

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 9 DECEMBER 2009**

**MEMBERS**

\* Cllr G J Fielden - Chairman

\* Cllr D W May - Vice-Chairman

\* Cllr H D Bastone

\* 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: for application numbers 35/1510/09/F,  
35/1512/09/F and 57/1647/09/F:

Cllr R M Lawrence

Officers in attendance:

All Agenda Items: Head of Planning and Building Control, Planning Officer (Western Area), Solicitor and Senior Member Support Officer; agenda items 15/1884/09/O and 15/1916/09/F: Senior Planning Officer (Eastern Area).

**DC.39/09 MINUTES**

The minutes of the meeting of the Committee held on 11 November 2009 were confirmed as a correct record and signed by the Chairman.

**DC.40/09 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 Fielden declared a personal and prejudicial interest in planning application numbers 35/1510/09/F (Resubmission of 35/0865/09/F for new access and erection of new agricultural barn – Shearlangstone Farm, Modbury, Ivybridge PL21 0TQ) and 35/1512/09/F (Resubmission of 35/0865/09/F for conversion of two barns to one dwelling and one holiday unit with car port – Shearlangstone Farm, Modbury, Ivybridge PL21 0TQ) by virtue of him being personally and professionally acquainted with the applicant and the objectors. Subsequently he left the meeting during consideration of this item;

Cllr Bastone declared a personal and prejudicial interest in planning application number 15/1916/09/F (Change top flat into two flats - Top Flat, 15 South Town, Dartmouth, TQ6 9BX) by virtue of him being the named person representing the applicant. Subsequently he left the meeting during consideration of this item;

Cllrs Cane, Carter, Coulson, Fielden, Hawkins, Hicks, Hitchins, May and Squire declared a personal interest in planning application number 15/1916/09/F (Change of top flat into two flats - Top Flat, 15 South Town, Dartmouth TQ6 9BX) by virtue of the applicant being a fellow Conservative Group Member of South Hams District Council. These Members all remained in the meeting and took part in the vote and debate thereon.

Cllr Longrigg declared a personal interest in planning application number 15/1884/09/O (outline application for construction of heated indoor swimming pool with associated works, car parking and landscaping – Dartmouth Community Leisure Centre, Wessex Way, Dartmouth TQ6 0JL) by virtue of his son being a member of the swimming pool executive committee, and remained in the meeting and took part in the vote and debate thereon.

#### DC.41/09 **PUBLIC PARTICIPATION**

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

- 41/1404/09/LB & 41/1405/09/F; Objector – Dr Kennedy; Supporter Robert Seymour & Associates;  
Listed Building consent for resubmission of 0446/09/LB for conversion of redundant cider barn to studio/store; and Householder application for resubmission of 0447/09/F for conversion of redundant cider barn to a studio/store – Batson Hall Cottage, Shadycombe Road, Salcombe TQ8 8NE;
- 35/1512/09/F; Objector – Mr Pinkerton; Supporter – Mr Bottomley;  
Resubmission of 35/0865/09/F for new access and erection of new agricultural barn – Shearlangstone Farm, Modbury, Ivybridge PL21 0TQ;
- 35/1510/09/F; Objector – Mr Pinkerton; Supporter – Mr Bottomley;  
Resubmission of 35/0865/09/F for conversion of two barns to one dwelling and one holiday unit with car port – Shearlangstone Farm, Modbury, Ivybridge PL21 0TQ;
- 02/1827/09/F; Objector – Mr Foss; Supporter Mr Lethbridge;  
Resubmission of householder application 02/1025/08/F for alterations and extension to dwelling – Ashleigh, Rock Hill, Aveton Gifford TQ7 4JT;

