

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 22 JULY 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 56/0544/09/F:
Cllr G Date

Also in attendance but not participating:
Cllr M J Howarth

Officers in attendance:

All Agenda Items: Head of Planning and Building Control, Area Planning Officer (Eastern Area), Senior Planning Officer (Eastern Area) and Senior Member Support Officer;

For Planning Application 56/0544/09/F: Enabling and Development Officer;
For Planning Application 02/0988/09/F: Conservation and Design Officer.

DC.12/09 MINUTES

The minutes of the meeting of the Committee held on 17 June 2009 were confirmed as a correct record and signed by the Chairman.

DC.13/09 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the Head of Planning and Building Control wished to raise the three following issues:-

1. Members were advised that the Totnes Southern Area development had received the National Housing Design Award, where the extent of community involvement had been highlighted;
2. Members were reminded of the planning training session which had been scheduled for 29 July 2009 at 10.00am; and,
3. Members were also reminded of the Special Development Control Committee meeting which was scheduled to take place on Friday, 31 July 2009 at 2.00pm to consider the Sherford New Community

application.

DC.14/09 **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 Vint declared a personal interest in planning application 56/0544/09/F (demolition of 9 existing dwellings and replacement with 19 houses and flats, parking and garden space – 1-6 & 36-38 Culverdale, Totnes, TQ9 5UL) by virtue of his involvement with a community group and he remained in the meeting and took part in the discussion and vote thereon.

Cllr Hicks declared a prejudicial interest in planning application number 22/0660/09/F (erection of 15m wind turbine – Moreleigh House, Moreleigh, Totnes, TQ9 0DX) by virtue of the applicant being a close neighbour and proceeded to leave the meeting during consideration of this application.

Cllr Westacott declared a personal interest in planning application number 34/0864/09/F (resubmission of application 34/1838/08/F for erection of a single dwelling with integral garage and independent handicapped facilities – Land north of Kiln Cross at SX865633, Kiln Road, Marldon) by virtue of her knowing the objector, and remained in the meeting and took part in the discussion and vote thereon.

Cllrs Bastone, Carter, Coulson, Fielden, Hawkins, Hicks, Hitchins, May, Pennington, Rowe, Squire and Steer declared a personal interest in application number 18/1015/09/F (conversion of traditional stone barns to dwelling with annex/holiday accommodation and visibility improvements to highway – Cott Farm, Dittisham, Dartmouth, TQ6 0JQ) 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.

Cllrs Bastone and Hawkins declared a personal interest in application number 51/1090/09/DC (construction of stoned turning circle and widening of existing gateway to improve access by buses/coaches for temporary Dartmouth Regatta parking facility for 8 days each year. Traffic to be controlled by temporary traffic lights at peak times – Regulation 3 LPA own development – Park and Ride Car Parks at SX 854509, Venn Lane, Dartmouth) by virtue of their involvement on the Dartmouth Regatta Committee. However, both Members had left the meeting prior to the debate and vote on this application.

DC.15/09 PUBLIC PARTICIPATION

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

- 56/0544/09/F; Objector – Mr Rose;
Demolition of 9 existing dwellings and replacement with 19 houses and flats, parking and garden space – 1-6 & 36-38 Culverdale, Totnes, Devon, TQ9 5UL;
- 30/0667/09/F; Objector – Mrs Sisson; Supporter – Mrs Kuruber;
Resubmission of 30/2274/08 for alterations to create one larger flat from two existing flats including enlargement of windows and balconies – 1 & 2 Brookhill, Castle Road, Kingswear, TQ6 0DX;
- 34/0864/09/F; Supporter – Mr Brooks-Daw;
Resubmission of application 34/1838/08/F for erection of single dwelling with integral garage and independent handicapped facilities – Land North of Kiln Cross at SX865633, Kiln Road, Marldon;
- 27-57/0753/09/F; Objector – Mr Edward; Supporter – Mr Howard;
Installations of flood lights, erection of portable spectator stand, extension of clubhouse and additional parking – Erme Playing Fields, Ermington Road, Ivybridge;
- 02/0988/09/F; Supporter – Mr Brown;
Retrospective application for amendment to approval of application 02/1895/08/F for reinstatement of dwelling. Amendments relate to the extension to south/west elevations – Idestone Farm, Loddiswell, Kingsbridge, TQ7 4EJ.

