove temporary agricultural workers dwelling – Seven Acre Farm, Bridford

The Case Officer reported that Seven Acre Farm was situated on the outskirts of Bridford. Planning permission had been granted in 2008 for a change of use from agricultural land to the siting of temporary accommodation for a farm manager. The permission included a condition to limit the temporary accommodation to a period of three years, at which time the accommodation should have been removed from the site. Since the passing of that deadline, the Authority had been in negotiations with the landowners regarding the provision of a permanent dwelling. A planning application is expected in the near future; however, it was recommended that a Breach of Condition Notice be issued, with a reasonable timescale, to allow for alternative arrangements to be made.

The Parish Council hoped that a satisfactory outcome could be achieved in order to enable the business to remain within the National Park. A letter from Ashley Taylor of Townsend Chartered Surveyors acknowledged that his clients were at fault but requested sufficient time to regularise the situation through a further planning application.

Mr Sanders proposed the recommendation which was seconded by Mrs Marsh.

Signed



Date

7-3-14

RESOLVED:

That the appropriate legal action be taken to:

- (i) secure the removal of the mobile home from the land, and
- (ii) secure the cessation of the residential use of the land.

1451 Consultations by Neighbouring Local Authorities

Members received the report of the Director of Planning (NPA/DM/14/010).

RESOLVED:

Members NOTED the response made under delegated powers.

1452 Appeals

Members received the report of the Director of Planning (NPA/DM/14/011).

RESOLVED:

Members noted the content of the report.

1453 Applications Determined Under Delegated Powers and Applications Withdrawn

Members received the report of the Director of Planning (NPA/DM/14/012).

RESOLVED:


Members noted the content of the report.

1454 Enforcement Action Taken Under Delegated Powers

Members received the report of the Director of Planning (NPA/DM/14/013).

RESOLVED:

Members noted the content of the report.

Signed 

Date 7-3-14