

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 10 OCTOBER 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

Officers in attendance:

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

DC.24/07 MINUTES

The minutes of the meeting of the Committee held on 5 September 2007 were confirmed as a correct record and signed by the Chairman subject to it being noted that in relation to planning application 32/1270/07/F (Temporary agricultural dwelling – Lower Hazelwood, Loddiswell, Kingsbridge), the number of letters of representations received being recorded as '5 in support, 1 in objection and 9 of comment'.

DC. 25/07 URGENT BUSINESS

The Chairman advised the Committee that he had three items of urgent business, which were recorded as follows:-

(i) Code of Conduct.

Highlighted to Members was the circulated copy of the Standards Boards' Guide for Members on the Code of Conduct May 2007. Members were advised to read the document for information purposes.

(ii) Planning Delivery Grant.

Members were informed that the Council had succeeded in obtaining Planning Delivery Grant funding. At its meeting of 4 October 2007, the Executive resolved that delegated authority be granted to the Strategic Director (Community), in consultation with the lead Executive Member, to determine how the grant was to be spent (minute E.50/07 refers).

(iii) Deferred Applications.

Whilst advertised on the published agenda, Members were informed that the following applications had been withdrawn or deferred prior to the commencement of the meeting:-

- Withdrawn – 51/1277/07/F (Modification of approved conversion 51/1383/01/F in respect of internal arrangements and reconstruction of lean-to barn to the south – Barn 1 (Unit 1), Thorn Farmhouse, Venn, Dartmouth);
- Deferred – 03/1698/07/F (Erection of 3 bedroomed house – 10 Courtfield, Totnes TQ9 5RQ).

DC.26/07 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 G J Fielden declared a personal interest in application 35/1464/07/F (Conversion and extension of garage to create dwelling – Kingsland, Brownston Street, Modbury, Ivybridge PL21 0RG) by virtue of him knowing a number of the parties who had made representations on this application and remained in the meeting during the debate and vote on this application.

Cllrs J Brazil, D M O'Callaghan, R J Vint and A Ward all declared a personal interest in application 35/1464/07/F (Conversion and extension of garage to create dwelling – Kingsland, Brownston Street, Modbury, Ivybridge PL21 0RG) by virtue of one of the objectors' son having stood as a Liberal Democrat candidate at the previous District Council election and remained in the meeting during the debate and vote on this application.

Cllr J W Squire declared a personal interest in application 57/1587/07/F (Resubmission of application 57/0937/06/F for the erection of steel framed livestock and fodder building – Higher Yeo Farm, Ermington Road, Ivybridge, PL21 0LF) by virtue of him knowing of one of the objectors and remained in the meeting and did not take part in the debate and abstained from the vote on this application.

Cllr J Brazil declared a prejudicial interest in application 10/0476/07/F (Siting of temporary agricultural dwelling – agricultural building, Sunny Paddock, South Allington, Kingsbridge) but advised that he may wish to make representation under paragraph 12 (2) of the Code of Conduct and then subsequently left the meeting prior to debate and vote on this application.

(**NOTE:** When the opportunity arose to speak, Cllr Brazil advised those in attendance that he had nothing further to add to the case officer's presentation and proceeded to leave the meeting).

Cllr D M O'Callaghan declared a prejudicial interest in application number 28/1727/07/F (Installation of a 3.99 metre high replicated flagpole, provision of 3 small equipment cabinets and various enabling and associated works on the rooftop of the Exchange building) by virtue of her submission of a letter of representation on the application but made representations to the Committee under paragraph 12 (2) of the Code of Conduct and then subsequently left the meeting prior to the debate and vote on this application.

Cllrs B F Cane and D W May declared a personal interest in application 57/1587/07/F (Resubmission of application 57/0937/06/F for the erection of steel framed livestock and fodder building – Higher Yeo Farm, Ermington Road, Ivybridge, PL21 0LF) by virtue of them knowing of the applicant and remained in the meeting and took part in the debate and vote on this item.

