

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 14 JANUARY 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

Also in attendance and participating:

Cllr C W Jones (for application number 50/1505/08/F (resubmission of planning application 50/1058/08/F for conversion of barn to dwelling – Baddaford Barn, Baddaford Farm, Ashburton, Newton Abbot)); and

Cllr R M Lawrence (for application number 57/2235/08/F (resubmission of planning application 57/1484/08/F for erection of Office Development with change of use from A4 to A2/B1(a) – The Woodpecker, South Brent, TQ10 9ES)).

Officers in attendance:

Head of Planning and Building Control, Area Planning Officer (Western Area),
Solicitor and Senior Member Support Officer.

DC.45/08 APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

That Cllr Steer be appointed Vice-Chairman for the duration of the meeting.

DC.46/08 MINUTES

The minutes of the meeting of the Committee held on 10 December 2008 were confirmed as a correct record and signed by the Chairman.

DC.47/08 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 personal interest in application number 34/1838/08/F (Erection of a two storey dwelling with single storey annexe to the side and detached garage – Land north of Kiln Cross at SX865633, Kiln Road, Marldon) by virtue of her knowing of the objector to the application and remained in the meeting and took part in the discussion and vote thereon;

Cllr D M O'Callaghan declared a personal interest in application number 59/2067/08/F (Resubmission of application 59/1691/08/F for the demolition of existing dwelling and outbuildings, replacement with new dwelling & carport renovation of existing boatstore & slipways – Gerston Point, West Alvington, Kingsbridge, TQ7 3BA) by virtue of her having previously been a member of the South Hams Society (who had submitted representations in objection to this application) and remained in the meeting and took part in the discussion and vote thereon;

Cllr J Brazil declared a personal interest in application number 59/2067/08/F (Resubmission of application 59/1691/08/F for the demolition of existing dwelling and outbuildings, replacement with new dwelling & carport renovation of existing boatstore & slipways – Gerston Point, West Alvington, Kingsbridge, TQ7 3BA) by virtue of his membership of the South Hams Society (who had submitted representations in objection to this application) and remained in the meeting and took part in the discussion and vote thereon.

DC.48/08 **PUBLIC PARTICIPATION**

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

- 59/2067/08/F – Objector; Mr Waterhouse – Supporter; Mr Bolt; resubmission of application 59/1691/08/F for the demolition of existing dwelling and outbuildings, replacement with new dwelling and carport renovation of existing boatstore and slipways – Gerston Point, West Alvington, Kingsbridge, TQ7 3BA;
- 50/1505/08/F – Supporter; Mr Wreford-Brown; resubmission of planning application 50/1058/08/F for conversion of barn to dwelling – Baddaford Barn, Baddaford Farm, Ashburton, Newton Abbot;
- 57/2235/08/F – Supporter; Mr Wigginton; resubmission of 57/1484/08/F for erection of Office Development with change of use from A4 to A2/B1 (a) – The Woodpecker, South Brent, TQ10 9ES.

DC.49/08 **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.

(b) Reports of the Site Inspection Group held on 5 January 2009**(i) (42/1584/08/F) Retrospective application for the erection of garden shed and carport to replace front face of outhouse building – 8 Dartmoor Cottages, Wotter, Plymouth, PL7 5HN**

Members considered a report of the Committee Site Inspection Group in respect of the above retrospective planning application, which had included a recommendation that the proposal be unconditionally approved.

During discussion on the application, a Member, who was not a Member of the Site Inspection Group, raised concern with the application observing that the photographs shown at the meeting of 10 December 2008 appeared to demonstrate that the scheme was overbearing on neighbouring properties and out of keeping with the area. In contrast to this, Members of the Site Inspection Group noted that the structure did have merit by improving the site and was of sufficiently good design to warrant it being approved.

It was then:

RESOLVED

That in respect of application number 42/1584/08/F, the application be unconditionally approved.

(ii) (11/1539/08/F & 11/1540/08/LB) (i) conversion of redundant barn to two dwellings and annexe with garaging, and (ii) Listed Building Consent for two dwellings and annexe with garaging – Lower Warcombe Barn, Kingsbridge, TQ7 4BW

A report was presented of the Committee Site Inspection Group in respect of the above planning application, which had included a recommendation that the proposal be refused. However, Members were informed that the applicants had withdrawn the application prior to the start of the meeting.

