

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 20 MAY 2009**

MEMBERS

* Cllr G J Fielden - Chairman

* Cllr D W May - Vice-Chairman

∅ Cllr H D Bastone

* Cllr J Brazil

* 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 but not participating:

Cllrs M J Howarth and R J Tucker

Officers in attendance:

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

DC.01/09 MINUTES

The minutes of the meeting of the Committee held on 15 April 2009 were confirmed as a correct record and signed by the Chairman.

DC.02/09 URGENT BUSINESS

The Chairman advised those present that he had agreed for two items of urgent business to be raised at this meeting. These were recorded as follows:-

1. The Chairman advised that application number 34/0380/09/F (retrospective application for alterations and extension to dwelling (resubmission of 34/2227/08/F) – 10 Marldon Cross Hill, Marldon) had been withdrawn prior to the start of the meeting;
2. Those present were informed that questionnaires had been distributed around the meeting room in order to monitor and gauge feedback on the effectiveness of the public participation scheme. If so minded, members of the public could fill out the form to aid the Committee determine and assess its effectiveness and interaction with the public.

DC.03/09 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 G J Fielden declared a personal interest in application number 37/0178/09/F (retrospective application for amendments to planning approval 37/0560/08/F for demolition of existing dwelling and replacement with new three bedroom dwelling and associated landscaping – Riverhaven, Riverside Road East, Newton Ferrers PL8 1AE) by virtue of the applicant's employment association with the Cheltenham & Gloucester (for which he used to be the local agent), and by virtue of one of the objectors, Mr Studd, sharing the same occupation (Chartered Surveyor). The Chairman advised that he had not met with either party at any time and had consulted with the Council's Deputy Monitoring Officer, who was in agreement that the interest was personal in nature only. As a consequence, he took part in the debate and vote thereon.

Cllr D W May also declared a personal interest in application number 37/0178/09/F (retrospective application for amendments to planning approval 37/0560/08/F for demolition of existing dwelling and replacement with new three bedroom dwelling and associated landscaping – Riverhaven, Riverside Road East, Newton Ferrers PL8 1AE) by virtue of his previous involvement (when Chairman of the Ivybridge Youth Centre) with the developers for this site and took part in the discussion and vote on this application.

Cllr S E Cooper also declared a personal interest in application number 37/0178/09/F (retrospective application for amendments to planning approval 37/0560/08/F for demolition of existing dwelling and replacement with new three bedroom dwelling and associated landscaping – Riverhaven, Riverside Road East, Newton Ferrers PL8 1AE) by virtue of her knowing the applicant and remained in the meeting and took part in the discussion and vote thereon.

Cllrs D W May and G J Fielden both declared a prejudicial interest in application number 49/2053/08/F (resubmission of 49/0940/08/F for conversion of agricultural buildings to business use Class B1, demolition of buildings for car parking and turning, Biotec Sewage Treatment plant and tank and alterations to access – Higher Challonsleigh, Lee Mill, Plymouth PL7 5AY) and subsequently both left the meeting for the debate and vote on this application.

Cllr D W May declared a prejudicial interest in application number 27/0460/09/F (retrospective application for the removal of existing steel framed canopy and temporary Portacabin and erection of 2 valeting bays – David May Motor Services, Ermington Road, Ivybridge, PL21 9ES) by virtue of the application being his own. The Member advised that he intended to make representations to the Committee under paragraph 12 (2) of the Code of Conduct and subsequently leave the meeting prior to the debate and vote on this application.

Cllrs B F Cane, R J Carter, S E Cooper, P Coulson, G J Fielden, J D Hawkins, M J Hicks, P W Hitchins, J T Pennington, R Rowe, J W Squire and R C Steer declared a personal interest in application number 27/0460/09/F (retrospective application for the removal of existing steel framed canopy and temporary Portacabin and erection of 2 valeting bays – David May Motor Services, Ermington Road, Ivybridge, PL21 9ES) by virtue of the applicant being a fellow South Hams District Council Conservative Group Member. All remained in the meeting and took part in the discussion and vote on this application.

