

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 22nd August, 2017								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman Cllr Roberts</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Parker</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Yelland</td> </tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Cann OBE	Cllr Parker	Cllr Hockridge	Cllr Pearce	Cllr Mott	Cllr Yelland
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Cllr Hockridge	Cllr Pearce								
Cllr Mott	Cllr Yelland								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185								

1. Apologies for Absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

[If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting]

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

4. Confirmation of Minutes **1 - 6**

Meeting of the Development Management and Licensing Committee held on 27 June 2017

Meeting of the Licensing Sub Committee held on 27 July 2017

5. Planning Performance Indicators **7 - 14**

6. Planning Applications and Enforcement Reports **15 - 28**

1433/17/VAR East Bowerland Farm, Okehampton
Application for removal of condition 7 (use restriction) following planning consent 00643/2013 (Erection of building over existing sand school for equestrian and dog training)

2456/16/FUL East Bowerland Farm, Okehampton
Extension of existing dog training arena, replacing existing timber structure

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

7. Planning Appeals Update **29 - 32**

Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held at Meeting Room 3, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **27th** day of **JUNE 2017** at **11.00am**

Present: Cllr P R Sanders – Chairman

Cllrs R E Baldwin	Cllr W G Cann OBE
Cllr C Mott	Cllr D E Moyse
Cllr A Roberts	Cllr J Yelland

Substitutes: Cllr J Sheldon for Cllr G Parker

COP Lead Development Management (PW)
Solicitor (BF)
Specialist Democratic Services (KT)

In attendance: Cllrs B Lamb and T F Leech

***DM&L 07 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr G Parker for whom Cllr J Sheldon acted as substitute, Cllrs L J G Hockridge and T G Pearce.

***DM&L 08 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered but none were made.

***DM&L 09 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 30th May 2017 were confirmed and signed by the Chairman as a correct record.

***DM&L 10 PLANNING PERFORMANCE INDICATORS**

The COP Lead Development Management presented the latest set of Performance Indicators and outlined the key information for Members consideration. A number of Members raised concerns over the recent increase in workload and sought assurance that sufficient resources were in place. Members also asked for an average number of cases per planning officer. The COP Lead explained that this query did not have a straightforward response as planning applications were of varying complexities.

***DM&L 11 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Development Management Specialists and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports and summarised below, and **RESOLVED:**

(a) Application No: 0957/17/HHO Ward: Milton Ford

Site Address: Elderberry Cottage, The Parade, Milton Abbot

Householder application for an extension to side of dwelling

Speakers included: Ward Member – Cllr Baldwin

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

Conditions:

1. Time limit
2. Accordance with plans
3. Materials to match existing
4. Door and Window constructed of wood
5. Schedule of materials

***DM&L 12 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

(The Meeting terminated at 11.50 am)

Dated this

Chairman

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT THE COUNCIL CHAMBER, COUNCIL OFFICES, KILWORTHY PARK, DRAKE ROAD, TAVISTOCK ON THURSDAY 27 JULY 2017

Present: Cllr P Sanders
Cllr A Roberts
Cllr B Baldwin
Alex Reece, Solicitor
Naomi Stacey, Specialist Licensing
James Kershaw, Senior Specialist Environmental Health
Kathy Hoare, Senior Case Manager

Members also in attendance:

Cllr J Yelland

Also in attendance and participating:

Cllr T Leech
Cllr J Goffey
Mr Barry Sleight - Police representative
Mr E Baily –DPS & Representative of applicant
Mr S McCormack – Representative of applicant

***LSC1 APPOINTMENT OF CHAIRMAN**

RESOLVED

That Cllr Sanders be appointed Chairman for the duration of the meeting.

***LSC2 TO DETERMINE AN APPLICATION TO VARY THE PREMISES LICENCE OF PRETORIA VAULTS, OKEHAMPTON**

The Sub Committee considered a report that sought to determine a variation of the premises licence of Pretoria Vaults, Okehampton. The Chairman read out the order of the process.

The Licensing Officer proceeded to present the application and the contents of her report. She stated that the police had withdrawn their objection due to an alteration in the original application. The licensing hours on a Saturday were proposed to be 10.00am – 3.00am and closing at 3.30am, the applicant was now asking for licensing hours of 10.00am- 2.30am and closing at 3.00am

**1. Address by Mr Edward Baily and Mr Stuart McCormack
Representatives of the Applicant**

The applicants made the following points during their presentation:

No reports of crime or disorder
One pub closed in town & 2 up for sale
There is no rear area which could be used for smoking purposes
Would like to use undercover alleyway for smokers but falls outside smoking regulations
See first customer around 11pm with majority arriving around midnight.
Extra half hour would see a 20% increase on trade.
3 doormen on duty on Saturdays. One on the door, one in the smoking area and one on the street

At this point Members asked a number of questions relating to the retention of doormen until closing, availability of taxis at 3am and noise level of those leaving the establishment.

2 Address by James Kershaw Environmental Health

James Kershaw made the following points in his presentation:

Similar application in 2007 was rejected as it was in residential location.
The premises is located in a narrow residential street, with its nearest taxi rank being 100m away on Fore Street or 200m away on Market Street.
Therefore customers leaving the premises would have to pass a number of residential properties potentially causing disturbance

3 Address by Cllr Leech on behalf of residents

Cllr Leech made the following points in his presentation:

He had been made aware of several resident's concerns in regard to antisocial behavior and intimidation by some patrons of the establishment however the residents wouldn't put in writing for fear of retribution
Meeting held with Managers and 8 members of the public about 6 months ago
High number of properties in North Street going on the market
Smoking area needs to be looked at regardless of the outcome
Very recent changes in original application meant he was unable to speak to residents to gain their thoughts before the meeting however his view was some would not object to the change from 3am to 2.30am

Following the presentation members asked questions including why complaints were not passed on to the managers of the establishment & the difficulty in attributing nuisance to the pub.

4 Address by Cllr Jan Goffey on behalf of Okehampton Town Council

Cllr Goffey made the following points in her presentation:

Concerns over local residents who live in the street, young families and shift workers
Police & Street Pastors shift ends at 3am

Narrow street and inappropriate position for a pub

Following this presentation, Members asked a number of questions and a suggestion was made to pass any complaints received straight to the manager at the time they were made so they could deal with them.

(At 3.20pm, the Sub-Committee adjourned in the presence of Alex Reece to consider the application. The Sub Committee reconvened at 4.47pm)

5 The Decision

The Chairman read out the following statement:

“We have considered the application for the variation of the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from all parties, plus additional statements from persons here today. We have taken these into account with the exception of the comments which have been made regarding the business interests of the applicant as these are not relevant to the licensing objectives.

We have also considered the additional conditions and amendments proposed by the Police and accepted by the Applicant.

