

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 29 OCTOBER 2008**

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

* Denotes attendance

∅ Denotes apologies for absence

Officers in attendance for all agenda items:

Head of Planning and Building Control, Area Planning Officer (Eastern Area),
Solicitor and Senior Member Support Officer

Application number 07/1039/08/F: Senior Planning Officer

Application number 05/1546/08/F: Part-time Senior Planning Officer

DC.31/08 APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

That Cllr Squire be appointed Vice-Chairman for the duration of the meeting.

DC.32/08 MINUTES

The minutes of the meeting of the Committee held on 1 October 2008 were confirmed as a correct record and signed by the Chairman.

DC.33/08 URGENT BUSINESS

The Chairman advised that he had one item of urgent business he wished to raise in relation to a recent decision on Kimberley Nurseries (44/1128/088/F - stationing of temporary horticultural workers dwelling). The Area Planning Officer (APO) advised that under delegated authority, a planning application at Kimberley Nurseries was refused in August 2008 on the grounds of no agricultural need, traffic concerns and it being contrary to the Area of Outstanding Natural Beauty and Coastal Preservation Area policies. Subsequently, the applicant was appealing on the grounds of non-determination and therefore the Council was requesting authority from the Committee to fight the appeal on those grounds for refusal.

It was then:-

RESOLVED

That authority be delegated to officers to contest the appeal in respect of application number 44/1128/08/F, to defend the decision to refuse the application on the grounds of no agricultural need, traffic and it being contrary to the Area of Outstanding Natural Beauty and Coastal Preservation Area policies.

DC.34/08 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that following the recent changes to the Planning Permitted Development Rights, a Member workshop had been scheduled for Tuesday 4 November 2008 at 9.15am.

The Chairman then proceeded to inform those present that the following application had been withdrawn prior to the start of the meeting:-

- 28/1614/08/F - Alterations to internal layout and access – Public Toilets, The Promenade, Kingsbridge, TQ7 1JD – South Hams District Council.

DC.35/08 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:-

Cllrs Cane, Carter, Coulson, Hicks, Hitchins, May, Pennington, Rowe, Squire and Steer declared a personal interest in application number 05/1665/08/F (rebuilding and extension to outbuilding to provide lean-to store and workshop – The Byre, Easton, Bigbury, Kingsbridge, TQ7 4AN) by virtue of the applicant being a fellow Conservative Member of South Hams District Council. Members remained in the meeting and took part in the vote and debate thereon.

Cllr May declared a prejudicial interest in application 57/1484/08/F (Erection of Office Development – The Woodpecker, South Brent, TQ10 9ES) by virtue of the owner being his insurance agent and therefore he left the meeting during the debate and vote on this application (the vice-chairman, Cllr Squire, took the Chair for this application).

Cllr May also declared a prejudicial interest in application 21-27/1548/08/F (Extension to the kitchen and conference facilities to front of garden centre – Endsleigh Garden Centre, Ivybridge, PL21 9JL) by virtue of him being a member of the Rotarian Club which frequently used the facilities at the garden centre. Cllr May therefore left the meeting during the debate and vote on this application (the vice-chairman, Cllr Squire, took the Chair for this application).

Cllr Cane declared a prejudicial interest in application 07/1039/08/F (alterations and extension to Nursing Home to provide ten additional bedrooms – The Lawns Nursing Home, Brixton, Plymouth, PL8 2AX) by virtue of the applicant being a close neighbour and therefore left the meeting during the debate and vote on this application.

Cllr Hitchins declared a personal interest in application 14/1491/08/F (construction of Place of Worship (Use Class D1) and associated car park and access – Land at Ashburton Road, Puddavine, Dartington, Totnes) by virtue of his association with the architect and remained in the meeting and took part in the debate and vote thereon.