Cllrs D W May and G J Fielden both declared a personal interest in application number 09/0438/09/F (resubmission of 09/2421/08/F for conversion of shop and Post Office into two dwellings – Post Labore, West Charleton, Kingsbridge, Devon, TQ7 2AJ) and both remained in the meeting and took part in the debate and vote thereon.

DC.04/09 **PUBLIC PARTICIPATION**

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

- 30/2419/08/O – Objector; Mr Griffin;
Dwelling to rear of Gidleigh House – Building site rear of Gidleigh House, Higher Street, Kingswear, TQ6 0AG;
- 40/1246/09/F – Supporter; Mr McCarthy;
Replacement windows and doors to hall – Ringmore Village Hall, Ringmore, Devon, TQ7 4HL – Ringmore Parish Room Committee;
- 56/0324/09/F – Objector; Dr Brown – Supporter; Mr Clemens;
Resubmission of application 56/2266/08/F for erection of dwelling – The Bungalow, Sparrow Road, Totnes, Devon, TQ9 5PR;
- 27/0460/09/F – Supporter; Mr May;
Retrospective application for the removal of existing steel framed canopy and temporary Portacabin and erection of 2 valeting bays – David May Motor Services, Ermington Road, Ivybridge, PL21 9ES;
- 09/0438/09/F – Supporter; Mrs Westlake;
Resubmission of 2421/08 for conversion of shop and Post Office into two dwellings – Post Labore, West Charleton, Kingsbridge, Devon, TQ7 2AJ;

- 41/0341/09/F – Supporter; Mr Lethbridge;
Resubmission of 41/1688/08/F for alteration to existing hand rail, deck and guarding – Flat 1, Charborough House, Devon Road, Salcombe, TQ8 8HB;
- 28/0321/09/F – Supporter; Mrs Beaumont;
Construction of 3 light industrial units, Doctors Garden, Higher Union Road, Kingsbridge, Devon, TQ7 3QH – W Wellington & Son (Transport) Ltd.

DC.05/09 **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 27 April 2009**

(i) 30/2419/08/O dwelling to rear of Gidleigh House – Building site rear of Gidleigh House, Higher Street, Kingswear

A report was presented on behalf of the Committee Site Inspection Group in respect of the above planning application. At the site inspection, the Group felt that the application was of such concern that it warranted further debate at this Committee meeting prior to Members reaching a decision.

The Chairman then proceeded to make reference to an email received which noted that the construction of a property on the application site would take place outside of the peak summer season and in conjunction with the neighbouring property application for a dwelling at the rear of Carlton House. The email then went on to confirm that Dart Haven Marina was able to issue a parking permit for its car parking facilities once car registration details had been provided. In conclusion, the email reminded Members that the method of constructing a dwelling on the proposed site was not a material planning consideration.

Notwithstanding these issues raised, the Chairman expressed concerns over the application, especially in relation to the highways access and parking facilities. He noted that, although the Dart Haven Marina had offered parking facilities, this did not guarantee a parking space. Subsequently, in respect of the application, the Chairman **PROPOSED** that the application be refused on the grounds of highways, which was then **SECONDED**.

Prior to taking a vote on the application, a speaker in objection to the application addressed the Committee outlining his concerns of overdevelopment, loss of privacy for his own neighbouring property, access, traffic congestion and the site containing slow worms which were a protected species.

It was then:-

RESOLVED

That in respect of application 30/2419/08/O, the application be refused by virtue of the highway concerns.

(ii) 30/0214/09/F creation of two storey extension – 13 Raddicombe Close, Hillhead, TQ5 0HB

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.

It was then:-

RESOLVED

That in respect of application 30/0214/09/F, the application be conditionally approved.

Conditions

- 1 - TIM3 (Standard time limit 3 years)
- 2 - RES30A (Windows - exclusion from GDO – Oct 2008)
- 3 - Non Standard
Unsuspected contamination
- 4 - MAT1 (Matching Materials)
- 5 - Non Standard
Hedgerow retention
- 6 - Non Standard
Hard surface details

(c) Report of the full Committee Site Inspection Group held on 27 April 2009

(i) 37/0178/09/F – retrospective application for amendments to planning approval 37/0560/08/F for demolition of existing dwelling and replacement with new three bedroom dwelling and associated landscaping – Riverhaven, Riverside Road East, Newton Ferrers, PL8 1AE

A report was presented of the full Committee Site Inspection in respect of the above planning application, which contained a recommendation that the application be conditionally approved.

