

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 13th February, 2019 at 9.30 am** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Steer
Vice Chairman Cllr Foss

Cllr Bramble
Cllr Brown
Cllr Hitchins
Cllr Holway
Cllr Rowe

Cllr Brazil
Cllr Cuthbert
Cllr Hodgson
Cllr Pearce
Cllr Vint

In attendance:

Councillors:

Cllr Bastone
Cllr Tucker

Cllr Birch
Cllr Wright

Officers:

Senior Specialist – Planning
Planning Specialists
Deputy Monitoring Officer
DCC Highways Officer
Senior Specialist – Assets
Affordable Housing Officer

51.

Minutes

DM.51/18

The minutes of the meeting of the Committee held on 16 January 2019 were confirmed as a correct record and signed by the Chairman.

52.

Declarations of Interest

DM.52/18

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr Foss declared a personal interest on behalf of all Members of the DM Committee in application **4412/17/ARM**: Reserved Matters application for the approval of appearance, landscaping, scale and layout for 29no. dwellings, following grant of outline permission 1825/16/OPA – Land at SX 550 552, North of Canes Orchard, Brixton, by virtue of the land owner being a Member of South Hams District Council. All Members remained in the room and took part in the vote thereon;

Cllr Holway declared a personal interest on behalf of all Members of the DM Committee in application **2117/18/FUL**: Application for new agricultural building to house livestock and for associated access – Woodland Barton Farm, Avonwick, by virtue of the applicant being the Chairman of the DM Committee, and those Members who declared a personal interest remained in the room and took part in the vote thereon;

Cllr Steer declared a disclosable pecuniary interest in application **2117/18/FUL**: Application for new agricultural building to house livestock and for associated access – Woodland Barton Farm, by virtue of being the applicant and he left the meeting for the duration of this item;

Cllr Rowe declared a disclosable pecuniary interest in application **2117/18/FUL**: Application for new agricultural building to house livestock and for associated access – Woodland Barton Farm, by virtue of the applicant being a close relative and she left the meeting for the duration of this item;

Cllr Holway declared a personal interest in application **3460/17/OPA**: Outline application with some matters reserved for 7 self-build/custom-build dwellings (five open market and 2 affordable self-build plots) – Lutterburn Farm, Lutterburn Street by virtue of owning a field on the other edge of the village and he remained in the meeting and took part in the debate and vote thereon;

Cllr Cuthbert declared a personal interest in application **2066/18/FUL**: Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of owner's/manager's accommodation and 5 residential apartments – Lantern Lodge Hotel, Grand view Road, Hope Cove, by virtue of her husband being a Hope Cove Commissioner, and she remained in the room and took part in the vote thereon;

Cllr Cuthbert also declared a personal interest in application **1189/18/HHO**: Householder application for re-location of access and extension to dwelling – Orchard Barn, Ermington, by virtue of the applicants being close friends, and she left the chamber for the duration of this item;

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

2066/18/FUL: Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of owner's/manager's accommodation and 5 residential apartments – Lantern Lodge Hotel, Grand view Road, Hope Cove

2785/18/FUL: Engineering operations to create level pitches and use of land for the stationing of 3 x mobile units for holiday use – Meadow Barn, East Portlemouth

1940/18/HHO: Householder application for extension and alterations to dwelling to form additional bedroom – 8 Crestway, Strete

53. **Public Participation**

DM.53/18

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

54. **Planning Applications**

DM.54/18

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**a) 2066/18/FUL Lantern Lodge Hotel, Grand View Road, Hope Cove
Parish: South Huish**

Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 15 bedrooms), 1 unit of owners/manager's accommodation and 5 residential apartments

Case Officer Update: Consultation period for final revisions ended 8 February, 2019, after publication of report. 26 late letters of representation received raising a few additional points such as concerns over light pollution, unattractive proposal, clarity sought on specification of privacy glass, clarification on distance of proposal from Cliff House and finally the proposal claiming it was not major

development. In response to the final point, the case officer explained the difference between major development as set out in the Town and Country Planning Act and the definition of major development in the AONB as set out in the NPPF.

Speakers included: Objector – Ms Jill Beavis; Supporter – Mr Simon Bird; Parish Council – Cllr Jo Hocking; Ward Members – Cllrs Pearce and Wright

Recommendation: Delegate to Head of Development Management Practice (HoP), in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement.

