

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 29th July, 2015 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 Saltern
Cllr Wright

Cllr Tucker

Officers:
COP Lead Development Management
Planning Specialists
Solicitor
Affordable Housing Officer
Highways Authority Officer

13.

Minutes

DM.13/15

The minutes of the meeting of the Committee held on 1 July 2015 were confirmed as a correct record and signed by the Chairman subject to the addition of the following comment and amendment:

Minute DM.11/15 a) to be amended to include: 'Following the Ward Member presentation, the Chairman suspended the meeting and asked that the Ward Member leave the room with the Solicitor. After a few minutes, the Ward Member and Solicitor returned to the meeting.'

There was a further minor amendment required within Appendix A of the minutes, as application 30/1799/14/F: Plot to rear of Inglewood Cottages, Higher Contour Road, Kingswear was shown as 'Committee Decision: Conditional Approval' when in fact the Committee Decision was to 'attend a Site Inspection'.

14. **Urgent Business**

DM.14/15

The Chairman advised that application 57/2472/14/O – Outline application for mixed use development of approx. 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered) – Land at SX 6483 5632, off Rutt Lane, Ivybridge, had been withdrawn from the agenda and would be presented at a later date.

15. **Declarations of Interest**

DM.15/15

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

Cllrs I Bramble, R J Foss, J A Pearce, R Rowe and R C Steer declared a personal interest in application **30/1442/14/F**: Erection of a single two storey dwelling and separation of part of garden – The Anchorage, Redoubt Hill, Kingswear by virtue of the objector being known to Members of the Totnes Conservative constituency. The Members remained in the meeting and took part in the debate and vote thereon;

Cllr J A Pearce declared a personal interest in application **41/0703/15/F**: Demolition of existing structure and erection of new dwelling and raised parking area - Proposed development site to rear of The Hollies, Devon Road Salcombe by virtue of knowing the neighbour. She remained in the meeting and took part in the debate and vote thereon:

Cllr J M Hodgson declared a personal interest in **TPO 916 2015**: Leylandii at St Katherines Way, Totnes, by virtue of chairing the Town Council meeting at which this was discussed and voting in favour of retaining the Tree Preservation Order. However, she had already left the meeting by the time that this application was considered;

Cllr R J Vint declared a personal interest in **TPO 916 2015**: Leylandii at St Katherines Way, Totnes, by virtue of attending the Town Council meeting where this was discussed however he did not vote at that time. He remained in the meeting and took part in the debate and vote on this item;

Cllr B F Cane declared a personal interest in application **27/0372/15/F**: Erection of new dwelling – Proposed development site at SX 6345 5674, Mill Manor, Beacon Road, Ivybridge by virtue of knowing the speaker in support of the application and having previously commissioned them for

work. He remained in the meeting and took part in the debate and vote thereon;

Cllrs R Rowe and B F Cane both declared a personal interest in the following applications by virtue of being respectively the Chairman and a Member of the South Devon AONB Partnership Committee within which the applications were sited. They remained in the meeting and took part in the debate and vote on each of these applications:-

- **30/1422/14/F:** Erection of a single two storey dwelling and separation of part of garden – The Anchorage, Redoubt Hill, Kingswear;
- **48/1099/15/F:** Householder application for refurbishment of dwelling including single storey extension, new two storey link between main house and new extension and new landscape and patio to garden (resubmission of application 48/0409/15/F) – The Sail Loft, South Pool, Kingsbridge;
- **05/0383/15/F:** Excavation and formation of retaining wall for erection of temporary beach hut/kiosk with change of use of land - Proposed beach hut/kiosk, Land at SX 6508 4421, Bigbury on Sea;
- **41/0703/15/F:** Demolition of existing structure and erection of new dwelling and raised parking area – Proposed development site to rear of The Hollies, Devon Road, Salcombe;
- **41/1104/15/F:** Change of use of single storey redundant public convenience to café/cold food takeaway facility and creation of decking and seating area adjacent (A3/A1).

16.

