

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 11 MARCH 2009**

MEMBERS

* Cllr G J Fielden - Chairman

* Cllr D W May - Vice-Chairman

* Cllr H D Bastone	∅ Cllr I Longrigg
* Cllr J Brazil	* Cllr D M O'Callaghan
* Cllr B F Cane	* Cllr J T Pennington
* Cllr R J Carter	* Cllr R Rowe
* Cllr S E Cooper	* Cllr J W Squire
* Cllr P Coulson	* Cllr R C Steer
* Cllr J D Hawkins	* Cllr R J Vint
* Cllr M J Hicks	* Cllr A Ward
* Cllr P W Hitchins	* Cllr J A Westacott MBE

* Denotes attendance

∅ Denotes apologies for absence

Officers in attendance:

All Agenda Items: Head of Planning and Building Control, Area Planning Officers (Western and Eastern Areas), Solicitor and Senior Member Support Officer.

DC.56/08 MINUTES

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

DC.57/08 URGENT BUSINESS

The Chairman advised those present that he had agreed for one urgent item to be raised at this meeting, which related to application number 14/2387/08/F (replacement of a mobile home with dwelling – 6 Puddavine Terrace, Dartington). This item was considered urgent due to the applicants submitting an appeal on the grounds of non-determination and officers seeking Member endorsement to contest the appeal. It was agreed that this matter would be considered as Item 8 (minute DC.62/08 below refers).

DC.58/08 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 Brazil declared a personal interest in application number 20/2114/08/F (Revised details for construction of 6 local needs houses for rental (slight re-orientation of dwellings, provision of lay-by, drainage channels at entrance, rooflights and additional sectional details – Development Site at Bakers Piece, East Portlemouth) by virtue of him knowing the majority of people who had submitted letters of representation (both in support and objection) 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 D W May declared a personal interest in application number 19/0091/09/F (Retrospective application for amendments to planning consent 19/1415/04/F for the erection of two dwellings – The General Stores (now known as 1 & 2, Efford Corner), East Allington, Totnes, TQ9 7RA) by virtue of him knowing the applicant and remained in the meeting, but did not take part in the vote and debate thereon.

DC.59/08 **PUBLIC PARTICIPATION**

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

- 20/2114/08/F – Objector; Mrs O’Gorman – Supporter; Mrs Davis; Revised details for construction of 6 local needs houses for rental (slight re-orientation of dwellings, provision of lay-by, drainage channels at entrance, rooflights and additional sectional details – Development Site at Bakers Piece, East Portlemouth;
- 58/0004/09/F – Objector; Mrs Lewis; Retrospective application for the replacement of conservatory and provision of portable swimming pool to rear of dwelling – Suncliffe, Heybrook Drive, Heybrook Bay, Plymouth PL9 0BW;
- 53/2424/08/F – Supporter; Ms McKenzie; Resubmission of application 53/0962/08/F for loft conversion and associated internal works – Sealarks, Kiln Lane, Stokenham, Kingsbridge, TQ7 2SF.

DC.60/08 **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 23 February 2009

(i) 07/1758/08/F & 07/1759/08/LB (i) Conversion of redundant barn to dwelling and associated access, car parking and curtilage provision (ii) Listed Building Consent for conversion of redundant barn to dwelling with associated access, car parking and curtilage provision - Coombe Farm, Wembury Road, Staddiscombe, Plymstock

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.

(ii) 51/2146/08/F – Retrospective application for swimming pool and glazed balustrading - Sheelan, Overseas Estate, Stoke Fleming, Dartmouth TQ6 0PJ

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. The Council's solicitor advised those present that although a late letter of representation had been tabled for Members attention, it did not contain any relevant planning issues that should be borne in mind.

During discussion on the application, a Member of the Site Inspection Group drew Members attention to the comments of the Parish Councillor (as detailed in the site inspection report) who, it was felt, clearly demonstrated why the proposal should be refused. It was noted that these reasons included:-

- the site being located within the AONB and CPA;
- the height, positioning and balustrading disrupting the attractive rural character of the area;
- the balustrading having major negative implications for wildlife;
- the height of the pool complex having a negative impact upon neighbouring properties.

The Member also raised concern in relation to the detail of the structural survey which had been undertaken. It was felt that although officers were satisfied with the findings, the Group questioned how these conclusions could be evaluated with any certainty, if the materials situated beneath the patio were unknown.

