

ITEM 3

EXMOOR NATIONAL PARK AUTHORITY PLANNING COMMITTEE

MINUTES of the meeting of the Planning Committee of the Exmoor National Park Authority held on Tuesday, 3 March 2009 at 10.30am in the Committee Room, Exmoor House, Dulverton.

PRESENT

Mr R J Webber (Chairman)
Mr R C Edgell (Vice-Chairman)

Mrs A M Clitheroe	Ms D Kershaw
Mr M A Collins	Mr R Morrison-Smith
Miss A V Davis	Mr N Parbrook
Mr J Dyke	Mr J Pile
Mr J C Edwards	Mr S J Pugsley
Mr J Freeman	Mr F Rawle
Mr I Galloway	Mr I Rigby
Dr S Head	Mr M Taylor
Mrs S Hibbert	

Apologies for absence were received from Mrs C Lawrence and Dr J Wibberley.

119. **DECLARATIONS OF INTEREST**

The following Members declared interests in relation to Item 5.1 – Change of use from Class C2 (residential institution) to Class C1 (hotel) (Full), Croydon Hall, Felons Oak, Minehead, Somerset TA24 6QT

- Mr N Parbrook declared a personal interest as he was the West Somerset Council Ward Member for Old Cleeve. He also declared having held discussions with Old Cleeve Parish Council.
- Mr R J Webber declared having been lobbied by Old Cleeve Parish Council.
- All Members declared having been lobbied by a local resident.

The following Members declared interests in relation to Item 5.2 – Outline application in respect of erection of dwelling – Higher Sminhays Farm, Brendon Hill, Watchet, Somerset

- Mr N Parbrook declared a personal interest as he was the West Somerset Council Ward Member for Old Cleeve.

- Mr R J Webber declared having been lobbied by Old Cleeve Parish Council and having attended a site visit, accompanied by the Authority's Development Control Manager, at which he had met the applicant.

120. **PUBLIC QUESTION TIME**

- (1) Mrs Molly Groves said that she and other representatives of Exmoor Uprising had wished to speak at the Authority meeting held at 2pm on 3 February but had been unable to travel to the meeting due to the adverse weather conditions. She questioned why the meeting had not been cancelled.

The Chairman advised that the meeting had been quorate and therefore cancellation had not been appropriate. He advised that the minutes of the meeting would be available in due course and would be subject to approval at the next meeting of the Authority on 21 April 2009.

121. **MINUTES**

- (1) **Confirmation**

The Minutes of the Committee's meeting held on 3 February were agreed and signed as a correct record.

- (2) **Matters Arising**

- Planning consultation from North Devon District Council: Installation and operation of 9 wind turbine generators of maximum 103m to tip height, unit transformer enclosures, substation building, anemometer, access tracks and ancillary equipment – land at Batsworthy Cross, South Molton: Members were informed that an alternative date had not yet been confirmed for the consideration of this application by North Devon Council Planning Committee; the original meeting date of 2 February 2009 having been deferred following the submission of new information.

122. **APPEALS**

The Committee noted the decision of the Planning Inspectorate to dismiss the appeal in relation to planning application no. 6/34/08/103 – Knowle Bungalow (The Field House), Knowle Lane, Timberscombe. The Head of Planning & Community informed Members that this application had been refused on design grounds and it was pleasing that the Planning Inspectorate had upheld this decision.

DEVELOPMENT CONTROL

123. **Application No: 6/26/08/111**
Proposal: Change of use from Class C2 (residential institution) to Class C1 (hotel) (Full)
Location: Croydon Hall, Felons Oak, Minehead, Somerset TA24 6QT

The Committee received the report of the Development Control Manager. Members were informed that following circulation of the report, two letters had been received from Old Cleeve Parish Council objecting to the proposed change of use and both letters were read out to the Committee. The Committee was also advised of two additional letters of objection received from local residents.

Members were reminded that this application had been considered by the Committee on 13 January 2009 and determination of the application had been deferred to allow an opportunity for Members to hear from representatives of the Highway Authority. Mr Jeff Copp and Mr Richard Newby of Somerset County Council Highway Authority were in attendance and were introduced to the Committee.

Mr Copp confirmed that Croydon Hall was a 34-bedroom property with permitted use as a residential education centre. It was his understanding that function suites were also available which could accommodate up to 215 delegates for conferences/seminar events. It was Mr Copp's view that the proposed change of use to an hotel may result in a change in the pattern of traffic movement to and from Croydon Hall but that the level of traffic would be virtually comparable to that resultant from the existing permitted use of the premises at full occupancy. In these circumstances, the Highway Authority considered that there were no sustainable highway safety grounds for refusal of this application.