The local Ward Member stated that, although she understood that it was not illegal to build without planning permission, the parish council had expressed disappointment that plans were not resubmitted when the changes became apparent. Following the recommendation of the full Committee Site Inspection, she acknowledged that it was likely that Members would approve the application and therefore she requested that an extra condition be incorporated to retain the historic hedge which ran parallel with the footpath.

During discussion on the application, a Member stated her appreciation that a full Committee Site Inspection had been held. She found that the retrospective application had not been as she expected and subsequently had been able to support its conditional approval.

In relation to the extra condition proposed by the local Ward Member, the Committee aired its support, although one Member was uncertain as to how this could be enforced in the event that the hedge fell into disrepair. In response to this it was noted that, if Members were minded to include this condition, a replacement hedge would be required should this eventually occur (as opposed to erecting a fence).

It was then:-

RESOLVED

That in respect of application 37/0178/09/F, the application be conditionally approved.

Conditions

- 1 - TIM3 – Standard three year time limit
- 2 - Non Standard
Natural Slate
- 3 - MAT10 – Roofing Ventilation Details
- 4 - MAT14 – Walls Render Details
- 5 - Non Standard
Green Roof

- 6 - Non Standard
Landscaping Details
- 7 - Non Standard
Details of Doors & Windows
- 8 - Non Standard
Parking & Vehicle Turntable
- 9 - Non Standard
Delivery of Materials – Work Method Statement
- 10 - Retention of Hedge

DC.06/09 **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 number 40/0246/09/F (replacement windows and doors to hall – Ringmore Village Hall, Ringmore, Devon, TQ7 4HL) a number of Members were in agreement with the officer recommendation for refusal by virtue of replacement uPVC windows having a detrimental impact on the special character of the Conservation Area. However, the majority of Members were minded to support the application by virtue of the applicant being a community based group, and the fact that associated costs of replacing the existing windows with further timber frame windows were excessively high. Subsequently, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

‘That the application be conditionally approved.’

- (b) In respect of application number 56/0324/09/F (resubmission of application 56/2266/08/F for erection of dwelling – The Bungalow, Sparrow Road, Totnes, Devon, TQ9 5PR) the Area Planning Officer (APO) advised Members during his presentation, that in order to mitigate neighbour concerns of overlooking, the applicants had offered to incorporate a further condition to increase the height of the bedroom windows and then ensure that the lower level of the windows were obscure glazing. During discussion on the application, a number of Members raised concern in relation to impact on neighbouring properties in terms of the bulk, height and massing of the proposed dwelling. A local Ward Member expressed concern of flooding on the site and the impact a dwelling might have on the area as currently it was seen as a natural soak away. Furthermore, concern was expressed in relation to access

down the narrow lane. Subsequently, the following motion was **PROPOSED** and **SECONDED** but on being put to the vote declared **LOST**:-

‘That the application be refused.’

The majority of Members were in agreement with the officer recommendation for conditional approval, with the addition of a further condition for obscure glazing as described by the APO.

- (c) In respect of application 49/2053/08/F (resubmission of 49/0940/08/F for conversion of agricultural building to business use class B1, demolition of buildings for car parking and turning, Biotec Sewage Treatment plant and tank and alterations to access), due to both the Chairman and Vice-Chairman declaring a prejudicial interest and leaving the meeting for this application, it was **PROPOSED** and **SECONDED**:-

‘That for application 49/2053/08/F Cllr J W Squire be appointed Chairman, and Cllr R C Steer be appointed Vice-Chairman, of the Development Control Committee.’

- (d) In respect of application 09/0438/09/F (resubmission of 09/2421/08/F for conversion of shop and Post Office into two dwellings – Post Labore, West Charleton, Kingsbridge, Devon, TQ7 2AJ) the APO highlighted that the recommendation for refusal was by virtue of the inadequate parking facilities the proposal would provide, and the lack of a turning circle for those vehicles. In response to this, the local Ward Member noted that the parking facilities were currently being utilised by the owners and would continue to be even if Members were minded to refuse the application. Moreover, the proposed changes would in fact enhance the parking facilities as the opening would be widened. It was felt that as the Highway Authority concerns were already in existence for this site, the proposed changes to the property would have no additional affect. Furthermore, Members acknowledged that when the property operated as a Post Office, it generated more traffic and therefore this issue had actually been alleviated.