Cllr B F Cane declared a prejudicial interest in application 49/1112/07/RM (Reserved matters application (pursuant to 9 – 49/1020/98/1) for the erection of B1 start up and move on office accommodation with associated car parking, access, servicing and landscaping – Langage Energy Park 1B land, Holland Road, Plympton, Plymouth) by virtue of a relation owning land on site and left the meeting for the debate and the vote on this item.

Mr S Munday, Head of Planning and Building Control, declared a prejudicial interest in application 35/1464/07/F (Conversion and extension of garage to create dwelling – Kingsland, Brownston Street, Modbury, Ivybridge PL21 0RG) by virtue of him knowing of the applicants and left the meeting prior to the debate and vote on this item.

DC.27/07 **PUBLIC PARTICIPATION**

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

- 10/0476/07/F – Supporter – Mr Wilson
Siting of temporary agricultural dwelling – Agricultural building, Sunnyside Paddock, South Allington, Kingsbridge;

- 28/1727/07/F – Objector – Cllr D M O’Callaghan; Supporter – Mr Hewitt
Installation of a 3.99 metre high replicated flagpole, provision of 3 small equipment cabinets and various enabling and associated works on the rooftop of the Exchange building – The Telephone Exchange, Fore Street, Kingsbridge – T-Mobile UK Ltd;
- 37/1726/07/F – Objector – Mr Graham; Supporter – Ms Scherr
Erection of house and terracing of garden at variance to approved plans (37/0031/03/F) – 47 Yealm Road, Newton Ferrers, Plymouth PL8 1BJ;
- 23/1689/07/F – Objector – Mr Harrison
Retrospective application for amendments to approval 23/1084/04/F for erection of dwelling and garage – Blacklands, Moreleigh Road, Harbertonford, Totnes TQ9 7TS;
- 57/1587/07/F – Supporter – Mr Cook
Resubmission of application 57/0937/06/F for the erection of steel framed livestock and fodder building – Higher Yeo Farm, Ermington Road, Ivybridge PL21 0LF;
- 49/1112/07/RM – Supporter – Mr Swallow
Reserved matters application (pursuant to 9-49/1020/98/1) for the erection of B1 start up and move on office accommodation with associated car parking, access, servicing and landscaping – Langage Energy Park 1B land, Holland Road, Plympton, Plymouth – Langage Energy Park Ltd;
- 19/1415/04/F – Supporter – Mrs Burden
Variation of Section 106 Agreement relating to Affordable Housing Provision – The Old General Stores Site, East Allington.

DC.28/07 **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.

DC.29/07 **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 planning application 10/0476/07/F (Siting of temporary agricultural dwelling – Agricultural building, Sunnyside Paddock, South Allington, Kingsbridge), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **LOST**:-

‘That planning permission be conditionally approved.’

- (b) In respect of planning application 28/1727/07/F (Installation of a 3.99 metre high replicated flagpole, provision of 3 small equipment cabinets and various enabling and associated works on the rooftop of the Exchange building – The Telephone Exchange, Fore Street, Kingsbridge – T-Mobile UK Ltd) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

‘That the application be deferred.’

Reason

A number of Members felt that the applicants had not carried out sufficient consultation or endeavoured to investigate alternative sites. Therefore, it was felt that by deferring the application, further investigative work and consultation exercise could be carried out prior to the proposals being determined.

- (c) In respect of application 37/1726/07/F (Erection of house and terracing of garden at variance to approved plans (37/0031/03/F) – 47 Yealm Road, Newton Ferrers, Plymouth PL8 1BJ), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That a Site Inspection be held.’

- (d) In respect of application 35/1464/07/F (Conversion and extension of garage to create dwelling – Kingsland, Brownston Street, Modbury, Ivybridge PL21 0RG), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be deferred.’