(iii) (34/1838/08/F) Erection of a two storey dwelling with a single storey annex to the side and detached garage – Land north of Kiln Cross at SX865633, Kiln Road, Marldon, Paignton

Members considered a report of the Committee Site Inspection Group in respect of the above planning application, which had included a recommendation that the proposal be conditionally approved.

In presenting the report, the Head of Planning and Building Control (HPBC) reminded Members that the site was situated outside of the Development Boundary and was within an area designated as 'countryside' in the adopted Local Plan. Although the Site Inspection Group had concluded that this was a good example of an infill site, the HPBC urged the Committee to consider the impact of the proposal on the wider setting as it was situated between two Listed Buildings. In considering the application, the HPBC advised Members to consider the material impacts of developing the site, the fact that the Council had consistently refused dwellings on this site for 30 years and the personal circumstances of the applicants. However, the HPBC noted that the personal circumstances of the applicants, although a consideration, should not be an over riding reason to justify approval.

Furthermore, if Members were minded to support the application in principle, the HPBC questioned whether Members felt the design was in keeping with the area. It was the opinion of officers that the design of the proposed dwelling, by virtue of its height and massing, would have a detrimental impact upon the character and appearance of the surrounding countryside and Area of Great Landscape Value.

During discussion on the application, the local ward Member (who was also a Member of the Site Inspection Group) highlighted that the site was located directly adjacent to the Development Boundary of Marldon. He then proceeded to note that the site was enclosed and felt that the Development Boundary should have been located to the rear of the site. Moreover, the site was in a built up area surrounded by modern bungalows. A petition of 51 signatories in support of the proposal had been received from local residents. In conclusion, the Member strongly urged his colleagues on the Committee to support the application.

In contrast to this a number of Members made reference to the previous decisions to refuse applications to develop on this site. It was felt that the application site was outside the Development Boundary and therefore approving the application would be in breach of policy, to which there was felt to be no overriding justification (i.e agricultural or commercial need).

However, the following motion was **PROPOSED** and **SECONDED** but on being put to the vote declared **LOST**:-

‘that in respect of application number 34/1838/08/F, the application be conditionally approved.’

It was then:-

RESOLVED

That in respect of application number 34/1838/08/F, the application be refused.

Reasons for Refusal

- 1 The proposal lies outside the development boundary of the village of Marldon as identified in the adopted and emerging Local Plans. As such, it comprises a form of sporadic development in the countryside which, in the absence of any overriding agricultural need, is contrary to adopted Development Plan Policies, ST5, ST16, CS1, SHDC3; emerging Local Plan Policy DS4; and relevant Central Government guidance.
- 2 The proposal is located in an Area of Great Landscape Value, and would be damaging to the appearance and character of the locality. Such development is contrary to the provisions of the adopted Development Plan Policies C01, C04, SHDC3; emerging Local Plan Policies DEV23, ENV3; and relevant Central Government guidance.
- 3 The design of the proposed dwelling, by virtue of the height and massing, would have a detrimental impact upon the character and appearance of the surrounding countryside and Area of Great Landscape Value. Such development is contrary to the provisions of the adopted Development Plan Policies CS7, C04, SHDC15; emerging Local Plan Policies DEV2, ENV3; and relevant government guidance.

Informatives

This recommendation refers to drawings nos. 01.00 (location plan), 02.00, & 03.00 dated 14 September 2007.

- (c) **Report of the full Committee Site Inspection Group held on 7 January 2009**
- (i) **(59/2067/08/F) resubmission of application 59/1691/08/F for the demolition of existing dwelling and outbuildings, replacement with new dwelling and carport renovation of existing boatstore and slipways – Gerston Point, West Alvington, Kingsbridge, TQ7 3BA**

Members considered a report of the full Committee Site Inspection Group in respect of the above planning application, which had included a recommendation that the proposal be conditionally approved.

An objector to the application addressed the Committee outlining concerns over the increased size of the proposal and its impact on this Area of Outstanding Natural Beauty (AONB) and the adjoining Site of Special Scientific Importance (SSSI). The objector also expressed concern over the impact the proposal might have on migrating birds which had been sighted on the adjacent river banks at low tide. In conclusion, he requested Members considered the impact on the wildlife in such a sensitive location.

The applicant's architects then proceeded to address the Committee outlining the proposals. It was noted that it was an exceptional site in a sensitive area, and it was felt that the design of the proposed dwelling retained, nurtured and promoted these qualities.