It was then:-

RESOLVED

That in respect of application 51/214608/F, the application be refused and enforcement action be taken.

DC.61/08 **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 20/2114/08/F (revised details for construction of 6 local needs houses for rental (slight re-orientation of dwellings, provision of lay-by, drainage channels at entrance, rooflights and additional sectional details – Development Site at Bakers Piece, East Portlemouth), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That in respect of application 20/2114/08/F, the application be conditionally approved and delegated authority be granted to the Head of Planning and Building Control, in consultation with the Chairman of the Development Control Committee and the local Ward Member, to determine the conditions for the application and the details of the Section 106 Agreement (which Members agreed would not contain a contribution to education).’

Reasons

Following a comprehensive and detailed presentation from the Area Planning Officer and the address of both the objector and supporter to the application, the local Ward Member proceeded to detail the benefits the proposal could potentially have for local people at no incurred cost to the Council Taxpayer. He assured those in attendance that there was a great need for affordable housing in the village and it was felt that this scheme was sustainable, reiterating that access to the town of Salcombe was available via the East

Portlemouth ferry. On the whole, the majority of Members agreed that the scheme had merit in supporting local needs and would be sustainable and therefore were in favour of it being conditionally approved. However, prior to going to the vote, the local ward Member wished to incorporate into the motion that no contribution be made to education through any Section 106 Agreement.

- (b) In respect of application number 58/0004/09/F (retrospective application for the replacement of conservatory and provision of portable swimming pool to rear of dwelling – Suncliffe, Heybrook Drive, Heybrook Bay, Plymouth PL9 0BW), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That in respect of application 58/0004/09/F, the application be refused and enforcement action be taken’

Reason

The majority of the Committee felt that the close proximity of the conservatory to the neighbouring property, and the resulting loss of privacy, was an overriding material planning consideration which therefore warranted refusal of the application.

- (c) In respect of application number 53/2424/08/F (resubmission of application 53/0962/08/F for loft conversion and associated internal works – Sealarks, Kiln Lane, Stokenham, Kingsbridge, TQ7 2SF), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That in respect of application 53/2424/08/F, the application be conditionally approved’

Reason

The Committee took into account that the parish council had raised no objections and, as a whole, felt that the application did not have such a detrimental impact on either the street scene or the amenities of neighbouring properties to warrant it being refused.

It was then:-

RESOLVED

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

DC.62/08

URGENT BUSINESS – LAND ADJACENT TO 6 PUDDAVINE TERRACE, DARTINGTON (minute DC.57/08 also refers)

The Area Planning Officer (APO) introduced the proposal stating that it was an application which sought approval for a four bedroom house to replace a mobile home (for which a certificate of lawfulness had previously been granted for use of dwelling) and was situated outside of the development boundary. The Parish Council had objected to the application and one letter of support, and nine in objection, had also been submitted by third parties. The APO hoped that the Committee could endorse his recommendation of refusal (and therefore contest an appeal) on the grounds of design of the development by virtue of its scale, massing and visual appearance, it being out of keeping with the character of the locality and detrimental to the visual amenities to the locality and the site being located outside of the development boundary.

It was then:-

RESOLVED

That the Committee endorse the recommendation of the Area Planning Officer for refusal on the grounds of design of the development by virtue of its scale, massing and visual appearance, it being out of keeping with the character of the locality and detrimental to the visual amenities to the locality and the site being located outside of the development boundary, and instruct officers to contest an appeal based upon these reasons.

(Meeting commenced at 2.00 pm and concluded at 5.00 pm).

Chairman

APPENDIX A

20/2114/08/F

Revised details for construction of 6 local needs houses for rental (slight re-orientation of dwellings, provision of lay-by, drainage channels at entrance, rooflights and additional sectional details – READVERTISEMENT – Development Site at Bakers Piece, East Portlemouth – Waterhouse Housing for East Portlemouth (Ltd)

EAST PORTLEMOUTH

Parish Council's Views – support although requests clarification on sewerage arrangements, the need for landscaping to take account of any loss of privacy, and the need for clarification on the safety aspects of the access.

Officer Update – Reported late representations of support & objection & further comments from Parish Council in response to revised plans.