Public Participation

DM.16/15

The Chairman proceeded to announce that the following members of the public had registered their wish to speak at the meeting:-

- **35/0059/15/F & 35/0465/15/F:** Objector – Mr Martin Ranwell: Supporter – Mr Steve Munday: Parish Council – Cllr Mark Lawrence: Mixed use development on land for erection B1 use building, 93 dwellings, roads, footways and strategic landscaping and Creation of car park and landscaped area of public open space, associated with adjoining development of 93 dwellings and B1 use building – Proposed development site at SX 655 518, West of Palm Cross Green, Church Street, Modbury and Car Park, Palm Cross, Modbury;
- **27/0372/15/F:** Objector – Mr Burch: Supporter – Mrs Amanda Burden: Erection of new dwelling – Proposed development site at SX 6345 5674, Mill Manor, Beacon Road, Ivybridge;
- **48/1099/15/F:** Objector – Mr Nigel Llewellyn: Supporter – Mr Richard Atkinson: Householder application for refurbishment of dwelling including single story extension, new two storey link between main house and new extension and new landscape and patio to garden (resubmission of application 48/0409/15/F) – The Sail Loft, South Pool, Kingsbridge;
- **05/0383/15/F:** Supporter – Mr Mike Smith: Parish Council – Cllr Bryan Carson: Excavation and formation of retaining wall for erection of temporary beach hut/kiosk with change of use of land – Proposed beach hut/kiosk, land at SX 6508 4421, Bigbury on Sea;

- **49/0776/15/F:** Supporter – Ms Andrea Peacock: Conversion of redundant store building into 2 no. 1 bed dwelling units – Proposed development site at SX 5983 5575, rear of Lee Mill Inn, New Park Road, Lee Mill Bridge;
- **41/0703/15/F:** Objector – Mr Richard Turton: Supporter – Mr Dan Lethbridge: Town Council – Cllr David Cohen: Demolition of existing structure and erection of new dwelling and raised parking area – Proposed development site to rear of The Hollies, Devon Road, Salcombe;
- **41/1104/15/F:** Town Council – Cllr David Cohen: Change of use of single storey redundant public convenience to café/cold food takeaway facility and creation of decking and seating area adjacent – Public Conveniences, Cliff House Gardens, Cliff Road, Salcombe;
- **TPO 916 2015:** Objector – Mr Tony Dale: Town Council – Cllr Pruw Boswell: Leylandii at St Katherines Way, Totnes.

17. **Site Inspections**

DM.17/15

Applications referred for site inspection at the meeting held on 1 July 2015 would be considered later on the agenda (Minute DM.18/15 refers).

18. **Planning Applications**

DM.18/15

The Planning Case Officers submitted details of the planning applications as presented in the agenda papers.

During discussion of the planning applications, the following motions (which were in contradiction to the planning officer recommendation in the published agenda report), were **PROPOSED** and **SECONDED** and on being put to the vote were either **CARRIED** or **LOST**:-

- a) In respect of application **48/1099/15/F:** Householder application for refurbishment of dwelling including single storey extension, new two storey link between main house and new extension and new landscape and patio to garden (resubmission of application 48/0409/15/F) – The Sail Loft, South Pool, Kingsbridge, the Case Officer introduced the application and advised that an additional condition was being recommended if the application were to be approved that related to the septic tank.

The background to the application was explained, and photographs were used to show the property and it's position overlooking South Pool estuary. The Case Officer outlined the key areas of concern and the key issues of the application were discussed. The Case Officer recommendation was for conditional approval.

The local Ward Member noted that the Case Officer was in an interesting position as two different Conservation Officers had given conflicting views. However, he agreed with the comments as set out in the presented report and advised that the property would be clearly seen when approaching South Pool from the water. He added that the

proposal would change the streetscene character which currently consisted of small cottages.

Other Members supported these views and noted that the proposed building would be significant in size.

It was then **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

'That the application be refused'

Reasons:

- Detrimental affect on the Conservation Area
- The proposal was contrary to DP17 as the proposed extension was not considered to be subordinate to the existing property

- b) In respect of application **41/0703/15/F**: Demolition of existing structure and erection of new dwelling and raised parking area - Proposed development site to rear of The Hollies, Devon Road, Salcombe, the Case Officer introduced the application and explained that the application site was within the Salcombe Conservation Area. He outlined the application and used plans and photographs to explain the site and its history. The main issues were outlined in detail and the recommendation was for conditional approval.