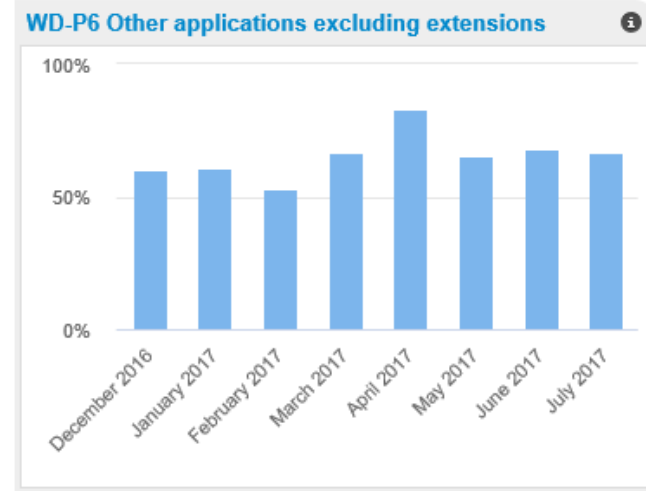
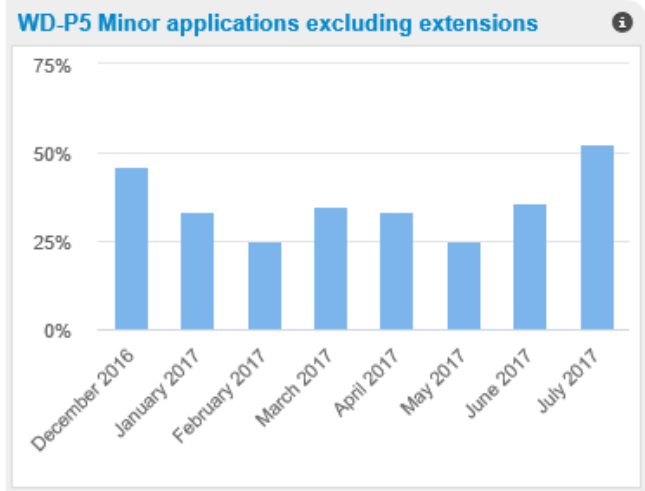
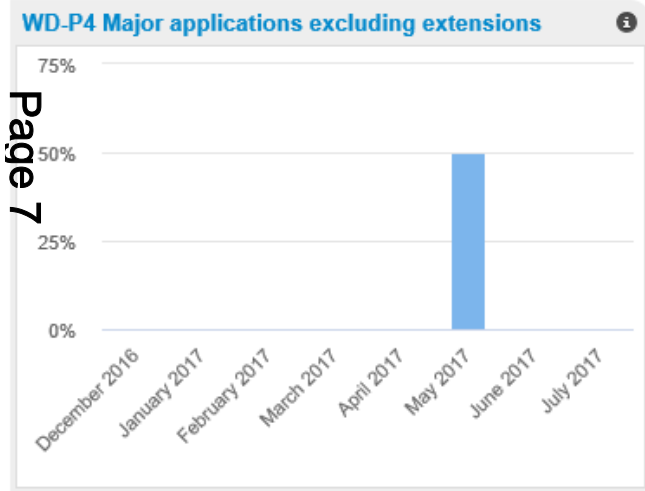
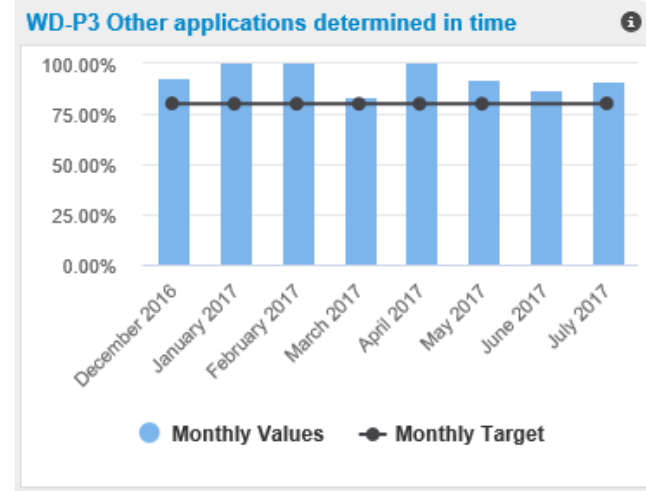
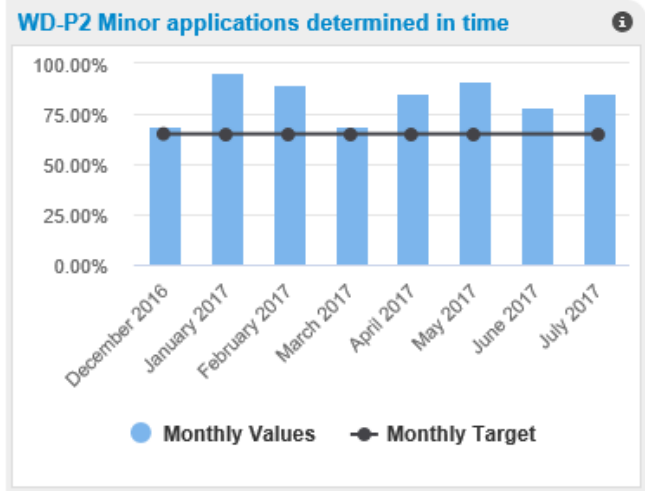
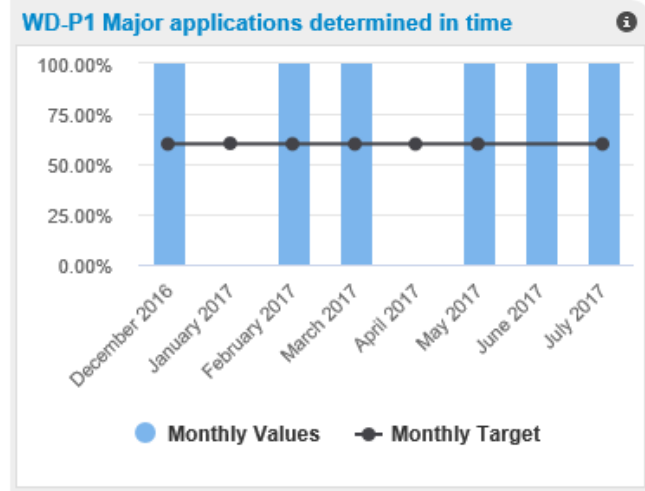
It has been a difficult decision to make. We have genuine concerns regarding the proximity of the premises to residential properties and the concerns of residents. However, we have not heard any evidence of formal complaints to Environmental Health, and the Police no longer object to the application as revised. We haven't heard any evidence that the premises are not well run.

It is our decision to grant the application as revised, subject to:-

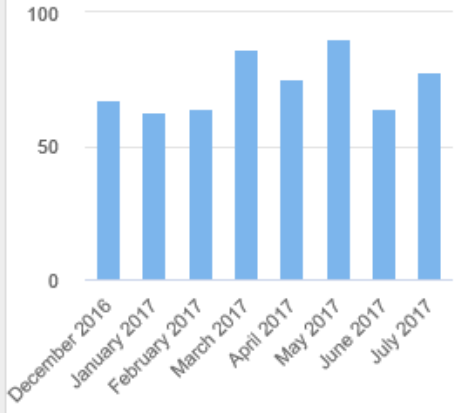
1. The incorporation of the three additional conditions requested by the Police because we are satisfied they have the potential to reduce Public Nuisance, being one of the licensing objectives.
2. The amendment of the existing condition regarding public or bank holiday openings to add the words as a new sentence 'This one hour does not apply to the Saturday night into the Sunday morning'. In addition to being proportionate and appropriate, the Committee also believes the amendments to be necessary.

