

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 5 SEPTEMBER 2007**

MEMBERS

* Cllr G J Fielden - Chairman

* Cllr I Longrigg - Vice-Chairman

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

* Denotes attendance

∅ Denotes apology for absence

Also in attendance at the invitation of the Chairman:

Cllr M Stone (for application number 15/0582/07/F – Alterations to windows to Unit 1 (approval 15/2058/05/F) – Unit 1, 51 Southford Road, Dartmouth TQ6 9QT).

Officers in attendance:

All Agenda Items: Head of Planning and Building Control; Area Planning Officers (Eastern and Western Areas) and Solicitor.

DC.19/07 MINUTES

The minutes of the meeting of the Committee held on 18 July 2007 were confirmed as a correct record and signed by the Chairman.

DC.20/07 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 S E Cooper declared a personal interest in application number 37/1486/07/F (Demolish and replace existing garage/studio and extend house to provide covered link – Woodside Cottage, Lower Court Road, Newton Ferrers, Plymouth PL8 1DG) and remained in the meeting and did not take part in the debate and abstained from the vote on this application.

Cllrs A Ward and R J Vint declared a personal interest in application number 56/0710/07/F (Resubmission of application 56/2014/06/F for conversion and extension to provide dwelling – The Studio Barn, Collins Road, Totnes TQ9 5PJ) and remained in the meeting and took part in the discussion and vote on the application;

Cllrs N A Barnes, H D Bastone, B F Cane, P Coulson, G J Fielden, J D Hawkins, M J Hicks, P W Hitchins, I Longrigg, D W May, R Rowe, R C Steer declared a personal interest in application number 32/1270/07/F (Temporary agricultural dwelling – Lower Hazelwood, Loddiswell, Kingsbridge) by virtue of the applicant being the son of a fellow Conservative Group Member and remained in the meeting and took part in the discussion and vote on the application;

Cllr I Longrigg declared a personal interest in application number 15/1498/07/F (Resubmission of planning application 15/0991/07/F for construction of below ground foul water pumping chamber within new fenced compound – Rear of 42 to 48 Mayflower Close, Dartmouth) by virtue of him being a Member of the Tor Homes Board and remained in the meeting but did not take part in the debate and abstained from the vote on this item.

DC.21/07 **PUBLIC PARTICIPATION**

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

- 54/0640/07/F – Supporter – Mr Brocklehurst
Resubmission of application 54/1824/06/F for retrospective installation of heat pump with acoustic enclosure and boundary rendered wall – 14 Crestway, Strete, Dartmouth TQ6 0SF;
- 41/1151/07/F – Objector – Mr Cutler
Resubmission of application 41/2385/06/F for demolition of existing property and erection of two new dwellings – Rutherfords, Herbert Road, Salcombe TQ8 8HN;
- 32/1270/07/F – Supporter – Mr Hosking
Temporary agricultural dwelling – Lower Hazelwood, Loddiswell, Kingsbridge.

DC.22/07 **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 Groups held on 30 July 2007

(i) (56/0710/07/F) Resubmission of application 56/2014/06/F for conversion and extension to provide dwelling – The Studio Barn, Collins Road, Totnes TQ9 5PJ

Consideration was given to a report of the Committee site inspection undertaken in respect of the above planning application, which had included the recommendation that planning permission be conditionally approved.

In light of correspondence received from neighbours highlighting their concerns that they were unaware of when the inspection had been due to take place, the Senior Member Support Officer advised those in attendance of the site inspection procedure. Notification of an inspection was sent to local Member(s), the local town/parish council and the applicant's agents as a matter of course. However, the onus was on all other interested parties to contact officers following the Development Control Committee meeting to find out when an inspection was scheduled to take place (as specified in the agenda papers).

As an update since the inspection, the Area Planning Officer (APO) showed to the Committee photographs illustrating the view of the application site from the kitchen window of No. 3 Collins Road.