Reason

Members were informed that revised details to the application had been received following publication of the case officer report. It was therefore felt that in deferring the application the necessary consultation could be carried out on the revised application.

- (e) In respect of application 39/0554/07/F & 39/0555/07/LB (Conversion of existing barn to a holiday and listed building consent for conversion of barn to holiday home – Barn to south, Old Torne, Rattery, South Brent), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That planning permission be refused.’

Reason

Although the majority of Members applauded the design of the barn conversion they were very hesitant to approve the plans as this innovative approach clearly represented a departure from the Barn Guide. It was therefore felt that in doing so a precedent could be set for future proposals to applications. Furthermore, it was felt that in approving the plans, the Council could be criticised for having previously refusing similar applications.

- (f) In respect of application 49/1112/07/RM (Reserved matters application (pursuant to 9-49/1020/98/1) for the erection of B1 start up and move on office accommodation with associated car parking, access, servicing and landscaping – Langage Energy Park 1B land, Holland Road, Plympton, Plymouth – Langage Energy Park Ltd), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That delegated authority be given to the Head of Planning and Building Control to approve the amended plans, as detailed in the officer presentation, subject to consultation being carried out with Sparkwell Parish Council.’

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 5.15 pm).

Chairman

DEVELOPMENT CONTROL COMMITTEE – 10 OCTOBER 2007

The following matters were reported to and noted by the Committee during consideration of DC.28/07 and Appendix A:-

10/0476/07/F	Letters circulated	6 of objection 23 of comment 2 of concern 2 of support
28/1727/07/F	Letters circulated	14 of objection 8 of comment
37/1726/07/F	Letters circulated	5 of objection 1 of comment
35/1464/07/F	Letters circulated	3 of objection 1 of comment 5 of concern
51/1277/07/F	Letters circulated	3 of comment 3 of support
03/1698/07/F	Letters circulated	2 of objection 2 of comment 1 of support
23/1689/07/F	Letters circulated	3 of objection 3 of comment
15/1814/07/F	Letters circulated	1 of objection
57/1587/07/F	Letters circulated	3 of objection 1 of comment
39/0554/07/F & 39/0555/07/LB	Letters circulated	1 of objection
19/1415/04/F	Letters circulated	1 of comment

APPENDIX A

10/0476/07/F

Siting of temporary agricultural dwelling – Agricultural Building, Sunnyside Paddock, South Allington, Kingsbridge – Mrs T J Williams-Geldard and Mr L Geldard

CHIVELSTONE

Parish Council's Views – Objection

Officer Update – Confirmed site was not in a Coastal Preservation Area. Verbal update given about Agricultural Consultant's comment in respect of PPS7 criteria.

Recommendation – Refusal

Committee Decision – Refusal

Reasons for Refusal:

- 1 The proposed development is in an area where the Authority would only permit development which is necessary in the interests of agriculture. The Local Planning Authority is not satisfied that the agricultural need claimed for this development is such as to justify granting planning permission for the proposal. In the absence of any proven agricultural or other overriding need, the proposed temporary agricultural dwelling constitutes a form of unacceptable sporadic development in the countryside contrary to the adopted Development Plan Policies, LDF Core Strategy CS1; Devon County Structure Plan ST5, C01 & C03, South Hams Local Plan SHDC3; emerging Local Plan Review Policies DS4, H010, and relevant Central Government guidance.
 - 2 The proposed dwelling would set a precedent for development along a road which, by reason of its width and alignment, is unsuitable to accommodate the additional traffic likely to be generated, not only by the applicant and his family, but friends, relatives, visitors, service and other vehicles, thus contrary to Structure Plan Policy TR10, emerging Local Plan Review Policy DEV19 and relevant Central Government guidance.
 - 3 The proposed dwelling is likely to create the need for additional travel by private vehicles due to its location and lack of accessibility to alternative means of travel and is therefore non-sustainable, thus contrary to Structure Plan Policy TR5 and relevant Central Government guidance.
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28/1727/07/F