- 41/1684/09/F; Supporter – Mr Parker;  
Householder application for enclosure of existing terrace and formation of two bedrooms at first floor level – Castle Keep, Sandhills Road, Salcombe TQ8 8JP;
- 27/1662/09/F; Supporter – Mr Vincent;  
Householder application for conversion of front garden into car parking area – 27 Western Road, Ivybridge PL21 9AN;
- 41/1652/09/F & 41/1651/09/LB; Supporter – Mr Thompson;  
(i) Resubmission of 41/1116/09/F for conversion of redundant barn to holiday and/or family accommodation ancillary to Horsecombe House. Variation to approved application 41/0116/01/F; (ii) Resubmission of 41/1115/09/LB for listed building consent for conversion of redundant barn to holiday and/or family accommodation to Horsecombe House. Variation to previously approved application 41/0115/01/LB – Horsecombe House, Higher Batson, Salcombe TQ8 8NF;
- 57/1647/09/F; Supporter – Mr Davies;  
Householder application for extension and formation of off road hardstanding – 6 Lutterburn Street, Ugborough PL21 0NG.

DC.42/09

**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.

**(b) Report of the Site Inspection Group held on 23 November 2009****(i) (28/1460/09/F) Householder application for alteration and extension to dwelling – Navicella, Veales Road, Kingsbridge**

A report was presented of the Committee Site Inspection Group in respect of the above planning application, which contained a recommendation that the application be conditionally approved.

The Head of Planning and Building Control advised that the local ward Member, who was unable to attend the meeting, had provided further information regarding a potential compromise between the applicant and neighbour in terms of design. However the committee had to make a decision on what was in front of them at this meeting and following a brief update from the Members of the Site Inspection Group, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:

'That in respect of application number 28/1460/09/F the application be conditionally approved'.

It was then:-

### **RESOLVED**

That in respect of application number 28/1460/09/F, the application be conditionally approved.

## DC.43/09 **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 02/1827/09/F (Resubmission of householder application 02/1025/08/F for alterations and extension to dwelling – Ashleigh, Rock Hill, Aveton Gifford TQ7 4JT) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

'That a site inspection be held.'

- b) In respect of application 41/1684/09/F (Householder application for enclosure of existing terrace and formation of two bedrooms at first floor level – Castle Keep, Sandhills Road, Salcombe TQ8 8JP), the Planning Officer explained that the proposed application had been recommended for refusal purely on the basis of visual impact. The proposed roof structure appeared ill fitting and the properties of glass did not match.

A local ward Member spoke in favour of the application and stated that, whilst the property was situated in a visually important location, it would not be as prominent as one of the other properties. Another Member felt that the roof would be visually prominent and spoil the view. The proposed roof materials had been specifically selected to allow a lower pitch to the roof. In conclusion, the majority of Members felt that the proposed design was acceptable and, therefore, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

'That the application be conditionally approved.'

### Conditions

- To be delegated to officers to control the use of materials
- c) In respect of applications 41/1662/09/F and 41/1651/09/LB ((i) Resubmission of 41/1116/09/F for conversion of redundant barn to holiday and/or family accommodation ancillary to Horsecombe House. Variation to approved application 41/0116/01/F; (ii) Resubmission on 41/1115/09/LB for listed building consent for conversion of redundant barn to holiday and/or family accommodation to Horsecombe House. Variation to previously approved application 41/0115/01/LB – Horsecombe House, Higher Batson, Salcombe TQ8 8NF) the Planning Officer advised that, whilst there was no principle objection to the proposal, it aimed to retain a structure for which there was no architectural or historical justification. There were no drainage, Highways or amenity issues and officers had given some support to elements of the proposal. However officers felt that the proposal did not accord with the policy for the retention of agricultural buildings and, therefore, they had to recommend refusal.

A local ward Member felt that it was difficult to understand the reasons for the officer recommendation as there had been no neighbour objections and the proposal would not impinge on a listed building therefore the applicants attempts to diversify should be supported. There was also some discussion about a part of the structure that had been built in 1946 when planning permission would not have been necessary.

