

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 4th October, 2017** at **2.00 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Steer
Vice Chairman Cllr Foss

Cllr Bramble
Cllr Brown
Cllr Hodgson
Cllr Pearce
Cllr Vint

Cllr Brazil
Cllr Cuthbert
Cllr Holway
Cllr Rowe

In attendance:

Councillors:

Cllr Green
Cllr Wright

Cllr Tucker

Officers:

COP Lead – Development Management
Senior Specialist – Planning
Planning Specialist
Deputy Monitoring Officer
Specialist – Place Making
AONB Manager

19. **Minutes**

DM.19/17

The minutes of the meeting of the Committee held on 2 August 2017 were confirmed as a correct record and signed by the Chairman.

20. **Declarations of Interest**

DM.20/17

Members and officers were invited to declare any interests in the items of business to be considered but none were made.

21. **Public Participation**

DM.21/17

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.

22. **Planning Applications**

DM.22/17

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:

0549/17/OPA Development site at SX 710 394, adjacent to Malborough Park, Malborough

Parish: Malborough

Outline application with some matters reserved for erection of circa 50no. dwellings and means of access (all other matters reserved)

Case Officer Update:

Proposed change to recommendation – Section 106 Heads of Terms:

A pedestrian link from the site into Malborough Park or Portlemore Close shall be provided in accordance with details approved by the Local Planning Authority prior to the occupation of the first dwelling or other phasing that may be agreed in writing.

Changes following Member debate:

Additional clause for 106 proposed:

The 50/50 option tenure split for affordable housing should only be used if it is demonstrated that the 30/30/40 split cannot be delivered.

Amendment to proposed 106 clause to read:

Access to and ongoing management and maintenance of POS, southern boundary hedgerow and SUDs in perpetuity

Amendment to proposed informative 2:

Any reserved matter(s) application should provide a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced

and inclusive community. The Council would normally seek a mix on the following basis:

35% 1 and 2 bedroom properties

35% 3 bedroom properties

30% 4 bedroom properties;

unless it can be demonstrated that the local need is for a different mix.

Additional informatives:

Any reserved matters application should reflect the need to provide a robust hedgerow/Devon bank along the southern site boundary and this hedgerow should not be included within any domestic curtilage but should be managed and maintained as part of the public open space management scheme.

Any reserved matters application should demonstrate adequate parking for residents and visitors. The Malborough Neighbourhood Plan proposes a policy that garages should not be counted as parking spaces and this should be taken into consideration.

Any future reserved matters application should have regard to the applicants Design and Access Statement, with particular reference to the provision of houses up to 1.5 stories only on the southern site boundary.

Additional condition:

Any reserved matters submission shall include details of how layout has sought to maximise passive solar gain

Speakers included: Supporter – Mr Richard May; Malborough Parish Council – Cllr John Sampson; and local ward Members – Cllrs Pearce and Wright

Recommendation: Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 Agreement.

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

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated

authority is given to the COP Lead to refuse the application in the absence of an agreed S106 Agreement.

The Section 106 should secure the following:

- 30% on-site affordable housing or 16 dwellings whichever is the greater; of which the mix will be either 50/50 affordable rent to shared ownership or
 - 5 social rent
 - 5 affordable rent
 - 6 intermediate (i.e., market discount at 75%)To be allocated in accordance with local allocations policy giving Band A-E preference to Parish applicants.
- The 50/50 option tenure split for affordable housing should only be used if it is demonstrated that the 30/30/40 split cannot be delivered.
- £164,407 towards secondary school infrastructure
- £23,332 towards secondary school transport
- £12,500 towards early years education
- £380 per resident towards improvements to the adjacent existing play area.
- £595 per resident towards improvements to Malborough Playing Fields.
- Access to and ongoing management and maintenance of Public Open Space, southern boundary hedgerow and SUDs in perpetuity.
- Implementation of LEMP in perpetuity
- £5000 for speed limit TRO
- £300 per dwelling for travel plan vouchers
- A pedestrian link from the site into Malborough Park or Portlemore Close shall be provided in accordance with details approved by the Local Planning Authority prior to the occupation of the first dwelling or other phasing that may be agreed in writing.