In discussion, particular reference was made to:-

- (a) the loss of light. A local Member advised that she could not support the proposals in light of the resultant loss of what was already very little light received by the kitchen of No. 3. The Member felt that the application should be refused with guidance being given to the applicant for any resubmitted proposals to be pushed back from the highway. In response, a Member who had been on the Site Inspection Group stated that the Conservation Officer was not in favour of any construction in the Conservation Area taking place on a different building line to any adjoining buildings;

- (b) altering the current kitchen window. Another local Member echoed the concerns regarding loss of light but believed that the current light levels were already inadequate and felt that the kitchen window should be either enlarged or moved under permitted development rights, to ensure receipt of a greater degree of light. In response to a question, officers clarified that there was no obligation upon the granting of planning permission for the applicant to pay for any works on the window.

It was then:

RESOLVED

That in respect of application number 56/0710/07/F, the application be conditionally approved.

Conditions

- 1 – TIM3 (Standard 3 year time limit)
- 2 – Non Standard
Natural Slate
- 3 – MAT11 (Eaves, Verges, Hips & Flues Details)
- 4 – MAT14 (Walls Render Detail)
- 5 – MAT22 (Joinery Details)
- 6 – MAT31 Rainwater Goods Metal Ogee Profile
- 7 – Non Standard
Provision of Timber Garage Doors
- 8 – RES43 (Parking)
- 9 – RES29 (Obscured Glazing)
- 10 – Non Standard No additional windows
(eastern elevations of existing and new buildings)
- 11 – RES22 (Exclusion of G.D.O.)
- 12 – LBC11 (Archaeological Investigation)
- 13 – Walls painted white.

Reasons for Approval:

1. This application has been determined in accordance with Section 38 of The Planning & Compulsory Purchase Act 2004 which states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Policies (which are contained in the Devon County Structure Plan and the South Hams Local Plan); relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are Devon County Structure Plan CO6, CO7, CO8, TR10; South Hams Local Plan SHDC1, SHDC15, SHDC18, SHDC20; South Hams Local Plan Review DS3, DEV2, ENV10, ENV18; Adopted LDF Core Strategy CS1, CS7 and CS9.

2. All consultations and representations have been given due consideration and balanced accordingly when formulating this recommendation and conditions.

Informative:

This decision refers to drawing nos. T1502D/03 (site location plan) and T1502D-02 Rev C received on 27 March 2007.

(ii) 15/0582/07/F – Alterations to windows to Unit 1 (approval 15/2058/05/F) – Unit 1, 51 Southford Road, Dartmouth TQ6 9QT

Members considered a report of the Committee site inspection group undertaken in respect of the above planning application, which had included the recommendation that planning permission be refused.

In response to a query, the Area Planning Officer (APO) confirmed that it was the subjective view of the Site Inspection Group that the juliet balcony would lead to an unacceptable loss of privacy and overlooking to the neighbouring property. Such reasons were material planning considerations and therefore could be justified, should the application go to an appeal.

It was then:

RESOLVED

That in respect of application number 15/0582/07/F, the application be refused due to the impact of the juliet balcony. The juliet balcony was considered to be unneighbourly and would result in a loss of privacy and overlooking to the neighbouring property.

(iii) 53/2449/06/F – Demolition of existing bungalow and construction of two replacement dwellings – Valley View, Chillington, Kingsbridge TQ7 2JX

Members considered a report of the Committee site inspection group undertaken in respect of the above planning application, which had included the recommendation that planning permission be conditionally approved.

It was then:

RESOLVED

That in respect of application 53/2449/06/F, the application be conditionally approved.