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

‘That the application be conditionally approved.’

- (e) In respect of application 41/0341/09/F (resubmission of 41/1688/08/F for alteration to existing hand rail, deck and guarding – Flat 1, Charborough House, Devon Road, Salcombe, TQ8 8HB) a local Ward Member advised that the property had been identified in the draft Salcombe Conservation Area Assessment as in need of special protection and it was felt that the proposed glass frontage on the balcony area was detrimental to the character of the area. Subsequently, the following motion was **PROPOSED** and **SECONDED** but on being put to the vote declared **LOST**;-

‘That the application be refused by virtue of it being detrimental to the character of the area.’

The majority of Members felt that the proposal was acceptable and therefore agreed with the officer recommendation for conditional approval.

- (f) In respect of application 30/0201/09/F (replacement windows to front elevation – 2 Coombe View, Lower Contour Road, Kingswear, TQ6 0AR) the local Ward Member present felt that the proposed uPVC windows were not out of keeping with the area and therefore the following motion was **PROPOSED** and **SECONDED** but on being put to the vote declared **LOST**:-

‘That the application be conditionally approved.’

The majority of Members were in agreement with the officer recommendation for refusal as it was felt that the removal of historic timber windows, and their replacement with uPVC, would be detrimental to the character and appearance of the building and its locality as it was situated near to a Conservation Area.

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 4.30 pm).

Chairman

APPENDIX A

40/0246/09/F

Replacement windows and doors to hall – Ringmore Village Hall, Ringmore, Devon, TQ7 4HL – Ringmore Parish Room Committee

RINGMORE

Parish Council's Views – No objection

Officer Update – Letters of representation and petition in support reported

Recommendation – Refusal

Committee Decision – Conditional Approval

Condition

1 – TIM3 (Standard three year time limit)

56/0324/09/F

Resubmission of application 56/2266/08/F for erection of dwelling – The Bungalow, Sparrow Road, Totnes, Devon, TQ9 5PR – Mr & Mrs N & A Clemens

TOTNES

Town Council's Views : Refuse – out of character with the rest

Officer Update – Referred to a third letter of objection raising an additional concern about maintenance of the lane which the Officer advised was a civil matter. Reference made to a revised drawing showing an amended design to the bedroom windows on the east elevation, including the provision of obscure glazing to a height of 1.8m above floor level. Recommended an additional condition to reflect this fact.

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard three year time limit)
- 2 - MAT8 (Roofing Natural Slate)
- 3 - MAT11 (Eaves Verges Hips & Flues Details)
- 4 - MAT14 (Walls Render Details)
- 5 - MAT22 (Joinery Details)
- 6 - RES30A (Windows)
- 7 - RES22A (Exc GDO)
- 8 - RES42 (Parking)
- 9 - Non Standard
(Details of Excavations/Walls/Structures)
- 10 – Non Standard
(Revised Drawing – East Elevation/Obscure Glazing)

49/2053/08/F

Resubmission of 49/0940/08 for conversion of agricultural buildings to Business Use Class B1, demolition of buildings for car parking and turning. Biotec sewage treatment plant and tank and alterations to access – Higher Challonsleigh, Lee Mill, Plymouth, PL7 5AY – Mr E Jago

SPARKWELL

Parish Council's Views – No objection but concerned that:

- the proposal will increase flooding of the highway
- on adequacy of the sewage holding tank and pollution of water course, discharge will be under a building in neighbours ownership which is incorrectly marked
- siting of sewage tank is over line of the main electrical supply
- further work should be carried out to overcome flooding
- recommend a site meeting of all concerned parties