Thank you all”

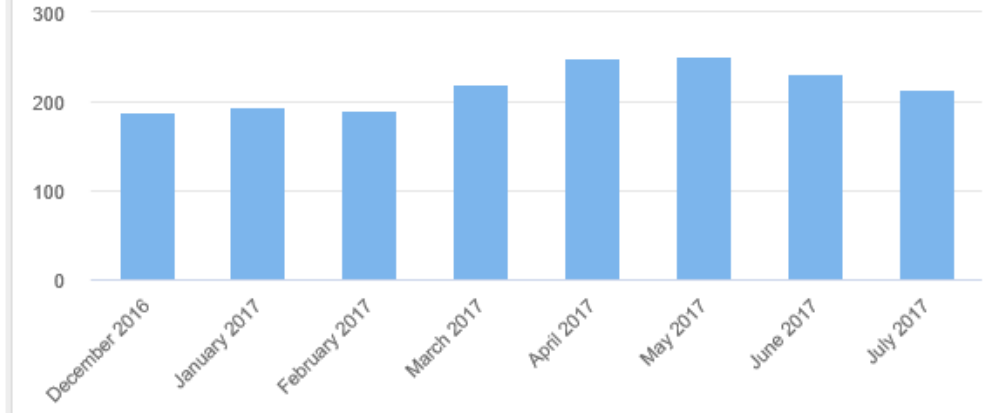
Chairman



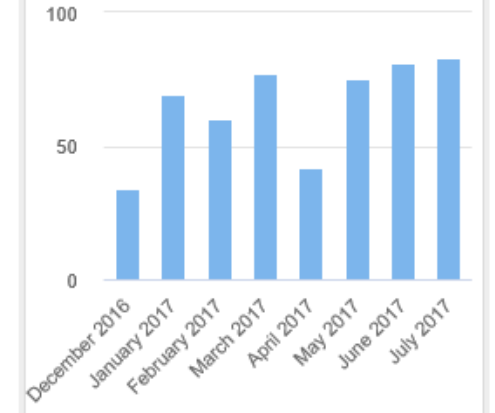
WD-P7 No of apps registered



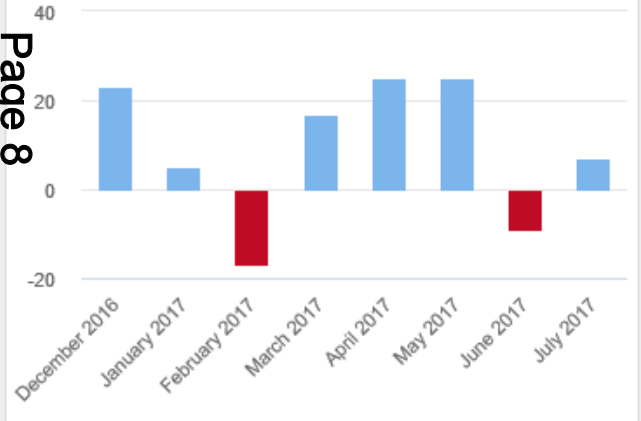
WD-P8 Planning Workload



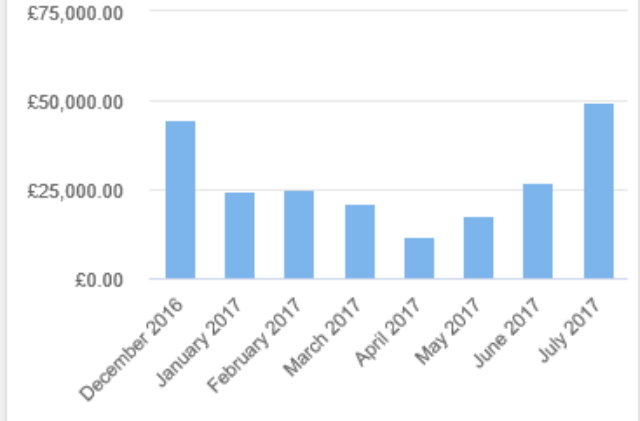
WD-P9 Applications determined



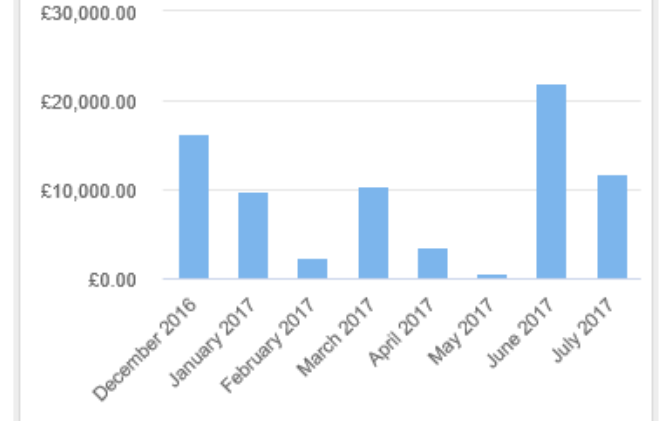
WD-P10 Apps registered compared to last year



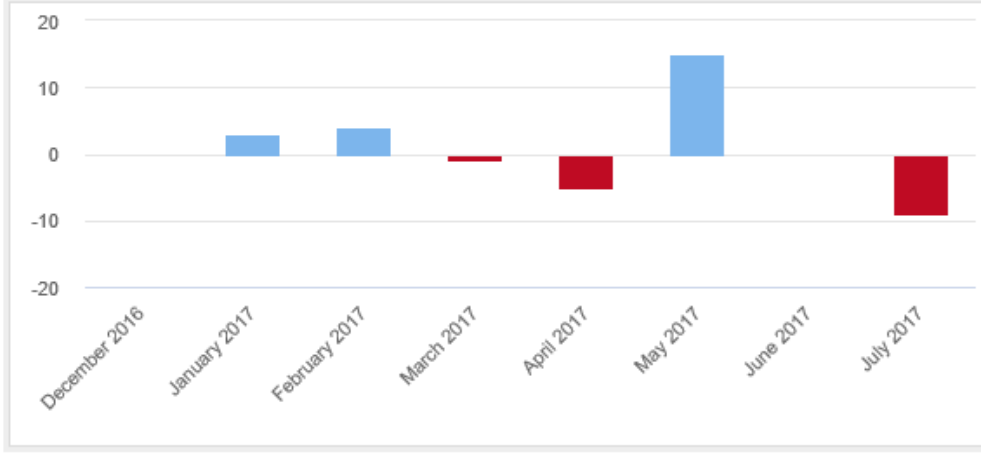
WD-P11 Fee Income from Planning Apps



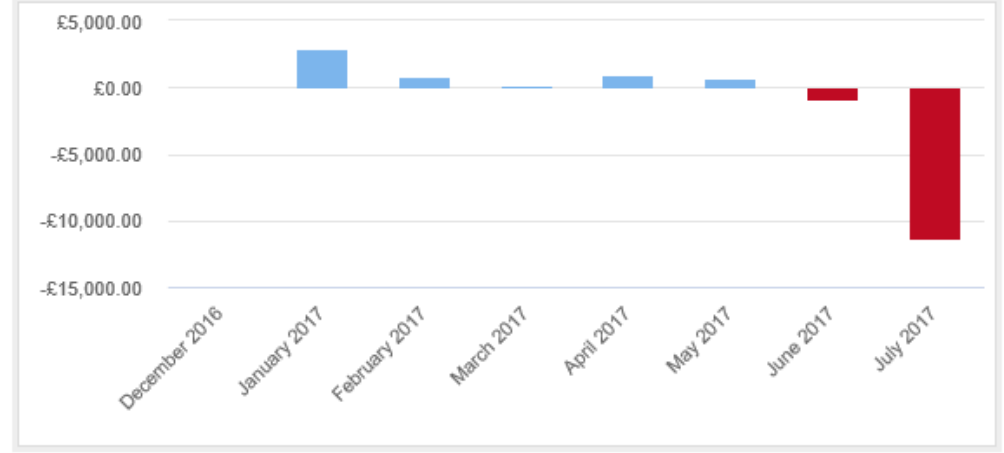
WD-P12 Fee Income from Apps vs prev year



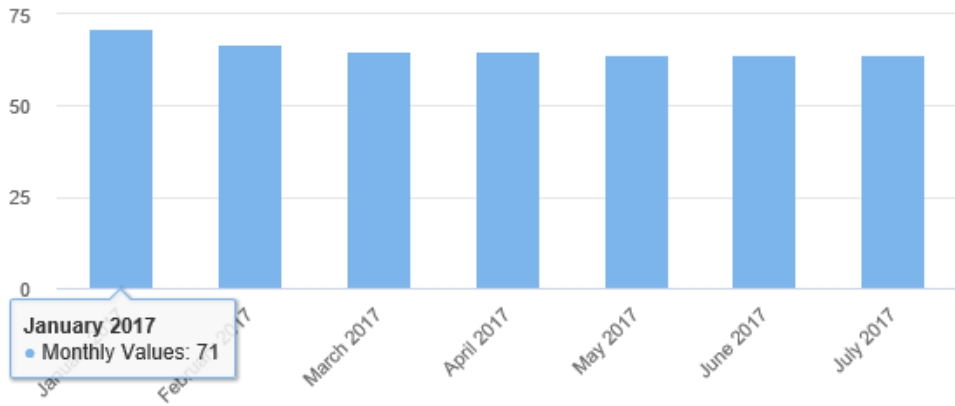
WD-P13 Pre-Apps Received compared to last year



