

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 4 April 2014

Present: S Barker, G Gribble, P Harper, P Hitchins, J Hockridge, M Jeffery, D Lloyd, C Marsh (Deputy Chairman), J McInnes (Chairman), Dr I Mortimer, D Moyse, J Nutley, N Oakley, M Retallick, P Sanders, J Shears, D Webber

Apologies: K Ball, J Kidner, P Vogel

1463 Minutes of the meeting held on 7 March 2014

The Minutes of the meeting held on Friday 7 March 2014 were signed as a correct record:

1464 Declarations of Interest & Contact

Mr Webber declared a personal interest, by way of contact, in item 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney.

Mr Jeffery declared a personal interest, by way of contact, in item 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney.

Mr Gribble declared a personal interest, by way of contact, in item 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney.

Mrs Oakley declared a personal interest, by way of contact, in item 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney, and a pecuniary interest in item 0012/14 – provision of access to disused Trendlebere Reservoir, 16 parking spaces, bird hide and associated works – Trendlebere Reservoir, Lower Manaton Road, Bovey Tracey. She advised that she would leave the room for this item.

Mr Hitchins declared a personal interest, by way of contact, in items 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney, and 0308/13 – development of land adjacent to Pear Tree Cross for relocation of 'Tuckers Country Store', Farmers' Market and garden supplies, plus new highway and pedestrian access into site, associated parking and landscape works – land adjacent to Pear Tree Cross, Ashburton.

Mr Hockridge declared a personal interest, by way of contact, in item 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney.

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Miss Moyse declared a prejudicial interest in item 0123/14 – conversion of stone barn to holiday let and rebuild shed – land adjacent to Lydford Primary School, Lydford. She advised that she would leave the room for this item.

Mr Nutley declared a personal interest, by way of contact, in items 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney, 0123/14 – conversion of stone barn to holiday let and rebuild shed – land adjacent to Lydford Primary School, Lydford, 0079/14 – erection of two-storey side extension – 1 Clifton Terrace, Plymouth Road, South Brent; through knowing the applicants in items 0308/13 – development of land adjacent to Pear Tree Cross for relocation of 'Tuckers Country Store', Farmers' Market and garden supplies, plus new highway and pedestrian access into site, associated parking and landscape works – land adjacent to Pear Tree Cross, Ashburton, and 0008/14 – raise roofline to create first floor rooms, erection of entrance porch and car port and construction of swimming pool in rear garden – 13 Roborough Lane, Ashburton; and through knowing the speaker, in item 0012/14 – provision of access to disused Trendlebere Reservoir, 16 parking spaces, bird hide and associated works – Trendlebere Reservoir, Lower Manaton Road, Bovey Tracey.

Mr Sanders declared a personal interest, by way of contact, in item 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney.

Mr Retallick declared a personal interest, by way of contact, in items 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney, and 0308/13 – development of land adjacent to Pear Tree Cross for relocation of 'Tuckers Country Store', Farmers' Market and garden supplies, plus new highway and pedestrian access into site, associated parking and landscape works – land adjacent to Pear Tree Cross, Ashburton

1465 Items Requiring Urgent Attention

None.

1466 Site Inspections

Members received the report of the Director of Planning (NPA/DM/14/020).

Item 1 - 0042/14 – Conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney

Speaker: Amanda Burden, Applicant's Agent

The Case Officer reminded Members that the application had been deferred from the meeting held on 7 March 2014 in order for a site inspection to be undertaken.

He reported that at the end of 2012 two applications for Certificates of Lawfulness for the two outbuildings were made. One application had been successful; however, the other application which related to the current application was refused. An enforcement notice was issued requiring the cessation of the use of the building

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as a dwelling and the removal of fixtures and fittings. The notice should have been complied with by 3 March 2014.

It was the opinion of officers that the current application did not fall within policy with regard to either holiday or ancillary accommodation; the proposal was considered not to be a full farm diversification scheme as it was felt that the income generated would replace rather than supplement that gained from agriculture. In addition, the property was in an isolated position, away from any rural settlement.

