

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 23rd September, 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 Hodgson
Cllr Pearce
Cllr Vint

Cllr Brazil
Cllr Hitchins
Cllr Holway
Cllr Rowe

In attendance:

Councillors:
Cllr Baldry
Cllr Saltern
Cllr Wright

Cllr Blackler
Cllr Ward

Officers:
Senior Specialist – Place & Strategy
Senior Specialist – Environmental Health
Planning Specialists
Solicitor
Highways Officer

28. **Minutes**
DM.28/15
The minutes of the meeting of the Committee held on 2 September 2015 were confirmed as a correct record and signed by the Chairman
29. **Declarations of Interest**
DM.29/15
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

The Chairman declared a personal interest on behalf of all Committee Members in application **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwelling, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers by virtue of the applicant being an Honorary Alderman of the Council. Members remained in the meeting and took part in the debate and vote thereon;

Cllr Steer declared a further reason for his personal interest in this application by virtue of knowing the applicant's son through his work as a land agent. He remained in the meeting and took part in the debate and vote thereon;

Cllr Hitchins declared a disclosable pecuniary interest in 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 SX6483 5632, off Rutt Lane, Ivybridge, by virtue of the applicant working on his behalf. He left the meeting for the duration of this application;

Cllrs Rowe and Cane both declared a personal interest in the following applications by virtue of being the Chairman and Vice-Chairman 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:-

37/2548/14/O: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers;

52/0782/15/F: Change of use to domestic curtilage and erection of greenhouse and shed – Land adjacent to 8 Andrews Park, Stoke Gabriel;

41/1023/15/F: READVERTISEMENT (Revised Plans Received) Demolition of existing dwelling and erection of building to contain 6 no. apartments with associated landscaping and car parking – Spion Lodge, Bennett Road, Salcombe; and

41/1262/15/F: Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5no. residential units above, new vehicular access and parking – Development site at SX 738 392, Forer Gars Works, Gould Road, Salcombe.

30.

Public Participation

DM.30/15

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

- **37/2548/14/O**: Objector – Mr John Tighe: Supporter – Mr Richard Yonge: Parish Council Representative – Cllr Alan Cooper: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land SX 5670 4944, West of Collaton Park, Newton

- Ferrers;
- **57/2472/14/O**: Supporter – Mr Mike Craggs: 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 SX6483 5632, off Rutt Lane, Ivybridge;
 - **27/1159/15/F**: Objector – Mrs Dee Marshall: Supporter – Ms Tamzin Wood: Town Council Representative – Cllr Tom Bowden: Change of use of redundant barn to 2 no. dwellings, erection of garages, additional access and associated alterations –b Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge;
 - **52/0782/15/F**: Objector – Mrs Barbara Heath: Supporter – Mr Mark Newell: Change of use to domestic curtilage and erection of greenhouse and shed – Land adj. to 8 Andrews Park, Stoke Gabriel, Totnes;
 - **41/1023/15/F**: Supporter – Mr Jan Tribble: READVERTISEMENT (Revised Plans Received) Demolition of existing dwelling and erection of building to contain 6 no. apartments with associated landscaping and car parking – Spion Lodge, Bennett Road, Salcombe;
 - **41/1262/15/F**: Supporter – Mr Paul Fong: Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5 no. residential units above, new vehicular access and parking – Development site at SX 738 392, former Gas Works, Gould Road, Salcombe.

31. **Planning Applications**

DM.31/15

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 **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

‘That the application be deferred’

- b) In respect of application **52/0782/15/F**: Change of use to domestic curtilage and erection of greenhouse and shed – Land adj. to 8 Andrews Park, Stoke Gabriel, Totnes, the Case Officer introduced the application and set out the background to the site which should have been planted as part of the landscaping plan of the original Rows Meadow development. A plan and elevations of the proposal were

shown and Members asked a number of questions in relation to the ownership of the land and the condition that related to the current planning permission.