During debate, Members referred to the points made by the Parish Council, particularly the high level of second homes already in Hope Cove, that the proposal did not offer any affordable housing, nor any contribution. The increased footprint of the building would adversely impact the AONB, which deserved the highest protection, and the parking proposals were inadequate, and would exacerbate current difficulties along Grand View Road. Members felt that the proposal was trying to 'cram' too much into the space, and did not see the need for five properties, a fewer number would be more reasonable. The proposal would also result in overlooking and a detrimental impact on the neighbour amenity of the neighbours at The Cove.

Committee Decision: Refusal

Reasons:

1. Having regard to the scale, massing, design and siting of the proposed development it fails to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty and is out of character with the area. As such the proposed development is contrary to Policies DP1, DP2, CS7 and CS9 of the South Hams LDF Development Plan Policies and Policies DEV10, DEV20, DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paras 127, 130, 170, 172 and 173.
2. Having regard to the extent to which the proposed development fills the plot, the number of apartments to be provided and

inadequate provision of on-site parking the proposal represents an overdevelopment of the site that is likely to lead to over-spill parking onto the adjacent road(s) causing inconvenience to users of the highway and adversely impacting on residential amenity. As such the proposed development is contrary to Policies DP1 and DP7 of the adopted South Hams LDF Development Plan Policies and Policies DEV 20 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paragraphs 127 and 102.

3. Having regard to the scale, massing and siting of the proposed development it will have an overbearing impact on and result in an unacceptable level of overlooking to its neighbours to the south and east of the site. As such the proposed development is contrary to Policy DP3 of the adopted South Hams LDF Development Plan Policies and Policy DEV1 of the emerging Plymouth and South West Devon Joint Local Plan.

b) 4412/17/ARM Land at SX 550 552, North of Canes Orchard, Brixton Parish: Brixton

Reserved Matters application for the approval of appearance, landscaping, scale and layout for 29no. dwellings

Case Officer Update: Conditions updated and an additional condition related to play equipment being agreed in consultation with the Parish Council.

Speakers included: Objector – Mr Michael Peddar: Supporter – Mr Andrew Lawrie: Parish Council – Cllr Michael Wills; Ward Member – Cllr Brown

Recommendation: Conditional Approval

During debate, Members made reference to the site visit and generally felt that the proposed design was poor. The indicative layout presented at Outline stage had not included a terrace that was created 'back to back' with existing properties in Phase Two, but this was included in the proposal for approval. Members felt this represented poor design, and also felt that the play area should not be placed in the top corner of the site, the location being unsympathetic to those who would benefit from it. Generally the layout had been ill thought through.

Committee Decision: Refusal

Reasons:

1. Having regard to the layout and design of the proposed development including the remote location of the public open

space in the north eastern corner of the site and its limited natural surveillance, the proposed development does not represent high quality design. As such the proposed development is contrary to policies DP1 and CS7 of the adopted development plan and DEV20 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, in particular paragraphs 127 and 130.

2. Having regard to the siting and scale of the proposed houses adjacent to the southern site boundary the proposed development will have an overbearing impact on and cause overlooking to the existing houses to the south of site, adversely impacting on their residential amenity. As such the proposed development is contrary to Policy DP3 of the adopted development plan and Policy DEV1 of the emerging Plymouth and South West Devon Joint Local Plan.

**c) 3460/17/OPA Lutterburn Farm, Lutterburn Street,
Ugborough
Parish: Ugborough**

Outline application with some matters reserved for 7 self-build customer build dwellings (five open market and two affordable self-build plots)

Case Officer Update: Two further letters of representation had been received suggesting additional conditions, some of which could be incorporated into the Construction Management Plan

Speakers included: Objector – Ms Joan Fletcher; Supporter – Mr Simon Baker; Parish Council – Cllr George Beable; Ward Member – Cllr Holway

Recommendation:

Delegate to HoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement

During discussion, Members requested an additional condition regarding community space, to be confirmed at Reserved Matters

stage, and a further condition regarding the buildings being zero carbon construction.