However, the key issue remained that the enforcement notice had already been issued, following the determination that the use of the building was inappropriate and should be ceased.

Ms Burden advised Members that the applicants owned a modest farmhouse with the converted barn just 25m away from the front door; it was her view that Policy DMD44 stated that a self catering unit would be permitted if within close proximity of the main dwelling. A Section 106 Agreement that had been drafted to accompany the application would tie the barn in with the rest of the farmstead.

In response to Member queries, she confirmed that the farmhouse had been used for bed and breakfast in the past. The first draft Section 106 Agreement had included the whole of the farmstead.

The Head of Legal and Democratic Services advised that the applicants had requested a template Section 106 Agreement which could be used should permission be granted; this he had done. He added that an Agreement to cover the whole farm would not, in his opinion, be supported or survive a challenge. The requirements of the Enforcement Notice have been set. Effectively, the application before Members was for a third dwelling on the land.


Mr Harper commented that the applicants should have sought advice from officers prior to undertaking any work. He supported the officer's view and proposed the recommendation, which was seconded by Mrs Marsh.

Mr Sanders proposed that permission be granted, subject to the signing of a Section 106 Agreement, which was seconded by Mr Gribble.

The Case Officer, in response to Member comments, advised that the alterations to the exterior were immune from enforcement action as they had been carried out over four years ago. The use of the building had a 10 year time limit and therefore could be dealt with. The Head of Legal and Democratic Services confirmed that if permission were refused as per officer recommendation, the fixtures and fittings that would be required to be removed were those considered 'reasonable' to require removal.

The proposal to refuse planning permission was NOT CARRIED.

The Director of Planning, under the agreed Protocol for Member disagreement with Officer recommendation, asked that the application be deferred for a period of one month.

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The Chairman invited Mr Sanders to withdraw his proposal.

Mr Sanders declined to do so.

The Head of Legal and Democratic Services advised that the request to defer be put to the vote without debate.

The request to defer was NOT CARRIED.

Mr Sanders was asked to provide details of the reasons to depart from officer recommendation and proposed conditions to be attached to any agreed planning permission, as per the Protocol.

He advised that the reasons for grant were that the use would not represent planning harm, provided a s.106 Agreement was signed. He suggested conditions limiting holiday use to 28 days for any person, family or group, in any one calendar year, plus a requirement that records be kept of occupancy. The Director of Planning proposed that the removal of permitted development rights be an added condition, which was agreed.

RESOLVED:

That, subject to the completion of a Section 106 Agreement in respect of ancillary / holiday use, and the conditioning regarding holiday use (including a record of all occupiers) and removal of permitted development rights, permission be GRANTED.

Mr Shears joined the meeting.

1466 Applications for Determination by the Committee

Members received the report of the Director of Planning (NPA/DM/14/021).

Item 1 - 0308/13 - development of land adjacent to Pear Tree Cross for relocation of 'Tuckers Country Store', Farmers' Market and garden supplies, plus new highway and pedestrian access into site, associated parking and landscape works – land adjacent to Pear Tree Cross, Ashburton

Speaker: Andrew Bennellick, Applicant's Agent

The Planning Team Manager advised Members that he would concentrate on the main points of the application – the Proposal; Design and Impact (Policy/Masterplanning issues).

The application was for the development of land adjacent to the Pear Tree interchange on the A38 Devon Expressway, south of Ashburton. It proposed the relocation of Tuckers Country Store, new access and car parking, the construction of an additional industrial/office unit and an area for plant sales and the farmers' market. The additional building would provide the opportunity for other businesses to relocate to the site

Signed James P. M. T. Mas

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The application was a departure from the Development Plan and had been advertised as such. Detailed negotiations had taken place with the applicant which had included the proposed conditions should permission be granted.

The main building had been designed around the operational needs of the business and would incorporate a mezzanine floor to accommodate the offices and seed packing activities of the business. Customer safety would be greatly improved. The proposed building would be constructed of a steel portal frame with a shallow pitched roof and would be partially built into the bank to reduce its prominence. The proposed site was greenfield. A sequential test had been undertaken to ensure that an alternative brownfield site in the locality was not available. Nothing had been identified.