The local Ward Member advised Members of the misunderstandings around the site, and also the concerns of resident's in terms of the unneighbourly impact of the proposal as the site was originally designated a buffer zone. The Ward Member concluded her presentation by proposing that the application be refused, contrary to officer recommendation.

Members discussed the application in detail. It was then **PROPOSED, SECONDED** and on being put to the vote and determined by way of Chairman's casting vote, declared **LOST**

'That application **52/0782/15/F** be refused'

It was then **PROPOSED, SECONDED** and on being put to the vote and determined by way of Chairman's casting vote, declared **CARRIED:-**

'That application **52/0782/15/F** be conditionally approved in line with the case officer recommendation'.

32. **Planning Appeals Update**

DM.32/15

There were no planning appeals to update at this meeting.

The Meeting concluded at 4.20 pm

Signed by:

Chairman

APPENDIX A

37/2548/14/O

Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land

Parish or Town Council – Newton and Noss

Parish Council's Views – Objection

Officer Update

Officers provided updates with respect to the detail of the Affordable Housing (AH) offer; the consideration of an alternative sites assessment (ASA) that had been submitted by the applicant; and the previous use of the land.

With respect to AH it was confirmed that the applicant was offering 50% and that the housing would be an appropriate mix of shared ownership and social rented properties. The applicant's representative later described the AH element as 'self-build' / 'custom-build', which contradicted Officer advice to Members.

With respect to the ASA Officers advised that this had been reviewed to an extent, but not thoroughly due to it only being available ten days prior to Committee. The initial view of Officers was reported as not disputing the conclusion of the report that the site was potentially the best to deliver a major development in the AONB in Newton and Noss Parish, but that the report was limited in its validity since it had not considered sites outside the AONB and was, in any case based on a quantum of development the need for which had not been demonstrated.

Officers advised that, based on the definition of pdl in the National Planning Policy Framework, the site is partly pdl.

Recommendation – Refusal

Recommended Conditions – N/A

Committee Decision - Deferral

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)

Parish or Town Council - Ugborough

Parish Council's Views - Objection

Officer Update

Officers provided an update with respect to the review of the Affordable Housing (AH) / s106 offer; the design of the roundabout; and the medical centre. In addition a petition with some 300 signatures was handed to the Chair by Cllr Holloway. The petition requested highway safety measures on the A38 at Bittaford and Wrangaton.

With respect to the review of the AH / s106 offer Officers advised that a comprehensive review had now been completed and that the applicant had provided more detail about costs, including abnormal costs. The review concluded that the applicant would not make an unreasonable profit.

Officers confirmed that the design of the roundabout now met highway safety standards.

Officers advised that the proposal was to provide land for the medical centre, not its construction, and that the phasing plan would seek to ensure it could be delivered during the first phase of development.

Recommendation – Conditional Approval

Recommended Conditions

1. Standard time limit for commencement;
2. Accord with Plans, Drawings and FRA;
3. GPDO Exclusion;
4. Unsuspected Contamination;
5. On-site highway works in accordance with plans / drawings;
6. Construction Management Plan to be submitted and approved prior to commencement;
7. Construction Method Plan to be submitted and approved prior to commencement;
8. Phasing Plan to be submitted and approved prior to commencement;
9. Surface water drainage layout and details to be submitted prior to commencement and the approved details completed and operational prior to occupation;
10. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
11. Submission, prior to commencement, of a Lighting Strategy;
12. Tree / hedge protection;
13. Submission and agreement, prior to commencement, of a Landscape and Ecological Management Plan.
14. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report;
15. As part of any Reserved Matters application for this site, the applicant shall undertake an acoustic assessment of the proposal and provide details of any attenuation necessary in accordance with BS8233:2014, to the Local Planning Authority for approval. This scheme once approved shall be implemented and maintained in perpetuity;
16. A link road to the remainder of the allocation site;

17. Construction method statement and management plan;
18. Phasing plan;
19. Highway works to be completed in accordance with approved details to be submitted to the LPA;
20. Submission of a stage 2 highway safety audit;
21. Details of retaining walls/structures;
22. Details of boundary treatments;
23. Lifetime homes;
24. Use of employment land; and
25. Inclusion of a review mechanism to allow a revision upwards of s106 payments/ the proportion of AH with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted;
26. A foot and cycle path will be provided to link the site to the existing residential area to the west.

