

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 11 NOVEMBER 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 number 35/1688/09/F:
Cllr R M Lawrence

Officers in attendance:

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

DC.33/09 APPOINTMENT OF VICE-CHAIRMAN

Since the Vice-Chairman was in the chair for the meeting, it was necessary to appoint a Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

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

DC.34/09 MINUTES

The minutes of the meeting of the Committee held on 7 October 2009 were confirmed as a correct record and signed by the Chairman.

DC.35/09 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 Cane declared a prejudicial interest in planning application number 07/1426/09/O (outline application for detached two storey dwelling, parking area for minimum 3 vehicles and associated landscaping works – Venn Farm, Brixton, Plymouth PL8 2AX) by virtue of him being the applicant and he left the meeting during consideration of this application.

Cllrs Bastone, Carter, Cooper, Coulson, Hawkins, Hicks, Hitchins, May, Pennington, Rowe, Squire and Steer declared a personal interest in application number 07/1426/09/O (outline application for detached two storey dwelling, parking area for minimum 3 vehicles and associated landscaping works – Venn Farm, Brixton, Plymouth PL8 2AX) 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 Westacott declared a personal interest in planning application number 17/1597/09/O (outline application to demolish existing workshop, office buildings, tidy up scrap yard site, implement landscaping scheme to enhance site and erection of new bungalow – Scrapyard at Larcombe Lane SX748 581, Broadridge Cross to Larcombe Quarry, Diptford) by virtue of her being acquainted with the applicant's mother and daughter, and remained in the meeting during the discussion and vote thereon;

Cllr Steer declared a personal interest in planning application number 17/1597/09/O (outline application to demolish existing workshop, office buildings, tidy up scrap yard site, implement landscaping scheme to enhance site and erection of new bungalow – Scrapyard at Larcombe Lane SX748 581, Broadridge Cross to Larcombe Quarry, Diptford) by virtue of him having dealings with the local residents and the applicant, and remained in the meeting during the discussion and vote thereon;

DC.36/09 **PUBLIC PARTICIPATION**

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

- 15/0491/09/F; Objector – Mr J Chalmers;
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, Devon TQ6 9BZ;
- 17/1597/09/O; Supporter – Mr A Broadway;
Outline application to demolish existing workshop, office buildings, tidy up scrap yard site, implement landscaping scheme to enhance site and erection of new bungalow – Scrapyard at Larcombe Lane SX748 581, Broadridge Cross to Larcombe Quarry, Diptford;

- 07/1426/09/O; Objector – Mr A Long;
Outline application for detached 2 storey dwelling, parking area for minimum 3 vehicles and associated landscaping works – Venn Farm, Brixton, Plymouth PL8 2AX;
- 28/1460/09/F; Objector – Mr J Fraser; Supporter – Mr A Lethbridge;
Householder application for alteration and extension to dwelling – Navicella, Veales Road, Kingsbridge;
- 59/1432/09/F; Supporter – Mr J Romanos;
Householder application for alterations and extension – Peelers Peace, Tacketwood, Kingsbridge, Devon, TQ7 3AY;
- 34/1554/09/F; Supporter – Mr Crawshay;
Conversion of double garage and first floor store to two bedroom house – Barnfield, Vicarage Road, Marldon, Devon, TQ3 1NN;
- 35/1688/09/F; Supporter – Mr Thornton;
Resubmission of 35/1012/09/F for conversion of retail furniture/antique shop to dwelling – The Old Chapel, 10 Church Street, Modbury, Ivybridge PL21 0QW.

DC.37/09 **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 19 October 2009**

- (i) **(30/1175/09/LB and 30/1176/09/F) Listed Building consent for resubmission of 30/0411/09/LB for amendment to 30/0973/04/F for conversion of workshop building into ancillary accommodation, and Householder application for resubmission of 30/0412/09/F for amendment to 30/0974/04/F for conversion of workshop building into ancillary accommodation – Kittery Court, Priory Street, Kingswear TQ6 0AB**

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.

As an update, the Senior Planning Officer stated that an email had been received from the agent agreeing to the use of obscure glazing in the first floor window. Each Member of the Site Inspection Group reiterated their individual reasons for agreeing, or not, with the original case officer recommendation (as detailed in the presented Site Inspection Report). A local Ward Member added that this was an extremely sensitive proposal which would have a detrimental impact on the neighbour. The following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **LOST**:

‘That in respect of application numbers 30/1175/09/LB and 30/1176/09/F the application be refused’.

