

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

2 December 2016

Present: K Ball, S Barker, W Cann, J Christophers, A Cooper, G Gribble, S Hill,
P Hitchins, M Jeffery, D Lloyd, J McInnes, I Mortimer, D Moyse, N Oakley,
C Pannell, M Retallick, P Sanders, P Woods

Apologies: D Webber

1181 Minutes of the meeting held on Friday 4 November 2016

Save for the amendments as detailed below, the minutes of the meeting held on 4 November 2016 were agreed and signed as a correct record.

- Minute No. 1176, Item 1, page 3 – amendment to text to read *'It was confirmed by the Head of Planning that all such developments should be treated as a departure from policy and should therefore be brought before committee for determination'*.
- Minute No. 1175, Item 4, page 6 – correction of spelling error to read *'The Sandford Principle ...'*

1182 Declarations of Interest and Contact

Members agreed to declare those interests set out in the matrix attached to the Agenda (Membership of other Councils).

A number of Members declared receipt of email correspondence with regard to various applications.

Mr Lloyd declared a personal interest, due to contact, in Item 9 – 0483/16 – East Wrey Barton Hotel, Lustleigh.

Miss Moyse declared a personal interest, having visited the site, in Item 3 – 0533/16 – Wortleigh, Meavy Lane, Yelverton.

Mr Cann declared a personal interest, due to contact, in item 7 – 0491/16 – Foxlands, Willey Lane, Sticklepath.

Mr Hitchins declared a personal interest, due to knowing the applicant, in Item 2 – 0315/16 – Peter Tavy Garage, Peter Tavy.

Ms Woods declared a personal interest, having received email correspondence, in Item 9 – 0483/16 – East Wrey Barton Hotel, Lustleigh.

Mr Sanders declared a personal interest, having spoken to a local councillor, in Item 2 – 0315/16 – Peter Tavy Garage, Peter Tavy, and having received email and telephone messages from the applicant, in Item 3 – 0533/16 – Wortleigh, Meavy Lane, Yelverton.

Signed  Date 6-1-17

1183 Items requiring urgent attention

None.

1184 Site inspections

Members received the report of the Head of Planning (NPA/DM/016/039).

0514/16 – Erection of an additional dwelling (open market) – Land adjacent to 2 Old School House, Ashburton

Speakers: Mr s Atkinson – Objector
Mr C Daniel - Applicant

The Case Officer reminded Members that the site is located on the north edge of the South Dartmoor Community College campus. The proposal is for the erection of a single dwelling with vehicular and pedestrian access from Place Lane. Amended scaled drawings have been received; the Community College has confirmed that the hedge is within its ownership.

Mr Atkinson advised Members that, in his opinion, the revised plans were also inaccurate; he also disagreed with the Highway Officer's advice that there was no requirement for a turning area. He added that COR21 stated that there should be sufficient space available for vehicles to turn; he felt that this would not be possible upon this site. With regard to the number of movements, both vehicular and pedestrian on Place Lane, he advised that there would be both seasonal and annual variations to numbers; should the planning application be granted, it was Mr Atkinson's opinion that usage would change from light to full usage; the increase in risk to public safety was too high.

Mr Daniel advised Members that it had been the Secretary of State's decision that the land should be sold; it has never been used for educational purposes. There were no objections that he was aware of regarding the proposal to build a house. The car parking area, in his opinion, is sufficient and improved due to the modification to straight-line parking. The Community College would retain ownership of the land; two of the parking bays would be allocated to the new dwelling, the other bays are already in use by the present owners of 2 Old School House. The College would be happy to comply with any requirement to remove or modify the hedgerow. Mr Daniel added that as Place Lane was a minor road, a 20mph speed limit was in place.

A Member reported that the Highways Officer had demonstrated that there were no issues with regard to parking on site; residents could either reverse in or out of the parking bays with no significant risk to the public. The modification of the hedgerow would improve the situation further.

Another Member disagreed with the professional advice, stating that the site inspection had not changed his mind. He advised that he would not be supporting the application as, in his opinion, public safety would be compromised should permission be granted.

Signed James R. [Signature] Date 6 - 1 - 17

Mr Gribble proposed the recommendation, subject to a condition being added regarding the access onto the public highway.

The Case Officer advised the wording of the proposed additional condition as follows:

'Prior to the commencement of development, details of the improvements to the visibility to the west shall be submitted to and approved in writing by the Local Planning Authority. The improved visibility shall be maintained without any obstruction and no further obstruction to vision (including trees or shrubs) shall be constructed, erected, sited, planted or allowed to grow thereon.'

Mrs Pannell seconded the proposal.

RESOLVED: That, subject to the conditions in the report, and the additional condition as detailed above, permission be GRANTED.