S106

1. 20% Affordable Housing;
2. Affordable Housing occupancy;
3. Green Travel Plan and Vouchers;
4. Education;
5. Solar pv;
6. Play space;
7. Off-site sports;
8. Applicant and LPA legal fees; and
9. A 'claw back' mechanism with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted

Committee Decision – Authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement

27/1159/15/F

Change of use of redundant barn to 2no.dwellings, erection of garages, additional access and associated alterations

Parish or Town Council – Ivybridge

Parish Council's Views – Objection

Officer Update

Mr Jones drew the Committee's attention to a late letter received from an objector and comments made by Ivybridge Town Council. He responded as follows:

- Acknowledged factual inaccuracies within the submitted Design and Access Statement, however, they were not deemed to prejudice assessment of the application
- Agreement that extant TRO prohibits all vehicular movements
- Emphasised that both SHDC and DCC officers have considered merits of application on basis that TRO restricts all vehicular movements
- Regardless of existence or otherwise of separate access members must assess the application as it is before them
- Clarified, as within officer report, that revised plans encompass small scale alterations to scheme which did not require formal re-advertisement

Recommendation – Conditional Approval

Recommended Conditions

1. Time
2. Accord with Plans
3. Removal of Permitted Development Rights
4. Parking and garaging retained in perpetuity
5. Details of dividing boundary treatment prior to commencement of development
6. Confirmation of granting of licence prior to commencement
7. Removal of hedgerow outside of nesting season
8. Bathroom/toilet windows on north elevation obscure glazed
9. Joinery details prior to installation
10. Natural slate, sample prior to installation
11. Natural stone, matching existing
12. Unsuspected contamination
13. Landscape plan prior to commencement of development
14. Soakaway specification prior to commencement of development
15. Construction Environment Management Plan prior to commencement of development

Committee Decision – Conditional Approval

52/0782/15/F

Change of use to domestic curtilage and erection of greenhouse and shed

Parish or Town Council – Stoke Gabriel

Parish Council's Views – Objection

Officer Update – None

Recommendation – Conditional Approval

Recommended Conditions

1. Time Limit
2. Accord with Plans
3. Boundary planting to be implemented in first available planting season and thereafter
4. Use as garden area only
5. Removal of permitted development rights for additional structures

Committee Decision – Conditional Approval

41/1023/15/F

Demolition of existing dwelling and erection of building to contain 6No apartments with associated landscaping and car parking

Parish or Town Council - Salcombe

Parish Council's Views – No objection

Officer Update – Additional comments received from Town Council who raise no objection; two further letters of representation objecting to the application; error in calculation for affordable housing contribution as the net gain of units is five, not six as calculated. Revised figure of £130,783; comment of Town Council in report refers to 6 parking spaces which should be 8 and error in Highways/Access section which incorrectly refers to no cycle parking which is incorrect as the proposal does provide secure cycle parking.

Recommendation – Conditional approval subject to the completion of Section 106 Legal Agreement

Recommended Conditions

1. Time Limit for commencement
2. In accordance with plans
3. Materials
4. Unsuspected contamination
5. Works to adhere to measures within Ecological Survey
6. Landscaping
7. Construction Management Plan

Committee Decision – Authority to grant Conditional Approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee subject to completion of Section 106 Agreement

41/1262/15/F

Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5no residential unites above, new vehicular access and parking

Parish or Town Council - Salcombe

Parish Council's Views - Objection

Officer Update – Comments received from Environmental Health who raise no objection subject to condition regarding details of extraction equipment for the commercial use (s); one further letter of representation objecting on the basis of overlooking of 'Jilmar' which would be hemmed in by the development.