DC.36/08 PUBLIC PARTICIPATION

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

- 14/1491/08/F – Objector; Mr King – Supporter; Mr White;
Construction of Place of Worship (Use Class D1) and associated car park and access – Land at Ashburton Road, Puddavine, Dartington, Totnes;
- 07/1039/08/F – Objector; Mr Crean – Supporter: Mr Johnson;
Alterations and extension to Nursing Home to provide ten additional bedrooms – The Lawns Nursing Home, Brixton, Plymouth, PL8 2AX;
- 57/1484/08F – Objector; Mr Ward Green – Supporter; Mr Wigginton;
Erection of Office Development – The Woodpecker, South Brent, TQ10 9ES;
- 58/1645/08/F – Objector; Mr Gregory – Supporter; Mr Williams;
Resubmission of 58/0912/08/F for new detached dwelling to replace existing – Development site formerly known as Zenith, Train Road, Wembury, Plymouth;
- 19/1501/08/U – Supporter; Mr Reed;
Change of use from holiday accommodation to private dwelling – Barn Conversion, Harleston Manor, Harleston, Kingsbridge, TQ7 2BH;
- 21-27/1548/08/F – Supporter; Mr Hunt;
Extension to the kitchen and conference facilities to front of garden centre – Endsleigh Garden Centre, Ivybridge, PL21 9JL;
- 03/1588/08/F – Supporter; Mrs Boughton;
Resubmission of application 03/0807/08/F for replacement of metal framed windows with uPVC double glazed units – Village Hall, Berry Pomeroy, Totnes, TQ9 6LH.

DC.37/08 **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 13 October 2008****(27/1334/08/F) Two storey side extension with integral front porch – 14 Dunsterville Road, Ivybridge, Devon, PL21 0JT**

Members considered a report of the Committee Site Inspection Group in respect of the above planning application, which had included a recommendation that the proposal be refused. The Head of Planning and Building Control noted that he had nothing further to add to the presented site inspection report, which was echoed by the Site Inspection Group. It was then:-

RESOLVED

That in respect of application number 27/1334/08/F, the application be refused, for the reasons as outlined in the officers presented report.

DC.38/08 **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 14/1491/08/F (Construction of Place of Worship (Use Class D1) and associated car park and access – Land at Ashburton Road, Puddavine, Dartington, Totnes), the APO outlined the application and advised that if Members were minded to conditionally approve the application, then additional conditions to those outlined in the presented report were being suggested. These were outlined as follows:-

11 – HGE4 (Retention/Management of Hedgerows)
 12 – Non Standard
 No Bollards
 13 – Non Standard
 Parking
 14 – Non Standard
 Lighting Details
 15 – Non Standard
 Use Applied For

During discussion on the application, a Member expressed concern that the application was outside the development boundary for Totnes. Furthermore, he noted that the site was a Greenfield site and therefore he could not support the recommendation for conditional approval. In support of these concerns, further Members also expressed concern in relation to the traffic impact of such a proposal. In response to this, Members were reminded that Devon County Council (DCC) Highways Authority had raised no objections to the application and, furthermore, had not requested a traffic impact assessment. However, a number of Members remained concerned and queried whether a more suitable site could be located which would not detract from the open landscape setting.

In contrast, a Member noted that the Development Planning Document proposed approximately 50 dwellings on the site and therefore felt that they could be guided by the officer's recommendation for conditional approval. However, the following motion was **PROPOSED** and **SECONDED** but on being put to the vote it was declared **LOST**:-

‘that in respect of application 14/1491/08/F, the application be refused by virtue of its adverse impact on the landscape, highways concerns and the site being located outside the development boundary.’

- (b) In respect of application 07/1039/08/F (alterations and extension to Nursing Home to provide ten additional bedrooms – The Lawns Nursing Home, Brixton, Plymouth, PL8 2AX) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

RESOLVED

That in respect of planning application 07/1039/08/F, a site inspection be held.

- (c) In respect of application 57/1484/08/F (erection of Office Development – The Woodpecker, South Brent, TQ10 9ES), although in support of the need to develop the site for commercial use, a number of Members expressed concern with the design of the application. It was felt that the design was not sympathetic to its setting and therefore the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED:-**

RESOLVED

That in respect of planning application 57/1484/08/F the application be refused by virtue of the design elements of the proposal not being in keeping with its setting.

- (d) In respect of application 58/1645/08/F (resubmission of 58/0912/08/F for new detached dwelling to replace existing – Development site formerly known as Zenith, Train Road, Wembury, Plymouth) the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED:-**

RESOLVED

That in respect of planning application 58/1645/08/F, a site inspection be held.

