

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 29th November, 2017** at **11.00 am** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Steer
Vice Chairman Cllr Foss

Cllr Bramble
Cllr Brown
Cllr Hodgson
Cllr Pearce

Cllr Brazil
Cllr Hitchins
Cllr Holway
Cllr Rowe

In attendance:

Councillors:

Cllr Baldry

Cllr Tucker

Officers:

COP Lead Development Management
Planning Specialists
Deputy Monitoring Officer

31.

Minutes

DM.31/17

The minutes of the meeting of the Committee held on 1 November 2017 were confirmed as a correct record and signed by the Chairman.

32.

Declarations of Interest

DM.32/17

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

Cllr R Foss declared a personal interest in application number **2821/17/FUL**: Revised application for the conversion of Bovisand Fort and associated buildings, removal of one building, and construction of new towers, an apartment building, 11 new dwellings, new quayside

commercial accommodation and conservation of historic fabric, together with associated landscaping, parking and re-establishment of the link to the coastal footpath, creating a total of 81 residential units, office, teaching/studio space, event space, visitor centre and facilities, café and relocation of MOD space and additional commercial space – Fort Bovisand, Bovisand, by virtue of the applicant having a 'care of' address of a company that he also used and he remained in the meeting and took part in the debate and vote thereon;

Cllr R Steer declared a personal interest, on behalf of Conservative group Members of the committee, in application **1812/17/OPA**: Outline application with all matters reserved for erection of circa 25 no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park – proposed development site at SX 550 523, Land at Venn Farm, Brixton, by virtue of the landowner being a Conservative group Member. Members remained in the meeting for the duration of this item and took part in the vote thereon;

Cllr J Hodgson declared a personal interest in application number **3360/17/FUL**: Development of 49.99MW Battery Storage Facility with associated infrastructure and landscaping – Land at SX 774 647, Riverford Farm, Staverton by virtue of the objector being known to her through friends. She remained in the meeting for the duration of this item and took part in the vote thereon;

Cllr T Holway declared a personal interest in application - **2964/17/FUL**: Proposed construction of dwelling, with associated access, parking and landscaping works – Plot adjacent Old Coastguard Store, East Prawle by virtue of knowing the applicant and he remained in the meeting and took part in the debate and vote thereon;

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:

- **2821/17/FUL**: Revised application for the conversion of Bovisand Fort and associated buildings, removal of one building, and construction of new towers, an apartment building, 11 new dwellings, new quayside commercial accommodation and conservation of historic fabric, together with associated landscaping, parking and reestablishment of the link to the coastal footpath, creating a total of 81 residential units, office, teaching/studio space, event space, visitor centre and facilities, café and relocation of MOD space and additional commercial space – Fort Bovisand, Bovisand
- **1812/17/OPA**: Outline application with all matters reserved for erection of circa 25 no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park – proposed development site at SX 550 523, Land at Venn Farm, Brixton
- **2027/17/HHO**: Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace – Brook Bakery, Riverside Road West, Newton Ferrers;

- **25/1720/15/O:** Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works – Proposed development site at SX 612 502, land north of Church Hill, Holbeton;
- **2964/17/FUL:** Proposed construction of dwelling, with associated access, parking and landscaping works – Plot adjacent Old Coastguard Store, East Prawle.

33. **Public Participation**

DM.33/17

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

34. **Planning Applications**

DM.34/17

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:

2821/17/FUL Fort Bovisand, Bovisand Parish: Wembury

Revised application for the conversion of Bovisand Fort and associated buildings, removal of one building, and construction of new towers, an apartment building, 11 new dwellings, new quayside commercial accommodation and conservation of historic fabric, together with associated landscaping, parking and re-establishment of the link to the coastal footpath, creating a total of 81 residential units, office, teaching/studio space, event space, visitor centre and facilities, café and relocation of MOD space and additional commercial space

Case Officer Update: Parish Council concerns resolved and response now amended; amended response from EA – will required additional conditions; application will be subject to s106

Speakers included: Supporter – Mr Philip Beagle & Mr Mark Evans: local Ward Member – Cllr Brown

Recommendation: That Development Management Committee delegates the authority to the CoP Lead to approve, subject to the conditions listed below and the prior satisfactory completion of a Section 106 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 to refuse to application in the absence of an agreed S106 Agreement.

Committee Decision: That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 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 to refuse to application in the absence of an agreed S106 Agreement.

**1812/17/OPA Proposed development site at SX 550 523, Land at Venn Farm, Brixton
Parish: Brixton**

Outline application with all matters reserved for erection of circa 25 no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park

Case Officer Update: Applicants have appealed to Planning Inspector on grounds of non-determination. Officer's view is that the application is not valid and further information is requested. The Inspector will seek a view on the outcome of the application if it had been determined through the normal process and Members are therefore being asked for their views.