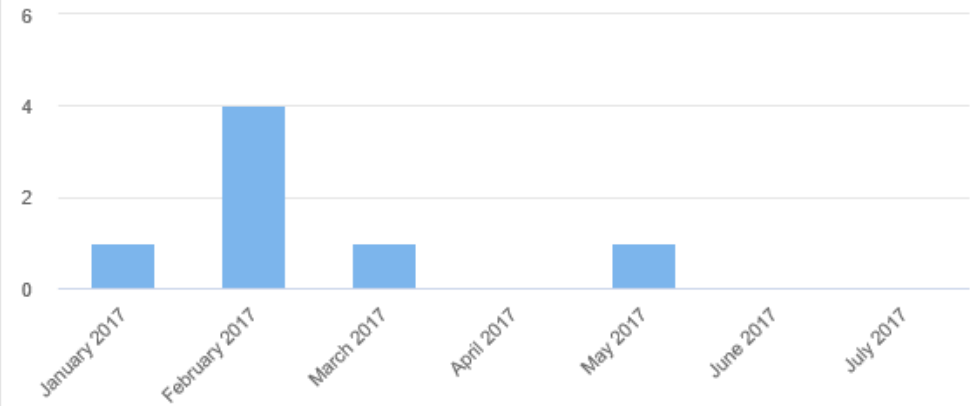
WD-P14 Fee Income from Pre-Apps compared to last year



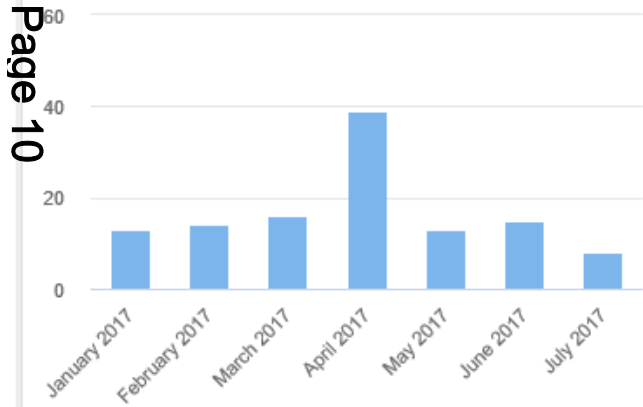
WD-E1 Enforcement Cases Outstanding Backlog



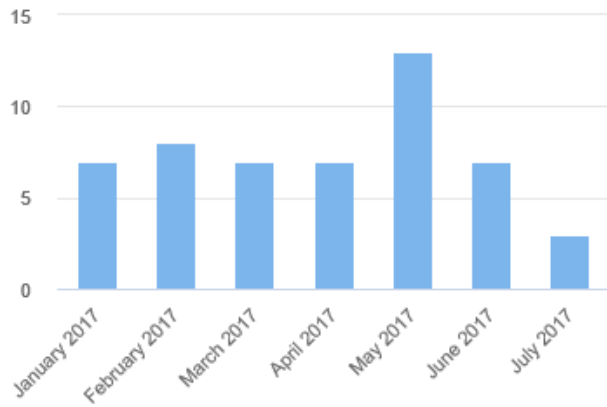
WD-E2 Enforcement Cases Closed Backlog



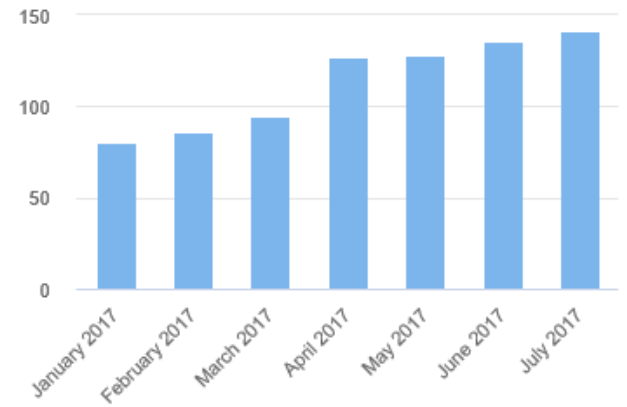
WD-E3 Enf Cases Received (since March 2016)



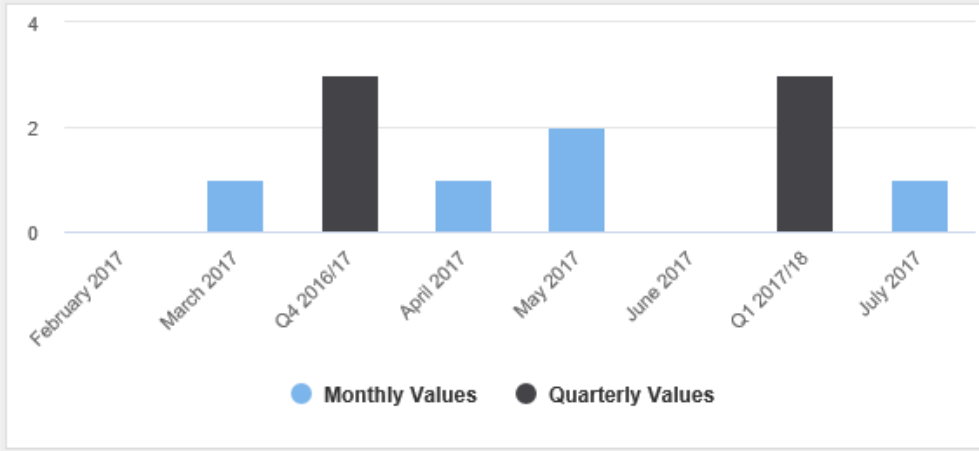
WD-E4 Enf Cases Closed (since March 2016)