Conditions:

- 1 – TIM3 (Standard time limit 3 years)
- 2 – RES22 (Exclusion Of G.D.O.)
- 3 – MAT8 (Roofing Natural Slate)
- 4 – RES30 (Windows)
- 5 – HGE2 (Hedge Protection Details: Full/Reserved Matters)
- 6 – MAT23 (Timber Doors And Windows Reserve Details Vents)
- 7 – MAT26 (Rooflights Conservation Type)
- 8 – RES42 (Parking)
- 9 – DRN4 (Drainage)
- 10 – Non Standard
Obscure Fixed Glazed Rooflight
- 11 – Non Standard
Submission of Geo-Technical Report
- 12 – Removal of PD Rights

Reasons for Approval

1. This application has been determined in accordance with Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of planning applications which affect a listed building or its setting which requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interests which it possesses. This application has been determined in accordance with approved Development Plan Policies (which are contained in the Devon County Structure Plan and the South Hams Local Plan); relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are LDF Core Strategy CS1, CS7 & CS9; Devon County Structure Plan C03 & C06; South Hams Local Plan SHDC1, SHDC15 & SHDC18; Local Plan Review DEV2, ENV2 & ENV10.
2. Special regard has been given to the representations about loss of privacy, dominance, subsidence, drainage and the impact upon the commercial premises but these were not considered to be overriding because of an investigation in Local Policy and advice from experts.

Informative:

This decision refers to drawings nos. PL.05, PL.06, PI.07, PI.108, AD.PL.01 & SHDC1 (location plan) received on 18 December 2007.

(iv) 55/0837/07/F – Extension to dwelling – West Wing, Warren Road, Thurlestone, Kingsbridge TQ7 3NT

Members considered a report of the Committee site inspection group undertaken in respect of the above planning application, which had included the recommendation that planning permission be refused.

Members who had attended the site inspection reiterated their concerns with regard to the extension being unduly large and therefore unneighbourly. In addition, Members also made reference to the existing restricted parking provision and the loss of the trademark characteristic gap between neighbouring properties in the local area, which would arise from the proposed in-fill within the Area of Outstanding Natural Beauty.

It was then:

RESOLVED

That in respect of application number 55/0853/07/F, the application be refused due to the large size scale and massing; the proximity of the dwellings becoming unneighbourly and the lack of parking provision associated with the proposals within the AONB.

(NOTE: for the following application, the Vice-Chairman took the Chair)

(v) 21/0466/07/F – Erection of new dwelling – Gypsy Copse, Cadleigh Park, Hunsdon Road, Ivybridge PL21 9JP

Members considered a report of the Committee site inspection group undertaken in respect of the above planning application, which had included the recommendation that planning permission be conditionally approved.

As an update since the inspection, the Area Planning Officer (APO) informed the Committee that he wished to raise two points. Firstly, the application being contrary to the aims of development plan policies and secondly the design of the proposals. On the subject of design, the APO advised that it was the view of officers that such a dormer dwelling on a corner plot did not reflect anything locally distinctive and a dwelling on a smaller footprint would be preferable.

In discussion, the following points were raised:-

- (a) Some Members expressed their disbelief at the recommendation of the Site Inspection Group. To support their view, these Members made reference to the application constituting development in the open countryside, the extensive on-site planning history, the implications of replacing a mobile home with a permanent dwelling and the unsuitable design of the proposals;
- (b) In supporting the proposals, Site Inspection Group Members highlighted that there were between 20 – 30 dwellings near to the application site and stated that Endsleigh Garden Centre, Lee Mill Industrial Estate, the Sherford proposals and the A38 were all in close proximity;

- (c) In expressing his sympathy for the applicants, a local Member informed that the applicants had been negotiating with a previous case officer for a long period. It was as a consequence of these negotiations, that the proposals were submitted in a cottage-style appearance, which unfortunately the new case officer did not consider appropriate;
- (d) A Member made reference to the ability of the applicants to upgrade the mobile unit and place a larger one on site.

It was then:

RESOLVED

That in respect of application number 21/0466/07/F, the application be refused.

