

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 17 JUNE 2009**

MEMBERS

* Cllr G J Fielden - Chairman

* Cllr D W May - Vice-Chairman

* Cllr H D Bastone

* Cllr J Brazil

* Cllr B F Cane

* Cllr R J Carter

∅ Cllr S E Cooper

* Cllr P Coulson

* Cllr J D Hawkins

* Cllr M J Hicks

* Cllr P W Hitchins

* Cllr I Longrigg

∅ Cllr D M O'Callaghan

* Cllr J T Pennington

* Cllr R Rowe

* Cllr J W Squire

* Cllr R C Steer

* Cllr R J Vint

* Cllr A Ward

* Cllr J A Westacott MBE

* Denotes attendance

∅ Denotes apologies for absence

Officers in attendance:

All Agenda Items: Area Planning Officer (Eastern Area), Senior Planning Officers,
Solicitor and Senior Member Support Officer;

For application number 54/1603/08/F: Divisional Environmental Health Officer.

DC.07/09 MINUTES

The minutes of the meeting of the Committee held on 20 May 2009 were confirmed as a correct record and signed by the Chairman subject to the following amendments under appendix A of the minutes:-

- Under application number 34/0380/09/F the officer recommendation be amended to read 'Defer'; and,
- Under application number 30/0201/09/F the omission of the Committee decision be added to read 'Refusal'.

DC.08/09 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr J A Westacott declared a prejudicial interest in application 56/0786/09/DC (retrospective application for increase in ridge height. Regulation 3, LPA own development – 14 Leechwell Street, Totnes, Devon TQ9 5SX) by virtue of her being a Member of the Totnes Southern Area Working Group and subsequently left the meeting during the vote and debate on this application.

Cllr I Longrigg declared a personal interest in application 51/0551/09/F (alterations to existing swimming pool to include reduction of levels – Sheelen, Overseas Estate, Stoke Fleming, TQ6 0PJ) and remained in the meeting but did not take part in the debate or vote on this application.

Cllr H D Bastone declared a personal interest in application 54/1603/08/F (permanent retention of air source heat pump, acoustic enclosure and associated works as approved with planning application 54/0640/07/F – 14 Crestway, Strete, Dartmouth, TQ6 0SF) and remained in the meeting and took part in the vote and debate thereon.

Cllr D W May declared a personal interest in application 57/0656/09/F (retrospective application for alterations and extension to dwelling (resubmission of 34/2227/08/F) – 10 Marldon Cross Hill, Marldon, TQ3 1PA) by virtue of the applicant having previously owned a business located next door to his business. Cllr May remained in the meeting and took part in the discussion and vote thereon.

DC.09/09 **PUBLIC PARTICIPATION**

The Chairman announced that the following members of the public had registered their wish to speak at the meeting:-

- 51/0376/09/F; Objector – Mr Mountain; Supporter – Mr McConaghy; Resubmission of application 51/2275/08/F for demolition of bungalow and replacement with new dwelling including viewing decks and swimming pool – Silver Cloud, Overseas, Stoke Fleming, TQ6 0PJ;
- 27/0610/09/F; Supporter – Mrs Flynn; Retrospective householder application for boundary fencing and reinstatement of pedestrian access – 117 Cleeve Drive, Ivybridge, PL21 9DB;
- 06/0429/09/F; Mr Morris – Objector; Mrs Best – Supporter; Retrospective application for the siting of a temporary mobile unit of accommodation for owners of stud, carriage driving and livery business – Hraefn Ham Farm, Lower Hutcherleigh, Blackawton, Totnes;
- 51/0551/09/F; Mr Hann – Objector; Alterations to existing pool to include reduction of levels – Sheelan, Overseas Estate, Stoke Fleming, TQ6 0PJ.

DC.10/09 SITE INSPECTIONS**(a) Applications deferred at this meeting****RESOLVED**

That a Site Inspection Group comprising the Chairman and four other Members who were present at the meeting be appointed to consider applications deferred at this meeting for that purpose.

DC.11/09 PLANNING APPLICATIONS

The Head of Planning and Building Control submitted details of planning applications as indicated in Appendix A to these minutes.