Officers had spent considerable time with the applicants to mitigate the impact of the proposed building. The Authority Ecologist, along with Natural England, had been very thorough and had concluded that would be no long term implications or harm to protected bat species if permission was granted. A detailed management plan in respect of flora/fauna/animal life had been drawn up in order to minimise impact.

Consultants had been engaged by the Authority to assess the potential for the redevelopment of the Chuley Road area in the town centre, should permission be granted. They had reported that the initial reaction favoured a combination of mixed development – light industrial plus residential. Any permission would require the applicants to cease trading and prepare the Chuley Road site for development. The Case Officer confirmed a change to the recommendations to require the public transport subsidy to be spent in the local area.

Mr Bennellick stated that the proposed development was an important one for Ashburton; there would be benefits for the area in that Tuckers would remain local to the area and the vacation of the Chuley Road site would enable the regeneration of the town centre site. He advised that his clients had outgrown their current site. The proposed relocation would ensure local employment and provide the opportunity for new employment within the town. Ecology issues featured high on the list of priorities and every effort would be made to ensure minimal impact. The proposed site was low grade agricultural land which was predominantly created with the A38 was built. He was sure that as there were already significant developments along the A38, the general public would not be surprised to see this new development.

One Member advised that he would be voting against the application as the National Park Authority had a responsibility to conserve and enhance the National Park. The proposals were not contained within the Development Plan and the National Planning Policy Framework (NPPF) stated that National Parks should require the highest level of protection. He did not see the application as a 'national need'.

Other Member, whilst sympathising with the views expressed, suggested that compromises had to be made in this area. The proposed development site was right on the boundary of the National Park, next to a major road, and would free up

Signed James R N Jones

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valuable land within the town centre of Ashburton. The town was surrounded by greenfield sites; the application proposed the least harm to the National Park.

Mr Retallick added that the business was very significant to the countryside community and provided a vital service to local farmers. The relocation would also ease some of the current traffic issues within Ashburton in that the large delivery lorries to the Chuley Road site would be removed. He proposed the recommendation, which was seconded by Mr Nutley.

Members agreed that the proposed relocation site was in an ideal position, on the edge of the National Park. The NPA also had a duty to foster economic growth. Ashburton was a vibrant, vital, bustling town which would benefit from the regeneration of the Chuley Road site.

RESOLVED:

That, subject to a satisfactory s.106 Planning Obligation Agreement and the conditions as set out in the report, permission be GRANTED.

Item 2 – 0084/14 - Erection of finger post – adjacent to bus shelter, The Square, Princetown

The Case Officer reported that the application was before Members as the Authority was the applicant. The proposed finger post would provide directions to the visitor centre, car park, toilets and attractions within the village.

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

RESOLVED:

That permission be GRANTED.

Item 3 – 0085/14 - Erection of finger post – Public car park, Princetown

The Case Officer reported that the application was before Members as the Authority was the applicant. The proposed finger post would provide directions to the visitor centre, toilets and attractions within the village.


Mr Barker proposed the recommendation, which was seconded by Mr Retallick.

RESOLVED:

That permission be GRANTED.

Item 4 – 0086/14 - Erection of finger post – land adjacent to Old Police Station, Princetown

The Case Officer reported that the application was before Members as the Authority was the applicant. The proposed finger post would provide directions to the visitor centre, car park, toilets and attractions within the village.

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

RESOLVED:

That permission be GRANTED.

Miss Moyse left the meeting room.

Item 5 – 0123/14 – conversion of stone barn to holiday let and re-build shed – land adjacent to Lydford Primary School, Lydford

Speaker: Graham Brooke, Applicant

The Case Officer reported that the barn and shed were redundant buildings located in a rough agricultural field to the rear of the primary school and its playing field; the site was considered to be outside the settlement. It was felt that the barn had limited significance and would require extensive work, including the construction of a pitched roof, in order to make any conversion viable. In addition, the proposed flue, glazing etc would change the character of the building. The proposed re-alignment of the existing access and the creation of a car parking area would require the playing field to be moved back into the agricultural field.

