

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the South Hams Development Management Committee held on Wednesday, 15th March, 2017 at 10.00 am at the Council Chamber - Follaton House

Present: **Councillors:**

Chairman Cllr Steer
Vice Chairman Cllr Foss

Cllr Bramble
Cllr Cane
Cllr Hitchins
Cllr Holway
Cllr Rowe

Cllr Brazil
Cllr Cuthbert
Cllr Hodgson
Cllr Pearce
Cllr Vint

In attendance:

Councillors:

Cllr Baldry
Cllr Green
Cllr Tucker

Cllr Brown
Cllr Hawkins

Officers:

Becky Fowlds
Patrick Whymer
Planning Specialists
DCC Highways Officer
DCC Drainage and Flooding
Officer

Deputy Monitoring Officer
COP Lead DM

61.

Minutes

DM.61/16

The minutes of the meeting of the Committee held on 15 February 2017 were confirmed as a correct record and signed by the Chairman.

62.

Declarations of Interest

DM.62/16

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

Cllr R Vint declared a personal interest in application **3715/16/ARM**: Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03/2163/14/O for residential development of 75no dwellings – Land at SX817 602, Great Court Farm, Berry Pomeroy, Totnes by virtue of knowing the objector. He remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllr B F Cane declared a disclosable pecuniary interest in application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX550 522, North of Canes Orchard, Brixton by virtue of being the landowner. He left the meeting for the duration of this item;

Cllr Steer declared a personal interest on behalf of the Conservative group members in application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX 550 522, North of Canes Orchard, Brixton by virtue of the landowner being a fellow Conservative district councillor. They remained in the meeting and took part in the debate and vote thereon.

63. **Public Participation**

DM.63/16

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

64. **Planning Applications**

DM.64/16

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:

**3715/16/ARM Land at SX 817 602, Great Court Farm,
Berry Pomeroy, Totnes
Parish: Berry Pomeroy**

Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03/2163/14/O for residential development of 75no. dwellings

Case Officer Update: Amended plans received

Speakers included: Objector: Ms Sarah Lawrence: Supporter: Mr Graham Hutton: Ward Members: Cllrs Green and Vint

Recommendation: Conditional Approval subject to the receipt of revised layout plans, clarification of levels, details and materials details.

During discussion, a Member asked that it be minuted that in his view affordable housing percentages should be calculated on bed count rather than dwelling count.

Committee Decision: Conditional Approval

Conditions:

1. Time limit in accordance with the outline application
2. Hedgerow protection scheme
3. No machinery etc on site until Hedgerow protections
4. Submission of materials – render
5. Submission of timber cladding
6. Submission of joinery details
7. Submission of roof material
8. Stonework sample to be submitted and agreed
9. Highways conditions
10. Obscure glazing on windows in North elevation of Plot 40
11. No windows in West elevation of Plot 39

3352/16/FUL Briar Hill Farm, Court Road, Newton Ferrers

Parish: Newton and Noss

Outline application with all matters reserved for the erection of three detached dwellings

Case Officer Update: None

Speakers included: Supporter – Mr Mark Evans: Parish Council Representative – Cllr Alison Ansell: Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time Limit

2. Accord with plans
3. Building to be used for the storage of materials associated with the maintenance of the Caravan Park
4. Building to be constructed to timber
5. Finished floor level plan prior to commencement
6. No goods stored outside
7. Landscaping scheme to be submitted prior to commencement
8. No lighting on site without prior approval of the LPA
9. No rooflights

**3471/16/FUL Pillory Hill, Noss Mayo
Parish: Newton and Noss**

Change of use of ancillary unit of self contained accommodation to permanent dwelling and minor changes to external terrace

Case Officer Update: None

Speakers included: Supporter – Mr Mark Evans: Parish Council
Representative – Cllr Alison Ansell: Ward
Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

**0041/17/HHO Jons Wood, Brixham Road,
Kingswear Parish: Kingswear**

Householder application for proposed alterations and extensions (resubmission of consent 3337/16/HHO)

Case Officer Update: None

Speakers included: Supporter – Mrs Hill: Ward Member – Cllr
Hawkins

Recommendation: Refusal

Committee Decision: Refusal

**0771/16/OPA Land at SX 791 430, To rear of Green Park
Way, Chillington
Parish: Chillington**

Outline planning application for planning permission to erect up to 65 dwellings (including market, affordable and retirement housing) landscaping and associated works

Case Officer Update: The statement in the Officer Report regarding the New Homes Bonus is incorrect and should read that the sum of £77,155 is payable over 5 years in 2017/18 and then over four years in 2018/19.

One further Letter of Representation has been received raising one new issue commenting on the emerging JLP policy on Thriving Villages.

The site is an allocated site in the emerging JLP but this carries little weight at present.

