

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 2 SEPTEMBER 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 01/0990/09/F and 18/0930/09/F – Cllr R J Tucker and 28/0803/09/F - Cllrs J H Baverstock and R D Gilbert

Also in attendance but not participating:
Cllr M J Howarth

Officers in attendance:

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

DC.21/09 APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

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

DC.22/09 MINUTES

The minutes of the meeting of the Committee held on 22 July 2009 were confirmed as a correct record and signed by the Chairman.

The minutes of the meeting of the Committee held on 31 July 2009 were also confirmed as a correct record and signed by the Chairman, subject to a minor amendment to the proposed motion whereby the following word be incorporated:-

*'...with the provision that the improved apportionment of 60%:40% in favour of the clawback pool, **be** coupled with reviews based on actual market sales values rather than on indices...'*

DC.23/09 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that the following two applications had been withdrawn prior to the start of the meeting:

- i. 15/0491/09/F – Resubmission of application 15/2252/08/F for amendments to approved planning ref. 15/2290/05/F for single storey extension to rear and alterations – 4 Warfleet Creek Road, Warfleet, Dartmouth TQ6 9BZ; and
- ii. 35/1012/09/F – Resubmission of 35/0338/09/F for conversion of retail furniture/antique shop to dwelling – The Old Chapel, Church Street, Modbury PL21 0QR.

The Chairman also advised that the Head of Planning and Building Control wished to remind Members of the following diary dates:-

1. A presentation by Vanguard Consulting on 'Systems Thinking: Review of the Planning Service' would be held on Monday 7 September 2009 at 6.00pm in the Council Chamber for District Councillors and Town and Parish Clerks; and,
2. A Members orientation session on Systems Thinking would be held on Thursday 10 September 2009 at 2.00pm.

DC.24/09 **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:-

Following officer advice, Cllr O'Callaghan declared a prejudicial interest in planning application number 28/0803/09/F (construction of a permanent skate park – South Hams District Council Car Park, Squares Quay, Kingsbridge TQ7 1HN) by virtue of her being a member of the Kingsbridge Skatepark Committee. Subsequently she left the meeting during consideration of this application.

Cllr Hitchins declared a personal interest in planning application number 21/0931/09/F (conversion of redundant barn to residential dwelling – Fursdon Barn, Fursdon Farm, Ivybridge PL21 9LE) by virtue of him being contacted directly by the applicant, and remained in the meeting and took part in the discussion and vote thereon.

Cllr Coulson declared a personal interest in application number 41/0999/09/F (householder application for resubmission of 41/0434/09/F for conversion of existing garage to accommodation and erection of new double garage – 16 Beadon Road, Salcombe TQ8 8LX) by virtue of him being acquainted with the applicant's father, and remained in the meeting during the discussion and vote thereon.

DC.25/09 PUBLIC PARTICIPATION

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

- 01/0991/09/F; Objector – Mr Carew; Supporter Mr Carr; Resubmission of 0327/09 for erection of dwelling – 1 Dunstone Cottages, Ashprington TQ9 7UW;
- 28/0803/09/F; Objector – Mr E Johnson; Supporter – Cllr R Gilbert; Construction of a permanent skate park – South Hams District Council Car Park, Squares Quay, Kingsbridge TQ7 1HN;
- 18/0930/09/F; Objector – Mr Walker; Householder application for amendment to planning approval 0346/08 for reconstruction of existing garage with new store/workshop, conservatory and garden room – Homeland, Manor Street, Dittisham TQ6 0EX;
- 15/0905/09/F; Objector – Ms Walker; Supporter – Mr Jones; Erection of new dwelling with associated works – Shanel, Broad Park, Dartmouth TQ6 9EZ;
- 58/0990/09/F; Objector – Mrs Lewis; Supporter – Ms Bowman; Resubmission of 58/0004/09/F for retrospective consent for replacement conservatory – resubmission of 0004/09 – Suncliffe, Heybrook Drive, Heybrook Bay PL9 0BW;
- 41/0999/09/F; Objector – Mr Wood; Supporter – Mr Lee; Householder application for resubmission of 41/0434/09/F for conversion of existing garage to accommodation and erection of new double garage – 16 Beadon Road, Salcombe TQ8 8LX;
- 21/0931/09/F; Supporter – Mr Johnson; Conversion of redundant barn to residential dwelling – Fursdon Barn, Fursdon Farm, Ivybridge PL21 9LE.

DC.26/09 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) Reports of the Site Inspection Group held on 3 August 2009**(i) 02/0988/09/F – Retrospective application for amendment to approval 02/1895/08/F for reinstatement of dwelling. Amendments relate to the extension to south/west elevations – Idestone Farm, Loddiswell, Kingsbridge TQ7 4EJ**

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.