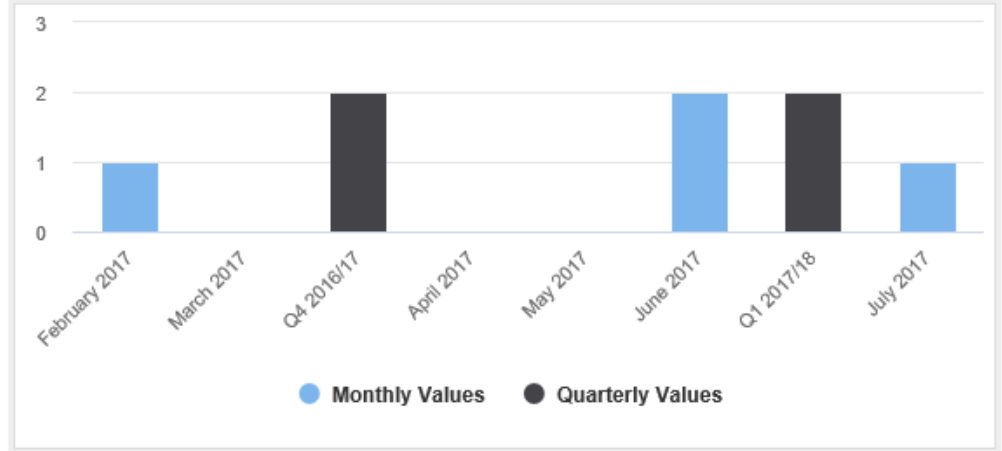
WD-E5 Enforcement Cases Outstanding



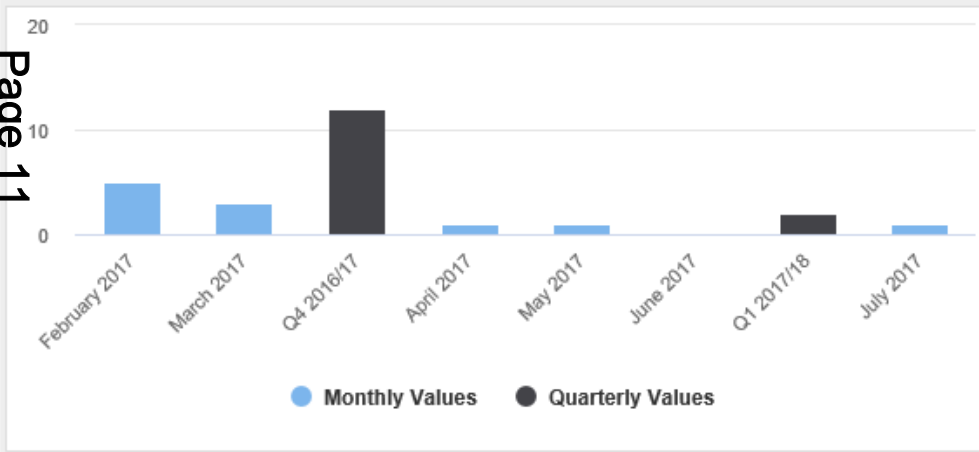
Enforcement Cases: Retrospective planning application



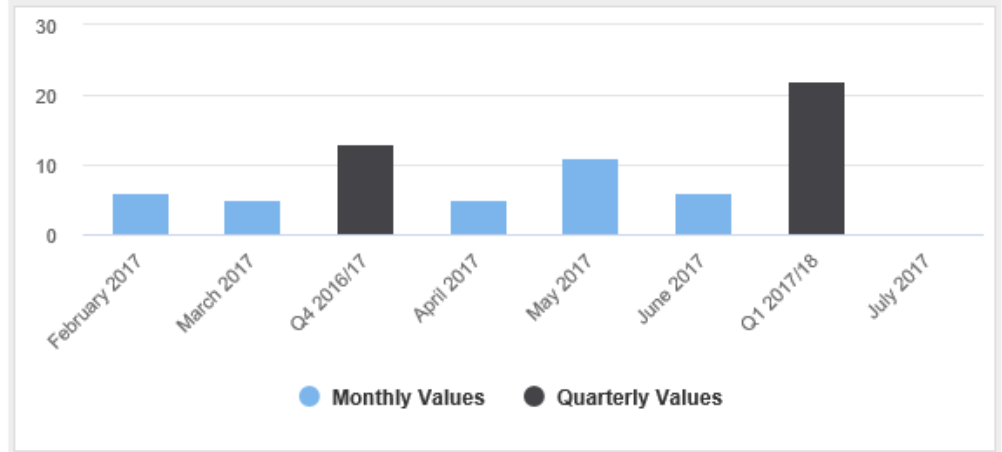
WD-PEC 20 Enforcement Cases: Remedial Action



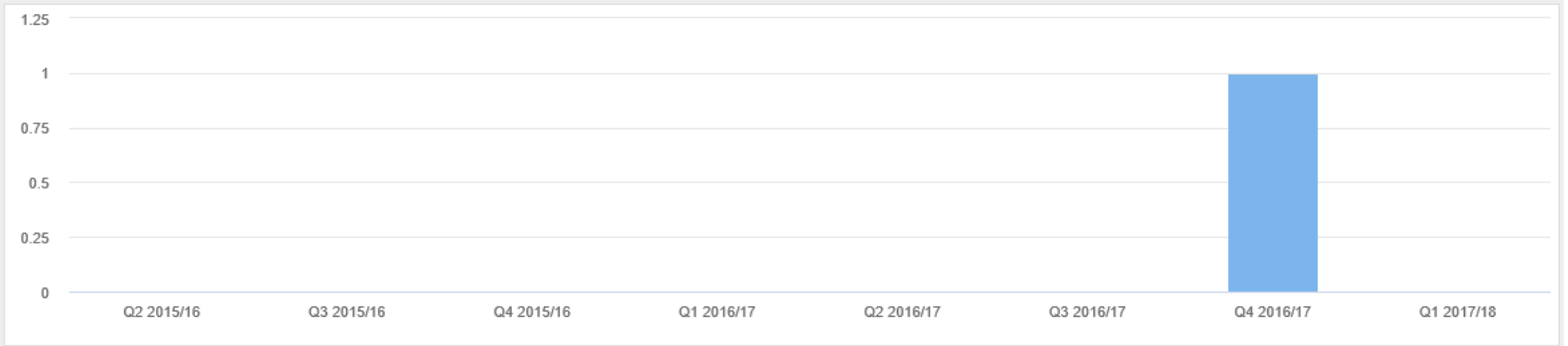
Enforcement Cases: Not Expedient



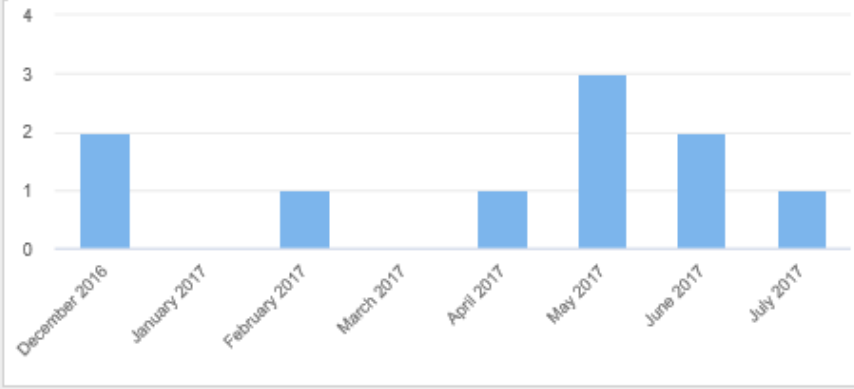
Enforcement Cases: No Breach Found



Enforcement Cases: Enforcement action



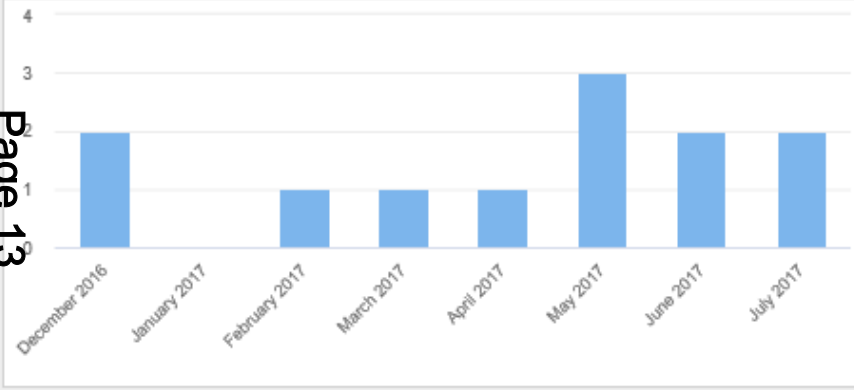
WD-W2PEC 30 Appeal Decisions (Officer Delegated)



WD-W2PEC 31 Appeal Decisions (Committee)



