

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 16th December, 2015** at **10.00 am** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Steer
Vice Chairman Cllr Foss

Cllr Bramble
Cllr Cuthbert
Cllr Hodgson
Cllr Pearce
Cllr Vint

Cllr Brazil
Cllr Hitchins
Cllr Holway
Cllr Rowe

In attendance:

Councillors:
Cllr Baldry
Cllr Gilbert
Cllr Ward

Cllr Brown
Cllr Tucker
Cllr Wingate

Officers:
CoP Lead Development Management
Planning Specialists
Solicitor
DCC Drainage Officer

44. **Declarations of Interest**

DM.44/15

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

Cllrs Hodgson and Vint both declared a personal interest in application **56/2221/15/O**: Outline application with all matters reserved for 8 no. three bedroomed houses with 8 no. parking spaces – Cocos Nursery, Ashburton Road, Totnes by virtue of being members of the Totnes

Neighbourhood Plan Steering Group and they remained in the meeting and took part in the debate and vote thereon;

Cllrs Hodgson and Vint also both declared a personal interest in application **56/1085/15/F**: Demolition of existing single storey offices/workshops (B1/D1). Erection of 5 No. two storey workplace units with associated off-street parking and bin stores (B1) – 11-20 Burke Road, Totnes, by virtue of being members of Totnes Town Council and Cllr Hodgson, in her position as Mayor, had previously given support to the scheme, and they remained in the meeting and took part in the debate and vote thereon;

Cllr Hodgson declared a personal interest in applications **37/1426/15/F**: Temporary (30 years) change of use to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels (proposed output 5mW, site area 11.9 hectares) together with associated structures – Proposed Solar PV array at SX 553 496, Newton Downs Farm, Newton Ferrers and **37/2271/15/F**: Proposed temporary access from field onto Parsonage Road – Field at SX 553 488, Newton Downs Farm, Newton Ferrers by virtue of being a customer of the applicant. She remained in the meeting and took part in the debate and vote thereon;

Cllrs Bramble and Foss both declared a personal interest in application **28/1046/15/F**: Creation of new station and engine shed with track – Proposed new station, engine she and track at SX 7363 4388, embankment Road, Kingsbridge by virtue of knowing the applicant. They both remained in the meeting and took part in the debate and vote thereon;

Cllr Holway declared a personal interest in application **37/1426/15/F**: Temporary (30 years) change of use to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels (proposed output 5mW, site area 11.9 hectares) together with associated structures – Proposed Solar PV array at SX 553 496, Newton Downs Farm, Newton Ferrers, and application **37/2271/15/F**: Proposed temporary access from field onto Parsonage Road field at SX 553 488, Newton Downs Farm, Newton Ferrers by virtue of being acquainted with the landowners father through motorsport. He remained in the meeting for the duration of both items and took part in each debate and vote thereon.

45. **Urgent Business**

DM.45/15

The Chairman advised that, in the New Year, the Committee would receive a report that presented a review of the Planning Scheme of Delegation. A small informal group of Members had been asked to work with officers on this review before it was presented to Committee for its consideration.

46. **Minutes**

DM.46/15

The minutes of the meeting of the Committee held on 18 November 2015 were confirmed as a correct record and signed by the Chairman.

47. **Public Participation**

DM.47/15

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

48. **Planning Applications**

DM.48/15

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:

**44/0800/15/F SX8088 4535, Lower Coltscombe, Slapton
Parish: Slapton**

**Development of retreat for people with physical disabilities
with 6no. guest pods, guest common area, owners
accommodation and fitness centre (resubmission of
44/0979/14/F)**

Speakers included: Objector – Mr Justin Haque; Supporter – Mr Paddy Costeloe; Slapton Parish Council representative – Cllr Graham Burton; Ward Member – Cllr Foss

Officer's Update:

- Reference to 'fitness centre' in description should be deleted.
- Additional condition proposed – Prior to the occupation/use of any new building on the site the existing agricultural building on the southern part of the site shall be removed and the area restored and landscaped in accordance with details to be agreed.
- Subsequent to the committee site visit 2 residents have submitted further LOR's concerned that Members did not visit Watergate Cottage to observe the water course that flows under the house and did not consider impacts on the amenity of this property. In addition Members did not visit the route of the proposed 'wheelchair route' to the Ley which is subject to flooding and has a challenging terrain.
- 2 Photos of views from Watergate Cottage to the site were shown.

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time
2. Accords with plans
3. Owners' accommodation not to be occupied until 3 pods and communal guest facilities are completed and available for use and is only to be occupied by a person(s) who are full time workers at the site or last occupied as such, their family and dependents.