Recommendation – Refusal

Committee Decision – Conditional Approval subject to prior satisfactory completion of Section 106 Agreement dealing with affordable housing and provision of local sites for play and sport provision. No educational contribution was required due to the applicants' special circumstances. Conditions to be agreed by the Head of Planning & Building Control under delegated powers in consultation with the Chairman & Ward Member.

Conditions:
To be agreed.

34/1838/08/F

Erection of a two storey dwelling with single storey annex to the side and detached garage – Land north of Kiln Cross at SX865633, Kiln Road, Marldon, Paignton – Mr W Eastley

MARLDON

Parish Council's Views – No objection

Officer Update – None

Recommendation – Refusal

Committee Decision – None

WITHDRAWN prior to Committee Meeting

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 – Gravoter Ltd

WEST ALVINGTON

Parish Council's Views – objection

Officer Update – No new issues raised.

Recommendation – Conditional Approval

(subject to the completion of a Section 106 Agreement to secure:

- ❖ Tree, hedge and planting retention & future long term management;
- ❖ Future landscaping and management;
- ❖ Protection of wildlife habitats & programming of works.

Committee Decision – Conditional Approval, subject to Section 106 Agreement.

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - MAT15 (Walls Weatherboard Colour Finish)
 - 3 - MAT17 (Stonework Sample Panel)
 - 4 - RES22A (Exclusion Of G.D.O. - new october 2008)
 - 5 - Non Standard
 - Tree Protection
 - 6 - Non Standard
 - Tree/ Development Monitoring Measures
 - 7 - Non Standard
 - Landscaping
 - 8 - Non Standard
 - Land Contamination : Contamination Scheme
 - 9 - Non Standard
 - Land Contamination : Verification Report
 - 10 - Non Standard
 - Land Contamination : Unsuspected Contamination
 - 11 - Non Standard
 - Work Method Statement
 - 12 - DRN2 (Drainage)
 - 13 - Non Standard
 - External Lighting
 - 14 – Non Standard
 - Glazing Details
-

58/0004/09/F

Retrospective application for the replacement of conservatory and provision of portable swimming pool to rear of dwelling – Suncliffe, Heybrook Drive, Heybrook Bay, Plymouth PL9 0BW – Ms L Bowman

WEMBURY

Parish Council's Views – No objection

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Refuse – Adverse Neighbour Impact.

Reason for Refusal

The conservatory by reason of its siting directly onto the garden boundary is, notwithstanding the obscure and fixed glazing to the east elevation, considered to have an unacceptable and unneighbourly impact. Such development is contrary to the provisions of South Hams Local Plan Policy SHDC1 and associated Planning Principles.

52/2370/08/F

Amendments to planning consent 52/1339/03/F for conversion to offices (amendments to rooflights, external levels, windows and doors and revised parking layout) – Russells Barn, Lembury Road, Stoke Gabriel, Totnes – Malcolm Tempest Ltd

STOKE GABRIEL

Parish Council's Views – The original owner was previously refused planning permission to convert this barn. The plans show shower room 2 x toilets, 2 x chambers in the roof. Is this an office or a dwelling. A clause must be in place for this property not to be turned into a dwelling now, or in the future.

Officer Update – Reiteration of condition attached to previous planning permission relating to Class B1 usage.

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
- 2 - MIS6 (Reiteration)
- 3 – Non Standard
Use Applied for)

53/2424/08/F

Resubmission of application 53/0962/08/F for loft conversion and associated internal works – Sealarks, Kiln Lane, Stokenham, Kingsbridge TQ7 2SF – Mrs S McKenzie

STOKENHAM

Parish Council's Views – No objection

Concerns however were raised about the amount of alterations the applicant has had to make following earlier refusal by District Council in order to comply with a subjective interpretation of policies. Photographs have been provided of all dormers in the village and this highlights that this application is not out of keeping. Another such application has been altered and resubmitted with velux windows where this Parish Council would prefer dormers. Parish Councillors thus support this applicant that as issues have been addressed.

Officer Update – None

Recommendation – Refusal

Committee Decision – Approval

Conditions

1 - TIM3 (Standard time limit 3 years)

19/0091/09/F

Retrospective application for amendments to planning consent 19/1415/04/F for the erection of two dwellings – The General Stores (now known as 1 & 2, Efford Corner), East Allington, Totnes TQ9 7RA – Mr C Trant

EAST ALLINGTON

Parish Council's Views – Support

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

1 - LAN5 (Landscape Plan)

2 - Non Standard

Pedestrian Door