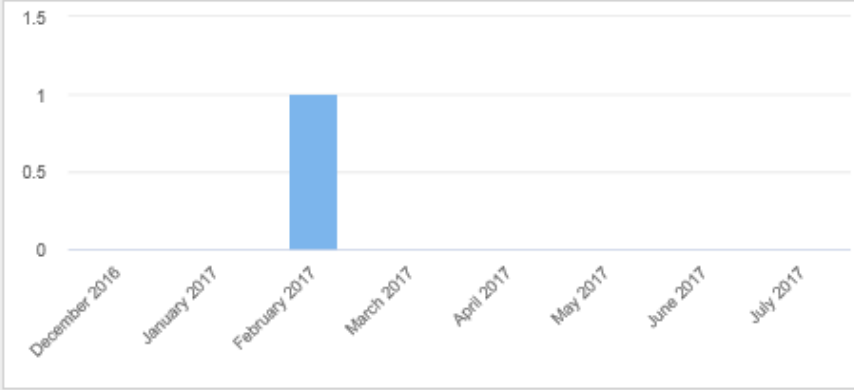
WD-W2PEC 28 Appeal Decisions



WD-BV204a Total planning appeals allowed



WD-W2PEC A Appeals allowed - officer decision



WD-W2PEC 29 Member decision against officer decision



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Agenda Item 6

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Sourton **Ward:** Bridestowe

Application No: 1433/17/VAR

Agent/Applicant:
Mr Geoffrey Cawse
20 Exeter Street
North Tawton
EX20 2HB

Applicant:
Mr & Mrs Langman
East Bowerland Farm
Okehampton
EX20 4LZ

Site Address: East Bowerland Farm, Okehampton, EX20 4LZ

Development: Application for removal of condition 7 (use restriction) following planning consent 00648/2013 (Erection of building over existing sand school for equestrian and dog training)

Reason item is being put before Committee: Referred by Cllr Mott to address concerns raised by objectors



Recommendation: Conditional Approval

Conditions:

Accord with plans

Building only for private equestrian/canine use

Hours of use restriction

No more than 11 dogs using the training arena at any time

No external lighting without consent

Key issues for consideration:

Whether the removal or the condition results in unacceptable harm in respect of highways and environmental health concerns

Site Description:

East Bowerland Farm is a former agricultural holding that has holiday cottages and an associated dog training business. There is a farmhouse with attached barns that have been converted to holiday lets. The site is accessed via a long country lane that also services a nearby farm and a couple of dwellings. The nearest neighbouring property is approximately 60 metres to the south west of the building which accommodates the dog training arena

The application site lies within land designated as countryside.

The Proposal:

Application 00648/2013 was for the "Erection of building over existing sand school for equestrian and dog training" and was given conditional consent. This application established the authorised dog training use on the site, condition No 7 required the use to ancillary or in conjunction with the occupiers of East Bowerland Farm and the holiday lets.

Condition 7 of 00648/2013 stated;

The building hereby permitted shall be for ancillary use only in conjunction with the principle dwelling and/or holiday lets of East Bowerland Farm and not as an independent commercial use.

Reason: The establishment of an additional independent unit would give rise to an over-intensive use of the site.

This application seeks to remove condition 7 of 00648/2013, when assessing Section 73 applications the local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.

The site operates as 'Devon Dogs' and offers a range of classes over differing sites with East Bowerland Farm being the main base for the business. Classes taking place within the existing building at East Bowerland include; obedience training, agility and steeplechase.

The application seeks to regularise the current use for the dog training business, by removing condition 7 of 00648/2013.

Consultations:

- County Highways Authority: No highways implications
- Environmental Health Section: Based on this noise impact assessment in regards to the retrospective application for Devon Dogs at East Bowerland Farm I have the following comments to make.

The assessment was carried out in accordance with BS4142:2014 which is a British Standard for assessing noise from commercial and industrial premises, whilst this is the most appropriate guidance as noise from dogs is likely to be very different depending on breed of dog and their excitement factor. The assessment is based on a class of 11 dogs and their handlers but the assessment states that typically no more than 6 dogs are trained at any one time, in my view a condition limiting the number of dogs to no more than 11 dogs would be appropriate and enforceable without being overtly unreasonable.

I believe there is already a restriction on hours of operation and believe this is also still appropriate to minimise disturbance to neighbouring residential amenity.

In regards to the treatment of the building previously we advised the applicant that timber cladding the internal structure of the proposed extension would be of benefit to the potential noise breakout, and I believe this is still the case and is what is proposed. I have previously suggested that acoustically treated roof lights would be of benefit but based on this noise assessment I do not believe we should insist on them nor retrofitting of timber panelling to the existing structure.

There were multiple openings on the existing buildings with no doors shown, at the time of my site visit I suggested close fitting doors to be fitted if the noise report should find a problem. In my view the doors that have been shown should still be installed as they will provide a means of controlling noise should a potentially noisy dog need to be trained at the facility in the future.

- Sourton Parish Council: Object - Sourton Parish Council objects to the removal of condition 7. The reason being to prevent the current ancillary business from becoming an additional independent commercial unit in the future.

The Parish Council wishes the current ancillary business to continue, but expects that it should not be permitted to cause unreasonable loss of quality of life to the neighbours.

Representations:

Multiple comments received, objecting to the proposed scheme, summarised as;

Objection

- Impact on bridleway
- Highway safety issues

- Noise and disturbance
- Current unauthorised use on the site

Relevant Planning History

Application 2456/16/FUL is under consideration by Planning and Licensing Committee.

The most recent application was for the Erection of building for use as dog exercise pool and health facilities, which was given consent under 00055/2015

A previous application for the erection of a building over the existing sand school for equestrian and dog training purposes was approved (application reference: 00648/2013).

Additionally, permission has previously been granted for the replacement of a building with a new indoor animal exercise area (application reference: 01356/2011).

Consent has also previously been granted for the change of use of the barns to holiday lets (application reference: 12066/2008/OKE)

ANALYSIS

Principle of Development/Sustainability:

Policy ED16 states;

The development of employment generating enterprises will be permitted in or adjacent to rural settlements where:

(i) The size of the enterprise will be of a scale appropriate to the size of the settlement;

And there is no significant adverse impact on any of the following:

(ii) The rural character and appearance of the site, the settlement, its setting and the surrounding countryside;

(iii) Wildlife, landscape or historic interests;

(iv) The amenities of nearby residents or other land uses; and

(v) Travel, access and highway safety.

Whilst the site is not within or adjacent to a rural settlement it is well related to Okehampton being 4.5 kilometres southwest of Okehampton and 1.5 kilometres to the south of the Ashbury Golf and Hotel Complex. It is also nearby to the A30 and just off the A386, which is the primary highway connecting Tavistock and Okehampton as well as the wider West Devon Area. There is already an established business use on the site in the form of holiday cottages and dog training and equestrian arena. The use of the building for dog training classes outside the scope of the main dwelling and holiday lets is established and has been ongoing for some time, the issues relating to neighbour amenity and highway safety are discussed below, the existing use is considered to accord with clause (ii) of ED16.

Policy SP10 of the Core Strategy states;

Supporting the Growth of the Economy

Support will be given to:

i. Provision of business and employment land in the main towns;

ii. The development and expansion of small businesses;

iii. The diversification of the rural economy.

Policy SP11 of the Core Strategy states;

Strategic Policy 11 Rural Regeneration

Support will be given to the social and economic needs of rural communities by encouraging:

- a. The development and expansion of small scale businesses in rural communities;
- b. The re-use of suitable rural buildings for employment generating uses;
- c. Diversification of the agricultural economy;
- d. Appropriate tourism related initiatives;
- e. Appropriate recreation uses for a countryside location;
- f. Small-scale renewable energy projects and businesses to serve the industry;
- g. Arts and crafts based industries and initiatives;
- h. Technological development needed to enable new ways of working in rural areas; and
- i. Improvement of public transport links to market towns and employment areas.

It is considered that the proposed use of the building for dog training classes accords with the aims of policies SP10 and SP11 as the proposal represents a diversification of the rural economy and supports the expansion of a small scale business in a rural community.

Design/Landscape:

The existing building remains unchanged, and therefore the proposal has no impact on the wider landscape.