1185 Applications to be determined by Committee

Members received the report of the Head of Planning (NPA/DM/16/040).

Item 1 – 0515/16 Conversion of barn to two units of affordable housing – Barn A, Marley Grange, Stidson, South Brent

The Case Officer advised Members that Barn A, Marley Grange, is a stone building located within the historic farmstead of Marley, in close proximity to the A38 near South Brent. The proposal is for two affordable houses. The pole barn, initially to be used for garaging, is now withdrawn from the scheme. The applicant has demonstrated that other uses are not commercially viable. Confirmation has been received from the agent that there are no adverse comments regarding the draft Section 106 agreement to secure the affordable dwellings. Revised plans now reduce the red line site area and remove the pole barn.

The barns have historic merit but are no longer required for farming purposes and the application proposed a sustainable use of the buildings. Existing openings are to be used with minimal roof lighting; the proposal is for very modest conversions.

Mr Sanders proposed the recommendation, which was seconded by Mrs Pannell.

RESOLVED: That, subject to the conditions in the report, permission be GRANTED.

Item 2 – 0315/16 – New dwelling (revised re-design of existing planning consent 0270/14) on site of former garage – Peter Tavy Garage, Peter Tavy

Speaker: Mr S Mortimer – Objector
Mr G Goddard - Applicant

The Case Officer informed Members that the proposal is to erect an open market dwelling on the site of the former garage in the centre of Peter Tavy. A stream runs

Signed James R. H. T. Jones Date 6-1-17

to the south of the site and a leat to the north. Due to the fact that the proposal would mean the creation of an open market dwelling in a Rural Settlement the application has been advertised as a departure from the Development Plan.

Devon County Council (DCC) has advised that as it is proposed to introduce more permeable areas to the site ie, replacement of concrete with grass, no objection to the application is raised. In addition, any temporary or permanent works to the watercourse to facilitate the development will require Land Draining Consent from DCC. Five of the nearby residents have reiterated their concerns regarding flooding, visual impact and impact on amenity.

The proposed dwelling would be constructed with the gable end facing the road, in keeping with other properties in the vicinity. Construction would be raised by some 200mm due to flood risk. The main building would be 5m wide which is smaller than the design within the extant permission. The Environment Agency and Devon County Council have stated that the application would be a good use of the land.

Mr Mortimer advised Members that, in his opinion, the proposed dwelling does not enhance the site due to its modern design which is out of character with the rest of the village. The property would stand some 2 feet above road level on a small, open site with little opportunity for screening. He raised concerns regarding the risk of flooding to other properties within the local area, stating that the site had acted as a reservoir during bad weather earlier in the year.

In response to a Member's query Mr Mortimer confirmed that he had spoken to the other objectors; the comments he had made had been agreed with the other residents and he was acting as their representative.

Mr Goddard advised Members that permission had already been granted for a dwelling on the site. However, he had felt that the design could be improved and had employed a local architect to design a viable scheme. The site is very small; Mr Goddard felt that the amount of flood water that could be held on the site was negligible; improvements and the introduction of permeable areas would reduce the food risk.

In response to a Member query, Mr Goddard advised that, having seen photographs of previous flooding, in his opinion the water had come from the road, not the nearby brook. The Head of Planning advised that following the flooding episode in February 2016,, the Environment Agency had required a new risk assessment to be undertaken. The Agency has since confirmed that all issues had been dealt with.

Miss Moyse proposed that the application be deferred in order that a site inspection can be undertaken, on the grounds of a need to assess the visual impact of the proposed dwelling, which was seconded by Dr Mortimer.

RESOLVED: That the application be DEFERRED in order for a SITE INSPECTION to be undertaken.

The Chairman requested that a copy of the extant planning permission be made available to Members at the site inspection. The applicant was also requested to

Signed James D. OCT. 17 Date 6-1-17

ensure the footprint of the proposed dwelling be pegged out on the site in order to assist Members.

Item 3 – 0533/16 – Replacement of existing house and outbuildings with two detached 2-storey houses and two detached garages – Wortleigh, Meavy Lane, Yelverton

Speaker: Mr Mike Hope – Applicant

The Case Officer advised Members that the site currently houses a dormer bungalow in a large plot with a narrow frontage, set back from the road. The proposal is to demolish the bungalow and replace it with a smaller bungalow and a two storey dwelling, together with two garages in the front garden. It is also proposed to relocate the access to a more central location. The proposed new bungalow would have a floor area of 145sqm and the two storey dwelling 148sqm, both of which are in excess of the 85sqm permitted under policy DMD21.

Although the site is outside YEL2 the character of Meavy Lane is one of large houses set back from the boundary in long linear plots. The sub division of the plot to facilitate the proposed two dwellings would significantly change the character of the area.

