

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 11 January 2019

Present: W Cann, A Cooper, G Gribble, P Harper, P Hitchins, S Hill, M Jeffery,
J McInnes, D Moyse, N Oakley, C Pannell, R Parkinson, M Retallick,
P Sanders, P Woods

Apologies: K Ball, S Barker, J Christophers, D Webber

1339 Minutes of the Meeting held on Friday 7 December 2018

The minutes of the meeting held Friday 7 December 2018 were agreed and signed as a correct record.

1340 Declarations of Interests and Contact

Members agreed to declare those interests set out in the matrix of membership of other bodies.

The Chairman, Mr Cann, Mr Gribble, Mr Hill, Miss Moyse, Mrs Oakley, Mrs Pannell, Mr Retallick, Mr Sanders and Ms Woods declared a personal interest, due to email communication from the applicant, in item 0475/18 – change of use from former Methodist Chapel (use D1) to single residential unit (C3), South Zeal Methodist Church, South Zeal.

Mr Cann declared a personal interest in item 0476/18 – development of four units of affordable housing on land adjacent to The Old Telephone Exchange, South Zeal.

1341 Items Requiring Urgent Attention

None


1342 Applications for Determination by the Committee

Members received the report of the Head of Development Management (NPA/DM/19/001).

Item 1 – 0561/18 - Erection of office (Full Planning Permission), The Old Fire Station, Manor Road, Chagford

Speaker: Mr Michael O'Connor – Applicant

The Head of Development Management reminded Members that the application had been deferred at the committee meeting on 7 December 2018 in order to allow officers to give further consideration to Member concerns. He referred the meeting to page 20 of the committee papers where his considerations and findings were set out.

Signed  Date 13-19

The application is the second application for this site, the first application having been refused in May 2018. The applicant had listened to the issues raised at that time and had amended his plans accordingly, reducing the size of the proposed building by 20% with office space on the ground floor and a meeting room on the first floor, within the pitched roof space. The flat roofed area would be a green roof. Policy COR18 specifically applies to the application in that it refers to business use in local centres and supports small scale commercial development.

In response to Members, the Head of Development Management advised that the commencement of the development at Bellacouch Meadow was not specifically relevant to the determination of this application. In addition, with regard to parking provision, the Head of Development Management explained adopted standards; there is no prescribed minimum for commercial development. It was considered that should the development go ahead and a future owner has a desire to convert the property to a dwelling, planning permission would be required.

Mr McInnes proposed the recommendation, which was seconded by Mr Sanders. Mr Sanders added that the site, having previously been a fire station was not green field, nor residential, therefore, there is no policy requirement for a sequential test to be carried out. The applicant could identify other uses for the land without the need for planning permission. With regard to design, it would be difficult to identify reasons why the application was not acceptable, given the officer's statement. He did not feel that the design was 'unsympathetic to the area'.

Mr O'Connor advised Members that he was both applicant and agent and has been making applications to the Authority since 1974. The principle for the office building had been established. He added that there were no issues regarding parking, as stated by the Highways Authority. The new offices currently being built elsewhere are not suitable for his business needs. It is his plan to expand and consolidate his business, employ local people and contribute more to the local economy. He understood Members' concerns regarding the high number of objections but advised that his application also had a lot of support. He advised that, should the application be refused, he would have no option but to take the business decision to appeal against the decision and apply for costs.

The vote to grant planning permission was not carried.

The Legal Adviser advised Members that it was their legal obligation to determine the outcome of this planning application under the policies within the Development Plan unless material considerations indicate otherwise. She confirmed that sound planning reasons must be given for any refusal. She confirmed that, following a query from a Member, it was not appropriate to move to Part II proceedings as the applicant was entitled to know full reasons should the application be refused.

The Chairman reminded Members that having determined not to proceed in line with the officer recommendation, Members needed to confirm their reason for wishing to refuse the application and this should be based on material planning considerations.