Reasons for Refusal

- 1 The site lies in the countryside, outside any development boundary of a settlement, where residential development is strictly controlled and is only allowed under limited circumstances. The replacement of a mobile home with a permanent dwelling is not one of the limited exceptions to the general presumption against development in the countryside and under Policy HO8 of the Local Plan Review the replacement of a mobile home is specifically precluded from the scope for replacement dwellings. The development is therefore contrary to Structure Plan Policies ST5 and ST16, Local Plan Policy SHDC3 and Local Plan Review Policies DS4 and HO8.
- 2 The proposed replacement dwelling would result in a more intrusive building within the countryside, to the detriment of the rural character and appearance of the area. The development would therefore be contrary to Structure Plan Policy CO1, Local Plan Policy SHDC3, Local Plan Review Policies DS4 and DEV23 and Local Development Framework Core Strategy Policy CS9.
- 3 The proposed replacement dwelling is considered to be of poor design, not reflective of locally distinctive architecture nor displaying good quality contemporary design sensitive to its rural context and would have an adverse impact on the surrounding rural landscape. The fact that the site occupies a prominent and elevated position exacerbates this harm. The development is therefore contrary to Local Plan Policies SHDC3, SHDC15 and Local Plan Review Policies DEV2 and DEV23.

Informative:

This decision refers to drawing nos. 31155/SD001b (site location plan), 31155/SD002b, 31155/SD003b, 31155/SD004b and 31155/SD005b received on 5 March 2007.

DC.23/07 **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 54/0640/07/F (Resubmission of application 54/1824/06/F for retrospective installation of heat pump with acoustic enclosure and boundary rendered wall – 14 Crestway, Strete, Dartmouth TQ6 0SF), the following amended motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

'That planning permission be conditionally approved, subject to the following additional conditions: 'that planning permission be granted initially on a temporary one year basis; the unit be fully serviced and certified by the manufacturers, continuation of the existing stop order, regular Environmental Health monitoring during the year and construction of the acoustic enclosure within 2 months of planning permission being granted.'

Reason

In proposing that these conditions be imposed, the local Member felt that this could result in a fair compromise to both the applicant and his neighbours. The Member made reference to the seriousness of this issue in such a tranquil area and the wish of the applicant to have an amicable relationship with his neighbours.

- (b) In respect of application number 41/1151/07/F (Resubmission of application 41/2385/06/F for demolition of existing property and erection of two new dwellings – Rutherfords, Herbert Road, Salcombe TQ8 8HN), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

'That planning permission be refused.'

Reason

The majority of Members felt that the scale and contemporary design of the site was not appropriate in the local street scene.

The following matter was reported and noted by the Committee during consideration of DC.24/07 and Appendix A:-

- (i) 04/1294/07/F (Construction of field shelter – Field east of 1 Coombe Park at SX511635, Bickleigh, Plymouth):

The inclusion of an additional condition: 'That planning permission be granted for a temporary period of 5 years.'

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 4.00 pm).

Chairman

DEVELOPMENT CONTROL COMMITTEE – 5 SEPTEMBER 2007

The following matters were reported to and noted by the Committee during consideration of DC.22/07(b)(i); (ii), (iii), (iv), (v); DC.23/07 and Appendix A:-

56/0710/07/F	Letters circulated	2 of objection 1 of comment
54/0640/07/F	Letters circulated	9 of objection 4 of comment 3 of concern 1 of support
41/1151/07/F	Letters circulated	11 of objection 7 of comment 8 of concern
32/1270/07/F	Letters circulated	12 of objection 2 of support
41/1453/07/F	Letters circulated	1 of concern
37/1486/07/F	Letters circulated	1 of concern

APPENDIX A

54/0640/07/F

Resubmission of application 54/1824/06/F for retrospective installation of heat pump with acoustic enclosure and boundary rendered wall – 14 Crestway, Strete, Dartmouth TQ6 0SF – Mr & Mrs Beck.