Installation of a 3.99 metre high replicated flagpole, provision of 3 small equipment cabinets and various enabling and associated works on the rooftop of the Exchange Building – The Telephone Exchange, Fore Street, Kingsbridge – T-Mobile UK Ltd

KINGBRIDGE

Town Council's Views – Refusal - having regard to the genuine and deeply felt concern of many residents of Kingsbridge, particularly parents with young children, it is considered that the siting of the proposed mobile phone mast is not acceptable and therefore council opposes the proposal

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Deferred pending examination of alternative sites and full dialogue with the community.

37/1726/07/F

Erection of house and terracing of garden at variance to approved plans (37/0031/03/F) – 47 Yealm Road, Newton Ferrers, Plymouth, PL8 1BJ – Mr N Lunn & Ms G Scherr

NEWTON FERRERS & NOSS MAYO

Parish Councils' Views - Objection – On the basis that plans and levels as approved should have been adhered to, the garden levels are intrusive and the privacy of neighbours should be respected.

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Deferred for Site Inspection

35/1464/07/F

Conversion and extension of garage to create dwelling – Kingsland, Brownston Street, Modbury, Ivybridge, PL21 ORQ – Mr & Mrs G Blower

MODBURY

Parish Council's Views – Support - recommends approval with the following caveats:

1. Size of development on southern elevation should be reduced this would relieve pressure on the dividing wall between neighbouring properties.
2. Highways should look closely at the access from Brownston Street.
3. A Structural Engineer should inspect and report on condition of dividing wall on southern elevation before building commences.

Officer Update – Advised revised plans received and requested application be deferred to enable consultation with PC and neighbours

Recommendation – Conditional Approval

Committee Decision – Deferred

51/1277/07/F

Modification of approved conversion 51/1383/01/F in respect of internal arrangements and reconstruction of lean to barn to the south – Barn 1 (Unit 1), Thorn Farmhouse, Venn, Dartmouth – Mr & Mrs D Duffy

STOKE FLEMING

Parish Council's Views – Views Awaited

Officer Update –

Recommendation - Refusal

Committee Decision – Withdrawn

03/1698/07/F

Erection of 3 bedroomed house – 10 Courtfield, Totnes, TQ9 5RQ – Mr & Mrs G Allen

BERRY POMEROY

Parish Council's Views – Awaited

Officer Update – Requested deferral of application because Parish Council had not been consulted

Recommendation – Conditional Approval

Committee Decision - Deferred

23/1689/07/F

Retrospective application for amendments to approval 23/1084/04/F for erection of dwelling and garage – Blacklands, Moreleigh Road, Harbertonford, Totnes, TQ9 7TS

HARBERTON

Parish Council's Views – No objections

Officer Update – Extra conditions requested – Landscaping and Use of basement

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - MIS4 (Alternative Permission)
 - 3 - MAT16 (Local Stone)
 - 4 - Non Standard
Stonework
 - 5 - Non Standard
Landscaping
 - 6 – Non Standard
Use of Basement
-

15/1814/07/F

Resubmission of application 15/0538/07/F for garage/parking – 21 South Ford Road, Dartmouth, TQ6 9QT – Mr J Tempest

DARTMOUTH

Town Council's Views – Conditional Approval

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard three year time limit)
 - 2 - Non Standard
Stonework
 - 3 - Non Standard
Garage Doors
 - 4 - Use 2(Use)
-

57/1587/07/F

Resubmission of application 57/0937/06/F for the erection of steel framed livestock and fodder building – Higher Yeo Farm, Ermington Road, Ivybridge, PL21 0LF – Mrs P Cook

UGBOROUGH

Parish Council's Views – No objections

Officer Update – Letter of representation reported

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - Non Standard
Removal of Building
 - 3 - Non Standard
Drainage.
 - 4 - Non Standard
Slurry and Silage Storage
 - 5 - Non Standard
Manure Heaps - amended
 - 6 - Non Standard
Use
-