During discussion of these planning applications, the following motions (which were in contradiction to the planning officer recommendations in the published agenda report, or were determined by a Chairman's casting vote) were **PROPOSED** and **SECONDED** and on being put to the vote were either **CARRIED** or **LOST**:-

- (a) In respect of application number 51/0376/09/F (resubmission of application 51/2275/08/F for dwelling of bungalow and replacement with new dwelling including viewing decks and swimming pool – Silver Cloud, Overseas Estate, Stoke Fleming, TQ6 0PJ), the Senior Planning Officer advised Members that if they were minded to support the officers recommendation for conditional approval, a further condition was being suggested to ensure that all details of the tinted glass windows were submitted to planning officers to mitigate the impact on light pollution prior to approval being granted. Subsequently, on proposing conditional approval of the application this extra condition was incorporated into the vote thereon and declared **CARRIED**;
- (b) In respect of application 27/0610/09/F (retrospective householder application for boundary fencing and reinstatement of pedestrian access – 117 Cleeve Drive, Ivybridge, PL21 9DB) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be deferred.’

During discussion on the application, the majority of Members were sympathetic to the applicant's circumstances and felt that officers should do all they could to aid them to mitigate the impact of the fence. Subsequently, Members felt that by deferring the application, the case officer could negotiate with the applicant the possibility of setting back the fence to allow for appropriate hedging between the re-aligned fence and the pavement to be created;

- (c) In respect of application 06/0429/09/F (retrospective application for the siting of a temporary mobile unit of accommodation for owners of stud, carriage driving and livery business – Hraefn Ham Farm, Lower Hutcherleigh, Blackawton, Totnes, TQ9 7AD) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That a site inspection be held.’

- (d) In respect of application 54/1603/08/F (permanent retention of air source heat pump, acoustic enclosure and associated works as approved with planning application 54/0640/07/F – 14 Crestway, Strete, Dartmouth, TQ6 0SF), the local Ward Member informed those present that this issue had been going on for a number of years now and local residents were being disturbed by the noise generated from the heat pump. Although the applicant had attempted to mitigate concerns, there was still significant noise nuisance being generated. In response, the Divisional Environmental Health Officer (DEHO) advised those present that an investigation into the noise levels had been carried out (as identified in the presented report). It had been concluded that the noise generated was comparable to the noise levels created by a nearby boiler. The noise was therefore considered to be at an acceptable level and the DEHO was recommending conditional approval. Furthermore, the applicant had agreed that the unit would not be used overnight.

However, a Member felt that as noise was a subjective issue, there was merit in Members visiting the site to investigate the noise levels for themselves. However, on being **PROPOSED** and **SECONDED**, and on being put to the vote, a site inspection was declared **LOST**.

The majority of Members felt that due to the number of objections to this application, there was an adverse impact on residential amenity. Therefore, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be refused by virtue of the adverse impact on residential amenity.’

Subsequently, due to the heat pump already being in place, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That enforcement action be taken.’

- (e) In respect of application 51/0551/09/F (alterations to existing pool to include reduction of levels – Sheelan, Overseas Estate, Stoke Fleming, TQ6 0PJ) a number of Members felt that although an attempt had been made by the applicants to mitigate some concerns, there was still a degree of overlooking and a detrimental impact to the Area of Outstanding Natural Beauty which would warrant refusal of the application. Subsequently, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **LOST** (by virtue of the Chairman's casting vote):-

'That the application be refused.'

Consequently, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED** (again by virtue of the Chairman's casting vote):-

'that the application be conditionally approved.'

- (f) In respect of application 34/0380/09/F (retrospective application for alterations and extension to dwelling (resubmission of 34/2227/08/F) – 10 Marldon Cross Hill, Marldon, TQ3 1PA) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **LOST** (by virtue of the Chairman's casting vote):-

'That a site inspection be held.'

- (g) In respect of application number 57/0656/09/F (resubmission of 57/1692/08/F for conversion of redundant barns to commercial (B1) use – Ludbrook Barn, Ludbrook, Ugborough, PL21 0LL) the Area Planning Officer (Eastern Area) advised Members that if they were minded to support the officer recommendation of conditional approval, a further condition was being suggested to provide a gate, instead of a stile at the entrance to the footpath. Subsequently, on proposing conditional approval of the application, this extra condition was incorporated into the vote thereon.

It was then:-

RESOLVED

That the planning applications considered at this meeting be determined as indicated in Appendix A to these minutes.

(Meeting commenced at 2.00 pm and concluded at 5.50 pm).