There would be a significant change to the visual impact of the barn; there was no agricultural reason for the proposed new shed. While officers had no issues regarding the proposed alterations to access, they felt that the property would be inappropriate in this area.

Mr Brooke advised Members that he had carried out some research of traditional buildings within the area and had concluded that the mono pitch roof was, in fact, inappropriate and that a pitched roof would be a more traditional style for the barn. In addition, parts of the barn were pointed with modern cement rather than lime mortar which he was prepared to remove and replace. He wished to renovate and reinstate the building and advised that he had the support of the Parish Council and his immediate neighbours. In addition to the renovation of the barn, the corrugated shed would be removed and replaced; the school would benefit from a long-term lease for the use of the playing field.


A Member stated that the decision to be taken was clearly linked to policy – the building was not of historical interest, and there was no identified housing need in the area.

Mr Sanders commented that the site was very unsuitable for the proposed development; he felt that it would be highly visible and an eyesore and proposed the recommendation, which was seconded by Mr Nutley.

RESOLVED:

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

Miss Moyse returned to the meeting.

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Item 6 – 0079/14 – erection of two-storey side extension – 1 Clifton Terrace, Plymouth road, South Brent

Speaker: Edward Pask, Applicant

The Case Officer reported that Clifton Terrace was an early 20th Century terrace within the South Brent Conservation Area. The proposals to extend No. 1 which was an end terrace property had been negotiated over a long period of time. The principle of an extension was accepted but there were issues regarding the originally proposed traditional design. The style and finish of the extension now advocated a contemporary approach. The Development Plan and Design Guide, however, require any extension, whether contemporary or traditional, to reinforce local distinctiveness.

Officers considered that the proposed scale, contrasting proportions and materials present an uneasy relationship with the existing traditional cottage and fail to conserve or enhance the character and appearance of the conservation area. The application was before Members due to the advice given to the applicant by previous officers and to enable the applicant to present his case.

Mr Pask advised Members that he had worked with a local architect and had put forward a traditional design to the Authority in June 2013. The Parish Council and local residents had been in support of his application. The required bat and bird survey had been provided.

He added that he had withdrawn his application upon the advice of officers who favoured a contemporary design, and had resubmitted his application in February 2014, having taken this advice, which, he understood, had the backing of senior officers. He was somewhat surprised to hear that Members were recommended to refuse his application.


Some Members expressed their disappointment that the application before them was for a contemporary extension, rather than the traditional one that the applicant had stated he had originally put forward. They also expressed concern that the application had taken such a long time to be determined, through no fault of the applicant.

Mr Barker advised that he had no difficulty with the concept of an extension to the property but was unable to agree with the design before him. He proposed the recommendation, which was seconded by Mr Hitchins.

Members requested that Officers work with the applicant to agree a more suitable design for the proposed extension, reflecting the character of the existing terrace.

RESOLVED:

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

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Item 7 – 0108/14 – single handrail to front steps – The Oxenham Arms, South Zeal

The Case Officer reported that the application was for a single handrail to the left hand side of the front steps of the Oxenham Arms, an important Grade II* listed building within the South Brent Conservation Area. The consultation period relating to the application was due to end on Tuesday 8 April 2014.

Whilst two handrails would give a balanced appearance and was the preferred option of the Parish Council, both English Heritage and DNPA officers were keen to minimise alterations and considered that the simple layout and revised design were more acceptable.

In response to Member queries, it was confirmed that the front access was the only one available to members of the public. For health and safety reasons, the rear access was for staff and deliveries only.

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

RESOLVED:

That, subject to the consideration of any new material planning considerations being received by 8 April 2014, and to the conditions stated in the report, permission be GRANTED.

Item 8 – 0109/14 – single handrail to front steps – The Oxenham Arms, South Zeal (Listed Building Consent)

The Case Officer reported that the application was for a single handrail to the left hand side of the front steps of the Oxenham Arms, an important Grade II* listed building within the south Brent Conservation Area.

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

RESOLVED:

That, subject to the consideration of any new material planning considerations being received by 8 April 2014, and to the conditions stated in the report, consent be GRANTED.

Mrs Oakley left the meeting room.

