

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 21st October, 2015 at 12.00 pm** 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

In attendance:

Councillors:
Cllr Baldry
Cllr Brown
Cllr Tucker

Cllr Blackler
Cllr Green

Officers:
CoP Lead- Development Management
Planning Specialists
Senior Specialists – Place & Strategy
Solicitor

33. **Minutes**
DM.33/15
The minutes of the meeting of the Committee held on 23 September 2015 were confirmed as a correct record and signed by the Chairman.
34. **Declarations of Interest**
DM.34/15
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 dwellings, 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 **58/1014/15/F**: Redevelopment of site to provide replacement public house and restaurant and 10 no. holiday units with owner's apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth by virtue of having commercial dealings with the applicant's relatives and knowing the objectors well. 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;

58/1014/15/F: Redevelopment of site to provide replacement public house and restaurant and 10no. 2 holiday units with owner's apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth; and

37/1621/15/F: Householder application for proposed erection of a garage and boat store – 3 Beacon Hill, Newton Ferrers, Plymouth.

35.

Public Participation

DM.35/15

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

- **58/1014/15/F**: Objector – Mrs Lizzie Bowman: Supporter – Mr Mark Evans: Parish Council Representative – Cllr Dermod Drought: Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth;
- **14/1687/15/VAR**: Objector – Mr Chris Edwards: Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F – Stables,

- Lownard Mill, Dartington;
- **37/1621/15/F**: Objector – Mrs Townley: Supporter – Cdr Simon Hallett: Parish Council Representative – Cllr Alan Cooper: Householder application for proposed erection of a garage and boat store – 3 Beacon Hill, Newton Ferrers, Plymouth;
- **32/1742/15/F**: Supporter – Mr Norman Brown: Proposed siting of mobile home – Land at SX 718 489 adjacent to Robins Park Industrial Estate, South Brent Road, Loddiswell.

36.

Planning Applications

DM.36/15

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 Case Officer began by reminding Members that this application had been deferred from the previous meeting (23 September, 2015, minute DM.31/15 refers) to enable further information and clarification. The Case Officer introduced his updated report and advised Members of the key issues for consideration. He outlined the reasons for recommending refusal of the application.

The Lead Specialist Place and Strategy advised Members that the proposal was policy compliant as it was offering 50% affordable housing. The Case Officer added that some weight should be given to the position in respect of the five year land supply and the housing needs survey.

During discussion, Members were advised that, if minded to approve the proposals, an additional condition for Reserved Matters application to be received within 18 months was suggested, and it was confirmed that the s106 would be drawn up on the basis of 50% affordable housing provision. Any change to that prior to signing would require Committee approval. It was confirmed that the affordable houses would remain affordable in perpetuity as the landowner intended to manage them. Clarification was sought on the elements to be included in the application and at what stage they would be built out.

Both Ward Members, whilst recognising the local objections to the application, spoke in favour of the proposal. A number of Members thought the proposal offered a generous opportunity for affordable homes and associated elements.

It was then **PROPOSED, SECONDED** and on being put to the vote

declared **CARRIED**:

'That application 37/2548/14/O be conditionally approved'

Reasons:

Whilst paragraph 115 of the NPPF requires great weight to be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, it was the consideration of Committee that the provisions of paragraph 116 are met in the respect that exceptional circumstances exist to justify development in the AONB, and development is considered to be in the public interest. Specifically, need is demonstrated by the 2008 Parish Housing Needs Survey and the absence of a five year housing land supply; that no other site is available in the Parish to meet the need; that the quality of development is of a very high standard; that the site is previously developed land; and the impact on the landscape and biodiversity would be limited. With respect to the latter point, appropriate parameters and design standards would be secured through a s106 Agreement and conditions.

Conditions as detailed in Appendix A.

- b) In respect of application **14/1687/15/VAR**: Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F – Stables, Lownard Mill, Dartington, the following motion was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**:

'That a site inspection be held'

37. **Planning Appeals Update**

DM.37/15

The COP Lead Specialist Planning advised Members of updates relating to the presented list of appeals and she and the Solicitor responded to questions.

The Meeting concluded at 4.00 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

Parish Council's Views - Objection

Officer Update- The DM Specialist provided a verbal update and reminder with respect to the key issues as outlined below:

Affordable Housing

The AH Offer meets policy requirements and Officers are satisfied that appropriate scope and detail can be secured in a s106 Agreement.