(i) 15/2487/06/LB and (ii) 15/2489/06/F

(i) 15/2487/06/LB Retrospective Listed Building Consent for alteration to garden steps and slate hanging to chimney; and (ii) 15/2489/06/F Alterations to garden steps and slate hanging to chimney – Newcomen Cottage, 4 Ridge Hill, Dartmouth, TQ6 9PE – Mr & Mrs C Woodwark

DARTMOUTH

Town Council's Views – Refusal on grounds of further inappropriate development of a Listed Building

Officer Update – None

Recommendation – Conditional Approval (both applications)

Committee Decision – Conditional Approval (both applications)

Conditions

(i) 15/2487/06/LB

1 - TIM4 (Listed building time limit 3 years)

(ii) 15/2489/06/F

1 – TIM3 (Standard time limit three years)

(i) 39/0554/07/F and (ii) 39/0555/07/LB

(i) 39/0554/07/F Conversion of existing barn to a holiday home; and (ii) 39/0555/07/LB Listed Building Consent for conversion of barn to holiday home – Barn to south – Old Torne, Rattery, South Brent – Mr & Mrs N Ayles

RATTERY

Parish Council's Views – No objections

Officer Update – None

Recommendation – Conditional Approval (both applications)

Committee Decision – Refusal

Reasons for Refusal**(i) 39/0554/07/F**

The proposed alterations, by virtue of the extent of new glazing would not respect the tradition character and appearance of the building. Thus being contrary to Local Development Framework Core Strategy Policies CS1 & CS7; Devon County Structure Plan CO7; South Hams Local Plan SHDC3, SHDC4, SHDC19; South Hams Local Plan Review DS4, HO11, DEV2 and the Council's Supplementary Planning Guidance "Traditional Farm Buildings in the South Hams Their Adaption and Re-use".

(ii) 39/0555/07/LB

The proposed alterations, by virtue of the extent of new glazing would not respect the tradition character and appearance of the building. Thus being contrary to Local Development Framework Core Strategy Policies CS1 & CS7; Devon County Structure Plan CO7; South Hams Local Plan SHDC19; South Hams Local Plan Review ENV13 and the Council's Supplementary Planning Guidance "Traditional Farm Buildings in the South Hams Their Adaption and Re-use".

49/1112/07/RM

Reserved matters application (pursuant to 9_49/1020/98/1) for the erection of B1 start up and move on office accommodation with associated car parking, access, servicing and landscaping

SPARKWELL

Parish Council's Views – No objection but report raises concern

Officer Update – Amended plans received

Recommendation – Amended to approval subject to comments of Sparkwell Parish Council being received

Committee Decision – Conditional Approval

Conditions:
To be advised

50/1358/07/F

Retrospective application for erection of stables and lean-to feed store – Blackler Barton, Landscope, Ashburton, Newton Abbot, TQ13 7LZ – Mr & Mrs D C Hayllor & Sons

STAVERTON

Parish Council's Views – Objections

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard three year time limit)
 - 2 - Non Standard
Dung/Manure Heaps
 - 3 – Non Standard
Use (Private/Not Business Commercial)
-

(i) 15/1684/07/F and (ii) 15/1685/07/LB

(i) Erection of glass balustrade with steel handrail; and **(ii)** Listed Building Consent for erection of glass balustrade with steel handrail – Newcomen Cottage, 4 Ridge Hill, Dartmouth, TQ6 9PE – Mr C Woodwark

DARTMOUTH

Town Council's Views – Objections

Officer Update – None

Recommendation – Conditional Approval (both applications)

Committee Decision – Conditional Approval (both applications)

Conditions

- (i) 15/1684/07/F**
1 – TIM 3 (Standard three year time limit)
 - (ii) 15/1685/07/LB**
1 – TIM4 (Standard three year time limit)
-