The following motion was then **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:

‘That in respect of application numbers 30/1175/09/LB and 30/1176/09/F the application be conditionally approved’.

It was then:-

RESOLVED

That in respect of application numbers 30/1175/09/LB and 30/1176/09/F, the application be conditionally approved.

DC.38/09 **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 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, Devon TQ6 9BZ), 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, the Senior Planning Officer explained that works had been completed and the application was now retrospective. This application had a complex history as a result of inaccurate plans previously submitted. Officers had now received revised plans which reflected what had been developed on site. In assessing the accuracy of plans officers had sought to ensure that not only the absolute height of the extension was correct when compared with an agreed datum, but also correct in relation to buildings and walls in the vicinity. A number of concerns had been raised by residents and a number of late letters had been circulated. The Ward Members considered that the application did not comply with the Council's policy in relation to development within an Area of Outstanding Natural Beauty. Members discussed in detail the issue of the height of the roof and generally felt that it was too high. Members were also advised that the residents were concerned about the impact on the character and view of Warfleet Creek for the public.

In conclusion, the application was refused on the grounds of being unneighbourly, the impact on the amenity area, the impact on the adjacent listed building and the impact on the AONB, i.e. the loss of vista for people on coastal walks.

- b) In respect of application 17/1597/09/O (Outline application to demolish existing workshop, office buildings, tidy up scrap yard site, implement landscaping scheme to enhance site and erection of new bungalow – Scrapyard at Larcombe Lane SX748 581, Broadridge Cross to Larcombe Quarry, Diptford), the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED:-**

‘That the application be conditionally approved.’

Reason

During discussion, the Head of Planning and Building Control advised Members of the complex history behind this application. He had been in previous correspondence with the applicant and quoted from a letter he had sent to the applicant in October 2009. Although a small number of Members expressed concern with the application, which was outside policy, the majority of Members felt that the application, on balance, would be of benefit to residents. The local Ward Member stated that he had spent many hours with both residents and the applicant, to try to find a way forward for this site. The proposed application was seen to tidy up the site and would reinstate the Devon hedges. However, if Members were minded to approve the application, then any conditions would need to be stringent. In addition to ceasing use of the site for scrap activities, the applicant had also confirmed that he would cease any banger car activity on the site.

The Ward Member also stated his wish not to see the land used for other temporary uses or buildings or indeed siting of any caravans. However, if this application was refused then an application for a scrap yard on the site may follow. This led one Member to raise concerns over the implication of negotiating when each application should be determined on its own merits. Another Member stated that on the proviso that this was not setting a precedent, he felt able to support the application.

In conclusion, the application was conditionally approved subject to the satisfactory prior completion of a Section 106 agreement to include the following planning obligations by the applicant relating to all the land edged blue on the site plan submitted as part of the planning application (which included the application site coloured red) which is within the ownership of the applicant:

- No breaking, dismantling, scrapping or crushing of vehicles, or for their repair, servicing or maintenance;
- No storage of any vehicles (whether roadworthy or not), vehicle parts, or equipment used in connection with the activities listed above;
- No banger racing, motor car and motor cycle racing including trials of speed and practising for these activities;
- No temporary use of land for any purposes or as a caravan site .

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The following conditions were attached to the granting of planning permission:

- Outline planning permission time limit;
 - Exclude sketch;
 - Parking;
 - Landscaping details and implementation;
 - Retention of boundary hedges and trees;
 - Maintenance of hedges and landscaping areas;
 - Inspections of landscaping;
 - Removal of car park;
 - Removal of Permitted Development Rights ; and
 - Contaminated land investigation.
- c) In respect of application 28/1460/09/F (Householder application for alteration and extension to dwelling – Navicella, Veales Road, Kingsbridge) 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 59/1432/09/F (Householder application for alterations and extension – Peelers Peace, Tacketwood, Kingsbridge, Devon, TQ7 3AY), the Senior Planning Officer explained that the proposed application for gable dormer windows did not fit with the neighbouring properties as those with dormer windows were of a different design. A speaker in favour of the application firstly clarified that the property was located in the village of West Alvington. He then showed additional photographs of properties in the area with varying designs of more recent architecture and stated that the proposed design would fit in with neighbouring properties.

