

**DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE**

7 August 2015

Present: S Barker, G Gribble, S Hill, P Hitchins, J Hockridge, M Jeffery, J Kidner, D Lloyd, J McInnes (Chairman), I Mortimer, D Moyse, N Oakley, C Pannell, M Retallick, P Sanders (Deputy Chairman), D Webber

Apologies: K Ball, J Christophers, P Harper

1071 Minutes of the previous meeting

The Minutes of the meeting held on Friday 3 July 2015 were signed as a correct record.

1072 Declarations of Interest and Contact

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

1073 Items Requiring Urgent Attention


Members received the report of the Head of Planning (NPA/DM/15/044). He advised that there had been an announcement made this week regarding a High Court judgement relating to affordable housing policy, hence the emergency report.

A report had been taken to the Authority meeting in January 2015 which described a new policy position adopted by Ministerial Statement, incorporated in the National Planning Practice Guidance. The policy altered the Authority's ability to require contributions for affordable housing in a section 106 planning obligation on development of 10 housing units or less. The Authority was given the opportunity to adopt a lower threshold of five units or less. At that time Members resolved to adopt the Interim Statement on the use of Section 106 planning obligations and adopted the lower threshold.

A legal challenge by West Berkshire District Council and Reading Borough Council was successful. The High Court judgement, handed down on 31 July 2015, quashed the policy changes announced in Parliament on 28 November 2014.

Mr Barker joined the meeting.

Mr Sanders proposed that, with immediate effect, Members adopted the recommendations within the report, subject to confirmation at the Authority meeting on 4 September 2015. This was seconded by Mr Lloyd.

Signed.....
Date.....4.9.15.....

RESOLVED:

Members agreed, subject to confirmation at the Authority meeting on 4 September 2015, that:

- (i) The Interim Statement adopted on 9 January 2015 be rescinded;
- (ii) The lower threshold of five units of less be rescinded; and
- (iii) The need for a separate Supplementary Planning Document (SPD) on affordable housing would no longer be required at this time.

The Head of Planning added that he had written to all Agents, Parish and Town Councils within the National Park advising of this change.

1074 Applications for Determination by the Committee

Members received the report of the **Item 1 – 0216/15 – Change of use from storage to two residential flats and associated works (both open-market) – Unit 1, 31A East Street, Ashburton**

The Chairman advised Members that the recommendation of officers was for this application to be deferred. In response to a Member's query, the Head of Planning advised that the applicants had been made aware that the policy change, as in Minute 1073 above, was to be brought to the attention of Members. As a result of this the applicants requested the deferral.

RESOLVED:

That, due to the policy change as detailed in Minute 1073 above, the matter be DEFERRED to allow the applicant an opportunity to re-consider their position particularly in relation to policy matters regarding affordable dwellings.


Item 2 – 0271/15 – New dwelling (traditional design) – land adjacent to Station Cottage, Station Road, Yelverton

Speaker: Mrs Maddock, Applicant's Agent

The Case Officer reminded Members that the site had a long planning history. The applicants have planning permission to construct either the traditional dwelling approved by Members in October 2013, or the contemporary dwelling, approved by the Planning Inspector at appeal.

Following the granting of these permissions the swimming pool building has been removed. The Officer requested an amendment to the first reason for removal, to read:

'The proposed development would result in an unjustified open market dwelling in a Local Centre without significant positive environmental improvement contrary to'

Signed.....
Date.....4-9-15

The Parish Council objects to the application on the basis of the scale of the proposal being too large for the site and area. An additional letter of objection has been received on behalf of local residents; they contend that a taller, larger building would not be in keeping with the site or area and that there would be a loss of privacy for neighbours.

Officers advised that there would be no public benefits as a result of the larger proposed dwelling which, in itself, is considered unacceptable.

The Chairman advised Members that Mrs Maddocks, at this stage in the proceedings, would speak to the Committee once, but would address this application and Item 3 – 0270/15 the application for a new dwelling of contemporary design.