Committee Decision: Delegate to HoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement

Conditions:

1. Reserved matters time
 2. Reserved Matters details
 3. Accord with plans
 4. Surface water drainage strategy prior to commencement
 5. Surface water adoption and maintenance strategy prior to commencement
 6. Construction phase drainage strategy prior to commencement
 7. Details of connection to and condition of receiving watercourse prior to commencement
 8. Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
 9. TEMS Mitigation Strategy
 10. Landscape Plan prior to commencement
 11. CEMP prior to commencement
 12. Accord with details of Arboricultural Work and Tree Protection Plan
 13. Highways details prior to commencement
 14. Highways construction infrastructure prior to commencement
 15. Unsuspected contamination
 16. Written Scheme of Investigation
 17. Finished floor levels of plot 6
 18. Site road and ground levels across flood zone
 19. No piping of western watercourse channel
 20. No external lighting to be erected upon dwellings without agreement of details with LPA.
 21. Accord with LEMP
 22. Details of tree retention
- Additional conditions:
Community open space
Zero Carbon buildings

- d) 3944/18/FUL 14-16 High Street, Totnes**
Parish: Totnes
Change of use from Class A2 (bank) to a mixed Class A1/A3 use (coffee shop) together with shopfront alterations

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Times of opening
4. Machinery/Plant operation times and deliveries
5. A1/A3 use only
6. Submission of plant details

**e) 2785/18/FUL Meadow Barn, East Portlemouth
Parish: East Portlemouth**

**Engineering operations to create level pitches and use of land
for the stationing of 3 x mobile units for holiday use**

Case Officer Update: Landscape Officer comments received and quoted to the Committee.

Speakers included: Supporter – Mrs Liz Taylor: Parish Council – Cllr Mike Harris: Ward Member – Cllr Brazil

Recommendation: Refusal

During discussion, Members referred to their site visit and also took account of the strong support of the Parish Council. Members felt that the proposal would attract a different type of tourist and provide opportunities for tourism other than the prohibitively expensive option of renting a house in the area.

Committee Decision: Conditional Approval

Reasons:

Low key low impact form of tourism, well hidden in the valley and would not spoil the landscape. Exceptional circumstances for approval of the proposal in the AONB being that the proposal cannot be seen, no additional parking required.

Conditions:

1. Size of concrete pads to be 4m x 10m
2. Holiday use only
3. Details of materials/landscaping/no external lighting/noise/colour of materials

**f) 3744/18/HHO Polston Green, Modbury
Parish: Aveton Gifford**

Householder application for proposed alteration and extension

Case Officer Update: None

Speakers included: Parish Council – Cllr Rosamund Brousson:
Ward Member – Cllr Bramble

Recommendation: Refusal

Members had a brief discussion on this proposal, but were persuaded by the support of the Parish Council and by attending the site visit and seeing the location of the proposal.

Committee Decision: Conditional Approval

Reasons:

No heritage issues, Doesn't represent overdevelopment, no intrusion into neighbour amenity, design acceptable. Ref to NPPF?

Conditions:

1. Accordance with plans
2. Materials to be agreed
3. No further window openings

**g) 1940/18/HHO 8 Crestway, Strete
Parish: Strete**

Householder application for extension and alterations to dwelling to form additional bedroom

Case Officer Update: None

Speakers included: Objector – Mr Nick Shepherd; Supporter – Mr Gareth Pinwell: Parish Council – Cllr Kate Gill:
Ward Member – Cllr Foss

Recommendation: Conditional Approval

During discussion, Members referred to the site inspection and noted that whilst the proposed extension to the front of the dwelling was acceptable, there were concerns over the extension to the back and the potential overlooking that would result.

Committee Decision: Refusal

Reasons:

The proposed rear extension by reason of its size and rearward projection would result in an unacceptable overbearing impact and unacceptable loss of amenity adversely impacting upon the neighbouring properties, Nos. 7 and 9 Crestway. The development is, therefore, contrary to Policy DP3 of the Council's adopted Local Development Framework, Development Policies Development Plan Document and Policies DEV1,DEV2 and DEV20 of the emerging Plymouth and South West Devon Joint Local Plan.

**h) 1189/18/HHO Orchard Barn, Ermington
Parish: Ermington**

Householder application for re-location of access and extension to dwelling

Case Officer Update: None

Speakers included: Supporter – Mrs Amanda Burden: Ward Member – Cllr Holway

Recommendation: Refusal

During discussion, Members stated that the proposal was still subservient to the principal dwelling and the aspect was away from public view.

Committee Decision: Conditional Approval

Reasons:

The proposal was subservient to the building and would not be seen from the public view. On balance, the proposal was appropriate and not detrimental.