Mr Newby outlined the historical difficulties relating to traffic movement in the vicinity of Croydon Hall and confirmed that these resulted from the movement of large vehicles to a number of businesses in the area. Mr Newby informed the Committee that in an attempt to resolve the situation, agreement had been reached at a meeting of all interested parties in November 2007 that the weight limit restriction on Lodge Rocks Lane should be retained and the weight limit restriction on Batallers Lane should be removed. This would permit large vehicles to take the preferred voluntary routing arrangement from Washford to Roadwater via Batallers Lane towards Rodhuish and Croydon Hall. It was confirmed that the proposed revocation of the weight limit restriction on Batallers Lane was subject to public consultation. Mr Newby informed Members that highway improvements had been made at the junction of Batallers Lane and Lodge Rocks Lane (Piano Corner) and negotiations were ongoing with regard to proposed improvements at the junction between Batallers Lane and Lower Roadwater Road.

Public Question Time

- (1) The following members of the public spoke in opposition to the application: Chrissie Fairlamb, Colin Mills, Phyllis Rainbow, Dawn Hall, John Kettlewell, Susan Logan, Susan Brierley, Danae Clark, Peter Stileman, Vivienne Irwin and Keith Holmes.

Their comments included the following points:

- The proposed voluntary routing arrangement would by its very nature be unenforceable and did not take account of the use of Satellite Navigation Systems.
 - The traffic movement to and from the hotel would increase the incidents of damage to property, verges, hedgerows and trees caused by vehicles.
 - There would be an increase in litter, and light and noise pollution.
 - The proposed change of use would disturb the tranquillity of the area, which was enjoyed not only by local residents but also by ramblers, equestrians and regular visitors to Exmoor.
 - The ancillary use of Croydon Hall as an hotel (ie the use of facilities such as the bar, pool or gym by non-residents) would further increase traffic movement. A restriction on ancillary use was therefore requested.
 - It was understood that the Taylor Review recommended the support of rural businesses and existing employment sites; however this should not be to the detriment of the environment.
 - The parking arrangements within the grounds of Croydon Hall would be inadequate and vehicles would be forced to park on the public highway.
 - There would be disturbance to livestock and the potential use of fireworks at weddings/events was of particular concern.
 - The increase in traffic movement would impede access to the area by the Emergency Services.
 - Due to the nature of the roads in the vicinity of Croydon Hall, vehicle collisions occurred even at low speeds and many minor accidents were unreported.
- (2) Mr David Whittington, the applicant, informed Members that Croydon Hall offered hotel-like services under its existing permission, and occupancy patterns could be compared to that of an hotel with guests staying for 3-4 day breaks or attending conferences/workshops, etc. Mr Whittington confirmed that it was his aim to manage any increase in traffic movement through the implementation of a sympathetic voluntary routing

arrangement. He explained that a recent dramatic increase in costs and changing market circumstances required occupancy levels at Croydon Hall to increase in order to maintain the viability of the business. Mr Whittington considered Condition 8, which restricted the use of marquees, to be commercially unworkable and he requested a more flexible approach.

The Committee's Consideration

Members participated in a lengthy debate which included the following points of discussion.

The difficulty of traffic movement along the narrow lanes in the vicinity of Croydon Hall was acknowledged and a number of Members spoke from personal experience when expressing sympathy with the concerns of local residents. There was also comment that it was inappropriate to determine the application while the proposed revocation of the weight limit restriction on Batallers Lane (which was considered fundamental to the operation of the preferred voluntary routing arrangement) remained subject to public consultation.

The possibility of providing passing places was discussed. Mr Newby agreed that the Highway Authority would investigate locations where the highway might benefit from passing places; however he was unable to confirm the availability of funding for such works.

Members requested guidance as to whether it was possible to 'ease' the existing permission so that surplus accommodation could be made available to visitors other than those attending workshops/courses. It was also questioned whether it would be appropriate to grant consent for a part change of use, to attach a condition personal to the owner of Croydon Hall, or to restrict change of use consent to an identified business model. In response, the Head of Planning & Community informed the Committee that these issues had been considered in detail at the pre-application stage, however such mechanisms had been deemed impracticable as they were difficult to monitor or enforce.