- (e) In respect of application 21-27/1548/08/F (extension to the kitchen and conference facilities to front of garden centre – Endsleigh Garden Centre, Ivybridge, PL21 9JL) a Member agreed with the policy guidelines as set out in the officer report and therefore **PROPOSED** the officer recommendation for refusal, which was subsequently **SECONDED**. However, further Members felt that the application had merit in that, not only would it be beneficial to the vitality of Endsleigh Garden Centre, it also had the potential of benefiting the economy of Ivybridge Town Centre. Subsequently, on putting the proposal for refusal (as per the officer recommendation) to the vote, it was declared **LOST**. Therefore, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED:-**

RESOLVED

That in respect of application 21-27/1548/08/F, the application be conditionally approved.

Conditions

1 – TIM3 (Standard 3 year time limit)

- (f) In respect of application 03/1665/08/F (Resubmission of application 03/0807/08/F for replacement of metal framed windows with uPVC double glazed units – Village Hall, Berry Pomeroy, Totnes, TQ9 6LH) Members expressed support for the application noting that neighbouring properties comprised of similar windows and that they were a sustainable and energy-saving alternative to the existing metal windows. Therefore, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED:-**

RESOLVED

That in respect of application 03/1665/08/F, the application be conditionally approved.

Conditions

1 – TIM3 (Standard 3 year time limit)

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 5.25 pm).

Chairman

APPENDIX A

14/1491/08/F

Construction of Place of Worship (Use Class D1) and associated car park with access – Land at Ashburton Road, Puddavine, Dartington, Totnes – Trustees of Kingdom Hall of Jehovah's Witnesses

DARTINGTON

Parish Councils' Views – The same as the original application, i.e. development in the countryside and concern over access for 40/50 vehicles onto the road which would be a hazard

Officer Update – Referred to petitions and numbers of signatures/households on petition objecting to the proposal. 1 late letter of objection and 3 letters of support reported. Additional conditions to be added.

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard 3 year time limit)
 - 2 - MAT2 (Samples to be submitted)
 - 3 - DRN4 (Drainage)
 - 4 - Non Standard
Drainage
 - 5 - Non Standard
Gates open inwards
 - 6 - Non Standard
Highways - Width of Drive
 - 7 - Non Standard
Dropped Crossing Access
 - 8 - Non Standard
Landscaping Scheme
 - 9 - Non Standard
Implementation Scheme
 - 10 - Non Standard
Ecological
 - 11 – HGE4 (Retention/Management of Hedgerows)
 - 12 – Non Standard
No Bollards
 - 13 – Non Standard
Parking
 - 14 – Non Standard
Lighting Details
 - 15 – Non Standard
Use Applied For
-

07/1039/08/F

Alterations and extension to Nursing Home to provide ten additional bedrooms – The Lawns Nursing Home, Brixton, Plymouth, PL8 2AX – Mr P Helliker

BRIXTON

Parish Council's Views – Objection outside development boundary, inadequate access/congestion, surface water disposal from car park

Officer Update – None (Chairman highlighted error in report on p.32 should read Reasons for Approval not Reasons for Refusal)

Recommendation – Conditional Approval

Committee Decision – Site Inspection

(i) 53/1149/07/CA & (ii) 53/1150/07/F

(i) Conservation Area Consent for demolition of single and two storey structures; and
(ii) Part demolition and erection of new bedroom wings with ancillary accommodation – Fairfield House, Chillington, Kingsbridge, TQ7 2JX – Kaippans Care Homes Ltd

STOKENHAM

Parish Council's Views – **(i) 53/1149/07/CA** - Objection as Councillors were concerned that the increase in the number of rooms within this proposal would exacerbate the parking problems within this property and the community concern with regard to the surrounding roads. It was noted that at present there was often not enough room for delivery trucks to pull in to unload and this called into question the need for access and parking for ambulances and fire engines should the need arise. Of further concern with this application is the suggestion that a cherry tree is to be removed and a copper Beech planted in place. Councillors would seek clarification as to the siting of such Copper Beech in view of the vehicular and pedestrian visibility due to close proximity to the highway; and **(ii) 53/1150/07/F** - Objection due to the concern that no mention has been made within this application to the existence of historic wall within the grounds.

Officer Update – Typing error in third para. p. 36 reported. Confirmation that site had been inspected by Case Officer and Area Planning Officer. Late letters of objection reported. Ward Member's objection reported.

Recommendation – **(i) 53/1149/07/CA** - Conditional Approval
(ii) 53/1150/07/F - Refusal

**Committee Decision – (i) 53/1149/07/CA – Conditional Approval
(ii) 53/1150/07/F – Refusal**

Recommended that reasons for refusal should include reference to detriment to character and appearance of the Conservation Area.