During discussion on the report, a Member raised concern with the previous use of the building and questioned whether the application site should be subject to Barn Guide regulations. However, the Chairman, who had been a member of the Site Inspection Group, reiterated its recommendation for conditional approval noting that the building was not necessarily subject to the barn regulations as it had two chimneys and was thought to have been previously used as a residential dwelling, as well as for agricultural use. Furthermore, he stated that the site had been different to what Members had expected, and subsequently the Group felt minded to support the application.

It was then:-

RESOLVED

That in respect of application number 02/0988/09/F, the application be conditionally approved.

DC.27/09 **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 01/0991/09/F (resubmission of 0327/09 for erection of dwelling – 1 Dunstone Cottages, Ashprington TQ9 7UW), the Senior Planning Officer advised of an omission to the Officer Report whereby the sentence under Planning History, the previously refused application number 01/0327/09/F should read “this second application was significantly reduced in area. As a result of the reduced floor area this scheme was not considered to constitute overdevelopment. “

Following discussion on the application, 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 18/0930/09/F (householder application for amendment to planning approval 0346/08 for reconstruction of existing garage with new store/workshop, conservatory and garden room – Homeland, Manor Street, Dittisham TQ6 0EX) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be refused.’

Reason

During discussion, Members raised concerns over the potential usage of the proposed reconstruction. It was felt that, although a condition was being recommended to ensure the building would not be used as either a holiday let or residential unit, Members were concerned as to how this would be monitored. In response, Officers advised that if informed that the unit was being used for either of those purposes, a site visit would be undertaken by Officers. If subsequently found to be in breach, the appropriate enforcement action would be taken. However, Members still raised concern with this aspect. Members also raised concern in relation to the design of the roof, especially in relation to the roof lights.

In conclusion, the application was refused on the grounds of overdevelopment and design.

- (c) In respect of application 15/0905/09/F (erection of new dwelling with associated works – Shanel, Broad Park, Dartmouth TQ6 9EZ) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED:-**

‘That the application be refused.’

Reason

The majority of Members raised concern over the mass of the proposed development and the detrimental impact on neighbouring properties in terms of overlooking and loss of privacy.

- (d) In respect of application 58/0990/09/F (Resubmission of 58/0004/09/F for retrospective consent for replacement conservatory – resubmission of 0004/09 – Suncliffe, Heybrook Drive, Heybrook Bay PL9 0BW) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **LOST:-**

‘That the application be refused.’

Reason

During discussion, although a small number of Members expressed concern with the application, the majority of Members felt that the applicant had sufficiently mitigated the impact on the neighbouring property and subsequently Members felt they were now able to support the application.

- (e) In respect of application 41/0999/09/F (householder application for resubmission of 41/0434/09/F for conversion of existing garage to accommodation and erection of new double garage – 16 Beadon Road, Salcombe TQ8 8LX) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED:-**

‘That a site inspection be held.’

- (f) In respect of application 21/0931/09/F (conversion of redundant barn to residential dwelling – Fursdon Barn, Fursdon Farm, Ivybridge PL21 9LE) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **LOST:-**

‘That the application be conditionally approved.’

Reason

Although Members were not in objection to a residential dwelling in principle, concern was raised in relation to the design of the proposed dwelling and subsequently Members refused the application on design grounds only.

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 5.45 pm).

Chairman

APPENDIX A

01/0991/09/F

Resubmission of 0327/09 for erection of dwelling – 1 Dunstone Cottages, Ashprington, TQ9 7UW – Mrs A Carr

ASHPRINGTON

Parish Council's Views – The Parish Council has already objected to the two previous applications on this site and feels that nothing has changed. The main reasons are overdevelopment, removal of garden site and potential danger of/for traffic in such a narrow spot. As the Planning Inspectorate stated in his ruling on the original application appeal which was dismissed and I quote:

“The two main issues in this case are the effect of the proposed development:

- a) On the character and appearance of the surrounding area, including the adjacent village conservation area; and,
- b) On highway safety, with particular reference to the proposed car parking and turning arrangements.

Both of these still apply.”

Officer Update – Corrected omission from the report of words, “to constitute overdevelopment” from the sentence beginning “the second application” on page 33.