The first local Ward Member reiterated the sensitive position of the application site and stated that, whilst not against some development, he felt that the current proposal was of inappropriate design and scale. The second local Ward Member reminded the Committee of the content of a letter of objection submitted in relation to this application. She added that whilst the NPPF included a statutory presumption in favour of sustainable development, it also gave protection to non designated heritage assets. This application did not include submission of a heritage statement and there were concerns expressed in relation to the loss of trees and habitat within the back garden. She concluded that in her view the report did not give sufficient weight to the extension of the car park area in addition to the new dwelling.

During discussion, some Members commented that building within a garden plot was preferable to building on agricultural land and such large gardens were no longer necessary, whilst other Members disagreed and highlighted the importance and sensitivity of the Conservation Area.

It was then **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

'That the application be refused'.

Reasons:

- The proposal would not preserve or enhance the Conservation Area

- The combination of new building, parking and storage would constitute overdevelopment of the garden
- Loss of undesignated heritage asset
- Subdivision of the plot

19. **Planning Appeals Update**

DM.19/15

The COP Lead for Development Management updated Members on the detail of the listed appeals.

20. **Tree Preservation Order Report**

DM.20/15

The Committee received a presentation from the Landscape Officer in relation to TPO 916, 2015 that set out the background and supporting information.

Following an address by the objector and the local Town Council, the Members discussed the merits of the TPO. It was then **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED:-**

That Tree Preservation Order 916 is not confirmed.

The Meeting concluded at 6.00 pm

Signed by:

Chairman

APPENDIX A

35/0059/15/F

Mixed use development on land for erection B1 use building, 93 dwellings, roads, footways and strategic landscaping

Parish or Town Council - Modbury

Parish Council's Views – Objection

Officer Update – Officer has received a formal response from the affordable housing officer who supports the application which helps the delivery of the much needed affordable housing. The Council has over 950 households registered on the waiting list – Devon Home Choice – of which 26 are in Modbury. In addition, a separate waiting list for intermediate housing is held by Homes to buy SW, which has 298 households registered for intermediate housing linked to Modbury.

Happy with the 30% offer on a mixed use site and the mix and tenure of 70% affordable rent and 30% intermediate was subject to negotiations at a pre-application stage.

Devon County Highways – accepts the principle of development and, subject to conditions which ensure the delivery of the safe access to the proposals, has no objections.

The requested conditions are covered by conditions 4, 5, 7, 9, 12, 24 and 25.

Two typos – condition 11 on page 41 should read 'removal of PD rights' and at the top of page 60, the RA1 allocation was for a total of 1.0ha of employment land

A further letter of representation was reported.

Recommendation – Conditional Approval subject to the Section 106 Agreement, the conditions in the report and the following additional conditions:

1. Details of the southern roadside boundary, including details of the retaining structures and landscaping to be submitted and approved by the LPA
2. A revision to condition 7, splitting it into two conditions one being the submission of details of all of the proposed on-site highway works and the completion for approval by the LPA and the completion in accordance with the approved details and a similar condition regarding the proposed off-site highway works.
3. The restriction of access points from the site to the existing car parking area to the east of the site

And the revision of condition 25 in the officer report to read as follows:

No development to commence until a scheme has been provided to and approved in writing by the LPA setting out the details of a footpath to be provided from the development to the public highway at Palm Cross to the east of the site. The details shall include the line of the path construction details and an improved visibility splay to the north for pedestrians and the timing of the works and the method of ensuring that the path is available in perpetuity.

The footpath must be installed to adoptable standard in accordance with

the approved details prior to the occupation of any of the dwellings hereby approved or the occupation of the employment building.

A further condition was also agreed by the Committee to require the submission of details of the proposed chimneys to and approved by the LPA.

In addition the Committee agreed a revision to the proposed Condition 1 relating to the commencement of the development giving 18 months for the commencement of the development and an additional clause in the Section 106 Agreement to include a provision to seek a 20mph speed limit on the area around the proposed shared surface.