Conditions

(i) 53/1149/07/CA

1 - TIM4 (Conservation Area Consent time limit 3 years)

2 - Non Standard

Methods of Demolition

Reasons for Refusal

(ii) 53/1150/07/F

- 1 The proposed extensions, by reason of the overall massing, bulk and scale would have a detrimental impact upon the living conditions of the neighbouring dwellings known as Morcum and Beaumonts. Therefore the proposal would be contrary to Policies CS1, CS7 & CS9 of the Local Development Framework Core Strategy and SHDC1 & SHDC15 of the South Hams Local Plan.
- 2 The development would result in the loss of a tree that is subject to a Tree Preservation Order, which by virtue of its position and species is considered to be an important feature within the village. Therefore, the proposal is contrary to Policies SHDC16 of the South Hams Local Plan and relevant Central Government Guidance.
- 3 The proposed development by reason of its massing, bulk and scale, combined with the loss of prominent trees in the streetscene, would result in an unacceptable visual impact on the character and appearance of the Conservation Area, thus contrary to the objectives of Policies CS1, CS7 & CS9 of the Local Development Framework Core Strategy; CO6, C07 of the Structure Plan; SHDC1, SHDC15 and SHDC18 of the South Hams Local Plan and relevant Central Government guidance.

57/1484/08/F

Erection of Office Development – The Woodpecker, South Brent, TQ10 9ES – Mr L De Mel

SOUTH BRENT

Parish Council's Views – Support

Officer Update – None

Recommendation – Conditional Approval (Subject to Section 106 Agreement)

Committee Decision – Refusal

Reasons for Refusal

1. The development would be out of character with this open countryside location by virtue of the design of the buildings and would thereby be contrary to South Hams Local Plan SHDC15 and LDF Core Strategy CS7.
-

05/1546/08/F

Two 4 bedroomed semi-detached maisonettes – Glenthorne, Marine Drive, Bigbury-On-Sea, Kingsbridge, TQ7 4AS

BIGBURY

Parish Council's Views – No comments received

Officer Update – 3 additional conditions requiring contaminated land surveys

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
 - 2 - MAT2 (Samples submitted)
 - 3 - MAT9 (Roofing Hips)
 - 4 - MAT11 (Eaves Verges Hips and Flues details)
 - 5 - MAT14 (Walls Render Details)
 - 6 - MAT30 (Full Details (ducts, flues, vents etc))
 - 7 - RES45 (Exclusion of GDO - 1 Oct 2008)
 - 8 - RES42 (Parking)
 - 9 – Non Standard Contaminated Land
 - 10 – Non Standard Contaminated Land
 - 11 – Non Standard Contaminated Land
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28/1614/08/F

Alterations to internal layout and access – Public Toilets, The Promenade, Kingsbridge, TQ7 1JD – South Hams District Council

KINGSBRIDGE

Town Council's Views – Approval providing the single entrance lobby is fitted with a security drop-down grill fitted on the outside that will be locked when the toilets are not in use

Officer Update – Changes to scheme mean it has to be withdrawn.

Recommendation – Conditional Approval

Committee Decision – WITHDRAWN

58/1645/08/F

Resubmission of 58/0912/08/F for new detached dwelling to replace existing - Development site formerly known as Zenith, Train Road, Wembury, Plymouth – Mr R Williams

WEMBURY

Parish Council's Views – No objection but concern at the large size of the building which will mean trees and shrubs are to be removed. Existing landscaping should be retained.

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Site Inspection

19/1501/08/CU

Change of use from holiday accommodation to private dwelling – Barn Conversion, Harleston Manor, Harleston, Kingsbridge, TQ7 2BH – Mr Reed

EAST ALLINGTON

Parish Council's Views – No objection

Officer Update – 3 letters of support reported

Recommendation – Refusal

Committee Decision – Refusal

Reasons for Refusal

- 1 The site is situated within the countryside, where Development Plan policy provides that development should be strictly controlled, and only provided for where consistent with the policies and proposals set out in the Plan. The Local Planning Authority is of the opinion that the existing holiday/ancillary accommodation should be retained for holiday/ancillary accommodation only. The use of the holiday cottage as a permanent residential dwelling would be contrary to adopted Structure and Local Plans Policies ST5, ST16 & SHDC3; adopted LDF Core Strategy Policies CS1 & CS13; and relevant Central Government guidance contained in PPS1, PPS7, and "Good Practise Guide on Planning for Tourism" and would set an undesirable precedent for similar proposals elsewhere on this and other holiday estates.