Conditions:

1. Time limit for reserved matters
2. Accords with plans
3. Materials in accordance with details
4. Provision of sedum roof
5. No new openings in roof or elevations of extension

**i) 2117/18/FUL Woodland Barton Farm, Avonwick
Parish: Ugborough**

Application for new agricultural building to house livestock and for associated access

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Surface water drainage
4. Landscaping scheme
5. Bird nesting informative

**j) 3558/18/TPO6 Waltham Way, Ivybridge
Parish: Ivybridge**

T1: Willow – coppice to 0.3m from ground level and re-coppice every 5 years, majority of trunk dead, has suffered extensive decay, works for safety reasons and to help regrowth

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

55. **Planning Appeals Update**

DM.55/18

Members noted the list of appeals as outlined in the presented agenda report.

56. **Planning Performance Indicators**

DM.56/18

Members noted the list of Planning Performance Indicators as outlined in the presented agenda report.

57. **Review of Development Management Committee Procedure
Rule 2.5: Voting**

DM.57/18

Members were presented with a report that asked for a recommendation to either retain or remove Procedure Rule 2.5 which prevented Members from voting where they had not remained for the whole of the debate.

Members had a full discussion on this item, including a debate on whether Member should be allowed to vote if they had not attended the official site visit. Whilst no conclusion was reached regarding attendance at site visits, Members did conclude that Procedure Rule 2.5 should remain.

It was then **RESOLVED:**

That Development Management Committee **RECOMMEND** to Council that Procedure Rule 2.5: Voting re retained.

The Meeting concluded at 6.00 pm

Signed by:

Chairman

Voting Analysis for Planning Applications – DM Committee 13 February 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2066/18/FUL	Lantern Lodge Hotel, Grand View Road, Hope Cove	Refusal	Cllrs Rowe, Pearce, Bramble, Holway, Hodgson, Brown, Vint (7)	Cllrs Steer, Foss, Cuthbert, Hitchins (4)	Cllr Brazil (by virtue of not being present for all of the presentation) (1)	(0)
4412/17/ARM	Land at SX 550 552, North of Canes Orchard, Brixton	Refusal	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Vint, Brazil, Foss, Pearce, Hodgson (10)	Cllrs Rowe, Steer (2)	(0)	(0)
3950/17/OPA	Lutterburn Farm, Lutterburn Street, Ugborough	Conditional Approval	Cllrs Steer, Foss, Bramble, Pearce, Rowe, Cuthbert, Hitchins (7)	Cllrs Brown, Holway, Hodgson, Brazil (4)	Cllr Vint (1)	(0)
3944/18/FUL	14-16 High Street, Totnes	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Foss, Pearce, Rowe, Steer (9)	Cllrs Vint, Brazil, Hodgson (3)	(0)	(0)
2785/18/FUL	Meadow Barn, East Portlemouth	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Pearce, Rowe, Vint, Brazil, Hodgson (10)	Cllr Steer (1)	Cllr Foss (1)	(0)
3744/18/HHO	Polston Green, Modbury	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Pearce, Vint, Brazil, Foss, Hodgson, Steer (11)	Cllr Rowe (1)	(0)	(0)
1940/18/HHO	8 Crestway, Strete	Conditional Approval	Cllrs Steer, Pearce, Rowe, Holway, Hitchins (5)	Cllrs Brown, Cuthbert, Vint, Brazil, Foss, Bramble, Hodgson (7)	(0)	(0)

1940/18/HHO	8 Crestway, Strete	Refusal	Cllrs Brown, Cuthbert, Vint, Brazil, Foss, Bramble, Hodgson (7)	Cllrs Steer, Pearce, Rowe, Holway, Hitchins (5)	(0)	(0)
1189/18/HHO	Orchard Barn, Ermington	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Vint, Brazil, Steer, Foss (8)	Cllrs Rowe, Pearce (2)	Cllr Cuthbert by virtue of leaving the meeting for this item (1)	Cllr Hodgson (1)
2117/18/FUL	Woodland Barton Farm, Avonwick	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Pearce, Vint, Brazil, Foss (8)	(0)	Cllrs Steer and Rowe by virtue of declaring a disclosable pecuniary interest and leaving the room (2)	Cllr Hodgson (1)
3358/18/TPO	6 Waltham Way, Ivybridge	Approval	Cllrs Holway, Bramble, Cuthbert, Pearce, Vint, Brazil, Foss, Steer, Rowe (9)	(0)	(0)	Cllrs Hodgson, Hitchins, Brown (3)