DC.16/09 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 29 June 2009**(i) 06/0429/09/F – retrospective application for the siting of a temporary mobile unit of accommodation for owners of a stud, carriage, driving and livery business – Hraefn Ham Farm, Lower Hatcherleigh, Blackawton, Totnes, TQ9 7AD**

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.

RESOLVED

That in respect of application number 06/0429/09/F, the application be conditionally approved.

Conditions

- 1 - USE6 (Temporary – 3 years)
- 2 – Non Standard
(Occupancy Retention)

DC.17/09 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 56/0544/09/F (demolition of 9 existing and replacement with 19 houses and flats, parking and garden space – 1-6 & 36-38 Culverdale, Totnes, TQ9 5UL) the Area Planning Officer advised that, in relation to the possible education contribution which formed part of the draft Section 106 Agreement, it had been found that this would not be viable. Subsequently, Officers were recommending that this aspect no longer formed part of the Agreement. Furthermore, Officers also suggested a further condition to those outlined in the presented report, which ensured provision for a bat roost and nesting for birds. Moreover, the APO highlighted a condition in relation to the Code for Sustainable Homes Level 4 which, although referred to in the presented report, had been inadvertently omitted from list of conditions;
- (b) In respect of application number 30/0667/09/F (resubmission of 30/2274/08 for alterations to create one large flat from two existing flats including enlargement of windows and balconies – 1 & 2 Brookhill, Castle Road, Kingswear, TQ6 0DX) the inclusion of an extra condition to those which had been recommended by Officers,

to ensure that the window frames remained wood, was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**;

- (c) In respect of application 34/0864/09/F (resubmission of application 34/1838/08/F for erection of single dwelling with integral garage and independent handicapped facilities – Land north of Kiln Cross at SX865633, Kiln Road, Marlton) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That the application be conditionally approved.’

Reason

The majority of Members supported the application and felt that the site was exceptional in that it was enclosed from the surrounding countryside and appeared to be a natural infill site.

- (d) In respect of application 02/0988/09/F (retrospective application for amendment to approval 02/1895/08/F for reinstatement of dwelling. Amendments relate to the extension to south/west elevations – Idestone Farm, Loddiswell, Kingsbridge, TQ7 4EJ) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

‘That a site inspection be held.’

It was then:-

RESOLVED

That the planning applications considered at this meeting be determined as indicated in Appendix A to these minutes.

(Meeting commenced at 2.00 pm and concluded at 5.00 pm).

Chairman

APPENDIX A**56/0544/09/F**

Demolition of 9 existing dwellings and replacement with 19 houses and flats, parking and garden space –1-6 & 36-38 Culverdale, Totnes, Devon TQ9 5UL – Tor Homes Ltd

TOTNES

Town Council's Views – No objections

Officer Update –

- Detailed presentation clarifying siting, layout, design and levels of new development. Additional sectional drawings shown to Committee clarifying distances and levels/ridge heights of the existing bungalows and new development in relation to properties in Culverdale and Weston Lane. Case Officer advised Committee that the development would have a large impact on the residential amenities of properties in Culverdale and Weston lane but on balance and having regard to its semi-urban location and distances, in his opinion it would be difficult to defend any refusal of permission at appeal.
- Confirmed brick samples would only be agreed in consultation with the Bridgetown & Totnes Members.
- Referred to updated Bat Report. Additional condition recommended for bat roost and nesting bird provision.
- Recommended **NO** educational contribution be payable for viability reasons. Read to Committee comments from the Affordable Housing Officer and reference made to proposals for KEVICS redevelopment in the future.
- Advised report had referred to a condition about Code for Sustainable Homes Level 4 which had been inadvertently omitted from list of conditions.