Chairman

APPENDIX A

51/0376/09/F

Resubmission of application 51/2275/08/F for demolition of bungalow and replacement with new dwelling including viewing decks and swimming pool – Silver Cloud, Overseas Estate, Stoke Fleming, Devon TQ6 0PJ – Mr S Harrison

STOKE FLEMING

Parish Council's Views – We like the general design concept for the site known as Silver Cloud with a clever use of the space and use of materials sympathetic to the local area. We also like the fact that notice had been taken of our comments on the previous application for the site with the removal of the lower deck and providing additional information within the plans.

However, now the overall site has been reduced and with the additional information in the plans we feel that the proposed development is too extensive and too high for the area concerned. We also feel that the rock buttress that was left from the days when the site was a quarry (between the proposed house and swimming pool) should not be removed under any circumstances.

We could not find any mention of any proposed fencing to the site. If fencing is to be used on the site we would require it to be sympathetic to the local area taking into account the rural location and wildlife habitat.

Officer Update – Late letters and additional tinted windows condition.

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard three year time limit)
 - 2 - RES22A (Exc. Of GDO)
 - 3 - MAT2 (Samples Submitted)
 - 4 - Non Standard
Works to be carried out - Ecological Survey
 - 5 - Non Standard
Contamination
 - 6 - LAN4 (Landscape)
 - 7 - Non Standard
Structural Report
 - 8 – No External Lighting
 - 9 – Details of Tinted Glass
-

27/0610/09/F

Retrospective householder application for boundary fencing and reinstatement of pedestrian access – 117 Cleeve Drive, Ivybridge, Devon PL21 9DB – Mrs S Flynn

IVYBRIDGE

Town Council's Views – No objections providing painted green and planted with climbers

Officer Update – Updated number of letters of representation.

Recommendation – Refusal

Committee Decision – Defer. Case Officer to negotiate with the applicant the setting back of the fencing with appropriate hedging planted between the re-aligned fence and the pavement. Case Officer to explore whether hedging can grow within a 0.5m separation distance.

06/0429/09/F

Retrospective application for the siting of a temporary mobile unit of accommodation for owners of stud, carriage driving and livery business – Hraefn Ham Farm, Lower Hatcherleigh, Blackawton, Totnes, TQ9 7AD – Mrs P M Best

BLACKAWTON

Parish Council's Views – As a local policy, The Parish Council's presumption is NOT TO SUPPORT retrospective applications unless there are demonstrably strong and convincing reasons why applications could not be made before any work is undertaken. However, in respect of the applications in question, Councillors have reviewed the applications in detail, visited the site and talked to the applicants. In the light of this activity, the Council make the following comments which, it hopes, will be of assistance to South Hams District Council.

The changes made seem entirely reasonable, improve the property, significantly increase safety off access and egress, and have no negative impact upon the surrounding countryside and meet the requirements of the Local Development Framework.

The Parish Council nevertheless sees no reason why planning applications could not have been made in advance of the work being carried out but, notwithstanding, makes no objection to the applications.

Whilst we see the need for a temporary dwelling for purposes of on-site management and animal welfare we would have expected that a future permanent dwelling (if that is the applicants housing objective) should have been addressed as least an outline of future intentions in this regard.

Your attention is drawn to the fact that there will now be an **automatic presumption** against any further retrospective developments on this site.

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Site Inspection

54/1603/08/F

Permanent retention of air source heat pump, acoustic enclosure and associated works as approved with planning application – 14 Crestway, Strete, Dartmouth, TQ6 0SF – Mr N Brocklehurst

STRETE

Parish Council's Views – Objection

Officer Update – Late letter. APO referred to appeal and cost implications if decision was to refuse.

Recommendation – Conditional Approval

Committee Decision – Refusal and Enforcement (removal of heat pump/acoustic enclosure and associated works).

