

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the South Hams Development Management Committee held on Wednesday, 2nd December, 2020 at 10.00 am at the Via Teams

Present: **Councillors:**

Chairman Cllr Brazil
Vice Chairman

Cllr Brown
Cllr Holway
Cllr Abbott
Cllr Long
Cllr Pringle
Cllr Reeve

Cllr Hodgson
Cllr Rowe
Cllr Kemp
Cllr Pannell
Cllr Taylor

In attendance:

Councillors:

Cllr Bastone
Cllr Hawkins

Cllr Birch
Cllr Pearce

Officers:
Head of Planning
Planning Specialists
Monitoring Officer
Deputy Monitoring Officer
Ecology Officer
Democratic Services Manager

23. **Minutes**
DM.33/20
The minutes of the meeting of the Committee held on 4 November 2020 were confirmed by the Committee as a true and correct record.
24. **Appointment of Vice Chairman**
DM.34/20

Since Cllr Foss had tendered his apologies for this meeting, the Chairman invited nominations to serve as Vice-Chairman for this Committee meeting.

It was subsequently:

RESOLVED

That Cllr Holway be appointed to be Vice-Chairman for the duration of this Committee Meeting.

25. **Declarations of Interest**

DM.35/20

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

Cllr G Pannell declared a Disclosable Pecuniary Interest in application numbers 1770/20/FUL (Land at Lower Mill Park, West Alvington) and 2840/20/FUL (Higher Hareston, Brixton), by virtue of the agent for both applications currently working for him in a private capacity. Cllr Pannell therefore withdrew from the meeting for the duration of these two applications.

Cllrs R Rowe and B Taylor both declared a personal interest in applications 1585/20/FUL (Wessex Way, Dartmouth), 4063/19/FUL (Beadon Road, Salcombe), and 1770/20/FUL (Land at Lower Mill Park, West Alvington) as they were Members of the South Devon AONB Partnership Committee. Both Members remained in the meeting and took part in the debate and vote thereon;

26. **Public Participation**

DM.36/20

The Chairman noted the list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting.

27. **Planning Applications**

DM.37/20

The Committee considered the details of the planning application 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:

7a) 1585/20/FUL Land adjacent to Dartmouth Park and Ride site, Wessex Way, Dartmouth

Parish: Dartmouth and East Dart

Development: Construction of new two storey Health and Well-being Centre and associated external works (READVERTISED).

Case Officer Updates:

Following the tree officer's holding objection, there had been a revision to the number of trees to be removed resulting in a reduction from around 15 down to 7 with more mature trees remaining. The holding objection had therefore been lifted; Proposed revisions to Conditions 2, 3 and 4 were highlighted; A request had been received from Devon County Council (DCC) Drainage department whereby the drainage condition was to be pre-commencement but agreement had been reached for this to be pre-construction beyond slab level.

The Biodiversity Officer had raised concerns regarding the western hedge as this was a bat fly zone, but the amended plans, with reduced tree loss, had seen these concerns lifted; Devon County Council Highways originally raised concerns about the layout which had been resolved with the amended plans. However, there remained concerns regarding the amount of free parking for the Health and Wellbeing Hub, which was felt could be insufficient. Therefore DCC had asked for a Section 106 Agreement to be entered into whereby, if parking over-spilled into nearby residential areas then, a contribution would be given to implement a residents' permit scheme. Some local residents had expressed concern over the out of town location but the area was noted as being well served by public transport (although this was disputed by the Objector) with other services nearby giving the area sustainability in its own right.

Speakers included: Objector – Ms L Gunnigle; Ward Members – Cllrs H Bastone, J Hawkins, and R Rowe;

Committee Decision:

That approval be delegated to the Head of Development Management, in conjunction with the Chairman of the Committee to conditionally grant planning permission, subject to a Section 106 legal obligation for the following: A contribution towards the design and implementation for a residents' parking scheme on surrounding streets, at any time over the next 10 years, should on street parking for the use of this facility spill into such areas.

(NB. in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application would be reviewed by the Head of Development Management in consultation with the Chairman of the Committee, and, if no progress were made, delegated authority would be given to the Head of Development Management to refuse the application in the absence of an agreed S106 Agreement).