A further letter has been received from the Parish Council stating their Neighbourhood Plan is at Regulation 14 stage and the land on which this application is sited is designated as strategic green space.

Speakers included: Objector – Mr Geoff Davis: Parish Council representative – Cllr Michael Wills: local Ward Member – Cllr Baldry

Recommendation: That the Council RESOLVE that were it in a position to determine this application it would refuse planning permission

Committee Decision: That the Council RESOLVE that were it in a position to determine this application it would refuse planning permission

**25/1720/15/O Proposed development site at SX 612 502, Land North of Church Hill, Holbeton
Parish: Newton and Noss**

Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works

Case Officer Update:

Speakers included: Objector – Ms Sandi Marshall: Supporter – Mr Mildmay-White: Parish Council representative – Cllr Pete Hearn: local Ward Member – Cllr Baldry

Recommendation: Delegate authority to CoP Lead Development Management, in consultation with the Chairman, to conditionally grant planning permission, subject to a s106 legal agreement.

However, in the event that the s106 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 authority to CoP Lead Development Management, in consultation with the Chairman, to conditionally grant planning permission, subject to a s106 legal agreement.

However, in the event that the s106 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:

- 35% on site provision of affordable housing
- £38,306 towards infrastructure at Ivybridge Community College
- £13,851 toward school transport
- Ongoing management and maintenance of open space, SUDs features, landscape and wildlife features in accordance with LEMP in perpetuity
- Provision of footpath link to Church Hill
- £380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field or other play facilities to be agreed by the local Parish Council
- £595 per occupier for improvements to the Holbeton playing field to allow increased use for sports
- Public access and on-going management of the allotment area in perpetuity
- Public access, use in perpetuity and ongoing maintenance and management of the car park

Conditions

- Standard outline time conditions (3 years + 2 years)
- Accords with plans
- Access and visibility splays to be constructed and laid out and maintained for that purpose, in accordance with approved plan and details

- Pre-commencement – Construction Environmental Management Plan
- Pre-commencement – details of road construction to be agreed
- Pre-commencement – suitable highway drainage scheme to be agreed and then implemented
- Pre-commencement – ground investigation to be undertaken to prove that the 1:2:5 batter slopes adj. the car park are safe
- Pre-commencement – Programme of percolation test to be agreed and undertaken in consultation with LLFA.
- Pre-commencement – detailed design of permanent surface water drainage management system to be agreed with LLFA.
- Pre-commencement – Details of adoption and maintenance arrangements for proposed surface water drainage management system to be agreed with LLFA
- Pre-commencement – detailed design of surface water management during construction to be agreed with LLFA
- Pre-commencement - LEMP to be agreed
- Details of allotments to be agreed and implemented
- Unsuspected contamination
- Details of footpath to be agreed and implemented
- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented
- Removal of PD – roof alterations, means of enclosure, hardstandings, boundary treatments.
- Garages and parking areas to be provided in accordance with approved details prior to occupation
- Vehicular access and road to be provided in accordance with phasing plan to be agreed
- No external lighting in public areas other than that agreed in lighting strategy
- Development in accordance with Ecology Report
- Materials to be agreed
- Boundary treatments

**2964/17/FUL Plot adjacent Old coastguard Store, East Prawle
Parish: Chivelstone**

Proposed construction of dwelling, with associated access, parking and landscaping works

Case Officer Update: None

Speakers included: Objector – Ms Karen Hill: Parish Council representative – Cllr Sean Jeffrey: local Ward Member – Cllr Brazil

Recommendation: Conditional Approval

During discussion, the Ward Member advised that there was no church in the village, it was not on a bus route and the shop had now closed, so the site was not sustainable. The site was within the AONB, on the undeveloped coast and within a Conservation Area.

Other Members stated that this application was difficult to support as it would completely block the open views from the village green towards the sea and change the character. There was no need for a house as proposed, the village needed reinvigorating through affordable housing.

Committee Decision: Refusal

Reasons:

The proposed development by virtue of siting, massing, scale and the relationship with the village green, including reducing the views across the undeveloped coast from the village green does not conserve the landscape and scenic beauty of the South Devon AONB. Furthermore the proposal fails to preserve or enhance the character and appearance of the East Prawle conservation area. The development is therefore considered to be contrary to policies DP2, DP6 and DP15 of the South Hams Development Policies, policies CS1 and CS9 of the South Hams Core Strategy and paragraph 115 of National Planning Policy Framework.