Recommendation – Conditional Approval (subject to a S106 Agreement)

Committee Decision – Conditional Approval subject to prior satisfactory completion of a Section 106 Agreement dealing with, (i) affordable housing; (ii) delivery of on-site sport and recreation facilities and/or agreed financial contributions during future redevelopment phases; and (iii) responsibilities for retaining the footpath as a public through route and clarifications as to maintenance of the footpath and carrying out of future repairs.

Conditions

1. Standard 3 Years Time Limit
2. Non Standard
External Finishing Materials
3. Non Standard
Boundary Treatments
4. Non Standard
Hardsurfacing Materials & Surface Water Disposal
5. Non Standard
Landscaping Details (Including Landscape Maintenance)
6. Non Standard
Landscape Implementation

- 7. Non Standard
Landscape Inspection.
 - 8. Non Standard
External Lighting Details.
 - 9. Non Standard
Parking & Turning Facilities & New Access
 - 10. Non Standard
No Obstruction of Parking Spaces
 - 11. Non Standard
No Obstruction of Turning Area & Access Road
 - 12. Non Standard
Provision and Retention of Footpath for Public Use.
 - 13. Non Standard
No External Burning
 - 14. Non Standard
Traffic Management Plan
 - 15. Non Standard
Safety Audit
 - 16. Non Standard
Wildlife
 - 17. Non Standard
Unsuspected Contamination
 - 18. Non Standard
GPDO Exclusion
 - 19. Non Standard
Bat Roost & Nesting Bird Provision
 - 20. Non Standard
Code for Sustainable Homes Level 4
-

30/0667/09/F

Resubmission of 30/2274/08 for alterations to create 1 large flat from 2 existing flats including enlargement of windows and balconies – 1 & 2 Brookhill, Castle Road, Kingswear, TQ6 0DX – Mr M Venezia

KINGSWEAR

Parish Council's Views – No objection subject to natural slate and tinted glass used

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
- 2 - MAT8 (Roofing Natural Slate)
- 3 - MAT26 (Rooflights Conservation Type)
- 4 – Non Standard
Timber Doors and Windows

22/0660/09/F

Erection of 15m wind turbine – Moreleigh House, Moreleigh, Totnes TQ9 7JN – Mr J Dimbleby

HALWELL & MORELEIGH

Parish Councils' Views – Raise no objection providing the visual and acoustic guidelines are met

Officer Update – 1 late letter of objection reported

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - Non Standard
(Reinstatement of Land)
-

34/0864/09/F

Resubmission of application 34/1838/08/F for erection of single dwelling with integral garage and independent handicapped facilities – Land north of Kiln Cross at SX865633, Kiln Road, Marldon, Devon – Mr W Eastley

Parish Council's Views – No objection

Officer Update – Revised plans received

Recommendation – Refusal

Committee Decision – Conditional Approval

Conditions

- 1 – TIM3 (Standard three year time limit)
 - 2 – MAT 8 (Roofing Natural Slate)
 - 3 – MAT15 (Weatherboard Colour Finish)
 - 4 – MAT23 (Timber Doors & Windows)
 - 5 – MAT30 (Rainwater Goods)
 - 6 – MAT42 (Parking)
 - 7 – RES22A (Exc. G.D.O.)
 - 8 – MAT16 (Local Stone)
 - 9 – Non Standard
Balustrade Details
-

27_57/0753/09/F

Installation of floodlights, erection of portable spectator stand, extension of clubhouse and additional parking area – Erme Playing Fields, Ermington Road, Ivybridge, Devon – Mr B Howard

IVYBRIDGE & UGBOROUGH/BITTAFORD

Town Council's Views – No objection
Parish Council's Views – No objection

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard three year time limit)
 - 2 - Non Standard
Details of Spectator Stand
 - 3 - Non Standard
Floodlighting Times
 - 4 – Non Standard
Plastic Parking System Surfaced Laid
-