4. Pods – Holiday and respite use only unless otherwise agreed in writing
5. Communal guest facilities to be retained as such and for no other use
6. The new access bridge to be designed in accordance with the submitted FRA and details agreed with LPA
7. The new access road to be fully implemented before the development is brought into use.
8. No use of existing access during construction unless agreed with the LPA.
9. Details of bollards or other means of enclosure at the existing site entrance to be agreed with LPA allowing only emergency vehicular access at existing site entrance. Agreed scheme to be implemented before any building is brought into use.
10. The development will be served by an appropriate means of foul drainage, details to be agreed and implemented
11. Prior to commencement – detailed drainage assessment to be agreed and implemented
12. Appropriate licensing from Natural England prior to vegetation clearance or a statement that a licence is not required.
13. Prior to commencement a Landscape and Ecological Management Plan to be approved
14. Details of path lighting and other exterior lighting to be agreed and to accord with the submitted Habitat Survey
15. Details of automatic window shutters to be agreed and implemented
16. Construction Management Plan to be agreed prior to commencement of development.
17. Submission of a detailed landscape scheme that fully integrates with the agreed Woodland Management plans and access track - to be submitted pre-commencement
18. Submission of an Arboricultural Methodology Statement which addresses all construction close to trees and including the access track, bridge and pods.
19. Tree Protection Plan and protection - implemented prior to any development.
20. Detailed specification of internal layouts and specification of fixtures and fittings to ensure buildings are fully accessible to persons with disability, to be agreed and to be retained as such.
21. Details of boundary treatments to be agreed and implemented
22. Materials to be agreed
23. Hard surfacing materials to be agreed
24. Removal of PD rights – Part 1 and 2 of GPDO
25. Pods – Holiday and respite use only unless otherwise agreed in writing
26. Details of solar panels to be agreed and implemented.
27. Parking layout to be agreed and implemented
28. Details of refuse bins/waste storage to be agreed
29. Prior to occupation of any building on the site a Green Travel plan shall be submitted to and agreed in writing by the LPA to demonstrate how reliance on the private car will be minimised
30. Prior to the commencement of construction of any building within the site details of sustainable construction methods, to included

high levels of floor and wall insulation comparable to BREAMS standards, shall be submitted to and approved in writing by the LPA

**37/1426/15/F Proposed Solar PV array at SX 553 496,
Newton Downs Farm, Newton Ferrers
Parish: Newton and Noss**

Temporary (30 years) change of use to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels (proposed output 5mW, site area 11.9 hectares) together with associated structures

Speakers included: Supporter – Mr Hugo House; Parish Council Representative – Cllr Alison Ansell; Ward Member – Cllr Baldry

Officer's Update: N/A

Recommendation: Refusal

During the debate on this item, the Ward Member in attendance reinforced that the main objection to this application was that the site was within the AONB, but the Parish Council was in support of the proposal. He asked that the Committee support the application. A number of Members spoke in support of the application as it had been sensitively sited.

Committee Decision: That 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

Reasons for Approval:

Members considered that exceptional circumstances and public benefit were so sufficient in this application to warrant conditional approval in the context of paragraph 116 of the NPPF.

Specifically, exceptional circumstances were that a s106 Agreement would be signed to ensure that the local community, represented by the Yealm Community Energy Group, would have a period of six months from the date of completion of the development to purchase the installation. This measure gave a reasonable opportunity for the community to take ownership of the installation and was, therefore, considered to carry significant weight in favour of the development in the context of the provisions of paragraph 97 of the National Planning Policy Framework. In addition, biodiversity benefits would accrue given the context of the ending of countryside stewardship payments.

The s106 would also require the creation and use of a turning circle for HGVs on Parsonage Road.

Members also noted that if the community was not able to complete the purchase within the specified time period, then an annual payment of £10,000 would be made to the community. Whilst noting this offer, Members did acknowledge that this was not a material consideration.

Conditions:

1. 3 year time limit to commence construction;
2. In accordance with plans;
3. GPDO Removal (fences, CCTV and ancillary structures);
4. Restriction on working and construction hours;
5. Construction Traffic Management Plan prior to construction commencing;
6. Landscape and Ecological Management Plan prior to construction commencing;
7. Prior written approval for lighting;
8. Notification that site is operational;
9. Cessation within 30 months;
10. Archaeological investigation; and
11. Unexpected contamination.

**37/2271/15/F Field at SX 553 488, Newton Downs Farm,
Newton Ferrers
Parish: Newton and Noss**

Proposed temporary access from field onto Parsonage Road

Officer's Update: Following the granting of planning permission for application 1426/15/F, the Officer recommendation was amended to be one of approval subject to conditions.

Recommendation: Refusal – Amended to Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Commence within 3 years of permission;
2. Restoration in the planting season following commencement of development;
3. Landscape and ecological management plan (including preparation, maintenance, re-instatement, planting and aftercare) prior to commencement

**05/1325/15/F Development site at SX 672 471, The Old
Vineyard, Easton, Kingsbridge
Parish: Bigbury**

Demolition of existing commercial building and replacement with two bedroom bungalow

Recommendation: Refusal

The Case Officer confirmed that there were no further updates since the site inspection that had taken place on 7 December 2015. Members stated that they were unable to support the application without a legal tie to ensure it remained an affordable property. Other Members felt that the site would be improved by the proposal. The Ward Member stated that the proposal offered a major improvement to what was currently on site and the proposal was not obtrusive.

Committee Decision: Conditional Approval

Reasons for Approval:

The site was in a sustainable location, the proposal would replace an unsightly building and it bordered existing properties.