Conditions:

- Std time outline time conditions
- Submission of reserved matters
- Accords with plans
- Materials to be agreed
- Boundary treatments to be agreed
- CEMP
- Roads to be constructed in accordance with details to be agreed
- Development in accordance with phasing programme to be agreed
- Off-site highway works to be completed prior to occupation of any dwellings
- No other development to commence until access road and footway on the public highway has been provided to base course level and site compound and car park constructed.
- Visibility splays to be provided
- Unsuspected contamination
- No development until a programme of archaeological work in accordance with a written scheme of investigation has been submitted and agreed. Development to take place in accordance with the agreed details.

- No development until a programme of percolation tests has been carried out and approved.
- No development until detailed design of proposed permanent surface water drainage management system is submitted and approved in writing.
- No development until detailed design of construction phase drainage scheme is submitted and agreed
- No development until details of adoption and maintenance arrangements for permanent surface water drainage scheme has been submitted and approved
- Pre-commencement – LEMP
- Pre-commencement - tree/hedgerow protection during construction
- Retention of all hedgerows except where their removal is permitted though this or subsequent planning consents
- Garages and parking areas to be provided in accordance with approved details prior to occupation and retained in perpetuity.
- Removal of PD – roof extensions, means of enclosure, hardstandings
- Lighting strategy to be submitted and agreed
- No external lighting in public areas other than that agreed in lighting strategy
- Arboricultural Impact assessment including details of hedgerow works to facilitate new access to be submitted and agreed
- Development in accordance with EcIA
- Any reserved matters submission shall include details of how layout has sought to maximise passive solar gain

0266/16/FUL 5 Christina Parade, Totnes

Parish: Totnes

Erection of 3 bed terrace house with garden and relocation of garages

Case Officer Update:

- Land ownership has been established.
- Appropriate notices have been served on other landowners.
- Certificates have been appropriately signed.
- No further representations have been received.
- Some of the shrubs and undergrowth behind the existing garages will be removed to accommodate the new garages, all of which is in the applicants ownership.
- It will not result in the loss of any significant trees.
- The garages have been widened to 3 metres.

Speakers included: local ward Members – Cllrs Green and Vint, and Cllr Birch (statement read)

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

1. Time limit
2. Approved plans
3. Final drainage scheme
4. Garages not be used for commercial purposes
5. Removal of permitted development rights for means of enclosure
6. Construction Management Plan to be submitted
7. No external lighting on the garages
8. Landscaping scheme
9. Once completed a bat roost shall be provided

2686/17/VAR Admiral Court, Nelson Road, Dartmouth

Parish: Dartmouth

Application for variation of condition 2 of granted planning consent 0901/16/FUL

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

- Accord with plans
- Drainage to be agreed
- Materials to match existing units within site
- Unsuspected contamination
- Details of hard surfacing to be agreed
- Parking to be provided and retained

23. **Planning Appeals Update**

DM.23/17

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management updated Members on a recent High Court decision.

24. **Planning Performance Indicators**

DM.24/17

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. A number of Members were concerned about the increasing number of enforcement cases.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

The Meeting concluded at 4.30 pm

Signed by:

Chairman

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Voting Analysis for Planning Applications – DM Committee 4 October 2017

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
0549/17/OPA	Development site at SX 710 394, adjacent to Malborough Park, Malborough	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Hodgson, Pearce, Cuthbert, Holway, Bramble, Brown (10)	Cllr Rowe (1)	(0)	Cllr Hitchins (1)
0266/16/FUL	5 Christina Parade, Totnes	Conditional Approval	Cllrs Steer, Foss, Vint, Hodgson, Pearce, Cuthbert, Holway, Bramble, Brown, Rowe (10)	(0)	Cllr Brazil (1) (by virtue of not being in attendance for the original presentation)	Cllr Hitchins (1)
2686/17/VAR	Admiral Court, Dartmouth	Conditional Approval	Cllrs Bramble, Brown, Foss, Holway, Rowe, Vint, Pearce, Cuthbert, Hodgson, Brazil and Steer (11)	(0)	(0)	Cllr Hitchins (1)

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