Finally, the majority of Members wanted to support the application in line with the comments of the Conservation Officer and felt that on the basis of the Conservation Officer comments and the proposal maintaining the character of the building, there were no sound grounds for refusal. Subsequently, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be conditionally approved’.

- d) In respect of application 57/1647/09/F (Householder application for extension and formation of off road hardstanding) – 6 Lutterburn Street, Ugborough PL21 0NG the Head of Planning and Building Control showed plans and photographs and advised that no first floor plan for the extension had been provided. He also showed a drawing which identified a possible alternative shape to the proposed extension which could be a better solution. Whilst there was no objection to the extension, officers were concerned that the proposal involved the loss of the front wall to the property. The applicant advised that there was no intention to use the first floor of the extension and he was interested in the proposed alternative shape.

Members echoed the concern of the officers with regard to the loss of the front wall.

Following a discussion it was felt that with further negotiation a modified design could be put forward which officers could recommend and therefore, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED:-**

‘That the application be deferred’.

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 5.00 pm).

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Chairman

## APPENDIX A

### **(i) 41/1404/09/LB & (ii) 41/1405/09/F**

(i) Listed Building Consent for resubmission of 0446/09/LB for conversion of redundant cider barn to studio/store; and (ii) Householder application for resubmission of 0447/09/F for conversion of redundant cider barn to a studio/store – Batson Hall Cottage, Shadycombe Road, Salcombe, Devon, TQ8 8NE – Mr R Millar

## **SALCOMBE**

Town Council's Views – Objection because:

Would consider not objecting if certain conditions were applied such as:

- Not to be used as accommodation ancillary to neither Batson Hall Cottage nor overnight use.
- Removal of the septic tank as only a soak away for water run-off is required.
- That materials used in restoration are in keeping.

It is felt that due to such layout and retention of some of the original workings of the building that a condition could request reasonable access by appointment for such educational/historical purposes the cider barn as an important Listed Building.

Officer Update – Assurances were requested that the building would remain listed. Officers confirmed they would not support de-listing.

Recommendation – Conditional Approval (both applications)

### **Committee Decision – Conditional Approval (both applications)**

#### **Conditions**

##### **(i) 41/1404/09/LB**

- 1 - TIM4 (Standard time limit 3 year)
- 2 - Non Standard  
No tap, gully or glazed panel
- 3 - MAT23 (Timber Doors and Windows Reserve Details Vents)
- 4 - MAT19 (Stone Alterations and Repairs)
- 5 - MAT17 (Stonework Sample Panel)
- 6 - Non Standard  
Roof and Roof Cladding Details to be approved
- 7 - Non Standard  
Historic Features to be Protected
- 8 - Non Standard  
Historical Record to be carried out

##### **(ii) 41/1405/09/F**

- 1 - TIM3 (Standard time limit 3 years)
- 2 - Non Standard  
Ancillary Use to Batson Hall Cottage
- 3 - RES22A (Exclusion of G.D.O. – new October 2008)
- 4 - RES30A (Windows – exclusion from GDO – October 2008)
- 5 - Non Standard  
No tap, gully or glazed panel
- 6 - MAT23 (Timber Doors and Windows Reserve Details Vents)
- 7 - MAT19 (Stone Alterations and Repairs)

- 8 - MAT17 (Stonework Sample Panel)
  - 9 - Non Standard
  - Roof and Roof Cladding Details to be approved
  - 10 - Non Standard
  - Historic Features to be Protected
  - 11 - Non Standard
  - Bat 1
  - 12 - Non Standard
  - .Bat 2
  - 13 - Non Standard
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### **35/1510/09/F**

Resubmission of 35/0865/09/F for new access and erection of new agricultural barn – Shearlangstone Farm, Modbury, Ivybridge, PL21 0TQ – Mr & Mrs A Hawkins

### **MODBURY**

Parish Council's Views – Recommend approval subject to observations from Highways regarding the access and the utility companies re: water supply and sewage.