In conclusion, the majority of Members felt that the proposal would not be overly obtrusive and in view of no consultees or neighbours having raised objections, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be conditionally approved.’

Conditions

- Detailing of slate to be used

- e) In respect of application 34/1554/09/F (Conversion of double garage and first floor store to two bedroom house – Barnfield, Vicarage Road, Marldon, Devon TQ3 1NN) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote (by virtue of the Chairman’s casting vote) was declared **LOST**:-

‘That the application be conditionally approved’.

The Senior Planning Officer advised that the tight boundary resulting from the proposal, and lack of outdoor space for the new residential property, led officers to recommend refusal of the application. Members were also concerned about the lack of outside space for the new property but accepted that the existing garage building was already assumed to be a dwelling by virtue of its size.

The applicant intended to retain a large garden for the existing house. Members felt that this could be further negotiated and, in fact, to move the boundary line between the two buildings in favour of the proposed new residential property would overcome their concerns. Therefore, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be deferred’.

- f) In respect of application 35/1688/09/F (Resubmission of 35/1012/09/F for conversion of retail furniture/antique shop to dwelling – The Old Chapel, 10 Church Street, Modbury, Ivybridge PL21 0QW) the Senior Planning Officer advised that officers were unable to support this application as it was contrary to the Planning Policies relating to shopping areas and the emphasis would be to retain the property for commercial usage.

A local Ward Member spoke in favour of the application and, in his opinion, this property was situated outside of a central shopping area and a residential property neighboured it. In addition, it was a unique space and would not easily lend itself to other commercial uses. During discussion, some Members raised concerns that no attempts had been made to market the property and, therefore, they were being asked to go against Council policy without any firm evidence. However the unique nature of the building was recognised as a limiting factor.

Subsequently, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be conditionally approved’.

Conditions

In addition to the usual conditions attached to Listed Building applications, the following conditions were requested:

- Internal areas retained
- No parking at the front
- Retaining external gravestones

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 6.00 pm).

Chairman

APPENDIX A

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, Devon, TQ6 9BZ – Mr & Mrs G & A Yates

DARTMOUTH

Town Council Views – No objection

Officer Update – Four late letters - objecting

Recommendation – Conditional Approval

Committee Decision – Refusal

Reasons for Refusal:

The site is situated within the South Devon Area of Outstanding Natural Beauty and the increase in ridge height would be detrimental to the character and appearance of this area where there is a presumption against new development except where this is necessary to the economic or social well being of the area or where it will enhance its character, neither of which criteria are applicable in this case. The proposal is therefore contrary to Devon County Structure Plan Policy CO3; South Hams Local Plan Policy SHDC1 and Local Development Framework Core Strategy Policy CS9. The increase in ridge height would adversely affect the appearance and character of a building listed as of architectural or historic interest that is in close proximity to the site. Such action, if permitted, would not be in the interests of conservation and therefore contrary to the provisions of the Devon County Structure Plan Policy CO7; South Hams Local Plan Policies SHDC1 and SHDC19 which seeks to protect historic buildings.

The increase in ridge height would have an unacceptable impact on both the amenity of nearby residents and on views from a public vantage point. As such, it is considered to be 'unneighbourly' and therefore contrary to South Hams Local Plan Policy SHDC1.

17/1597/09/O

Outline application to demolish existing workshop, office buildings, tidy up scrapyards site, implement landscaping scheme to enhance site and erection of new bungalow – Scrapyards at Larcombe Lane SX748 581, Broadridge Cross to Larcombe Quarry, Diptford – Mr A Broadway

DIPTFORD , HARBERTON AND SOUTH BRENT

Diptford Parish Council Views – No objections subject to various comments

Harbertonford Parish Council Views – No objection subject to normal business restrictions and conditions

South Brent Parish Council Views – No comments

Officer Update – Highway Authority comments. Landscape Officer comments.