Reason for Refusal

1. Adverse impact on residential amenity.
-

51/0551/09/F

Alterations to existing pool to include reduction of levels – Sheelan, Overseas Estate, Stoke Fleming, Devon TQ6 0PJ – S Harrison

STOKE FLEMING

Parish Council's Views – This Council considered the new plans:

- 1 These are a substantial improvement from the existing pool and a valiant effort to improve the view from the seaward side of the property.
- 2 If the pool is to be lowered by one metre, could it not be lowered into the ground as the Parish Council originally suggested?
- 3 We do not see much improvement from the east or west elevations. We would prefer the height of the existing boundary wall to be reduced in proportion as well and the brick coping to be replaced with local stone not granite. This would reduce the impact on both the neighbours' properties.
- 4 Is the glass balustrading now necessary?
- 5 To improve the habitat for wildlife on the cliff could the apex of the garden be brought back towards the house by 2 metres and the railings taken out at this point. The new handrail extend round the perimeter and be painted a natural colour – green or brown to blend in rather than black?

6 Natural stone planters and new hedging are to be commended. These were the unanimous comments from the Council Members.

Officer Update – APO referred to and commented upon a late letter dated 5 June 2009 from the Parish Council and the applicant's Q.C's opinion.

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 – Non Standard
 - 6 months completion time
 - 2 - Non Standard
 - Datum Point Levels
 - 3 - Non Standard
 - Eastern Boundary
 - 4 - Non Standard
 - Obscure Glazing
 - 6 - LAN5A (Landscape Plan: details - revised Oct 2008)
 - 7 - MAT16 (Local Stone)
-

34/0380/09/F

Retrospective application for alterations and extension to dwelling (resubmission of 34/2227/08/F) – 10 Marldon Cross Hill, Marldon, Devon TQ3 1PA – Mr S Allen

MARLDON

Parish Council's Views – Objection:

- Building not in keeping;
- Unneighbourly (several objections from neighbour);
- Overdevelopment;
- Not consistent with other planning decisions in area.

Officer Update – Explained that objector was unable to attend due to work commitments but a site visit was requested if the Committee was minded to approve the application.

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - MAT1 (Matching Materials)
 - 3 - Non Standard
 - External Finishes
-

57/0656/09/F

Resubmission of 57/1692/08/F for conversion of redundant barns to commercial (B1) use – Ludbrook Barn, Ludbrook, Ugborough, PL21 0LL – Mr N Cowen

UGBOROUGH

Parish Council's Views – No objection

Officer Update – Reported Cllr R M Lawrence's concerns and why he wished the application to be considered by the Committee. Referred to County Rights of Way Officer's recommendation of refusal and Case Officer's suggested additional condition to provide a gate instead of a stile at the entrance to the footpath to overcome this objection.

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Condition

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - IND3 (Parking)
 - 3 - IND6 (Exclusion of G.D.O)
 - 4 - IND8 (External Storage)
 - 5 - USE17 (Use)
 - 6 - IND7 (Exclusion of G.D.O.)
 - 7 - HWY5 (Closure of Access)
 - 8 - HWY2 (Access)
 - 9 - HWY19 (Surface Water)
 - 10 - Non Standard
Public Footpath Provision
 - 11 - CON16 (Bat (Accord with details of Bat Report))
 - 12 - CON5 (No Demolition)
 - 13 - CON6 (Finishes)
 - 14 - MAT12 (Eaves and Verges details)
 - 15 - MAT17 (Stonework Sample Panel)
 - 16 - MAT23 (Timber Doors and Windows Reserve Details Vents)
 - 17 - MAT8 (Roofing Natural Slate)
 - 18 - NE01 (Landscaping NE1)
 - 19 - MAT26 (Rooflights Conservation Type)
 - 20 - Non Standard
Private water Supply
 - 21 - DRN2 (Drainage)
 - 22 - Non Standard
Closure of existing entrance
 - 23 – Non Standard
Details of Access Gate to Footpath
-

28/0600/09/F

Erection of 6 metre cabinet base CCTV camera pole with 'swan neck' extension of 0.5 metre – Town Square, Car Park, Kingsbridge, Devon – Mr M Johnson

KINGBSRIDGE

Town Council's Views – No comment

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

1 - TIM3 (Standard time limit three years)

2 - Non Standard

Painted Holly Green

56/0786/09/DC

Retrospective application for increase in ridge height. Regulation 3, LPA own development – 14 Leechwell Street, Totnes, Devon TQ9 5SX – Midas Homes Ltd

TOTNES

Town Council's Views – No objections but in light of the error in the plans, the Council should expect a higher level of professionalism by the planners and architects.

Officer Update – Reported Town Council's recommendation.

Recommendation – Approval

Committee Decision – Unconditional Approval

Conditions

This is a retrospective application and is therefore unconditional.