Mrs Maddocks advised Members that the main issue with both this application and the related application 0270/15 was that of size. The area, in her opinion, was defined by large dwellings and quoted policies DMD3 and DMD7 in support of the applications. She added that the site was screened by trees; it was her view that Station Cottage already dominated the area and, being over 6 metres higher than the proposed site, there were no views to be spoiled. She stated that the Authority should be looking to approve a combination of applications for both large and small dwellings and felt that the policies supported her clients' proposals.

Mr Sanders declared a personal interest, by way of contact, in this item.

Dr Mortimer proposed the recommendation, together with the proposed amendment to the first reason for refusal, which was seconded by Mr Gribble.

RESOLVED:

That permission be REFUSED for the reasons as set out in the report, and amended as above.

Item 3 – 0270/15 – New dwelling (contemporary design) – land adjacent to Station Cottage, Station Road, Yelverton

The Case Officer reported that this application was for a larger and much more substantial dwelling.

The Officer requested an amendment to the first reason for removal, to read:

'The proposed development would result in an unjustified open marker dwelling in a Local Centre without significant positive environmental improvement contrary to'

The Parish Council objects to the application on the basis of the scale of the proposal being too large for the site and area. An additional letter of objection has been received on behalf of local residents; they contend that a taller,

Signed Sarah MCT
Date 4-9-15

larger building would not be in keeping with the site or area and that there would be a loss of privacy for neighbours.

In a response to a Member's query, the Case Officer advised that the earlier application (0438/13) went to appeal, the Planning Inspector had determined that, as the site was well screened, a single storey dwelling was acceptable.

Mr Retallick proposed the recommendation, which was seconded by Mr Jeffery.

RESOLVED:

That permission be REFUSED for the reasons as set out in the report, and amended as above.

Item 4 – 0302/15 – Creation of two additional residential apartments – The Beeches, Harrowbeer Lane, Yelverton

The application is for the creation of two small units of accommodation for over 55s.

The Case Officer advised Members that the recommendation had changed to one of *'grant conditionally subject to a Section 106 planning obligation respect of a contribution to offsite affordable housing'* (within the Parish). This application relates to a site which is in a Local Centre so, in accordance with policy, one of the two additional units should be affordable in accordance with COR21.

The applicant considered that it would not be appropriate for one of the units to be affordable but has offered to pay a commuted sum at a time to be specified in a Section 106 planning obligation based on the difference in value between two open market houses and if one is affordable.

It should also be noted that the scheme has already contributed £120,000 towards affordable housing in the parish, and should the value of the properties rise as set out in the modified 106 agreement, further payment will be required.

A Member suggested the Section 106 planning obligation should be completed within a six month period. Another Member felt that the site should be valued professionally prior to completion of a S106 planning obligation.

In response to a Member's query, the Case Officer advised that the loss of the lounge area would not result in a loss of amenity as the lounge area had never been used. In addition, existing residents would prefer to see this area converted as they currently pay for the maintenance for the unused lounge.

Mr Gribble proposed the recommendation, subject to the amendment detailed above, which was seconded by Dr Mortimer. In the event that the S106

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planning obligation had not been completed in the requisite time specified this application to be referred back to the Members for determination

RESOLVED:

That, subject to the amendment to the recommendation to read - *grant conditionally subject to a Section 106 planning obligation in respect of a contribution to offsite affordable housing* – and the conditions as stated in the report, permission be GRANTED.

1075 Consultations by Neighbouring Local Authorities

Members received the report of the Head of Planning (NPA/DM/15/040).

RESOLVED:

Members noted the content of the report.

1076 Appeals

Members received the report of the Head of Planning (NPA/DM/15/041).

RESOLVED:

Members noted the content of the report.

1077 Applications Determined Under Delegated Powers and Applications Withdrawn

Members received the report of the Head of Planning (NPA/DM/15/042).

RESOLVED:

Members noted the content of the report.

1078 Enforcement Action Taken Under Delegated Powers

Members received the report of the Head of Planning (NPA/DM/15/043).

RESOLVED:

Members noted the content of the report.

Signed.....*James R. [Signature]*
Date.....*4-9-15*