Following Member comments, the Head of Development Management advised Members that any proposal from Members to refuse planning permission must be backed up with robust and defensible reasons. He advised the following:

Signed James McInnes Date 1-3-19

- Availability of alternative sites – this would not be a defensible reason at appeal;
- Parish Council views and public opinion – Members should tease out material planning considerations from these opinions. For example, parking/highway issues would not be defensible as the Highways Authority has stated that it has no objection;
- Amenity/visual appearance – design is a subjective opinion and could form a reason for refusal; the design is a modern interpretation of the Dartmoor style but Members would have the right to refuse permission on these grounds if they considered it to be an inappropriate design for the chosen location.
- Design and appearance are relevant matters that affect the character of this part of the town and the surrounding area – Members could consider policies COR1 – sustainable development; DMD 1a and 1b – principles of acceptable development; COR4, DMD3 and DMD7 – design policies; in particular DMD4a; scale and layout of proposed building; DMD3 – sustainable quality of places within the National Park; DMD7 – quality and distinctiveness, high standards of design; and the advice contained in the Authority's Design Guide.

Mr Hill proposed that permission be REFUSED on the grounds of design and the relevant policies as listed above, which was seconded by Miss Moyse.

A Member cautioned Members to think very carefully about the proposal to refuse as there is a wide variety of building designs within the specified area. He was unable to agree that the proposed design was sufficiently bad that Members should refuse planning permission.

A Member commented that local residents did not feel that a commercial development upon the site was appropriate. The Head of Development Management advised that policy COR18 was a positive policy, aimed at encouraging the expansion of small businesses within towns and settlements. The proposal was for B1a use and would therefore be able to co-exist with other types of development within a residential area.

RESOLVED: That for the reason as stated below, permission be REFUSED:

The proposed development, by reason of its design and appearance, will be detrimental to the character of this part of Chagford and the Dartmoor National Park. It would be contrary to policies COR1, COR4, DMD1a, DMD1b, DMD3 and DMD7 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010, the Dartmoor National Park Design Guide and the National Planning Policy Framework 2018.

Mr Hitchins arrived at the meeting.

Item 2 – 0476/18 – Development of four units of affordable housing, land adjacent to the Old Telephone Exchange, South Zeal

Speaker: Mr C White, Applicant

The Case Officer advised Members that she, along with a colleague, had been working with the applicants over a period of 18 months on this application. The site is

Signed James DeTues Date 1-3-19

considered an 'exception site', situated at the edge of the village. The application is supported by the Parish Council. It is a green field site. The slope of the land and the retention of the roadside hedge, (except for the formation of the new access), together with the proposed landscaping, limits the impact on the wider landscape. The application is for two pairs of semi-detached dwellings, to be set in a staggered fashion at the rear half of the field. Parking spaces are to be situated behind the houses. Privacy of neighbours has been critical. The dwellings will be of a split-level design, two storeys to the front, one storey to the rear, in order to minimise the impact on immediate neighbours at the Old Telephone Exchange. The development will be a 'self-build' project undertaken by the applicants.

As a 'self-build' project, the plans do not include full specifications at this stage. Officers need to ensure that all details are appropriate, hence proposed conditions 5, 6, 7, 8 and 9. Conditions 16 and 17 would be imposed to protect the substantial trees in the boundary and condition 3 would ensure control over any future alterations and protect the continued affordability of the dwellings. A S106 legal agreement will be required to control occupancy and future sales. A draft agreement has been produced. Discussions with Devon County Council's legal section are taking place currently regarding details. This is the first self-build application within the National Park.

Mr White advised Members that discussions commenced back in 2015 with the Forward Planning team. Further discussions with Planning Officers culminated in the application before them today which was submitted at the end of 2018. He added that he and his fellow applicants are sixth generation; they live and work within the locality and at the family farm. The self-build proposal is the only option available to them due to costs; they are proposing three bedroom units as they wish to remain in the village long-term; the design of the properties has been determined to be in keeping with the surrounding properties.