- 2 The proposed use of the existing holiday cottage as a permanent residential dwelling would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel and is therefore not sustainable and contrary to adopted Structure Plan Policies TR5 and TR10 and Central Government guidance contained in PPG13.
 - 3 The separation of the manor house and barn to form two private dwellings would have a detrimental impact upon the historic relationship of the historic complex. Thus such a proposal is contrary to LDF Core Strategy Policy CS9, Structure and Local Plan Policies CO7, SHDC19 and relevant Central Government guidance.
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21-27/1548/08/F

Extension to the kitchen and conference facilities to front of garden centre – Endsleigh Garden Centre, Ivybridge, PL21 9JL - Mr N Prest

ERMINGTON

Parish Council's Views – Objection on the following grounds:

- (i) To protect the town centre from out of town competition in accordance with SHDC policy; it was noted that the town itself already had conference facilities;
- (ii) Members believed that expansion of conference type facilities would not maintain the character of the site as a garden centre and, moreover, were concerned at what point expansion of the Endsleigh enterprise would cease;
- (iii) Increase in traffic at an already difficult road junction onto the slip road to the A38 particularly at times when other road users would not anticipate traffic from a garden centre.

Officer Update – None

Recommendation – Refusal

Committee Decision – Conditional Approval

Conditions

1 – TIM3 (Standard 3 year time limit)

03/1588/08/F

Resubmission of application 03/0807/08/F for replacement metal framed windows with uPVC double glazed units – Village Hall, Berry Pomeroy, Totnes, TQ9 6LH

BERRY POMEROY

Parish Council's Views - The Parish Council feel strongly that you should use common sense and your own better judgement to over-rule bureaucratic heritage guidelines to allow windows that the public cannot see, neighbours already have and are a sustainable, energy-saving alternative to the ugly metal windows currently in situ. It is the sort of thing that brings Planning Authorities into disrepute otherwise.

Officer Update – None

Recommendation – Refusal

Committee Decision – Conditional Approval

Conditions

1 – TIM3 (Standard three year time limit)

05/1665/08/F

Rebuilding and extension to outbuilding to provide lean-to store and workshop – The Byre, Easton, Bigbury, Kingsbridge, TQ7 4AN – Mr B Carson

BIGBURY

Parish Council's Views – No objection

Officer Update – None

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

Conditions

1 - TIM3 (Standard Time Limit)

2 – MAT1 (Matching Materials)

(i) 35/1738/08/F & (ii) 35/1739/08/LB

(i) Conversion of loft, re-cladding of existing roofs to rear of property, re-roofing and conversion of washroomstore to study, washroom and bathroom and minor internal works; and **(ii)** Listed Building Consent for conversion of loft, re-cladding of existing roofs to rear of property, re-roofing and conversion of washroom store to study, washroom and bathroom and minor internal works

MODBURY

Parish Council's Views – Support

Officer Update – None

Recommendation – Conditional Approval (both applications)

Committee Decision – Conditional Approval (both applications)

Conditions

35/1738/08/F

- 1 - TIM3 (Standard 3 year time limit)
- 2 - MAT8 (Roofing Natural Slate)
- 3 - MAT27 (Rooflights/Patent Glazing)
- 4 - MAT12 (Eaves and Verges)
- 5 - Non Standard

Gable Window

- 6 - Non Standard
- Ducts, Pipes, Rainwater Goods
- 7 - Non Standard
- Joinery Details
- 8 - Non Standard
- Finish & Colour of Timber Cladding

35/1739/08/LB

- 1 – TIM4 (Standard 3 year time limit)
 - 2 - MAT8 (Roofing Natural Slate)
 - 3 - MAT27 (Rooflights/Patent Glazing)
 - 4 - MAT12 (Eaves and Verges)
 - 5 - Non Standard
 - Gable Window
 - 6 - Non Standard
 - Ducts, Pipes, Rainwater Goods
 - 7 - Non Standard
 - Joinery Details
 - 8 - Non Standard
 - Finish & Colour of Timber Cladding
-