Conditions:

1. Time limit
2. Accord with plans
3. No external lighting until agreed with LPA
4. Adherence to Ecology report
5. Unexpected contamination

6. Protection of hedgerows
7. No removal of hedgerow
8. Cycle parking in place before occupation
9. Parking to be completed prior to occupation
10. Surfacing of P& R to be complete prior to it being brought into use.
11. Tree protection scheme to be agreed
12. Landscaping scheme to be submitted and agreed.
13. Landscape maintenance schedule
14. Archaeology – written scheme of investigation
15. Samples of materials upon slab level
16. Refuse provision
17. Fencing details
18. CMP
19. Percolation testing
20. Groundwater monitoring
21. Design of surface water management scheme to be submitted
22. Design of surface water management during construction
23. Details of adoption and maintenance arrangements
24. Details of carbon reduction measures
25. Details of cycle way
26. Levels of building
27. Protection measures for T14
28. Details of low carbon measures

**7b) 4063/19/FUL Sandnes, Beadon Road, Salcombe, TQ8 8LU
Town Council: Salcombe**

Development: Replacement dwelling with associated landscape works (amendment to design previously approved 1125/17/FUL)

Case Officer Update:

Since the report had been finalised, a further 25 additional representations had been received, including from the South Hams Society – all in objection but with no new issues raised. The objections were appropriateness of design, amount of glass, impact on ecology, and ongoing concerns over the Construction Management Plan.

Update ref. conditions – condition number 5) pre-commencement condition relating to ecology now had reason for pre-commencement, and condition 11) carbon reduction – details of air source heat pump had now been received, so the condition would be re-worded to take this into account and ensure the condition was appropriate and work would be carried out as required.

The Solicitor clarified a typographical error on the presented agenda report under the relevant planning history, where the replacement dwelling expiry date for permission was extended until 1st May 2021 rather than 1st May 2020 as had been detailed in the report.

Speakers included: Objector – Mr M Smout; Supporter – Mr P Andrews; Town Council: Cllr M Fice; Ward Members – Cllrs M Long and J Pearce

Debate:

During the debate, much discussion was had around the size of the lane and the size of construction vehicles to be used. A number of Members were of the view that a further condition should be added whereby the Construction Management Plan should require a topographical survey to be undertaken before commencement and after completion, and the road should be returned to pre-commencement condition after build. The view was also expressed that the Construction Management Plan would be slightly amended to show deliveries would not be made during school holidays.

Some Members felt that approval should be dependent upon receipt of plans showing that Solar PV cells were added to the application.

Recommendation: Conditional Approval

Committee Decision:

That approval be delegated to the Head of Development Management, in consultation with the Committee Chairman and the local Ward Members, subject to the receipt of a topographical study that supported the contents of the Construction Management Plan and the imposition of the following conditions.

Conditions:

1. Standard three year time limit for commencement of development
2. Development to be carried out in accordance with approved drawings
3. Implementation of landscape proposals
4. Ecology (light spill)
5. Restriction of works until confirmation a licence has been provided
6. Removal of PD rights
7. Unsuspected contamination
8. Restriction on external lighting
9. Surface water drainage
10. Foul drainage
11. Low carbon
12. Trees

7c) 1770/20/FUL Land at SX 726 406, Malborough, associated with Land at Lower Mill Park, West Alvington

Parish: Malborough

Development: Readvertisement (revised site description)
Provision for general purpose agricultural building.

Case Officer Update:

At the request of a Member, the area of the site was confirmed as 0.54 hectares with Ilton Copse at 0.42 hectares and also belonged to the applicant. Applicant's total land ownership was shown and defined as 6.44 hectares. Application was for agricultural building within newly planted forested area. A late letter of representation had been received from the South Hams Society regarding Permitted Development rights and fallback position.

Speakers included: Supporter – Ms A Burden; Parish Council – Cllr J Yeoman; Ward Members – Cllrs M Long and J Pearce

During the debate, the impact on the Area of Outstanding Natural Beauty (AONB) was highlighted and some Members highlighted the lack of a clear business plan. As a result, the agricultural need was felt to be questionable in such a prominent location. Earth works that had already been carried out had impacted upon the availability of agricultural land for use. Some Members felt that the application did not meet the requirements within the local Neighbourhood Plans. Some Members felt that there was no proof that this was a necessary building and it did not enhance the AONB.

Recommendation: Conditional Approval

Committee decision: Refusal

Reasons:

1. The proposals did not demonstrate to the satisfaction of the Local Planning Authority that the proposed building was reasonably required to support the necessary needs of agriculture in the AONB and undeveloped coastline;
2. The considerable visual impact and local landscape character would not preserve or enhance the AONB; and
3. The proposals were contrary to policies TTV1, TTV26, DEV15, DEV23, DEV24, DEV25 of JLP, and NPPF (not limited to paragraph 172), and to the Marlborough Neighbourhood Plan.