During questioning The Highway Authority stated that contribution proposed in the Section 106 for Public Transport should not be £100,000 (referred to as £100,00 in the officer report due to a typing error) had been further reviewed and should now be only £60,000 (to maintain the existing bus service for 3 years)

Speakers included: Objector – Mr Michael Garrod MBE: Supporter – Mr Harry Seddon: Parish Council – Cllr Piers Spence: Ward Member – Cllr Brazil

Recommendation: Conditional Approval

Members had a lengthy debate on this application. Concerns were raised over drainage, and the DCC officer responded in detail to a number of questions related to drainage and flooding. There were questions to the DCC Highways officer and he also responded in detail. One Member noted that the Committee in making its decision was duty bound to rely on the professional judgement of officers from another authority. Members noted that the site was in the forthcoming Joint Local Plan but had been removed from the previous Development Plan. It was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**, that the application be **REFUSED**. Some Members asked that the point raised by the Parish Council that someone be held responsible for any future flooding issues be included as a condition. Whilst this was not appropriate, it was agreed that the seriousness of the flooding concerns be noted in the minutes, along with the Parish Council and Ward Member concerns.

Committee Decision: Conditional Approval

Conditions:

1. Time (commencement and submission of reserved matters)

2. Details of reserved matters of landscaping, appearance, layout and scale to be submitted and agreed.
3. Tree protection, Arboricultural Methodology Statement and Mitigation measures to be agreed and implemented.
4. Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases).
5. Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).
6. Unsuspected contamination
7. Highway feature construction details and provision
8. Prior to commencement – phasing programme to be agreed
9. Site compound and car park to be constructed as first part of development
10. Pre commencement - Construction management plan to be agreed
11. Parking strategy to be agreed
12. Drainage Strategy to be agreed relating to site surface water
13. Car parking/garaging to be retained
14. Barn owl survey to be undertaken (details to be submitted and approved prior to commencement)
15. Renewable energy/energy efficiency (details pre-commencement)
16. Provision of ducting for fibre optic broadband.
17. Removal of PD rights

After the resolution to approve Members were advised that the National Planning Casework Unit had received a request for the Secretary of State to consider calling in the application for his own determination. As such the application could not now be determined until a response is received from the NPCU.

**1825/16/OPA Land at SX 550 522, North of Canes Orchard, Brixton
Parish: Brixton**

Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access

Case Officer Update: Members were advised that the Highway Authority had visited Phase 1 of the Canes Orchard development this morning and had noted that the main access road through the development had not been built in accordance with the approved plans. The current application relies upon this access. The Highway Authority now object to the application until they have had time to consider the full implications of this.

Following an update from the Case Officer, it was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED** that the application be **DEFERRED**.

2879/16/FUL Development site at SX 649 438, South East side of Burgh Island, Bigbury Parish: Bigbury

Erection of new standalone hotel suite on Burgh Island to provide hotel additional accommodation

Case Officer Update: Following the receipt of additional information the first, fourth and fifth bullet points in the second proposed reason for refusal were no longer relevant .

Speakers included: Objector – Mr Peter Cook: Supporter – Mr Tony Orchard and Mr Lukas Barry

Recommendation: Refusal

During discussion, some Members felt the proposal would have an adverse impact on the existing view, whilst others felt the proposal would be an iconic and 21st Century addition to an already world famous hotel which would encourage visitors and support tourism. Some Members were concerned that if the application were approved then future measures may need to be taken to mitigate erosion which would adversely affect the appearance of the site. However, the applicant was confident that the proposal had been designed in such a way that future erosion would not be an issue and in any case, any structure would require planning permission. Members discussed the possibility of railings being required, and how the planning authority could apply a condition to retain an element of control over their appearance. A number of Members stated that this application was finely balanced between preserving the existing view and supporting tourism to benefit the local economy.

Committee Decision: Conditional Approval

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall in all respects accord strictly with plans and The Design and Access Statement dated September 2016.
3. There shall be no access to or use of the green roof hereby permitted other than for purposes of maintenance.
4. Prior to their installation a sample panel of each of the materials/finishes to be used for the external walls shall be

prepared on site for inspection and approval by the Local Planning Authority. This shall include the stonework and external concrete finish(es). Stone panels shall be a minimum of 2m x 2m in size and concrete panels shall be a minimum of 1m x 1m in size. Not less than two weeks' notice shall be given to the Local Planning Authority when the sample panel is ready for inspection. All external work shall be constructed to match the approved panel(s).

5. Prior to its construction full details of the means of construction and appearance of the green roof, including materials and planting details including planting schedule and maintenance program shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained as such.
6. Notwithstanding any details indicated on the submitted and approved drawings and documents, prior to their installation details and samples of facing materials, windows, doors and glazing to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.
7. Prior to the installation of any external lighting to serve the building hereby approved or to light the route across the headland from the hotel to the approved building, full details of the lighting shall first be agreed in writing by the Local Planning Authority. External lighting shall be designed to minimise its landscape impact. Development shall take place in accordance with the approved details.
8. The building hereby permitted shall only be used in connection with and for purposes ancillary to the Burgh Island Hotel and it shall not be occupied as an independent dwelling house.
9. Prior to their installation details of the routes and external appearance of all servicing including pipes, cables and/or ducting from the point of connection to the main source of the service to the point of entry/attachment to the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Development shall take place in accordance with the approved details.