Recommendation – Refusal

Committee Decision – Approval subject to (1) Section 106 Agreement to control use of land in applicant's ownership; (2) Planning condition tabled at meeting

Conditions:

- 1 - TIM1 (Outline reserved matters to be made in 3 years)
 - 2 - TIM2 (Outline reserved matters time limit 3 and 2 years)
 - 3 - RES2 (Outline Small Schemes)
 - 4 - RES14 (Exclude Sketch)
 - 5 - RES38 (Garaging and Parking to Details)
 - 6 - Non Standard
Retention of Boundary Hedges/Trees
 - 7 - Non Standard
Landscape Details
 - 8 - LAN7 (Landscape Plan Management & Delivery)
 - 9 - Non Standard
Removal of Car Park/Restoration of Hedgebank and Land
 - 10 - Non Standard
Landscape Implementation
 - 11 - LAN8 (Landscape Inspection Completion)
 - 12 - LAN9 (Landscape Inspection: One Year)
 - 13 - Non Standard
Contamination
 - 14 - Non Standard
Verification Report
 - 15 - Non Standard
Arsenic Survey
 - 16 - Non Standard
Unsuspected Contamination
 - 17 - RES22A (Exclusion of G.D.O. – new October 2008)
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07/1426/09/O

Outline application for detached 2 storey dwelling, parking area for minimum 3 vehicles and associated landscaping works – Venn Farm, Brixton, Plymouth PL8 2AX – Mr & Mrs B Cane

BRIXTON

Parish Council Views – No objection. Comments: believe asbestos sheeting exists in the buildings to be demolished, the building itself is inside the development line, only the rear garden is outside the line.

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions:

- 1 - TIM1 (Outline reserved matters to be made in 3 years)
 - 3 - TIM2 (Outline - Reserved matters time limit 3 and 2 years)
 - 3 - RES2 (Outline Small Schemes)
 - 4 - RES14 (Exclude Sketch)
 - 5 - RES40 (Garaging)
 - 6 - RES22A (Exclusion of G.D.O. - new October 2008)
 - 7 - Non Standard
Unsuspected Contamination
 - 8 - Non Standard
Landscaping
 - 9 - Non Standard
Bats
 - 10 - Non Standard
Birds
-

28/1460/09/F

Householder application for alteration and extension to dwelling – Navicella, Veales Road, Kingsbridge – Mr & Mrs Bond

KINGSBRIDGE

Town Council Views – Approval

Officer Update – (1) Revised plans received – no change to proposal but correctly show window arrangement on rear (east) elevation. (2) Error in report – under third paragraph of analysis states ext 5.5m from mutual boundary - is 4.2M. (3) Additional LOR owner 1 Kingsley Road – supporting objection from Mr & Mrs Fraser owners of Matopo.

Recommendation – Conditional Approval

Committee Decision – Site Inspection

59/1432/09/F

Householder application for alterations and extension – Peelers Peace, Tacketwood, Kingsbridge, Devon, TQ7 3AY – Mr V Taylor

WEST ALVINGTON

Parish Council Views – Approval

Officer Update – One letter of support received

Recommendation – Refusal

Committee Decision – Conditional Approval

Conditions:

- 1 – TIM3 (Standard time limit 3 years)
 - 2 – Non Standard
Slate Hanging
 - 3 – Non Standard
Slate Roof
-

34/1554/09/F

Conversion of double garage and first floor store to two bedroom house – Barnfield, Vicarage Road, Marldon, Devon TQ3 1NN – Mr J Crawshay

MARLDON

Parish Council Views – No objections

Officer Update – Two late letters of support

Recommendation – Refusal

Committee Decision – Application deferred for all Officers to discuss the possibility of providing more garden space.

35/1688/09/F

Resubmission of 35/1012/09/F for conversion of retail furniture/antique shop to dwelling – The Old Chapel, 10 Church Street, Modbury, Ivybridge PL21 0QW – Mr J Thornton

MODBURY

Parish Council Views – Support, providing: (1) All internal architectural features including the font are retained; (2) The front of the property is not to be used for parking; and (3) The railings and graveyard to the front of the building are retained.

Officer Update – Additional late LOR from owner of 11 Church Street

Recommendation – Refusal

Committee Decision – Conditional Approval

Conditions:

- 1 - TIM3 (Standard time limit three years)
 - 2 - MAT23 (Windows & Doors)
 - 3 - MAT27 (Roof Glazing)
 - 4 - MAT30 (Details – Flues etc)
 - 5 - LBC14 (Protection of Features)
 - 6 - Non Standard Gravestones retained
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