Mr Hope advised Members that his client wished to demolish the current bungalow and rebuild his own home plus another dwelling; both would be more affordable. The properties would be set back 20m from the road, ensuring no loss of privacy. He added that as the property is not listed, or in a conservation area, there was no policy regarding the sub-division of plots which related to the site. A precedent has also been set elsewhere. Careful consideration had been given to the Ministerial Statement, issued earlier this year, when preparing this application.

In response to a Member query the Head of Planning advised Members that the policies within the Authority's Development Plan still have primacy over advice issued by the Government in the Ministerial Statement. The Head of Legal and Democratic Services confirmed that in addition to the existing dwelling, an additional open market dwelling is proposed and this application is therefore a departure from policy.

Dr Mortimer proposed the recommendation.

Miss Moyse proposed that the application be deferred in order that a site inspection can be undertaken to assess the design, layout and character of the proposal and to consider the local context, which was seconded by Mr Hitchins.

RESOLVED: That the application be DEFERRED in order for a SITE INSPECTION to be undertaken.

Item 4 – 0547/16 – Alterations to thatched roof (Listed Building Consent) – Dymonds, Dunsford

The Building Conservation Officer advised Members that the application sought permission to change the thatching material on the south rear elevation and ridge of

Signed James Ricketts Date 6-1-17

the Grade II listed cottage, from traditional combed wheat reed to water reed. The cottage is situated in a prominent location in the centre of the village.

Water reed is a different material from combed wheat reed and is not traditionally used in Devon. It must be imported, usually from Eastern Europe, Asia or Africa. The applicant wishes to change the thatching material due to the perceived greater longevity of water reed. Historic England was consulted and has advised that there is no clear evidence that good quality wheat reed would have a shorter life than imported water reed. In addition, combed wheat reed is the traditional and authentic thatching material in Devon; maintaining this tradition would support local growers and retain traditional skills.

Dr Mortimer commented that there were no good reasons put forward to move away from policy and proposed the recommendation, which was seconded by Mr Gribble.

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

Item 5 – 0534/16 – Repositioning of stone gate pier, enlarging opening and gate – 3/4 The Wilderness, East Street, Ashburton

Speaker: Mrs Sandra Smith - Applicant

The Building Conservation Officer advised Members that the application sought permission to alter part of the railings, gates and gate piers, which were listed in 1992, to create a wider access for vehicles. The property itself is not listed. It benefits from two entrances, one of which is shared with The Stables and is approximately 300mm wider than the western gate. It is not proposed to alter the shared access.

Mrs Smith advised Members that she has been the sole owner of the property for the past five years. The current 7 foot opening is only large enough to accommodate a small car. She advised that it was her intention to sell the property with a useable entrance; currently deliveries etc have to be made from outside on the road.

A Member commented that the plans before the Committee represented no real gain as the granite plinth would prevent any wider vehicles from using the access.

Dr Mortimer felt that the design and visual impact of the proposals was unacceptable, adding that symmetry would enhance any future design. He proposed the recommendation, which was seconded by Mr Ball. Members considered that a re-designed scheme could be more acceptable.

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

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Item 6 – 0565/16 – Construction of agricultural worker’s dwelling – Beacon View Farm, Drewsteignton

Mr Harold Dunn - Applicant

The Case Officer advised Members that Beacon View Farm is located approximately 600m south east of Whiddon Down. The application is for outline planning permission for the construction of a third on-site farm workers dwelling. The farm consists of 94 acres and is operated as a dairy enterprise. There are 55 milking cows, 24 young cattle and 8 beef bulls. The report of the Independent Land Agent states that the existing dairy farm and milk processing business is adequately serviced by the existing two farm workers dwellings.

The functional need is only proven for one dwelling. There is no proven need for a third.

Mr Dunn refuted the opinion of the Independent Land Agent and the recommendation for refusal stating that, in his view, the milk processing part of the business, which specialises in the production of clotted cream, is very intensive and often needs management input to rectify issues at all hours of the day or night. The number of doorstep drops currently stand at 2000 and it is his aim to increase this number to 4000. He added that there is very little affordable housing available within the local area; without the additional farm workers dwelling the business may not be able to continue. He advised that there are no objections to his application and that the construction of an additional dwelling would have limited impact on the local area.

Dr Mortimer commented that the agricultural case for this application had not been made, nor is the property far from the settlement of Drewsteignton. He proposed the recommendation, which was seconded by Mr Lloyd who added that it had been proven that there was no functional need for a third dwelling.