Recommendation – Conditional Approval

Committee Decision – Site Inspection

28/0803/09/F

Construction of a permanent skate park – South Hams District Council Car Park, Squares Quay, Kingsbridge, Devon, TQ7 1HN – Mr M Johnson

KINGSBRIDGE

Town Council's Views – Raise no objection but recommend conditions referred to later in this report

West Alvington Parish Council's Views – Unanimously oppose the application

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard year's time limit)
- 2 - Non Standard

Hours of Use)

3 – Non Standard

Landscaping

4 – Non Standard

Construction of Sound Barriers

15/0491/09/F

Resubmission of application 15/2252/08/F for amendments to approved planning ref. 15/2290/05/F for single storey extension to rear and alterations

Officer Update - **WITHDRAWN**

18/0930/09/F

Householder application for amendment to planning approval 0346/08 for reconstruction of existing garage with new store/workshop, conservatory and garden room – Homeland, Manor Street, Dittisham, Devon, TQ6 0EX – Mr P Chapman

DITTISHAM

Parish Council's Views – Two letters of objection to this proposed development had been brought to the Council's attention, and a member of the public also spoke against it. The Council was in strong support of the objections, which suggested that the proposed changes to previous approval constituted overdevelopment of the site (a very significant increase in footprint was proposed) and included domestic refinements that are incompatible with the building's viewed purpose as a non-residential unit. The Council re-iterated its earlier view that an expansion in a conservation area, and would worsen traffic problems on a main street with only a very limited capacity for parking and single lane traffic. The Council further agreed to request referral of this application to Development Control.

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Refusal

Reasons for Refusal

1. The proposed design of the outbuilding including the roof of the conservatory with its plethora of rooflights would have a detrimental impact upon the Conservation Area and Area of Outstanding Natural Beauty. As such the proposals are contrary to Local Development Framework Core Policies CS7 & CS9; Devon County Structure Plan C03, C07 & South Hams Local Plan Policies SHDC1, SHDC15, SHDC18 and relevant Central Government Guidance.

2. The proposed outbuilding including its floor plans, constitute overdevelopment of the site resulting in a self-contained unit of accommodation. As such the proposals are contrary to Local Plan Policies SHDC1 and relevant Central Government Guidance.
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15/0905/09/F

Erection of new dwelling with associated works – Shanel, Broad Park, Dartmouth, Devon, TQ6 9EZ – Mr D Jones

DARTMOUTH

Town Council's Views – Approval

Officer Update – Two late letters

Recommendation – Conditional Approval

Committee Decision – Refusal

Reasons for Refusal

1. The proposed development would result in an unneighbourly affect on the adjoining residential property by virtue of a dominating, overlooking and overshadowing effect and would damage the general amenity of Shanel to an unreasonable extent, thus contrary to South Hams Local Plan Policy SHDC1 and relevant Central Government Guidance.

2. By virtue of its scale and massing the proposal is considered to have a detrimental impact upon the character and appearance of the Area of Outstanding Natural Beauty and the appearance on the locality in general resulting in a loss of amenity. The proposal is considered contrary to Policies CS7 and CS9 of the Local Development Framework Core Strategy; CO3 of the Devon County Structure Plan and relevant Central Government Guidance and SHDC1 and SHDC15 of the South Hams Local Plan.

58/0990/09/F

Re-submission of 58/0004/09/F for retrospective consent for replacement conservatory – resubmission of 004/09 – Suncliffe, Heybrook Drive, Heybrook Bay, Devon, PL9 0BW – Ms L Bowman

WEMBURY

Parish Council's Views – No objection

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

1 – Non Standard

Retention and maintenance in perpetuity of solid white upvc panels

41/0999/09/F

Householder application for resubmission of 41/0434/09/F for conversion of existing garage to accommodation and erection of new double garage – 16 Beadon Road, Salcombe, Devon, TQ8 8LX – Mr & Mrs P Lee

SALCOMBE

Town Council's Views – No objection

Officer Update – None

Recommendation – Refusal

Committee Decision – Site Inspection

35/1012/09/F

Resubmission of 35/0338/09/F for conversion of retail furniture/antique shop to dwelling – The Old Chapel, Church Street, Modbury, Devon, PL21 0QR – Mr J Thornton

MODBURY

Officer Update – **WITHDRAWN**

21/0931/09/F

Conversion of redundant barn to residential dwelling – Fursdon Barn, Fursdon Farm, Ivybridge, PL21 9LE – Mr R Johnson

ERMINGTON

Parish Council's Views – Support the application

Officer Update – None

Recommendation – Refusal

Committee Decision – Refusal

Reasons for Refusal

1. The proposed manner of conversion by reason of the extensive glazing featured in the north elevation is considered unacceptable and at odds with the essential characteristics of a traditional agriculture building. Such development is contrary to the objectives of Structure Plan Policy C06; South Hams Local Plan Policies SHDC4 & SHDC15; LDF Core Strategy Policy CS7 and adopted Supplementary Planning Guidance 'Traditional Farm Buildings in the South Hams'.