STRETE

Parish Council's Views – Objection

Officer Update – Reported late letter of support from applicant and clarified in full the EHO's comments regarding the merits of the proposal and noise abatement issues

Recommendation – Conditional Approval

Committee Decision – Conditional Approval, subject to:

- installation of acoustic enclosure within 2 months;
- temporary 12 months;
- submission of Certificate of service of the heat pump/acoustic enclosure;
- EHO to regularly monitor the operations and efficiency of the enclosure

Conditions

1 - Non Standard

Installation of Acoustic Enclosure

41/1151/07/F

Resubmission of application 41/2385/06/F for demolition of existing property and erection of two new dwellings – Rutherfords, Herbert Road, Salcombe TQ8 8HN – Orbit Design & Build Co Ltd

SALCOMBE

Town Council's Views – Refuse inappropriate design, overdevelopment, detrimental to neighbouring properties

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Refusal on grounds of Design/Character

Reasons for Refusal

- 1 The proposed development by reason of its scale and contemporary design is considered to be wholly inappropriate to its contextual setting. Such development would have an unacceptable visual impact on the street scene and so be contrary to the objectives of Devon County Structure Plan Policies

C03 & C06; South Hams Local Plan Policies SHDC1; associated planning principles and SHDC15; South Hams Local Plan Review Policies DS3, associated planning principles, DEV2 & DEV23 and Policies CS7 and CS9 of the South Hams LDF Core Strategy.

32/1270/07/F

Temporary agricultural dwelling – Lower Hazelwood, Loddiswell, Kingsbridge – Mr & Mrs P A Cook

LODDISWELL

Parish Council's Views – Support

Officer Update – Clarified findings from a site visit on 4 September. 3,700 chickens, installation of machinery, 10,000 fish and 3 tonnes of fish food and 35 pigs. Reference made to the termination of the lease in 2009 as applicable to part of the holding.

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions:

- 1 – Non Standard
(Temporary agricultural dwelling -mobile home three years)
 - 2 – Non Standard
Agricultural Occupancy
-

04/1294/07/F

Construction of a field shelter – Field east of 1 Coombe Park at SX511635, Bickleigh, Plymouth – The Maristow Estate

BICKLEIGH

Parish Council's Views – No Objection

Officer Update – Recommended temporary 5 year condition

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions:

- 1 – TIM3 (Standard time limit 3 years)
- 2 – USE 6 (Temporary)
- 3 – Non Standard
(Field Shelter)

- 4 – HOR3 (Stables Etc Lighting)
 - 5 – DRN8 (Manure Heaps)
-

41/1453/07/F

Extension to dwelling – 1 Orchard Cottages, Island Street, Salcombe TQ8 8DT – Mr & Mrs C Jacobs

SALCOMBE

Town Council's Views – Approve

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 – STN3 (Standard Time Limit)
 - 2 – MAT 1 (Matching Materials)
 - 3 – RES 30 (Windows)
 - 4 – Non Standard
- Contaminated Land Condition
-

37/1486/07/F

Demolish and replace existing garage/studio and extend house to provide covered link – Woodside Cottage, Lower Court Road, Newton Ferrers, Plymouth PL8 1DG – Mr & Mrs G Rush

NEWTON & NOSS

Parish Council's Views – No Comments

Officer Update – Reported that no Parish Council views received

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions:

- 1 – TIM3 (Standard time limit 3 years)
 - 2 – MAT1 (Matching Materials)
 - 3 – MAT27 (Rooflights Patent Glazing Details)
 - 4 – MAT15 (Walls Weatherboard Colour Finish)
 - 5 – HWY14 (Retain Parking)
-

15/1498/07/F

Resubmission of planning application 15/0991/07/F for construction of below ground foul water pumping chamber within new fenced compound – Land rear of 42 to 48 Mayflower Close at SX865515, Old Mill Lane, Dartmouth – Tor Homes

DARTMOUTH

Town Council's views – Views awaited

Officer Update – No recommendation received from Town Council

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions:

- 1 – TIM3 (Standard three year time limit)
 - 2 – Non Standard
(Landscaping – According to Plans)
 - 3 – LAN8 (Landscape Works)
 - 4 – TRE2 (Tree Protection Details)
-