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

Item 7 – 0491/16 – Construction of extension and associated works – Foxlands, Willey Lane, Sticklepath

Speaker: Mrs Patricia Mallett - Applicant

The Planning Team Manager advised Members that Foxlands is a modern detached dwelling, subject to an agricultural tie. The proposal is for a side extension to provide a living room and farm office; the building would extend into the area which is currently gravelled and used for domestic parking, and would project back from the rear wall into the garden.

As the house is subject to an agricultural tie it is subject to policy DMD24 which states that extensions to dwellings limited by condition for agricultural workers should not be permitted where the habitable floorspace of the existing building, combined with the extension, would exceed 120sqm. The original dwelling as built had a floor area of 102sqm. The existing house has a habitable floorspace (including the conversion of a large area of the loft space which did not need

Signed David P. [Signature] Date 6-1-17

planning permission) of 149sqm. With the proposed extension, the habitable area would increase to 192sqm which clearly conflicts with policy. No evidence has been provided to demonstrate why the additional space is needed for the effective management of the agricultural holding.

Mrs Mallett advised Members that family circumstances have meant that the main farmhouse has been sold and, therefore, Foxlands is the only residence on the farm. The proposed extension is needed to provide additional living space and an office for the farm and the agricultural contracting business. She added that the proposed extension is smaller than that which would be allowed under Permitted Development Rights (PDR). She stated that she has offered to give up PDR if permission for the current application was granted.

In order to clarify the position the Head of Planning advised that under Permitted Development Rights, extensions may be built at the rear of a property only; they are not allowed to the side or the front. Officers have concerns that the agricultural workers dwelling will become too large and will not remain affordable in the long term.

Mr Sanders felt that the proposal before Members would provide a better outcome than anything under permitted development rights; he added that the applicant had justified the need for the increase due to the business need and proposed that permission be granted, which was seconded by Mr Gribble.

The Chairman suggested that, considering Mr Sanders' proposal for permission to be granted, the application be deferred for the period of one month in order to allow time for officers to reconsider the application in line with the protocol agreed as set out in the Development Management Good Practice Guide.

RESOLVED: That the application be DEFERRED for the period of one month.

Item 8 – 0552/16 – Erection of first floor extension over garage and ground floor extension to garage and porch – Oak Cottage, Peter Tavy

The Chairman advised Members that this item had been WITHDRAWN.

Item 9 – 0483/16 – Variation of condition 6 attached to decision reference 0581/15 and condition 2 of the associated non-material amendment – Barn at East Wrey Barton Hotel, Lustleigh

Speaker: Ms S Figgis - Objector
Mrs S Hunt - Applicant

The Planning Team Manager advised that the barn forms part of a complex of barn conversions arranged around a central courtyard. In 2015 permission was granted for the conversion into a single dwellinghouse; this included the provision of timber louvres over the first floor window in the archway. The application before Members seeks to vary one of the conditions, and a subsequent non-material amendment, that relates to the non-opening of the existing window to allow it to be used in an

Signed James P. MCT Date 6-1-17

emergency situation and maintenance. The window and louvres would remain shut at all other times.

The window is situated under a covered passageway and is directly opposite a corresponding bedroom window in the neighbouring property, some 2.7m away.

Ms Figgis stated that the window in question is very large, floor to ceiling, and is dominant in its setting. When both windows are open all conversations are audible. In her opinion, there is no justification for the window to form an escape route in an emergency; an adjoining door into the next bedroom would suffice. She added that under Policy DMD4 the proposal would be unacceptable as it would prevent her from having the quiet enjoyment of her home.

Mrs Hunt advised Members that she had no issue with policy DMD4 and the need to protect privacy. The variation of condition was requested for maintenance and emergency use only. The works to her property have been signed off by Building Control subject to the variation being granted. She added that the roof light in the bedroom could not be used as an emergency exit as it is 3.5m above ground level.

Dr Mortimer commented that the application related to emergency use and essential maintenance. With this in mind he proposed the recommendation, which was seconded by Mr Sanders.

RESOLVED: That, subject to the conditions set out in the report, with any appropriate amendments, permission be GRANTED.

Members requested that Legal and Democratic Services to agree the final wording of the conditions relating to this permission.

1186 Appeals

Members received the report of the Head of Planning (NPA/DM/16/041).

RESOLVED:

Members noted the content of the report.

1187 Site Inspections

Site Inspection panel to consist of : Mr Sanders, Miss Moyse, Mr McInnes, Dr Mortimer, Mr Hitchins and Mr Lloyd

Applications: 0315/16 – New dwelling (revised re-design of existing planning consent 0270/14) on site of former garage – Peter Tavy Garage, Peter Tavy

0533/16 – Replacement of existing house and outbuildings with two detached 2-storey houses and two detached garages – Wortleigh, Meavy Lane, Yelverton

on Friday 16 December 2016.

Signed



Date