Committee Decision – Conditional Approval

1. 18 months to commence development
 2. Landscape scheme and implementation
 3. Tree/Hedge protection
 4. Surface Water Drainage
 5. Construction method statement and management plan
 6. Development to be completed in accordance with a road and footpath phasing plan
 7. On-site Highway works to be completed in accordance with approved details to be submitted to the LPA
 8. Off-site Highway works to be completed in accordance with approved details to be submitted to the LPA
 9. Parking and Turning details(Residential)
 10. Provision of parking (Employment building)
 11. Restriction of use for employment building
 12. Removal of PD for employment building
 13. Submission of a stage 2 safety audit
 14. Car parking strategy
 15. Details of retaining walls/structures
 16. Submission of boundary treatments.
 17. Development to be undertaken in accordance with the mitigation measures contained within the noise assessment.
 18. Measures to be undertaken to address the identified contamination
 19. Details of provision of Swift and Barn owl nest boxes.
 20. Full details of surface water drainage system including percolation testing
 21. Submission of Surface Water drainage details during construction.
 22. Sewage disposal details
 23. Lifetime homes
 24. Use of employment units.
 25. Lighting scheme
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26. No development to commence until a scheme has been provided to and approved in writing by the LPA setting out the details of a footpath to be

provided from the development to the public highway at Palm Cross to the east of the site. The details shall include the line of the path construction details and an improved visibility splay to the north for pedestrians and the timing of the works and the method of ensuring that the path is available in perpetuity. The footpath must be installed to adoptable standard in accordance with the approved details prior to the occupation of any of the dwellings hereby approved or the occupation of the employment building.

27. The submission of details of the proposed southern roadside boundary including details of the retaining structures and landscaping to be submitted to and approved by the LPA.
28. Access from the site to the existing car parking area to the east to be restricted.
29. Details of chimneys to be provided to and approved by the LPA

35/0465/15/F

Application for creation of car park and landscaped area of public open space, associated with adjoining development of 93 dwellings and B1 use building (reference 35/0059/15/F)

Parish or Town Council - Modbury

Parish Council's Views – Objection

Officer Update – Devon County Highways has no objections, subject to a condition which is covered by condition 25

Recommendation – Conditional Approval subject to the conditions within the report and an additional condition requiring the provision of the alternative parking area and it being made available for public use in accordance with on-going management details to be submitted to and approved by the LPA prior to the works being undertaken. This additional condition negates the need for the proposed 13th clause in the officer report which is removed.

Committee Decision – Conditional Approval

1. Standard time for commencement
2. Completion in accordance with the approved plans
3. Surface water drainage
4. Landscape planting and management scheme
5. Details of hardsurfacing
6. Provision of an alternative parking made available for public use in accordance with on-going management details to be submitted and approved by the LPA prior to the works being undertaken on the site.

30/1422/14/F

Erection of a single two storey dwelling and separation of part of garden

Parish or Town Council - Kingswear

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Time limit for commencement
 2. In accordance with approved plans
 3. Permitted development restrictions
 4. Materials to be agreed
 5. Details of foul and surface water drainage
-

27/0372/15/F

Erection of new dwelling

Parish or Town Council - Ivybridge

Parish Council's Views – Objection

Officer Update –

Recommendation – Refusal

Recommended Conditions – N/A

Committee Decision – Refusal

48/1099/15/F

Householder application for refurbishment of dwelling including single storey extension, new two storey link between main house and new extension and new landscape and patio to garden (resubmission of application 48/0409/15/F)

Parish or Town Council - South Pool

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Recommended Conditions –

1. Time
2. Accords with plans
3. Samples of materials to be agreed including stone samples.
4. Window on north east elevation to be maintained as high level.
5. No windows to be inserted in north west elevation.
6. Details of hard and soft landscaping including boundary treatment.
7. Tree protection scheme to be agreed and implemented.
8. Unsuspected contamination

Committee Decision – Refusal

05/0383/15/F

Excavation and formation of retaining wall for erection of temporary beach hut/kiosk with change of use of land

Parish or Town Council - Bigbury

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Time frame for commencement of development
 2. Accordance with plans
 3. Seasonal use & removal out of season
 4. Loading/unloading materials
 5. Materials
-

49/0776/15/F

Conversion of redundant store building into 2no.1 bed dwelling units

Parish or Town Council - Sparkwell

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Standard Time Limit
2. Adherence to Plans