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - MAT2 (Samples submitted)
 - 3 - Non Standard (N/S Boundary Treatment)
 - 4 - IND18 (Noise Insulation)
 - 5 - USE17 (Use)
 - 6 - IND6 (Exclusion Of G.D.O.)
 - 7 - IND3 (Parking)
 - 8 - HWY19 (Surface Water)
 - 9 - HWY10 (Means Of Enclosure)
 - 10 - RES19 (Details (external lighting))
 - 11 - DRN2 (Drainage)
 - 12 - Non Standard
Landscaping
 - 13 - Non Standard
Hardsurfacing Details
-

34/0380/09/F

Retrospective application for alterations and extension to dwelling (resubmission of 34/2227/08/F) – 10 Marldon Cross Hill, Marldon, Devon, TQ3 1PA – Mr S Allen

MARLDON

Parish Council's Views – Objection:

- Building not in keeping;
- Unneighbourly (several objections from neighbour);
- Overdevelopment;
- Not consistent with other planning decisions in area.

Officer Update – Defer – await accurate plans

Recommendation – Conditional Approval

Committee Decision – Deferred

62/0511/09/F

Extension to side of dwelling and conversion of roof space to bedroom – 55 Yealm Park, Yealmpton, Devon, PL8 2NR – Mrs V Morgan

YEALMPTON

Parish Council's Views – No objection

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - MAT1 (Matching Materials)
 - 3 - Non Standard
Unforeseen Contamination
-

27/0460/09/F

Retrospective application for the removal of existing steel framed canopy and temporary Portacabin and erection of 2 valeting bays – David May Motor Services, Ermington Road, Ivybridge, PL21 9ES – Mr D May

Town Council's Views – No objection

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

1 - Non Standard
Ancillary Use of Building

09/0438/09/F

Resubmission of 2421/08 for conversion of shop and Post Office into two dwellings – Post Labore, West Charleton, Kingsbridge, TQ7 2AJ – Mr & Mrs T Westlake

CHARLETON

Parish Council's Views – No objection but provide the following comments, "As three parking spaces are provided the applicant should not be allowed to reverse into the main road in front of the property, obstruct the right of way at any time, not park on the virtual pavement".

Officer Update – None

Recommendation – Refusal

Committee Decision – Conditional Approval

Condition

1 – TIM3 (Standard three year time limit)

41/0341/09/F

Resubmission of 41/1688/08/F for alteration to existing handrail, deck and guarding – Flat 1, Charborough House, Devon Road, Salcombe, TQ8 8HB – Mr J Gregory

SALCOMBE

Town Council's Views : Objection - this is felt to be an inappropriate design and use of non sustainable materials in a Conservation Area. Councillors strongly object to the use of stainless steel as edging for the balcony railings. Town Council objected to the use of such materials on the adjacent property and again assert that such material is out of keeping and affects the setting from Courtney Street noting also that all other properties in this locality have timber edge balconies.

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

1 - TIM3 (Standard time limit 3 years)

28/0321/09/F

Construction of 3 light industrial units – Doctors Garden, Higher Union Road, Kingsbridge – W Wellington & Son (Transport) Ltd

KINGSBRIDGE

Town Council's Views : Recommend refusal – The proposal does not conform with Kingsbridge Town Council's Development Planning Document Submission; it would create excessive traffic adjacent to a tight bend in the highway; and visually it would have a negative impact on the skyline.

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard three year time limit)
 - 2 - USE17 (Use)
 - 3 - Non Standard
Soakaway Details
 - 4 - Non Standard
Schedule of Materials and Finishes
 - 5 - Non Standard
Hard & Soft Landscaping Details
-

30/0201/09/F

Replacement windows to front elevation – 2 Coombe View, Lower Contour Road, Kingswear, Dartmouth – Mr Gollledge

KINGSWEAR

Parish Council's Views – No objection

Officer Update – Reference to applicant's letter copied to Committee

Recommendation – Refusal

Reasons for Refusal

- 1 The removal of historic timber windows and their replacement with uPVC would be detrimental to the character and appearance of the building, its locality and the nearby Conservation Area and if allowed, would be contrary to Devon County Structure Plan Policy CO7, South Hams Local Plan Policies SHDC1, SHDC15, SHDC18, Local Development Framework Core Strategy Policies CS1, CS7, CS9 and relevant Central Government guidance.
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