Officer Update – Issues of drainage and potential contamination of private water supplies were raised. Environmental Health Officer confirmed private water supplies are monitored and power exists to take action.

Recommendation – Conditional Approval

**Committee Decision – Conditional Approval with additional condition relating to drainage**

#### **Conditions**

- 1 - TIM3 (Standard 3 year time limit)
- 2 - HWY3 (Access Details)
- 3 - Non Standard
- Demolition of Structures prior to commencement
- 4 - Non Standard
- Landscape Condition
- 5 - Non Standard

Wildlife and Countryside Act

6 – Non Standard

Prior to accommodation by livestock drainage measures to be approved

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### **35/1512/09/F**

Resubmission of 35/0865/09/F for conversion of two barns to one dwelling and one holiday unit with car port - Shearlangstone Farm, Modbury, Ivybridge, PL21 0TQ – Mr & Mrs A Hawkins

## **MODBURY & KINGSTON**

Modbury Parish Council's Views – No objections but the following amendments are suggested. There should be a requirement to maintain any screening wall from immediate neighbours. Request also not to be resolved by delegated powers.

Kingston Parish Council's Views - Have no comments to make other than to recommend that the holiday let is never allowed to revert to permanent residential use.

Officer Update – Condition 24 should be amended to Barn 2

Recommendation – Conditional Approval

### **Committee Decision – Conditional Approval subject to amended condition 24**

#### **Conditions**

- 1 - TIM3 (Standard 3 year time limit)
  - 2 - RES22A (Exclusion of G.D.O. – new October 2008)
  - 3 - RES30A (Windows – exc. from G.D.O. – October 2008)
  - 4 - RES29A (Obscure Glazing – exclude from GDO)
  - 5 - CON9 (Windows & Doors)
  - 6 - DRN12 (Foul Drainage Discharge)
  - 7 - Non Standard  
Soakaway and Percolation Tests prior to commencement
  - 8 - Non Standard  
Demolition of Structures prior to commencement
  - 9 - Non Standard  
Ramp and retaining wall to Old Farm shall be retained
  - 10 - HWY12 (Visibility)
  - 11 - HWY14 (Retain Parking)
  - 12 - Non Standard  
Landscape Condition
  - 13 - MAT1 (Matching Materials)
  - 14 - MAT10 (Roofing Ventilation Details)
  - 15 - HWY3 (Access Details)
  - 16 - MAT12 (Eaves and Verge Details)
  - 17 - MAT14 (Walls Render Details)
  - 18 - MAT16 (Local Stone)
  - 19 - MAT19 (Stone Alterations and Repairs)
  - 20 - MAT23 (Timber Doors and Windows Reserve Details Vents)
  - 21 - MAT26 (Rooflights Conservation Type)
  - 22 - MAT30 (Full Details, Ducts, Flues, Vents, etc)
  - 23 - MAT8 (Roofing Natural Slate)
  - 24 - Non Standard  
Barn 1 ancillary or holiday accommodation to Barn 2
  - 25 - Non Standard  
Unsuspected Contamination
  - 26 - Non Standard  
Wildlife and Countryside Act
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**02/1827/09/F**

Resubmission of householder application 02/1025/08/F for alterations and extension to dwelling – Ashleigh, Rock Hill, Aveton Gifford, Devon, TQ7 4JT – Mr & Mrs Stevens

**AVETON GIFFORD**

Parish Council's Views – Objection, loss of amenity to neighbours including loss of light to the house next door (see letter)

Officer Update – None

Recommendation – Conditional Approval

**Committee Decision – Site Inspection**

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**41/1684/09/F**

Householder application for enclosure of existing terrace and formation of two bedrooms at first floor level – Castle Keep, Sandhills Road, Salcombe, Devon, TQ8 8JP – Mr & Mrs R B & A B McHardy