**3360/17/FUL Land at SX 774 647, Riverford Farm, Staverton
Parish: Staverton**

Development of 49.99MW Battery Storage Facility with associated infrastructure and landscaping

Case Officer Update: Air conditioning units for the batteries would be at ground floor level, additional condition proposed;
s106 Heads of Terms to be revised to include provision and ongoing maintenance of 4 hectares land to provide for establishment of grassland to be agreed by the LPA in consultation with Natural England;
Revise condition 20 – lighting – ‘routine servicing and maintenance shall take place in daylight hours only and without the use of artificial light’.
Natural England have withdrawn their objection.
A Habitat Regulations Assessment has been undertaken which is favourable

Speakers included: Objector – Mr Gavin Fennell: Supporter – Mr Andrew Troup: Parish Council representative – Cllr Ray Hill: local Ward Member – Cllr Hodgson

Recommendation: Delegate to CoP Lead Development Management, in consultation with the Chairman of Committee, to conditionally grant planning permission, subject to a s106 legal agreement.

However, in the event that the s106 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 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 consultation with the Chairman of Committee, to conditionally grant planning permission, subject to a s106 legal agreement.

However, in the event that the s106 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 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:

- Provision and ongoing maintenance of newly created habitat (including attenuation pond), as outlined in the Great Crested Newt Mitigation Strategy, and in accordance with a Planting and Maintenance Plan.
- Provision and on-going maintenance of a minimum of 4ha of newly created bat foraging habitat on land indicated on drawing number ... to provide for the establishment of grassland, other biodiversity features and future management strategy in accordance with a LEMP to be agreed by the LPA in consultation with Natural England.

Conditions

- Time
- Accords with plans
- Prior to commencement – road condition survey to be submitted and approved
- Prior to commencement – details of vehicular access including visibility splays and surfacing to be submitted, approved and implemented.
- Prior to commencement – scheme to assess and mitigate the risks to controlled waters as a result of the development to be submitted, agreed and implemented.
- Habitat creation and compensation measures shall be provided as outlined within the Great Crested Newt Mitigation Strategy (RPS, October 2017) unless otherwise agreed by the LPA.
- Prior to commencement, submission of a planting and maintenance plan for the retained and newly created habitat including attenuation pond.
- Works shall adhere to measures within the Conservation Action Statement (Appendix 5 of the Preliminary Ecology Appraisal, Acorn Ecology, July 2017).

- No ground works should commence until the LPA has been provided with a copy of the licence with respect to Great Crested Newts issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.
- Prior to commencement of development a Landscape and Ecological Management Plan/Bat Mitigation Strategy for the 'Greater horseshoe bat mitigation land' should be submitted to and agreed by the LPA.
- The 'Greater horseshoe bat mitigation land' shall be prepared in advance of commencement of development.
- Pre-commencement – detailed surface water management scheme to be submitted, agreed and then implemented.
- Mitigation measures set out in Noise Assessment by RPS dated September 2017 to be adhered to.
- Acoustic fencing to be erected in accordance with approved details prior to development being commissioned
- Pre-commencement: Notwithstanding the submitted masterplan, detailed existing and proposed levels for the site and its surroundings to ensure that the ground remodelling is sensitively 'blended' into the surrounding contours without abrupt changes in level (the current contours shown are too coarse to ensure that this is the case). Any material not used in the construction of the levels as approved must be removed from site to a licenced facility.
- Pre-commencement : A Construction Method Statement for the ground works, detailing the methodology for constructing the level changes. This should include site preparation (stripping and storage of topsoil and fencing to protect the boundary vegetation), the creation of the new levels and their compaction, the removal of any debris, and the reinstatement of the topsoil. The restoration and making good of the site compound should also be included.
- Pre commencement: A Landscape Strategy to include:
 - a concept statement explaining how the proposed landscape treatment responds to the landscape character of the area;
 - the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - details of any changes to the site access, including hedgerow removal; creation of visibility splays; kerbs, signage or other highways infrastructure; and gates, fencing or other structures.
 - the method of planting, establishment and protection of tree, hedge and shrub planting;
 - a timetable for the implementation of all landscaping; and
 - a management plan detailing the management of the landscaped areas for a minimum period of 10 years.
- Colours of the containers and other equipment within the compound to be agreed prior to installation.
- Details of lighting (temporary construction lighting and permanent lighting) including function, location, design and intensity to be agreed prior to installation. Routine servicing and maintenance shall take place during daylight hours only and without the use of artificial light.