7d) 2840/20/FUL Higher Hareston Brixton

Parish: Brixton

Development: change of use of land for the provision of two pods for self-catering holiday purposes

Case Officer Update: No updates.

Speakers included: Supporter – Mr R Bassett; Ward Member – Cllr D Brown

Recommendation: Refusal

During the debate, the relevance of Policy DEV 15 (supporting the rural economy) was discussed, as was the proximity of the application site to both the new town of Sherford and to the village of Brixton. Members felt that diversification against sustainability was at the crux of the decision and the majority view was that the associated benefits of the proposals outweighed the recommended reasons for refusal. In particular, some Members disagreed with the views of the case officer that the site should be considered to be unsustainable for such an application.

Committee decision: Conditional approval

Conditions:

1. Standard three year time limit for commencement of development;
2. Development to be carried out in accordance with approved drawings;
3. Holiday lets solely to be used for holiday accommodation only;
4. Within 28 days of the units no longer being required for holiday accommodation, the units shall be removed from the site and the land restored to the satisfaction of the Local Planning Authority;
5. Surface water drainage; and
6. Foul drainage system details.

Reason(s):

The majority of Members were of the view that the access from the application site to the village of Brixton was acceptable.

28. **Planning Appeals Update**

DM.38/20

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

The Head of Development Management (DM) provided further details on specific recent appeal decisions. When questioned, clarification was given that costs were only awarded against the Council if the Inspector felt that the authority had acted inappropriately or unreasonably. The Head of DM proceeded to commit to providing an update at the next meeting that set out the recent appeal costs that had been incurred by the Council.

29. **Development Management Action Plan**

DM.39/20

The Committee was presented with a report that sought to adopt a Development Management Action Plan and noted that the Council's Overview and Scrutiny Panel would receive a progress update within the next six months;

In discussion, reference was made to:

- (a) consistency of approach with West Devon Borough Council. Whilst noting that a revised Planning Delegation Scheme was to be presented to the Council meeting on 17 December 2020 for adoption, Members recognised the benefits of the Scheme being the same as that for West Devon Borough Council;
- (b) the Section 106 Agreement process. Officers confirmed that it was intended for a Member Training session to be convened in the New Year on the Section 106 Agreement process;
- (c) outline planning permissions. In response to some concerns raised, officers committed to reviewing the matter of outline planning permissions;
- (d) the role of local town and parish councils in the planning process. The Committee was assured that local town and parish councils would continue to be consultees in the planning process;
- (e) the evolving nature of the Action Plan. Members noted that the Action Plan would be a living document that would evolve over the coming months and years;
- (f) the definition of 'significant or complex' applications. When questioned, officers confirmed that clarity around these definitions in the Action Plan would be forthcoming in due course.

It was then:

RESOLVED

1. That the Action Plan (as attached at Appendix A of the presented agenda report) be adopted; and
2. That it be noted that the Overview and Scrutiny Panel will receive a progress update on the Plan within the next six months.

The Meeting concluded at 4.40 pm

Signed by:

Chairman

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Voting Analysis for Planning Applications – DM Committee 2 December 2020

Application No.	Site Address	Vote	Cllrs who voted 'yes'	Cllrs who voted 'no'	Cllrs who 'abstained'	Absent
1585/20/FUL	Land adjacent to Dartmouth Park and Ride Site, Dartmouth	Delegated approval to Head of DM, in consultation with Committee Chair	Cllrs Abbott, Brazil, Brown, Holway, Kemp, Long, Pannell, Pringle, Reeve and Rowe (10)	Cllr Hodgson (1)	Cllr Taylor (1)	Cllr Foss (1)
4063/19/FUL	Sandnes, Beadon Road, Salcombe	Delegated approval to Head of DM, in consultation with Committee Chair and local Ward Members	Cllrs Abbott, Brazil, Brown, Hodgson, Holway, Kemp, Pannell, Pringle, Reeve and Rowe (10)	Cllr Long (1)	Cllr Taylor (1)	Cllr Foss (1)
1770/20/FUL	Land at SX 726 406, Malborough	Refusal	Cllrs Brown, Holway, Kemp, Long, Pringle and Taylor (6)	Cllrs Abbott, Brazil, Reeve and Rowe (4)	0	Cllrs Foss, Hodgson and Pannell (3)
2840/20/FUL	Higher Hareston, Brixton	Conditional Approval	Cllrs Abbott, Brown, Holway, Kemp, Long, Pringle, Reeve, Rowe and Taylor (9)	0	Cllr Brazil (1)	Cllrs Foss, Hodgson and Pannell (3)

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