The Head of Planning & Community informed Members that any restriction on ancillary use of the proposed hotel would in effect be a restriction on the business model. The determination of this application therefore required Members to balance the support of an existing business within the National Park with the concerns of local residents about potential traffic increase.

It was confirmed that any grant of consent would be subject to the conditions set out in the report. These included at Condition 6 the requirement for a traffic management statement, and it was confirmed any agreed voluntary routing arrangement could be varied in the future were circumstances to change.

In response to Members' concerns about parking arrangements and the use of marquees, it was noted that Condition 7 required the

applicant to submit a scheme indicating on-site parking provision for approval by the Authority, and Condition 8 provided that no marquees should be erected without the prior written approval of the Authority. It was the view of Officers that Condition 8 should remain as drafted.

It was the request of Members that any grant of consent should be subject to an additional condition restricting the use of fireworks.

The Solicitor & Monitoring Officer reminded Members that the Highway Authority considered that the traffic pattern resulting from the proposed change of use would be '*virtually comparable*' to that resultant from the existing, permitted use of Croydon Hall at full occupancy. He advised that in view of the opinion of the Highway Authority, concerns about traffic movement would not represent a good and demonstrable reason for withholding change of use consent. Members were further advised that on appeal against a refusal, an Inspector would consider whether the proposed change of use would generate a significant increase in traffic movement, and would take into account the view of the Highway Authority that it was difficult to substantiate a refusal on traffic impact grounds.

RESOLVED: To grant consent for change of use consent, subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The premises shall be used for hotel use and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- (3) No floodlights or other forms of external lighting shall be installed on the site without the prior permission, in writing, of the Local Planning Authority.
- (4) No storage of equipment, goods or materials shall take place within the curtilage of the site other than within the buildings.
- (5) No development shall take place until a landscaping scheme including hard surfacing, planting of trees, shrubs, herbaceous plants and areas to be grassed has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting season after commencement of the development, unless agreed otherwise, in writing, by the Local Planning Authority and shall be maintained for a period of 5 years, such maintenance to include the replacement of any trees or shrubs that die.
- (6) Prior to the commencement of the use hereby permitted a statement of measures for the management of traffic visiting and departing the application site shall be submitted to and be agreed in writing by the Local Planning Authority. Once approved the site

shall operate in accordance with the traffic management measures.

- (7) Before the development hereby permitted is commenced a scheme indicating the on site parking, lorry turning and cycle parking provision shall have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.
- (8) The use of the premises for functions, seminars, parties, conferences, weddings, receptions and/or similar gatherings shall be restricted to within the existing building only and no marquees, tents or other forms of covered accommodation either permanent or temporary shall be erected or installed within the grounds of the hotel without the prior written approval of the Local Planning Authority.
- (9) No fireworks shall be displayed or discharged within red edged application site without the prior agreement in writing of the Local Planning Authority.

SUMMARY OF REASONS FOR GRANTING CONSENT

The development by reason of its impact on local amenity, character, design, archaeology, listed building, conservation area, trees, highway safety and subject to the above conditions is considered to accord with the policies of the Development Plan and material planning considerations do not indicate otherwise.

124. **Application No: 6/26/08/108**

Proposal: Outline application in respect of erection of agricultural worker's dwelling (Outline)

Location: Higher Sminhays Farm, Brendon Hill, Watcher, Somerset TA23 0LG

The Committee received the report of the Development Control Manager. Members were advised that following circulation of the report, Old Cleeve Parish had submitted additional comments in objection to the application and these were read out to the Committee.

Public Question Time

- (1) Alison Nancekivell read a statement on behalf of the applicant. The statement informed Members that the application had been submitted following extensive consultation with Planning Officers. A genuine need for a dwelling had been established and the application site was considered to be the best possible in terms of minimising potential landscape impact. It was confirmed that the dwelling would be painted a dark stone colour.

The Committee's Consideration

The Committee commended Officers on the thoroughness of their report and were pleased to note that independent consultants had been appointed to assess the Agricultural Appraisal submitted by the applicant. This assessment had concluded that there was an existing functional need for a full time worker and that the farm had been established for at least three years, was profitable for at least one of them and was currently financially sound with a clear prospect of remaining so. It was therefore confirmed to Members that the application met both the functional and financial tests set out in Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

The Chairman advised that he had attended a site visit and had been encouraged that the landscape impact of the proposed dwelling when seen from distant viewpoints would be minimal. Members considered that proposed landscaping should be appropriate and sensitive to the elevated location of the application site and requested that the landscaping scheme submitted under reserved matters be referred to the Committee for approval.