02/0988/09/F

Retrospective application for amendment to approval 02/1895/08/F for reinstatement of dwelling. Amendments relate to the extension to south/west elevations – Idestone Farm, Loddiswell, Kingsbridge, TQ7 4EJ – Mr N Brown

AVETON GIFFORD

Parish Council's Views – Support the application

Officer Update – None

Recommendation – Refusal

Committee Decision – Deferred for Site Inspection

18/1015/09/F

Conversion of traditional stone barns to dwelling with annexe/holiday accommodation and visibility improvements to highway – Cott Farm, Dittisham, Dartmouth, TQ6 0JQ - Mr & Mrs J Tucker

DITTISHAM

Parish Council's Views – No objection

Officer Update – Revised plans received

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - MAT8 (Roofing Natural Slate)
 - 3 - MAT23 (Timber Doors and Windows Reserve Details Vents)
 - 4 - MAT12 (Eaves and Verges details)
 - 5 - MAT19 (Stone Alterations And Repairs)
 - 6 - MAT16 (Local Stone)
 - 7 - MAT22 (Joinery Details)
 - 8 - MAT27 (Rooflights Patent Glazing Details)
 - 9 - RES22A (Exclusion of G.D.O. - new October 2008)
 - 10 - RES42 (Parking)
 - 11 - Non Standard Ecological
 - 12 - LAN4 (Landscape Concept Plan: Full)
 - 13 – Non Standard Use of Annexe/Holiday Accommodation
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(I) 39/1805/08/F & (ii) 39/1806/08/LB

(I) Resubmission of planning application 39/0554/07/F for conversion of existing barn into holiday home and (ii) Resubmission of application 39/0554/07/F for Listed Building Consent for conversion of barn to holiday home with associated works and demolition of porch – Barn to south, Old Torne, Rattery, South Brent – Mr & Mrs N Ayles

RATTERY

Parish Council's Views – No objection

Officer Update – None

Recommendation – Conditional Approval (both applications)

Committee Decision – Conditional Approval (both applications)

Conditions

(i) 39/1805/08/F

- 1 - TIM3 (Standard time limit 3 years)
- 2 - MAT13 (Dark Colour Sheeting)
- 3 - MAT19 (Stone Alterations and Repairs)
- 4 - MAT22 (Joinery Details)
- 5 - MAT23 (Timber Doors and Windows Reserve Details Vents)
- 6 - MAT27 (Rooflights Patent Glazing Details)
- 7 - MAT21 (Lime Mortar)

(ii) 39/1806/08/LB

- 1 – TIM4 (Listed Building time limit 3 years)
 - 2 - MAT13 (Dark Colour Sheeting)
 - 3 - MAT19 (Stone Alterations and Repairs)
 - 4 - MAT22 (Joinery Details)
 - 5 - MAT23 (Timber Doors and Windows Reserve Details Vents)
 - 6 - MAT27 (Rooflights Patent Glazing Details)
 - 7 - MAT21 (Lime Mortar)
-

51/1090/09/DC

Construction of stoned turning circle and widening of existing gateway to improve access by buses/coaches for temporary Dartmouth Regatta parking facility for 8 days each year. Traffic to be controlled by temporary traffic lights at peak times – Regulation 3 LPA own development – Park & Ride Car Parks at SX854509, Venn Lane, Dartmouth – South Hams District Council

STOKE FLEMING & DARTMOUTH

Parish Council's Views – No objection

Town Council's Views – No objection

Officer Update – Reported Stoke Fleming and Dartmouth Town Council's recommendations

Recommendation – That the Committee resolves to grant conditional approval following the expiry of the advertisement period, but subject to no third party or other objections being received within the advertisement period. Should any such objections be received within this advertisement period, delegated authority is given to the Head of Planning and Building Control, in consultation with the Chairman of the Development Control Committee and the Ward Member, to issue an appropriate decision, having due regard to the material planning considerations raised by such third party objections.

Committee Decision – Conditional Approval

Conditions

1 TIM3 (Standard time limit 3 years)

2 Non Standard

Retention of Hedgerows

3 Non Standard

Hardsurfacing

4 Non Standard

Stonework