Recommendation – Conditional approval subject to Section 106 Legal Agreement in respect of financial contribution

Recommended Conditions

1. Time limit for commencement
2. In accordance with plans
3. Materials
4. Details of surfacing
5. Construction Management Plan
6. Highway works to be completed prior to occupation
7. Submission of combined Stage 1 and Stage 2 safety audit
8. Use Class of commercial units to be A1/A2/A3 and no other permitted changes.
9. Flood Warning and Evacuation
10. Contaminated Land
11. Unsuspected Contamination
12. Details of inbuilt provisions for birds to be agreed.
13. Vegetation removal to be outside of bird nesting season

Committee Decision – Authority to grant Conditional Approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee subject to completion of Section 106 Agreement

56/1693/15/AD

Advertisement consent for 2no. hanging signs and to add text to window and door

Parish or Town Council - Totnes

Parish Council's Views – No objection

Officer Update - None

Recommendation – Conditional Approval

Recommended Conditions

1-5 Standard Advert conditions

Committee Decision – Conditional Approval

56/1694/15/LB

Listed building consent for 2no. hanging signs and to add text to window and door

Parish or Town Council - Totnes

Parish Council's Views – No objection

Officer Update - None

Recommendation – Conditional Approval

Recommended Conditions

1. Time Limit
2. Accord with approved plans
3. External redecoration to be in a cream colour

Committee Decision – Conditional Approval

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Voting Analysis for Planning Applications – DM Committee 23 September 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
37/2548/14/O	SX 5670 4944, West of Collaton Park, Newton Ferrers	Deferral	Cllrs Bramble, Cane, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe, Vint (9)	Cllr Steer (1)	(0)	Cllrs Cuthbert, Brazil (2)
57/2472/14/O	Land at SX 6483 5632, off Rutt Lane, Ivybridge	Conditional Approval	Cllrs Bramble, Cane, Foss, Pearce, Rowe, Steer (6)	Cllrs Hodgson, Holway (2)	Cllr Vint (1)	Cllrs Cuthbert, Brazil; Cllr Hitchins was absent for this item as a result of a DPI (3)
27/1159/15/F	Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge	Conditional Approval	Cllrs Bramble, Cane, Foss, Pearce, Hitchins, Holway, Rowe, Steer (8)	Cllrs Hodgson, Vint (2)	(0)	Cllrs Cuthbert, Brazil (2)
52/0782/15/F	Land adj 8 Andrews Park, Stoke Gabriel	Refusal	Cllrs Hodgson, Vint, Bramble, Pearce, Rowe (5)	Cllrs Cane, Foss, Hitchins, Holway, Steer (5) Lost by Chairmans casting Vote	(0)	Cllrs Cuthbert, Brazil (2)
52/0782/15/F	Land adj 8 Andrews Park, Stoke Gabriel	Conditional Approval	Cllrs Cane, Foss, Hitchins, Holway, Steer (5) Carried by Chairmans casting Vote	Cllrs Hodgson, Vint, Bramble, Pearce, Rowe (5)	(0)	Cllrs Cuthbert, Brazil (2)
41/1023/15/F	Spion Lodge, Bennett Road, Salcombe	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Vint (7)	Cllr Pearce (1)	Cllr Brazil (entered the meeting part way through the presentation); Cllr Rowe (2)	Cllrs Cuthbert, Hodgson (2)
41/1262/15/F	Development site at SX 738 392, Former Gas Works, Gould Road, Salcombe	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe (8)	Cllr Brazil (1)	Cllr Vint (1)	Cllrs Cuthbert, Hodgson (2)

56/1693/15/AD	16 Leechwell Street, Totnes	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe, Brazil, Vint (10)	(0)	(0)	Cllrs Cuthbert, Hodgson (2)
56/1694/15/LB	16 Leechwell Street, Totnes	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe, Brazil, Vint (10)	(0)	(0)	Cllrs Cuthbert, Hodgson (2)

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