Neighbour Amenity:

Environmental Health have reviewed the submitted information and have offered no objections subject to conditions. The conditions relating to hours of use imposed on approval 00648/2013 will be re-imposed on this planning application. Environmental Health have recommended a limit on the number of dogs using the premises at any time. A condition is recommended in respect of this.

The proposed doors on the openings for the barn form part of the plans for 2456/16/FUL, accordingly a condition requiring the doors to be installed is recommended as part of this application.

The red line area of the application site includes a small area to the front of the existing building, however it does not cover the field to the front of the building, therefore there is no express planning consent for the use of this land for dog training/events. A separate application would be required if this area is proposed to be used beyond the existing permitted development rights afforded to land under the 28 day rule.

Highways/Access:

The County Highways Officer has offered no objections to the proposed removal of the condition, as highway safety has been raised in the comments received, the Highways Officer conducted a detailed site visit and offered the following comments;

“The original condition was not imposed on the previous planning consent for highway safety reasons, but for planning reasons alone. There appears to be some confusion internally about whether or not it is therefore appropriate for the highway authority to make any comment about the application to remove it, but I am doing so whether or not it is legally appropriate. I visited the site for about an hour yesterday morning.”

The cul-de-sac lane serving the site is similar to countless others in the Borough and County and is generally single lane with passing places throughout its length. The junction at Bowerlands Cross forms a crossroads with the A386, a County Primary Route, derestricted at this location. Although the visibility available at the junction is not to contemporary highway design standards, the visibility available is reasonable having regard to the rural nature and the junction and road serving the site are considered adequate to serve any additional traffic that may be (or has been) generated by the proposed relaxation of the condition. This view is borne out by the Personal Injury Collision data which shows three personal injury collisions over recent years, none of which is attributable to vehicles exiting onto the main road from the side road.

For those reasons I can confirm that there is no evidence to substantiate an objection to the proposed relaxation of the condition on highway safety grounds and the condition previously imposed would not have been justified for those reasons either.”

As there is already a large area of hard standing for car parking, it is considered that the level of existing parking is sufficient.

Other Matters:

A condition relating to boundary treatments are recommended under application 2456/16/FUL.

The applicant has confirmed that foul drainage works have been undertaken at the site, it is understood that planning consent is not required if the works are to an existing underground system that does not discharge greater quantity of effluent than the trigger figures imposed by the environment agency. The applicant has confirmed that the works were signed off by Building Control.

Reference has been made to a planning application which was dismissed on appeal for a kennel and cattery not far from the application site and that this decision set a precedent. All planning applications are assessed on their own merits as sites differ in relation to topography, number and distance to adjacent occupiers as well as other matters. In addition, the appeal site related to a new use and this application refers to altering an existing use.

Planning Balance:

The proposed removal of the condition 7 of 00648/2013 is acceptable subject to the imposition of additional conditions, which protect the amenity of adjacent occupiers. The proposal supports the continued operation of a rural business, which both local plan policies and the advice contained within the national Planning Policy Framework seek to promote.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP5 – Spatial Strategy

SP10 – Supporting the Growth of the Economy

SP11 – Rural Regeneration

SP17 – Landscape Character

SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces

BE13 – Landscaping and Boundary Treatment

ED16 – Development for Employment in the Countryside

ED17 – Farm Diversification

ED21 – Rural Diversification

PS2 – Sustainable Urban Drainage Systems

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV15 Supporting the rural economy

DEV24 Landscape character

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The building hereby permitted shall be used only for private equestrian or canine use.

Reason: In the interest of protecting the amenities of the site and locality.

3. The premises shall not be used outside the hours of 7am to 10.30pm.

Reason: To safeguard the residential amenities of adjoining residential properties.

4. There shall be no more than 11 dogs in the building at any time.

Reason: In the interests of public amenity and the living conditions of adjacent occupiers.

5. There shall be no floodlighting or other external lighting erected at the site, without the prior written consent of the LPA.

Reason: To safeguard the appearance and character of the area and in the interests of ecology.

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Sourton **Ward:** Bridestowe

Application No: 2456/16/FUL

Agent/Applicant:
Mr Geoffrey Cawse
Summerfield
Exeter Street
North Tawton
EX20 2HB

Applicant:
Mr & Mrs Alan Langman
East Bowerland Farm
Okehampton
EX20 4LZ

Site Address: East Bowerland Farm, Okehampton, EX20 4LZ

Development: Extension of existing dog training arena, replacing existing timber structure.

Reason item is being put before Committee: Referred by Cllr Mott to address concerns raised by objectors



Recommendation: Conditional approval

Conditions

Time limits

Accord with plans

Details of internal acoustic cladding and acoustic roof lights to be approved

Equestrian/canine use only

Doors shown on plan to be installed prior to completion/first use, whoever is soonest

Hours of use restriction

Boundary treatments/landscaping to be agreed

Key issues for consideration:

Principal of the development, visual impact, highway implications, neighbour amenity

Site Description:

East Bowerland Farm is a former agricultural holding that has holiday cottages and an associated dog training business. There is a farmhouse with attached barns that have been converted to holiday lets. The site is accessed via a long country lane that also services a nearby farm and a couple of dwellings. The nearest neighbouring property is approximately 60 metres to the south west of the building, which this application seeks to modify

The application site lies within land designated as countryside.

The Proposal:

The replacement of the existing barn structure to extend the dog training arena, which is attached to the south west end of the dog training building, given consent under 00648/2013

Consultations:

- County Highways Authority: No highway implications
- Environmental Health Section: No objection subject to condition requiring details of acoustic cladding and acoustic roof panels
- Sourton Parish Council: Objection on following grounds;
 - Highway access
 - Loss of amenity
 - Noise to adjacent properties
 - Removal of hedgebank
 - No application for change of use has been obtained

Representations:

Multiple comments received both in objection and support of proposed scheme, summarised as;

Objection

- Impact on bridleway

- Highway safety issues
- Noise and disturbance
- Current unauthorised use on the site
- Removal of hedgebank

Support

- Valued local business providing employment
- Positive impact on other local services
- Assists in promotion of West Devon

Relevant Planning History

Application 1433/17/VAR is under consideration by Planning and Licensing

The most recent application was for the Erection of building for use as dog exercise pool and health facilities, which was given consent under 00055/2015

A previous application for the erection of a building over the existing sand school for equestrian and dog training purposes was approved (application reference: 00648/2013).

Additionally, permission has previously been granted for the replacement of a building with a new indoor animal exercise area (application reference: 01356/2011).

Consent has also previously been granted for the change of use of the barns to holiday lets (application reference: 12066/2008/OKE)

ANALYSIS

Principle of Development/Sustainability:

This application seeks to replace the existing barn and extend the building given consent under 00648/2013 to which the barn is connected. The existing building is 11.5 metres wide, 18 metres deep, with a ridge height of 4.6 metres. The replacement building will be 12 metres in length, 20 metres deep, with a ridge height of 7.7 metres. The current building was within the red line area for application 00648/2013 and therefore there is no proposed change of use to the building as it was already within the area, which has consent for dog training and equestrian use. The proposal is therefore considered in accordance with policy SP10 of the Core Strategy.

A separate application is being considered concerning the use of the building for dog training classes unrelated to the principal dwelling and holiday lets.

Design/Landscape:

The design of the proposed building is the same as the existing building to which it will be connected. It was concluded that due to the buildings agricultural appearance, the limited public views of the building and the natural screening it did not result in harm to the wider landscape. The proposed extension is of a modest size when compared to the existing building and therefore it is considered that it does not harm the wider landscape and the design is acceptable.

Neighbour Amenity:

The nearest residential property to the development is Bowerland Cottage, which is sited approximately 60 metres to the southwest of the proposal. Pegasus Way, a former railway line, which is now in use as a footpath and bridleway separates the application site from Bowerland Cottage.