In response to Member queries, Mr White confirmed that solar panels are proposed in order to increase sustainability. Guidance has been obtained from Teignbridge District Council as there have been self-build applications within that district.

In response to additional Member queries, the Head of Development Management advised that it was not normal practice to set a completion date for any development; it was accepted that, as a self-build, this project was likely to take longer than a traditional development of this size. The Case Officer confirmed that with regard to eligibility to reside within the dwellings, the Section 106 legal agreement would ensure that eligibility was restricted to people from the parish of provision and additional local rural parishes within the boundary of the National Park.

Mr McInnes proposed the recommendation, which was seconded by Mr Sanders. Mr Sanders thanked officers and the applicants for their hard work on this exciting application. Other Members echoed these comments, adding that the proposals were imaginative and creative.

RESOLVED: That, subject to the completion of a Section 106 legal agreement in respect of affordable housing, and the conditions as set out in the report, permission be GRANTED.

Signed  Date 1-3-19

The Chairman thanked officers and applicants for working together on this application.

Item 3 – 0475/18 – Change of use from former Methodist Chapel (use D1) to single residential unit (C3), South Zeal Methodist Church, South Zeal

The Case Officer advised Members that this application had been advertised as a potential departure from the Development Plan. The applicant proposed the conversion of the historic chapel, which is not listed but features in the Historic Environment Record. The conversion will create a four bedroom open market dwelling. A parking space is proposed at the front of the building. The proposed scheme respects the integrity of the building in its location; few external changes are proposed and it is considered that the changes would not have a detrimental impact on the wider Conservation Area or neighbours. Internally, the lower ground floor is already subdivided but a new staircase would be formed; a mezzanine is proposed over part of the chapel space. The conversion, in principle, is considered to be acceptable.

The applicant has sought to address the viability issues and provided some costing information, pointing out that some structural work would be required to comply with Building Regulations. While this is acknowledged, officers are not satisfied that he has demonstrated that the building could not be converted into two units of affordable housing; in the face of evidence of need for this type of accommodation.

The Case Officer reminded Members that policy is very clear in that no new open market housing will be permitted in designated Rural Settlements. Although there was no interest from community groups and a commercial agent has suggested that there would not be demand, there is insufficient information to clearly demonstrate that the building could not be converted into affordable housing. The application is considered to be premature in this respect.

With regard to the applicant's reference to Sticklepath Chapel, the Case Officer advised Members that this was a listed building which was given planning and listed building consent for conversion as an exceptional case. The building was not considered suitable for affordable housing because of its listed status.

In that case the sub-division of the internal space was discouraged by the Authority for heritage reasons. In addition it was reported that two independent valuations were received by the applicants which, with details of purchase price and 'bills of quantities', demonstrated that the development would have resulted in a net loss to the landowner. In this circumstance the Authority could not ask for a commuted sum towards affordable housing in that area.

A departure from policy at this stage should only be considered if there are exceptional circumstances and it is considered that these have not been demonstrated in respect of this application.

In response to Member queries, the Case Officer and Head of Development Management clarified the difference between a designated and undesignated heritage asset. With regard to this application, the building is not listed and the Authority would, therefore, have no future control over changes to the interior of the building. An application for two affordable housing units for this particular building

Signed James P. T. [Signature] Date 1-3-19

could be compliant with policy DMD22. With regard to commuted sums, this would only be a requirement if and when all other possibilities for the building have been exhausted.

Mr McInnes proposed the recommendation, which was seconded by Mr Sanders.

RESOLVED: That permission be REFUSED for the reason as stated in the report.

1343 Appeals

Members received the report of the Head of Development Management (NPA/DM/19/002).

RESOLVED: Members NOTED the content of the report.

Signed Jawad McInnes Date 1-3-19