

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the South Hams Development Management Committee
held on
Wednesday, 16th March, 2022 at 10.00 am at the Council Chamber - Follaton
House

Present: **Councillors:**

Chairman Cllr Brazil
Vice Chairman Cllr Foss

Cllr Abbott	Cllr Brown
Cllr Hodgson	Cllr Long
Cllr Pannell	Cllr Reeve
Cllr Rowe	Cllr Taylor

In attendance:

Councillors:

Cllr O'Callaghan (via Teams)	Cllr Pearce (via Teams)
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Officers:

Senior Specialists – Development Management
Specialists – Development Management
Monitoring Officer
Specialist – Place Making
Senior Specialists – Estates
Specialist- Democratic Services
IT Specialists

58.

Minutes

DM.58/21

The minutes of the meeting of the Committee held on 16th February 2022 were confirmed as a correct record by the Committee, save to alter the record of voting on agenda item 6(c): Cllr Kemp was missed from the list of those Councillors who voted yes, and Cllr Pannell was erroneous listed as both voting yes and abstaining: in actuality, Cllr Pannell had abstained from the vote on this application.

59.

Declarations of Interest

DM.59/21

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

Cllr B Taylor declared an Other Registerable Interest in applications 0591/21/FUL; 2876/21/FUL; 4024/21/FUL (Minutes DM.60/21 (a), (c), and (d) below refer), as he was a Member of the South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon;

60. **Public Participation**

DM.60/21

The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

61. **Planning Applications**

DM.61/21

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:

6a) **0591/21/FUL Pool Farm, Frogmore
Parish: Frogmore & Sherford Parish Council**

Development: Erection of a single storey rural worker's dwelling

Case Officer Update:

Following a question at the site visit, the Case Officer clarified that the permitted path, which crossed the field to the pontoon, was not a right of way but was a permitted path granted by the landowner, who had it within their power to move the footpath should they so wish. It was confirmed that the site was within the Undeveloped Coast area, the South Hams AONB (Area of Outstanding Natural Beauty), and an SSSI (Site of Special Scientific Interest). The Case Officer outlined that it was also deemed a countryside location with no agricultural, forestry, nor occupational need; exceptions to Planning Policy TV26 were allowed on the edge of a settlement, but there needed to be affordable dwellings, which this one was not.

The Case Officer updated the Committee on the material planning history on the site: previous approval had been granted for one of the barns to have change of use to boat storage, then approval was given for an occupational dwelling linked to the boat store. Footings for this dwelling had been put in which meant the approval was extant. At the site visit, questions had been asked about the chalet and mobile home on site, and the Case Officer confirmed that a certificate of lawfulness had been received by the Council in 2013, and confirmed that planning permission was not required. The Case Officer outlined the other recommended reason for refusal in that it was a highly sensitive landscape and part of a green finger of land within the undeveloped part of estuary coastline and was an important contribution to the river landscape, therefore the dwelling and domestication would have a negative impact on the AONB landscape which would not enhance, conserve, nor protect as was required by Policies DEV24 and DEV25 of the Joint Local Plan.

The Ward Member stated that the proposed dwelling was heavily supported locally and, whilst he concurred with the case officer regarding the location, the family

were four generations in the village and could no longer afford to buy to remain. The Ward Member also clarified that the only location for the building was on the green area as the area where the current mobile home was had been forbidden to them. It was stated that the previous extant planning approval could not be built out as the applicant was unable to get a mortgage on the plot, due to conditions placed on the previous application.

During the debate many Members stated that this was a very finely balanced decision as they had a duty to protect the integrity of the AONB but equally had sympathy with the family's personal situation.

Speakers included: Supporter – Mrs T Oakley; Parish Council – Cllr P Hadley; Ward Member – Cllr R Foss

Recommendation: Refusal

Committee decision: Conditional Approval delegated to the Head of Development Management (DM), in consultation with the Chairman of the DM Committee, and the Proposer and Seconder.

Conditions

Outline conditions to include landscape as outline in landscape report, in-perpetuity dwelling as part of agricultural and/or boatyard, external lighting, drainage, time, etc, to remove PD rights (harm caused if not, and proposal acceptable in planning terms) – full conditions delegated to Head of Planning, Proposer, Seconder, and Chairman. To ensure Dev 32 to be met with. Dwelling to have local connection.

**6b) 3048/21/FUL Montgo, Maudlin Road, Totnes, TQ9 5TG
Town: Totnes Town Council**

Development: Provision of single dwelling house (resubmission of 1668/20/FUL).