Item 9 – 0012/14 – provide access to disused Trendlebere Reservoir, 16 parking spaces, bird hide and associated works – Trendlebere Reservoir, opposite car park on Lower Manaton road, Bovey Tracey

Speakers: Phil Page, Objector
Simon Lee, Natural England, Applicant

The Case Officer reported that the application related to a redundant reservoir at Yarner Wood, which was owned by Natural England. The site was a national

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nature reserve and the proposal was for the provision of public access to the reservoir, to include car parking, a bird hide and accessible footpaths which would link in with the existing footpath infrastructure.

The site was recognised as an area of recreation opportunity in the Authority's Recreation Strategy; it was considered that the proposals would not compromise the area.

A number of trees would need to be removed; the Authority's Trees and Landscape Officer considered that the trees in question were in fair to poor health and their removal would have little impact on the larger woodland. The Authority's Ecologist considered that the proposals would have no adverse impact on the Special Area and conservation and SSSI; an Ecological management Plan was recommended and would be a condition should planning permission be granted.

Two additional conditions were proposed as follows:

- *No development shall take place until a detailed method statement showing how the proposed new vehicular access track will be constructed without damaging the woodland either side of the access track shall be submitted to the Local Planning Authority for approval. The development shall be carried out strictly in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.*
- *There shall be no external lighting on the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.*

Mr Page advised Members that he and fellow objectors had concerns regarding the creation of further parking spaces for which they could see no valid reason; Objectors were of the opinion that the application was borne out of a desire to create an overflow car park for Yarner. East Dartmoor was not 'over used', therefore, there was no justification for the spaces. He added that the Authority's Management Plan 2014-2019 stated that additional parking would not be created except where need was identified.

Mr Lee advised Members that he had attended the meeting in order to answer any questions they may have. In response to queries he advised that the application did not relate to common land; the application was, essentially, for the proposed car park to become the new public car park and for the Yarner car park, which was oversubscribed, to be closed to the public.

Members expressed concerns that the proposals would, effectively, disturb a forgotten piece of Victorian heritage, and potentially threaten the tranquillity of the area due to a potential increase in traffic movements, removal of trees and habitat and the creation of hard paving.

The Case Officer added that in addition to the car parking spaces, it was proposed that a lay-by be constructed for coaches/minibuses to use.

Mr Lloyd proposed that the matter be deferred in order that a site inspection could be undertaken, which was seconded by Mr Retallick.

Signed 

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RESOLVED:

That determination be deferred for a SITE INSPECTION to be undertaken.

Mrs Oakley returned to the meeting.

Item 10 – 0008/14 – raise roofline to create additional first floor rooms; erection of entrance porch and car port and construction of swimming pool in rear garden – 13 Roborough Lane, Ashburton

Speaker: Kim Stepney, Applicant

The Planning Team Manager advised Members that the property was of modern construction with a large rear garden, and falls within the Conservation Area. The proposals conflicted with policy in terms of design. Officers did not object to the creation of the swimming pool or the retention of the retaining wall that the applicants had already constructed. There had been a significant extension to the left of the house already; the addition of a double car port would represent an overall increase in size of the property of some 55%. Officers considered the application to be 'one extension too far'.

Mrs Stepney advised Members that, having had previous applications for garages refused, the decision had been taken to apply for planning permission for a car port. The car port would not impact on the view of the house from the front, and would also reduce the roofline. The historic boundary wall had been rebuilt; keeping in character with the area. The excavations to the front of the house had created a full turning circle for vehicle, making the exit into Roborough Lane safer. The application had been made as the business vehicles carry tools which need to be kept dry.

Mr Nutley felt that the design before Members was appropriate and would have no adverse impact on the character of the property or the Conservation Area. He proposed that, for these reasons, permission be granted, which was seconded by Mr Sanders.

With regard to conditions, the following were proposed:

1. the Local Planning Authority to approve the roofing and other materials to be used;
2. The car port to remain an open structure to minimise its impact

RESOLVED:

That, for the reasons and conditions as stated above, permission be GRANTED.

1467 Appeals

Members received the report of the Director of Planning (NPA/DM/14/022).

Signed James R Nutley
Date 2-5-14