- Details of CCTV infrastructure including height and location of any mounted equipment to be agreed prior to installation
- Pre-commencement: A decommissioning strategy to be submitted to and approved in writing by the LPA.
- Air conditioning units to be located at ground level in accordance with details to be agreed

**3083/17/FUL Ivybridge Leisure Centre, Leonards Road,
Ivybridge
Parish: Ivybridge**

Erection of an extension to provide new swimming pool and alterations to allow refurbishment to existing leisure centre

Case Officer Update: Holding objection re drainage as the site is in a 'critical' area has been resolved since report published, recommendation to approve subject to additional drainage conditions

Speakers included: Town Council representative – Lesley Hughes

Recommendation: Authority be delegated to the CoP Lead Development management in consultation with the Chairman of Committee to approve the application subject to the outstanding drainage issue being resolved (and necessary drainage conditions being added)

Committee Decision: Authority be delegated to the CoP Lead Development management in consultation with the Chairman of Committee to approve the application subject to the outstanding drainage issue being resolved (and necessary drainage conditions being added)

Conditions

1. Time limit
2. Accord with plans
3. Construction Management Plan
4. Details of any external lighting to be agreed
5. Recommendations of ecology report
6. Foul drainage
7. Surface water drainage

**2027/17/HHO Brook Bakery, riverside Road West, Newton
Ferrers
Parish: Newton and Noss**

Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace

Case Officer Update: None

Speakers included: Ward Member – Cllr Baldry (Statement read)

Recommendation: Refusal

Committee Decision: Refusal

**3071/17/FUL 18A and 18B, Leechwell Street, Totnes
Parish: Totnes**

Replacement of existing 2 no. 2 storey dwellings with a single new dwelling with room in the roof and roof top terrace

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Samples of materials
4. Unexpected contamination
5. Construction management plan

35. **Planning Appeals Update**

DM.35/17

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases.

36. **Planning Performance Indicators**

DM.36/17

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. Members agreed that future presentation of PIs should be on a quarterly basis.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

The Meeting concluded at 6.00 pm

Signed by:

Chairman

Voting Analysis for Planning Applications – DM Committee 29 November 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2821/17/FUL	Fort Bovisand, Bovisand	Conditional Approval	Cllrs Steer, Foss, Pearce, Holway, Bramble, Brown, Rowe, Hodgson, Brazil (9)	(0)	(0)	Cllrs Cuthbert, Hitchins, Vint (3)
1812/17/OPA	Proposed development site at sx 550 523, Land at Venn Farm, Brixton	If the Council were in a position to determine, it would Refuse	Cllrs Steer, Foss, Pearce, Holway, Bramble, Brown, Rowe, Hodgson, Brazil (9)	(0)	(0)	Cllrs Cuthbert, Hitchins, Vint (3)
291720/15/O	Proposed development site at SX 612 502, Land north of Church Hill, Holbeton	Conditional Approval	Cllrs Steer, Foss, Hitchins, Holway, Bramble, Brown, Rowe, Brazil (8)	Cllrs Pearce, Hodgson (2)	(0)	Cllrs Cuthbert, Vint (2)
2964/17/FUL	Plot adjacent Old Coastguard Store, East Prawle	Refusal	Cllrs Foss, Hitchins, Holway, Bramble, Brown, Brazil, Pearce, Hodgson (8)	Cllrs Rowe, Steer (2)	(0)	Cllrs Cuthbert, Vint (2)
3360/17/FUL	Land at SX 774 647, Riverford Farm, Staverton	Conditional Approval	Cllrs Foss, Holway, Bramble, Brown, Brazil, Pearce, Rowe, Steer (8)	Cllr Hodgson (1)	(0)	Cllrs Cuthbert, Vint, Hitchins (3)
3083/17/FUL	Ivybridge Leisure Centre, Leonards Road, Ivybridge	Conditional Approval	Cllrs Foss, Holway, Bramble, Brown, Brazil, Pearce, Rowe, Steer (8)	(0)	Cllr Hodgson (1)	Cllrs Cuthbert, Vint, Hitchins (3)
2027/17/HHO	Brook Bakery, Riverside Road West, Newton Ferrers	Conditional Approval	Cllrs Foss, Holway, Bramble, Brown, Brazil, Pearce, Rowe, Steer, Hodgson (9)	(0)	(0)	Cllrs Cuthbert, Vint, Hitchins (3)
3071/17/FUL	18A and 18B Leechwell Street, Totnes	Conditional Approval	Cllrs Foss, Holway, Bramble, Brown, Brazil, Pearce, Rowe, Steer, Hodgson (9)	(0)	(0)	Cllrs Cuthbert, Vint, Hitchins (3)