Need

That, with respect to the tests of paragraph 116 of the National Planning Policy Framework (NPPF), some need exists, but this did not amount, in the opinion of the DM Specialist, to exceptional circumstances.

Alternative Sites Assessment

That, with respect to the tests of paragraph 116 of the NPPF, if the quantum of development were justified that the site represented the best opportunity to meet that need at this time.

Environmental impact

That, with respect to the tests of paragraph 116 of the NPPF, environmental impacts are acceptable and that the high quality of design and biodiversity enhancements contributed to a degree to establishing exceptional circumstances.

Sustainable development

That whilst the site is, to a degree, isolated, the balance of sustainability is favourable due to the following factors.

Recommendation – Refusal

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

Conditions

1. 18 months for Reserved Matters;
2. Time limit for commencement;
3. Accord with Plans, Drawings and FRA;
4. Detailed design for all development;
5. GPDO Exclusion;
6. Unsuspected Contamination;
7. On-site highway works in accordance with plans / drawings;

8. Details for a safe crossing of the A379 to be approved prior to commencement and provided before occupancy of any buildings;
9. Construction Management / Method Plan to be submitted and approved prior to commencement;
10. Phasing Plan to be submitted and approved prior to commencement (secure AH and employment vs OM);
11. Surface water drainage layout and details to be submitted prior to commencement and the approved details completed and operational prior to occupation;
12. Arb and tree plans ... subsequently adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
13. Lighting Strategy;
14. Renewable energy / energy efficiency details to be submitted and approved prior to commencement (EcoHomes Level 4 or equivalent);
15. Revised ecology assessment / surveys (as necessary);
16. Landscape and Ecological Management Plan;
17. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report; and
18. Transport Assessment;
19. Noise;

S106:

1. Affordable Housing

50% of the residential units to be delivered in accordance with SHDC affordable housing policy and the Devon Home Choice Policy, affordable in perpetuity.

Tenure: 30% rented homes and 70% intermediate housing.

Unit size / mix: 5 x 2 bed, 6 x 3 bed (to be let at affordable rents) and 7 x 2 bed, 17 x 3 bed (intermediate affordable for discounted open market sale or shared ownership or affordable self build).

All intermediate units to be retained as intermediate affordable dwellings in perpetuity.

Affordability of units: rents are restricted to a maximum rent of 80% of market rents (inclusive of any service charges), intermediate sale is restricted to 60% of open market value in perpetuity.

Delivery of the affordable housing would be linked to delivery of the market units as agreed with SHDC.

2. Allotments

20 allotments for residents of the development / residents of the local area.

3. Site for Outdoor Community Use

1000m² area of land for the purposes of holding a outdoor community events (including farmers' markets and similar type events)

4. Public Open Space and Play Provision

Areas of land within the development will be provided as Public Open Space / community woodland / community orchard. This area to be a minimum of 10,000m² in association with local planning authority's Public Open Space requirement.

Play space / equipment to be provided on site within the development.

The developer will submit plans to the Local Planning Authority for the management and maintenance of the Play and Public Open Space.

The owner will secure public access to the Play and Public Space.

5. On Site Sport/Community Facility Provision

5000m² of land which could be used to accommodate a leisure / community facility / activity for the benefit of the local community subject to a community group coming forward with the funds to build and a viable strategy to maintain the facility.

6. Employment Element

To provide within the development a minimum of 750m² of business units for B1 / B2 and B8 (as considered appropriate by the LPA)

7. Education Contribution

Contribution towards secondary school education of £191,530.50.

Contribution towards the cost of transportation to school (Ivybridge) for secondary school aged children living at the development of £33,335.50.

£500 towards Devon County Council legal costs

8. Sustainable Transport Contribution

Contribution towards the retention of the number 94 bus. Total contribution £125,000 to be provided over a 5 year period (£25,000 per annum)

9. Boat Storage (Community Use)

Covered storage within the development for the storage of boats for the use of the residents of the development / local community (to be used to store the regatta boats and gig boats owned by the regatta committee and gig club)

10. Cycle path and footpath upgrade

11. Barn Owls

New barn owl habitat and accommodation to a specification agreed with the Barn Owl Trust.