The proposed building would have solid walls. It is proposed to apply planning conditions requiring acoustic cladding for the interior walls of the building and the use of acoustic roof panels for the 'rooflight' style panels. This will improve the existing acoustic environment for nearby occupiers.

Environmental Health have offered no objections subject to these conditions, which the applicants have agreed to

This would also reduce the potential impact from the building on the nearby bridleway as this is the section of building, which is closest to the bridleway.

Highways/Access:

The county highways engineer has raised no objections to the proposal. As the building operations are to replace an existing structure with a slightly larger building, the overall floor space is only marginally increased and the highway access from the A386 remains unchanged.

Other Matters:

A condition requiring boundary details to be approved in order for replacement planting to be undertaken to ensure the hedging that was removed is re-instated.

Planning Balance:

The proposed replacement building serves an established rural business, does not result in harm to the landscape and offers a modestly larger footprint than the building it replaces. The design of the building and conditions recommended result in a better acoustic environment in respect of noise transmission from the building. Therefore, the proposal is considered acceptable and is recommended for approval subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP5 – Spatial Strategy

SP10 – Supporting the Growth of the Economy

SP11 – Rural Regeneration

SP17 – Landscape Character

SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces

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- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

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DEV15 Supporting the rural economy

DEV24 Landscape character

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to the completion or first use of the development hereby approved, whichever is soonest, full details of the acoustic roof lights and internal acoustic cladding shall be submitted to and approved in writing, the approved details shall be installed prior to the use of the building commencing and maintained permanently thereafter.

Reason: To safeguard the residential amenities of adjoining residential properties

4. The building hereby permitted shall be used only for equestrian and canine use.

Reason: In the interest of protecting the amenities of the site and locality.

5. Prior to the completion or first use of the development hereby approved, whichever is soonest, the doors shown on plan 130129-P3 B shall be installed in accordance with the plan details and maintained permanently thereafter.

Reason: To safeguard the residential amenities of adjoining residential properties

6. The premises shall not be used outside the hours of 7am to 10.30pm.

Reason: To safeguard the residential amenities of adjoining residential properties.

7. Prior to the completion or first use of the development hereby approved, whichever is soonest, full details of a Landscape Plan shall have been first submitted to and approved in writing by Local Planning Authority. The Plan shall include:

- (a) the location, number, species, density, form and size of all proposed tree and hedge planting and approved means of enclosure;
- (b) the method of planting, establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting for a minimum period of 25 years;
- (c) boundary treatments

All elements of the approved Landscape Plan, including the approved timetable, shall thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public amenity and local landscape character.

West Devon Borough Council **Agenda Item 7**
DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 22-Aug-17

Appeals Update from 9-Jun-17 to 10-Aug-17

Ward Buckland Monachorum

APPLICATION NUMBER : **0147/17/OPA** APP/Q1153/W/17/3177360
APPELLANT NAME: Mr M Scoot
PROPOSAL : Outline application with some matters reserved for development of up to 22no. dwellings (including 40% affordable housing), access, parking, landscaping/open space and associated infrastructure
LOCATION : Land at Abbey Meadows, Crapstone, PL20 7PX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-July-2017
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Drewsteignton

APPLICATION NUMBER : **1645/16/FUL** APP/Q1153/W/17/3166440
APPELLANT NAME: Ms L Fletcher-Neal
PROPOSAL : Retrospective application for an agricultural building.
LOCATION : Skywood, Lane Past Weeke Farm, Spreyton, EX17 5AF
APPEAL STATUS : Appeal decided
APPEAL START DATE: 14-February-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 31-July-2017

Ward Exbourne

APPLICATION NUMBER : **3100/16/FUL** APP/Q1153/W/16/3165187
APPELLANT NAME: Mr C Brady
PROPOSAL : Hybrid application comprising: Full application for a replacement garage, new vehicular access and driveway to garden and orchard with ancillary works to improve sightlines including moving retaining wall. Outline application with some matters reserved for 3no. dwellings.
LOCATION : Former Garden & Orchard Opposite Downes Tenements, North Road, Exbourne Okehampton
APPEAL STATUS : Appeal decided
APPEAL START DATE: 24-March-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 28-June-2017

APPLICATION NUMBER : **0336/16/FUL** APP/Q1153/W/16/3159610
APPELLANT NAME: Mr J Carvil
PROPOSAL : Proposed rural workers live/work unit of accommodation.
LOCATION : Meadow View Farm, Exbourne, Devon, EX20 3SH
APPEAL STATUS : Appeal decided
APPEAL START DATE: 24-March-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 8-Aug-2017

APPLICATION NUMBER : **0348/16/FUL** APP/Q1153/W/16/3159609
APPELLANT NAME: Mr J Carvil
PROPOSAL : Proposed livestock barn
LOCATION : Meadow View Farm, Exbourne, Devon, EX20 3SH
APPEAL STATUS : Appeal decided
APPEAL START DATE: 24-March-2017
APPEAL DECISION: Appeal Allowed
APPEAL DECISION DATE: 8-Aug-2017

Ward Okehampton South

APPLICATION NUMBER : **00938/2015** APP/Q1153/W/17/3171503
APPELLANT NAME: Mr J Feaver
PROPOSAL : Erection of two residential dwellings
LOCATION : Land Adjacent To Castleford, Castle Road, Okehampton, EX20 1DD
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 16-June-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Tavistock South West

APPLICATION NUMBER : **2461/16/FUL** APP/Q1153/W/17/3169048
APPELLANT NAME: Mr T Faircloth
PROPOSAL : Erection of dwelling
LOCATION : 83 Plymouth Road, Tavistock, PL19 8BZ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 28-April-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 29-June-2017

APPLICATION NUMBER : **0971/16/FUL** APP/Q1153/W/17/3173805
APPELLANT NAME: Harding & Sons Ltd
PROPOSAL : Change of use from Class B8 (Storage & Distribution) to Class A1 (Retail) with ancillary pet grooming and vet services; external alterations to building and site layout including car parking amendments; and creation of 2no. customer entrances; and associated works.
LOCATION : Unit 8, Plymouth Road, Industrial Estate, Tavistock, PL19 9QN
APPEAL STATUS : Appeal lodged
APPEAL START DATE: 05-July-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Tavistock North

APPLICATION NUMBER : **3089/15/CLE** APP/Q1153/X/17/3167854
APPELLANT NAME: Mr B Gurney
PROPOSAL : Certificate of lawfulness - existing use of former outbuilding/coach house to an independent dwelling
LOCATION : 3 Watts Road Tavistock Devon PL19 8LF
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 15-March-2017
APPEAL DECISION: Appeal Allowed
APPEAL DECISION DATE: 17-July-2017

West Devon Borough Council
DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 22-Aug-17
Appeal Hearings/Public Inquiry from 9-Jun-17

Ward Tavistock South West

APPLICATION NUMBER : **0971/16/FUL** APP/Q1153/W/17/3173805
APPELLANT NAME: Harding & Sons Ltd
PROPOSAL : Change of use from Class B8 (Storage & Distribution) to Class A1 (Retail) with ancillary pet grooming and vet services; external alterations to building and site layout including car parking amendments; and creation of 2no. customer entrances; and associated works.
LOCATION : Unit 8, Plymouth Road, Industrial Estate, Tavistock, PL19 9QN
APPEAL STATUS : Appeal lodged
APPEAL START DATE: 05-July-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY:
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Buckland Monachorum

APPLICATION NUMBER : **0147/17/OPA** APP/Q1153/W/17/3177360
APPELLANT NAME: Mr M Scoot
PROPOSAL : Outline application with some matters reserved for development of up to 22no. dwellings (including 40% affordable housing), access, parking, landscaping/open space and associated infrastructure
LOCATION : Land at Abbey Meadows, Crapstone, PL20 7PX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-July-2017
TYPE OF APPEAL **Inquiry**
DATE OF APPEAL HEARING OR INQUIRY:
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

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