**SALCOMBE**

Town Council's Views – No objection

Officer Update – None

Recommendation – Refusal

**Committee Decision – Conditional Approval**

**Conditions**

- 1 – TIM3 (Standard time limit 3 years)
  - 2 – NH05 (Accord with Plans)
  - 3 – MAT (Samples submitted)
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**15/1884/09/O**

Outline application for construction of heated indoor swimming pool with associated works, car parking and landscaping – Dartmouth Community Leisure Centre, Wessex Way, Dartmouth, Devon, TQ6 OJL – Dartmouth & District Indoor Swimming Pool Trust

**DARTMOUTH & STOKE FLEMING**

Town Council's Views – Approval

Parish Council's Views – Unanimous in its support for this local project

Officer Update – Advised that element of public art provision would be included as part of a condition

Recommendation – Conditional Approval

### **Committee Decision – Conditional Approval**

#### **Conditions**

1 - TIM2 (Outline - Reserved matters time limit 3 and 2 years)

2 - TIM1 (Outline – reserved matters to be made in 3 years)

3 - RES2 (Outline Small Schemes)

4 - RES14 (Exclude Sketch)

5 - Non Standard

Parking/Turning.Cycle.Footpath Provision

6 - Non Standard

Surface Water Details

7 - Non Standard

Retention of Footpath Link

8 - Non Standard

Landscaping Details (inc. element of public art)

9 - Non Standard

Landscape Management/Maintenance

10 - Non Standard

Retention of Trees/Hedgebank

11 - Non Standard

Landscape Implementation

12 - Non Standard

Contamination Assessment

13 - Non Standard

Verification Report

14 - Non Standard

Unsuspected Contamination

15 - Non Standard

No External Storage

16 - Non Standard

External Lighting

17 - Non Standard

Air Conditioning/Ventilation Details

18 - Non Standard

GPDO Exclusion

19 - Non Standard

Accord with Plans

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#### **15/1916/09/F**

Change top flat into two flats – Top Flat, 15 South Town, Dartmouth, TQ6 9BX –  
Mr H Bastone

## **DARTMOUTH**

Town Council's Views – Approval

Officer Update – None

Recommendation – Conditional Approval

**Committee Decision – Conditional approval subject to the prior satisfactory completion of a Section 106 Agreement relating to both of the proposed new flats on the second and third floors; the accommodation within those flats being allocated/controlled by the Trust (with no age barrier); and the flats not being sold onto the open market with resultant uncontrolled occupancy**

### **Conditions**

1 – TIM3 (Standard time limit 3 years)

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## **21/1903/09/F**

Resubmission of 21/0931/09/F for conversion of redundant stone barn to residential use – Fursdon Farm, Ivybridge, PL21 9LE – Mr R Johnson

## **ERMINGTON**

Parish Council's Views – Support

Officer Update – Conditional Approval as per report

Recommendation – Conditional Approval

**Committee Decision – Conditional Approval**

### **Conditions**

- 1 - TIM3 (Standard time limit 3 years)
- 2 - RES22A (Exclusion of G.D.O. - new October 2008)
- 3 - RES30A (Windows - exclusion from GDO - Oct 2008)
- 4 - CON9 (Windows and Doors)
- 5 - DRN12 (Foul Drainage Discharge)
- 6 - HWY12 (Visibility)
- 7 - HWY3 (Access Details)
- 8 - Non Standard  
(Landscape Condition)
- 9 - MAT1 (Matching Materials)
- 10 - MAT12 (Eaves and Verges details)
- 11 - MAT16 (Local Stone)
- 12 - MAT23 (Timber Doors and Windows Reserve Details Vents)
- 13 - MAT30 (Full Details (ducts, flues, vents etc))
- 14 - MAT8 (Roofing Natural Slate)
- 15 - Non Standard  
Unsuspected Contamination
- 16 - Non Standard

Wildlife and Countryside Act

17 - Non Standard

Details of bio system and reed beds

18 – Non Standard

Drainage in accordance with E.A. (ground to be contoured)