RESOLVED: To grant outline planning consent, subject to the following conditions:

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates: (i) the expiration of two years from the date on which the outline permission was granted: or (ii) the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990), or in forestry, or a widow or widower of such a person, and to any resident dependants.
3. The development hereby approved shall be carried out strictly in accordance with the 1:5000 scale location plan and 1:500 scale site plan received on 23/9/08 and amended drawings 6622.5 rev B, 6622.088 rev A, 6622.2 rev B received on 09/02/09 unless amended by any following condition.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby permitted shall be erected without the prior written permission of the Local Planning Authority.
5. Any gas, electricity, water, sewage, telephone and cabling services to the building shall be placed underground.

6. The garaging hereby permitted shall be used only for the storage of private motor vehicles and incidental domestic storage and for no other purpose unless the prior approval, in writing, of the Local Planning Authority has been granted.
7. The windows, doors and external joinery of the development hereby permitted shall be timber and thereafter timber windows, doors and external joinery shall be retained.
8. All external frames shall have a minimum 100 mm (4") reveal unless agreed otherwise in writing with the Local Planning Authority.
9. Prior to the commencement of the development hereby approved details of the proposed surface finish for the access track, including sample and confirmation of colouring, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.
10. Prior to their installation a sample of the natural slate for the roof of the proposed house and garage shall be submitted to and approved in writing by the Local Planning Authority. Once approved the roof shall be finished in the agreed natural slate and thereafter natural slate shall be retained on the roof of the building.
11. Before works commence on the erection of the dwelling hereby permitted there shall be no obstructions to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the existing access to the B3224 and extending to points on the nearside carriageway edge 160m either side of the access. Such visibility shall thereafter be maintained at all times.
12. Before the dwelling hereby permitted is first occupied the gradient of the existing access shall not be steeper than 1 in 20 over the first 6.0m of its length as measured from the carriageway edge of the B3224.
13. If the existing access to the B3224 is to remain gated the entrance gate shall be relocated a minimum distance of 12m back from the carriageway edge or the maximum length of any vehicle likely to use the access whichever is the greatest. The relocated gate shall be hung to open inwards.
14. The driveway between the dwelling hereby permitted the existing access to the B3224 shall be properly consolidated and surfaced in accordance with details to be submitted to and approved by the Local Planning Authority.

15. No development shall take place until a landscaping scheme including planting of trees, shrubs, herbaceous plants and areas to be grassed has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting season after commencement of the development, unless agreed otherwise, in writing, by the Local Planning Authority and shall be maintained for a period of 5 years, such maintenance to include the replacement of any trees or shrubs that die.

SUMMARY OF REASONS FOR GRANTING CONSENT

The development by reason of its impact on local amenity, character, design, archaeology, trees, highway safety and subject to the above conditions is considered to accord with the policies of the Development Plan and material planning considerations do not indicate otherwise.

125. Applications delegated to the Chief Executive

The Committee noted the decisions of the Chief Executive determined under his delegated powers.

126. Local Development Framework Consultation on issues and options with stakeholders

The Committee received the report of the Head of Planning & Community which informed Members of the results of the initial consultation with stakeholders on the issues and options for the Exmoor National Park Authority Local Development Framework.

The Committee's Consideration

Members requested that Officers communicate the results of the consultation to all those who had participated and express the Authority's appreciation for their contribution.

The Head of Planning & Community advised that the results contained a number of positive suggestions of how existing policies could be further developed. It was noted that the achievement of a carbon neutral National Park by 2025 represented a particular challenge and Members considered that any policies relating to climate change and the use of renewable energy must be compatible with the design guide. It was also noted that issues concerning housing provision and sustainable tourism had been highlighted, particularly in relation to the settlements of Lynton and Lynmouth.

It was suggested that the link between 'economy and employment' and 'tourism and recreation' should be reflected in the layout of consultation documents and reports.

3 March 2009

Members were invited to send their comments on the consultation results to Officers by email within the following two week period.

RESOLVED: To note the content of the report to inform the development of Issues and Options for the LDF and as the basis for developing further consultation with stakeholders and National Park communities.

127. **SITE VISITS**

There were no site visits to arrange.

128. **ANY OTHER BUSINESS OF URGENCY**

There was none.

(The meeting closed at 1.20pm)

Chairman