3. Provision of Drainage Works
 4. Construction Management Plan
 5. Bats
 6. Cycle Provision
 7. Unexpected Contamination
 8. Materials
 9. Habitat Protection
-

41/0703/15/F

Demolition of existing structure and erection of new dwelling and raised parking area

Parish or Town Council - Salcombe

Parish Council's Views – Objection

Officer Update – 2 late letters, re-iterating earlier objections

Recommendation – Conditional Approval

Recommended Conditions –

1. Time
2. Accord with Plans
3. Retention of parking in perpetuity
4. Accord with landscape scheme
5. Details of foul discharge prior to commencement
6. Details of surface water soakaway prior to commencement
7. Section of green roof prior to commencement
8. Hardstanding finish material details prior to commencement
9. Cladding details prior to installation
10. Joinery details prior to installation
11. Natural stone sample panel
12. Work to conform to submitted tree protection measures
13. Removal of permitted Development Rights
14. Unsuspected contamination

Committee Decision – Refusal

41/1104/15/F

Change of use of single storey redundant public convenience to cafe/cold food takeaway facility and creation of decking and seating area adjacent (A3/A1)

Parish or Town Council - Salcombe

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Time
 2. Accord with plans
 3. Schedule of materials and finishes prior to commencement of development
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Voting Analysis for Planning Applications – DM Committee 29 July 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
35/0059/15/F	Proposed development site at SX 655 518, West of Palm Cross Green, Church Street, Modbury	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Cuthbert, Holway, Hitchins, Pearce, Rowe, Cane (10)	Cllrs Bramble, Hodgson (2)		
35/0465/15/F	Car Park, Palm Cross, Modbury	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Cuthbert, Holway, Hitchins, Pearce, Rowe, Cane, Hodgson (11)		Cllr Bramble (1)	
30/1422/14/F	The Anchorage, Redoubt Hill, Kingswear	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Cuthbert, Holway, Hitchins, Pearce, Rowe, Cane, Hodgson (11)	Cllr Bramble (1)		
27/0372/15/F	Proposed development site at SX 6345 5674, Mill Manor, Beacon Road, Ivybridge	Refusal	Cllrs Steer, Foss, Brazil, Bramble, Cuthbert, Holway, Hitchins, Pearce, Rowe, Cane, Hodgson (11)	Cllr Vint (1)		
48/1099/15/F	The Sail Loft, South Pool, Kingsbridge	Refusal	Cllrs Brazil, Bramble, Cuthbert, Holway, Hitchins, Pearce, Rowe, Hodgson (8)	Cllrs Vint, Cane, Steer (3)	Cllr Foss (1)	
05/0383/15/F	Proposed beach hut/kiosk, Land at SX6508 4421, Bigbury on Sea	Conditional Approval	Cllrs Brazil, Bramble, Cuthbert, Holway, Hitchins, Pearce, Rowe, Hodgson, Vint, Cane, Steer, Foss (12)			
49/0776/15/F	Proposed development site at SX 5983 5575, rear of Lee Mill Inn, New Park Road, Lee Mill Bridge	Conditional Approval	Cllrs Brazil, Bramble, Cuthbert, Hitchins, Pearce, Rowe, Hodgson, Vint, Steer, Foss (10)	Cllr Holway (1)		Cllr Cane (1)

41/0703/15/F	Proposed development site to rear of The Hollies, Devon Road, Salcombe	Refusal	Cllrs Brazil, Bramble, Cuthbert, Pearce, Rowe, Vint, Holway (7)	Cllr Steer (1)	Cllrs Hitchins, Foss (2)	Cllrs Cane, Hodgson (2)
41/1104/15/F	Public Conveniences, Cliff House Gardens, Cliff Road, Salcombe	Conditional Approval	Cllrs Bramble, Cuthbert, Hitchins, Pearce, Rowe, Vint, Steer, Foss, Holway (9)			Cllrs Brazil, Cane, Hodgson (3)
TPO 916 2015	St Katherine's Way, Totnes	Not to confirm TPO	Cllrs Bramble, Cuthbert, Pearce, Rowe, Foss, Holway (6)	Cllr Vint (1)	Cllr Steer (1)	Cllrs Brazil, Cane, Hodgson, Hitchins (4)

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