It was noted that this application was deferred to a later Committee meeting.

**6c) 2876/21/FUL Development Site, Tumbly Hill, Kingsbridge
Town: Kingsbridge Town Council**

Development: Construction of three townhouses

Case Officer Update:

Following questions at the site visit, the Case Officer clarified the outline of the application and explained the key issues. The Assets Officer gave an update on the land swap which was being proposed and clarified issues around the proposed build, including the loss of four parking spaces during construction, and that delivery lorries would be limited in size and hours, and would require bank men, which were all conditioned on the previously approved application. The Tree Officer updated the Committee on the situation of the surrounding trees and was requested to add a Tree Preservation Order to the large, unprotected Beech tree in the car park which was on a foreshore map dating to 1888.

Speakers included: Supporter – Mr Dan Lethbridge; Town Council: Presentation read; Ward Member – Cllr D O’Callaghan;

The Ward Member stated her agreement with Kingsbridge Town Council. Concerns regarding the temporary diversion of the footpath and avoiding construction access during the Kingsbridge Fair Week were noted.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions

Most of the recommended conditions to remain as per the published report. However, some revisions were sought by Members regarding landscaping and the construction management plan. This has been granted delegated authority.

**6d) 4024/21/FUL Sunny Ridge, Herbert Road, Salcombe
Town: Salcombe Town Council**

Development: Replacement Dwelling.

Case Officer Update:

The Case Officer updated that Salcombe Town Council felt the new application was unacceptable in terms of bulk and massing, particularly for Strathmore (the neighbouring property). It was outlined that the applicant had removed some of the glazing to the rear in the revised plans. Following questions raised at the site visit, the Case Officer outlined the distances and heights of terrace and balcony. The criteria for Policy DEV 32 was outlined and an energy statement submitted which explained the methodology, using best of sun path, heat pump, solar, heat recovery, fabric and air tight measures.

Speakers included: Supporter – Mr P Lawrence; Town Council – Cllr M Fice; Ward Members – Cllrs Pearce and Long;

The Ward Members felt the design was too overbearing. Currently the ridge height was noted as a point but would now be a continuous line across the whole plot. Both Ward Members felt there would be undue impact from moving the living spaces to the upper floor, although it was noted that there were kitchen facilities on both floors so if approval was to be given, both local Ward Members asked for a condition to be included that made the dwelling a single dwelling in perpetuity.

During the debate, Members commented that the size and massing would have a detrimental impact on the street scene. A Member commented that the lack of objection from the most affected neighbours somewhat undermined the objections received from the Council. Again Members were of the opinion that this decision was finely balanced.

Recommendation: Conditional Approval

Committee decision: Refusal

Following the application being refused, the Members agreed the reasons for

refusal as being:–

1. By way of the increase in the massing, scale and built form of the proposed dwelling house, the proposal is not considered to be commensurate in size to the site. The increase in scale and massing of the proposed dwelling results in a disproportionate dwelling, which does not correspond well to the local vernacular, street scene, nor important characteristics of the setting of the dwelling, including the open spaces between residential properties, and the suburban character of Herbert Road. The proposal is not considered to comply with Policy Dev 20 and Dev 23 of the Plymouth and South Devon Joint Local Plan.
2. When considered in the context of the reverse living layout, the proposal is likely to result in an intensification of use of the first floor, with an associated increase in overlooking of neighbouring gardens, increased noise and disturbance at height, and is also likely to have an overbearing impact on neighbouring occupants when viewed from ground level within neighbouring gardens. In addition, the increase in the terraced area and the resultant increase in height of floor level of the terrace area, to the rear of the property, will allow for an increase in overlooking of neighbouring properties, contrary to the provisions of Dev 1 and Dev 2.

62. Planning Appeals Update

DM.62/21

Members noted the list of appeals as outlined in the presented agenda report. Design and particularly weather-boarding require policies within joint local plan to be developed to cover these.

63. Planning Performance Indicators

DM.63/21

Due to the absence of the Head of Planning it was proposed, seconded, and when put to the vote, agreed to defer this agenda item until the next meeting.

64. Update on Undetermined Major Applications

DM.64/21

The list of undetermined major applications was noted. The Ward Member requested that the undetermined major from Dartington Parish Council be now closed. Members reiterated their wish to arrange a tour of various previous decisions to see what has been built out: the Clerk to email out for suggestions from all Members and then to put together a sequence, in consultation with the Chair and Head of Planning.

The Meeting concluded at 3.50 pm

Signed by:

Chairman