12. Landscape and Ecological Management Plan, including retention and management of semi-improved grassland

58/1014/15/F

Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment. Construction of 6no. 2 bed apartments on associated land

Parish or Town Council – Wembury Parish Council

Parish Council's Views – No objection

Officer Update

1. Natural England are satisfied with ecological information and withdraw their concerns regarding the impact on Wembury Point SSSI. They now raise no objection.
2. The recommendation is therefore now changed to Conditional Approval.
3. The AONB Unit have commented raising no objection.
4. One further letter of representation objecting to the application raising concern regarding highway safety and scale of development.
5. Additional condition requiring the owner's apartment to be tied as being for the managers of the site only.
6. Additional condition removing Permitted Development Rights to restrict change of use away from pub/restaurant.

Recommendation - Conditional approval delegated to the Community of Practice Lead, subject to Natural England withdrawing their objection

Recommended Conditions

1. Time limit for commencement
2. In accordance with plans
3. Holiday use restriction for holiday units
4. Materials
5. Construction Management Plan
6. Contaminated land
7. Percolation tests
8. Additional condition requiring the owner's apartment to be tied as being for the managers of the site only.
9. Additional condition removing Permitted Development Rights to restrict change of use away from pub/restaurant.

Committee Decision – Conditional Approval

14/1687/15/VAR

Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F

Parish or Town Council – Dartington Parish Council

Parish Council's Views - Objection

Officer Update

The DM Specialist provided an update to the Members with regards to an amended Site Location Plan

Recommendation – Conditional Approval

Recommended Conditions

1. Accord with plans
2. Unsuspected Contamination
3. Holiday accommodation
4. Access and parking in accordance with approved plans
5. Details of traffic movements and construction
6. Development carried out in accordance with Preliminary Ecological Assessment

Committee Decision – Deferral for site inspection

37/1621/15/F

Householder application for proposed erection of a garage and boat store

Parish or Town Council – Newton and Noss Parish Council

Parish Council's Views - Objection

Officer Update - The DM Specialist updated the Committee on an additional Letters of Representations received objecting to the Planning Application

Recommendation – Conditional Approval

Recommended Conditions

1. Standard time limit
2. Adherence to plans
3. Retention of parking for boats and motor cars in perpetuity
4. Timber sample prior to installation
5. Adherence to arboricultural mitigation
6. To be used ancillary or incidental to main house only

Committee Decision – Conditional Approval

32/1742/15/F

Proposed siting of mobile home

Parish or Town Council – Loddiswell

Parish Council's Views – No objection

Officer Update – N/A

Recommendation - Refusal

Committee Decision - Refusal

Voting Analysis for Planning Applications – DM Committee 21 October 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	Approval	Cllrs Bramble, Cane, Foss, Hitchins, Hodgson, Holway, Rowe (7)	(0)	Cllrs Pearce, Steer (2) Also: Cllrs Brazil, Cuthbert (2) who had not heard the previous presentation so had to abstain	Cllr Vint (1)
58/1014/15/F	The Eddystone Inn, Heybrook Bay	Conditional Approval	Cllrs Cuthbert, Holway, Cane, Foss, Rowe, Steer (6)	Cllrs Hodgson, Brazil (2)	Cllrs Pearce, Bramble (2)	Cllr Vint: Cllr Hitchins was absent for this item as a result of a DPI (2)
14/1687/15/VAR	Stables, Lownard Mill, Dartington	Site Inspection	Cllrs Bramble, Cane, Foss, Pearce, Hitchins, Holway, Rowe, Steer, Hodgson, Cuthbert, Brazil (11)	(0)	(0)	Cllr Vint (1)
37/1621/15/F	3 Beacon Hill, Newton Ferrers	Site Inspection	Cllrs Hodgson, Holway, Hitchins, Cane (4)	Cllrs Steer, Foss, Brazil, Pearce, Rowe, Bramble, Cuthbert (7)	(0)	Cllr Vint (1)
37/1621/15/F	3 Beacon Hill, Newton Ferrers	Conditional Approval	Cllrs Steer, Rowe, Holway, Cuthbert, Bramble, Pearce (6)	Cllrs Brazil, Hitchins, Foss, Hodgson, Cane (5)	(0)	Cllr Vint (1)
32/1742/15/F	Land at SX 718 489 adj to Robins Park Industrial Estate, South Brent Road, Loddiswell	Refusal	Cllrs Cane, Foss, Hitchins, Rowe, Steer, Cuthbert (6)	Cllrs Hodgson, Bramble, Holway (3)	Cllrs Brazil, Pearce (2)	Cllr Vint (1)