The local Ward Member then addressed the Committee reiterating the concerns of the objector to the application. The Member felt that the proposed replacement dwelling was so significant that it would inevitably have an impact upon the environment and the potential was too great for disruption to the AONB and SSSI, which was a material planning consideration. Furthermore, the AONB Manager had submitted concerns over the application in respect of the increase in footprint, roofline, height and massing. Moreover, the Member expressed concern as to whether Natural England had actually visited the site prior to submitting its representations. In conclusion, the Member urged the Committee to reject the application and felt that it was unfortunate that an ecological survey had not been submitted which examined the impact of the development on such a wildlife sensitive site.

During discussion on the application, a number of Members expressed indignation that Natural England had not visited the site. Due to the sensitive nature of the site, a Member **PROPOSED** that the application be deferred in order that a Scientific Impact Assessment be undertaken. It was felt that in doing so Members would be better placed to make an informed decision on the impact of such a development in a sensitive. Furthermore, following the Site Inspection where Members were informed that the AONB manager had not visited the site prior to submitting representations, a deferral would give him the opportunity to make an informed decision. This was further echoed with English Nature who, Members felt, should also formally visit the site to observe its unique character and surroundings. The proposal was subsequently **SECONDED** and on being put to the vote declared **CARRIED**.

It was then:-

RESOLVED

That in respect of application number 59/2067/08/F, the application be deferred in order that a Scientific Impact Assessment be undertaken.

DC.50/08 **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 57/2235/08/F (resubmission of 57/1484/08/F for erection of Office Development with change of use from A4 to A2/B1 (a) – The Woodpecker, South Brent, TQ10 9ES) the APO advised that following publication of the presented report, the Highways Agency had been consulted and in response they had requested a Traffic Impact Assessment following concern over the volume of traffic. This had been carried out and submitted to the Highways Agency who had confirmed that it would take six months to analyse the data. Therefore, Members were advised that if minded to support conditional approval of the application, it may be pertinent to delegate authority to the Head of Planning and Building Control, in consultation with the Chairman of the Development Control Committee, to grant conditional approval subject to the agreement of the Highways Agency.

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 4.15 pm).

Chairman

APPENDIX A

50/1505/08/F

Resubmission of planning application 50/1058/08/F for conversion of barn to dwelling – Baddaford Barn, Baddaford Farm, Ashburton, Newton Abbot – Mr & Mrs Hickman

STAVERTON

Parish Council's Views – Support

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - MAT8 (Roofing Natural Slate)
 - 3 - MAT19 (Stone Alterations and Repairs)
 - 4 - MAT23 (Timber Doors and Windows Reserve Details Vents)
 - 5 - MAT26 (Rooflights Conservation Type)
 - 6 - MAT29 (Flues and Extractors Notwithstanding Details Required)
 - 7 - MAT31 (Rainwater Goods Metal Ogee Profile)
 - 8 - RES22A (Exclusion of G.D.O. – new Cctober 2008)
 - 9 - RES43 (Parking)
 - 10 - LAN5 (Landscape Plan: Details)
 - 11 - Non Standard
Landscaping
 - 12 - Non Standard
Bats
-

57/2235/08/F

Resubmission of 57/1484/08/F for erection of office development with change of use from A4 to A2/B1(a) – The Woodpecker, South Brent, TQ10 9ES – Mr L DeMel

SOUTH BRENT & UGBOROUGH

Parish Councils Views – South Brent – no objections; Ugborough – objection because the building is out of keeping with the local area

Officer Update – Outstanding consultation responses reported

Recommendation – Conditional Approval (Subject to a S.106 Agreement)

Committee Decision – Conditional Approval as per officer recommendation delegated to Chairman of Committee and Head of Planning & Building Control, subject to no objection being received from the Highways Agency.

Conditions

1 - TIM3 (Standard time limit 3 years)

2 - MAT2 (Samples submitted)

3 - Non Standard

Programme of Historic Building Recording

4 - Non Standard

Car Parking Provision

5 - Non Standard

Detailed Landscape and Management Plan

6 - MAT16 (Local Stone)

7 - Non Standard

Treatment of site in advance of second building being constructed

28/2135/08/DC

Resubmission of 28/1614/08/F for improvements to internal layout and access to existing public conveniences. Regulation 3, Local Planning Authority own development – South Hams District Council, Property Services, Follaton House, Plymouth Road, Totnes, TQ9 5NE – South Hams District Council

KINGSBRIDGE

Town Council's Views – Approval

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

1 - TIM3 (Standard time limit 3 years)

2 - MAT1 (Matching Materials)