19 – Non Standard

Drainage in accordance with E.A. (garage not to be converted to a dwelling)

20 – Non Standard

Drainage in accordance with E.A. (culvert section to be upgraded, larger diameter)

21 – Non Standard

Drainage in accordance with E.A.(all materials/building stone to be removed)

22 – Non Standard

Drainage in accordance with E.A.(floor levels to be raised above ground levels)

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## **27/1662/09/F**

Householder application for conversion of front garden into car parking area – 27 Western Road, Ivybridge, Devon, PL21 9AN – Mr M Vincent

## **IVYBRIDGE**

Town Council's Views – Feel unable to comment as the applicant is Chairman of the Town Council Planning Committee

Officer Update – None

Recommendation – Refusal

## **Committee Decision - Refusal**

### **Reasons for Refusal**

- 1 The proposed new access and the restrictive size of the off road car parking space that would be created, is considered inadequate and would entail manoeuvring directly onto the heavily trafficked road of Western Road. The proposed development would therefore, create conditions of danger to road users and interference with the free flow of traffic contrary to the objectives of Development Plan Policy TR10 of the Devon County Structure Plan.
  - 2 Whilst there are already gaps in the natural stone walls along this section of Western Road they are not so numerous as to detract from the area, which is considered worthy of retention. The proposed removal of the wall and the formation of the car parking area would result in an unacceptable harm to the street scene. If permitted, it would create an unwelcome precedent for similar development along this part of Western Road, which cumulatively would have an unduly harmful effect on the character and appearance of the existing street scene contrary to Development Plan Policies C06 of the Devon County Structure Plan, Policy SHDC1 of the South Hams Local Plan and CS1 of the Local Development Framework Core Strategy.
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**(i) 41/1652/09/F & (ii) 41/1651/09/LB**

**(i)** Resubmission of 41/1116/09/F for conversion of redundant barn to holiday and/or family

accommodation ancillary to Horsecombe House. Variation to approved application

41/0116/01/F **(ii)** Resubmission of 41/1115/09/LB for listed building consent for conversion of

redundant barn to holiday and/or family accommodation to Horsecombe House.

Variation to

previously approved application 41/0115/01/LB – Horsecombe House, Higher

Batson,

Salcombe, TQ8 8NF – Mr & Mrs C Thompson

**SALCOMBE & MALBOROUGH**

Town Council's Views – No objection

Parish Council's Views – No objection

Officer Update – None

Recommendation - Refusal (both applications)

**Committee Decision – Conditional Approval (both applications)**

**Conditions**

**(i) 41/1652/09/F**

1 – TIM3 (Standard time limit 3 years)

2 – RES22A (Exclusion of G.D.O. – new October 2008)

3 – RES30A (Windows – Exclusion from G.D.O. – October 2008)

4 – RES32 (Ancillary Occupation)

5 – MAT15 (Walls Weatherboard Colour Finish)

6 – MAT22 (Joinery Details)

7 - MAT27 (Rooflights Patent Glazing Details)

8 - MAT30 (Full Details (ducts, flues, vents etc))

9 – NH05 (Accord with Plans)

**(ii) 41/1651/09/LB**

1 – TIM4 (Listed Building time limit 3 years)

2 – MAT15 (Walls Weatherboard Colour Finish)

3 – MAT22 (Joinery Details)

4 – MAT27 (Rooflights Patent Glazing Details)

- 5 – MAT30 (Full Details (ducts, flues, vents, etc))
  - 6 – NH05 (Accord with Plans)
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**57/1647/09/F**

Householder application for extension and formation of off road hardstanding –  
6 Lutterburn Sttreet, Ugborough, Devon, PL21 0NG – Mr O Davies

**UGBOROUGH**

Parish Council's Views - Support the application and commented on the benefit  
of off street parking

Officer Update – None

Recommendation - Refusal

**Committee Decision – Deferred**

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