10. Prior to the commencement of the development hereby approved, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the building. Following its

installation the approved scheme shall be permanently retained and maintained thereafter.

11. Prior to the commencement of the development, details of the surface water drainage design shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.
12. The architectural firm Carmody Groarke Ltd of 62-70 Shorts Gardens, London, WC2H 9AH and who are the agents for this application shall be retained by the developer as the principal project managers for the duration of the construction programme unless an alternative reputable project manager is agreed in writing by the Local Planning Authority. The minimum level and nature of the involvement of the project manager in the construction process is also to be agreed in writing with the Local Planning Authority prior to the commencement of development and project management shall take place in accordance with these agreed details.
13. Prior to their installation full details of any boundary treatments, including any fencing, railing or balustrades required in connection with this development, either as part of the building, its amenity space and/or the access route to the building from the hotel, shall be submitted to and agreed in writing by the Local Planning Authority.

Development shall take place in accordance with the approved details.

14. Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include the following:
 - The timetable for the construction process including details of any proposed phasing.
 - Details of the location of any storage compounds/ location of where materials, equipment and machinery will be stored during the construction process.
 - Hours of construction and deliveries to and from the site which shall be limited to the hours of 8am to 6pm Monday to Friday and at no time on Saturdays, Sundays and Bank Holidays

- Details of the size of vehicles and type and size of plant and machinery that will be used on Burgh Island in association with the construction process.
- Details of how the construction process will be managed to minimize the risk of pollution into the marine environment.

Development shall take place in accordance with the approved details

**4033/16/HHO Low Cedars, Road from Marlton Cross to
Roots, Westerland, Marlton
Parish: Marlton**

**Householder application for composite decking to rear of
property to facilitate access from bedroom and conservatory**

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

Standard time limit

Adherence to plans

65. **Planning Appeals Update**

DM.65/16

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided more detail where requested.

66. **Planning Performance Indicators**

DM.66/16

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

The Meeting concluded at 5.30 pm

Signed by:

Chairman

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Voting Analysis for Planning Applications – DM Committee 15 March 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3715/16/ARM	Land at SX 817 602, Great Court Farm, Berry Pomeroy	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Cuthbert, Bramble, Hitchins (8)	Cllrs Hodgson, Vint, Pearce (3)	Cllr Brazil (1)	
3352/16/FUL	Briar Hill Farm, Court Road, Newton Ferrers	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Bramble, Hitchins, Pearce, Vint (9)	Cllrs Brazil, Cuthbert, Hodgson (3)	(0)	
3471/16/FUL	Pillory Hill, Noss Mayo	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Cuthbert, Bramble, Vint, Pearce, Brazil (10)	Cllr Hodgson (1)	Cllr Hitchins (1)	
0041/17/HHO	Jons Wood, Brixham Road, Kingswear	Conditional Approval	Cllrs Pearce, Bramble, Holway, Hitchins, Cane, Rowe (6)	Cllrs Hodgson, Vint, Brazil, Cuthbert, Steer, Foss (6) Vote lost on Chairman's casting vote	(0)	
0041/17/HHO	Jons Wood, Brixham Road, Kingswear	Refusal	Cllrs Hodgson, Vint, Brazil, Cuthbert, Steer, Foss (6)	Cllrs Pearce, Bramble, Holway, Hitchins, Rowe (5)	Cllr Cane (1)	
0771/16/OPA	Land at SX 791 430, to Rear of Green Park Way, Chillington	Refusal	Cllrs Vint, Brazil, Hodgson (3)	Cllrs Pearce, Cuthbert, Cane, Bramble, Rowe, Steer, Foss (7)	Cllr Hitchins (1)	Cllr Holway (1)
0771/16/OPA	Land at SX 791 430, to Rear of Green Park Way, Chillington	Conditional Approval	Cllrs Pearce, Cuthbert, Cane, Bramble, Rowe, Steer, Foss (7)	Cllrs Vint, Brazil, Hodgson (3)	Cllr Hitchins (1)	Cllr Holway (1)

1825/16/OPA	Land at SX 550 522, North of Canes Orchard, Brixton	Deferral	Cllrs Hodgson, Vint, Pearce, Hitchins, Cuthbert, Brazil, Bramble, Rowe, Foss (9)	Cllr Steer (1)	Cllr Cane (by virtue of declaring DPI) (1)	Cllr Holway (1)
2879/16/FUL	Development site at SX 649 438, South East side of Burgh Island, Bigbury	Conditional Approval	Cllrs Foss, Brazil, Cuthbert, Hodgson (4)	Cllrs Rowe, Pearce, Bramble (3)	Cllr Cane (by virtue of not hearing all of the presentation), Cllrs Steer, Vint (3)	Cllrs Holway, Hitchins (2)
4033/16/HHO	Low Cedars, road from Marldon Cross to Roots, Westerland, Marldon	Conditional Approval	Cllrs Steer, Foss, Bramble, Cuthbert, Pearce, Vint, Hodgson, Brazil, Cane (9)	(0)	Cllr Rowe (1)	Cllrs Holway, Hitchins (2)