Conditions:

1. Time limit
2. Accord with plans
3. Environmental health
4. Drainage
5. Removal of permitted development
6. Landscaping
7. Ecology

28/1046/15/F Proposed new station, engine shed and track at SX 7363 4388, Embankment Road, Kingsbridge Parish: Kingsbridge

Creation of new station and engine shed with track

Speakers included: Objector – Mr Leslie Green; Supporter – Mr Steve Mammatt; Ward Members – Cllr Gilbert and Cllr Wingate

Officer's Update: N/A

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time
2. Accord with Plans
3. Tree Protection Scheme prior to commencement
4. Landscape Scheme prior to commencement
5. Surface water soakaway details prior to commencement
6. Sample of finish materials prior to commencement of station / engine shed
7. Cross-Section of track and bedding prior to commencement

01/2131/15/F Proposed development site at 2 Dunstone Cottages, Ashprington Parish: Ashprington

Proposed new dwelling in garden

Speakers included: Objector – Mr Groome; Supporter – Mr Marston; Ward Member – Cllr Tucker (statement presented on his behalf)

Officer's Update: N/A

Recommendation: Refusal

During discussion, Members noted that whilst there was a Highways Authority objection, it would always be the case in small villages that the roads were such that care must always be taken and speeds adjusted accordingly. It was felt that one additional property was not sufficient to impact on the safety levels or volume of traffic on the Highway.

Committee Decision: Conditional Approval

Reasons: The increase in volume of traffic was not felt so sufficient to make it a reason for refusal.

Conditions:

1. Time limit
2. Accord with plans
3. Materials samples
4. Re-use of stone
5. Foul drainage
6. Surface water drainage
7. Construction management plan
8. Tree protection measures
9. Unsuspected contamination
10. Parking to be kept available in perpetuity
11. PD rights removed for windows in south elevation

53/2267/15/F The Cove Guest House, Torcross, Kingsbridge Parish: Stokenham

Erection of replacement single dwelling

Speakers included: Objector – Ms Clare Pawley; Parish Council Representative – Cllr Paula Doust; Ward Member – Cllr Brazil

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans

3. Development in accordance with geo-technical report
4. Schedule of materials and finishes
5. Natural local stone
6. Details of non-reflective glazing
7. Removal of permitted development rights
8. Details of hard and soft landscaping scheme
9. Reptile mitigation strategy
10. Garage to be retained for vehicle storage
11. Unsuspected contamination
12. Construction Management Plan to include detail to show how vehicular access to Downsteps will be maintained at all times
13. Privacy screen on north end of balcony
14. Balustrading to the north side of the roof terrace to be obscure

**56/2221/15/O Cocos Nursery, Ashburton Road, Totnes
Parish: Totnes**

Outline application with all matters reserved for 8no. three bedroomed houses with 8no. parking spaces

Speakers included: Objector – Ms Kate Wilson; Supporter – Ms Chloe Nicholson; Ward Member – Cllr Vint

Recommendation: To delegate approval to the Community of Practice Lead (Development Management) subject to the completion of the necessary Section 106 legal agreement in respect of affordable housing and Open Space, Sport and Recreation contributions.

During discussion, some Members felt that a site visit would be of benefit to understand the impact of the proposal in the wider setting of the T2 allocated site. A proposal for a site inspection was seconded but on being put to the vote was declared lost.

Committee Decision: That authority to grant conditional approval be delegated to the Community of Practice Lead (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement

Conditions:

1. Time limit for commencement
2. In accordance with plans
3. Materials
4. GPDO restrictions
5. Parking and access to be provided before occupation.
6. Construction Management Plan
7. Universal contamination condition
8. Submission of Reserved Matters

**37/2181/15/VAR Briar Hill Farm, Court Road, Newton Ferrers
Parish: Newton and Noss**

Removal of condition 6 of planning consent 37/0518/15/F (to allow owner's accommodation to be standalone property and not tied to the site)

Speakers included: Supporter – Mr Scott McCready; Parish Council Representative – Cllr Alan Cooper; Ward Member – Cllr Baldry (statement presented on his behalf)

Officer's Update: N/A

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit for commencement
2. In accordance with plans
3. Materials
4. Permitted development restrictions
5. Holiday use conditions
6. Percolation tests
7. Permitted development restrictions
8. North facing first floor windows on owners' dwelling to be obscure glazed
9. No further windows to be installed

**58/2174/15/VAR Trenear, Traine Road, Wembury
Parish: Wembury**

Variation of condition 2 (approved plans) of planning consent 58/1431/14/F for amendments to external appearance of main dwelling

Speakers included: Objector – Mr Brian Hall; Ward Member – Cllr Brown

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Accord with plans
2. Conditions requiring development to accord with details approved under 58/3165/14/DIS (Drainage, materials, natural stone and landscaping)
3. Removal of PD rights (extensions/outbuildings)
4. Retention of garaging for parking
5. No additional windows in the 1st floor southwest elevation of the dwelling

56/1085/15/F

**11-20 Burke road, Totnes
Parish: Totnes**

Demolition of existing single storey offices/workshops (B1/D1).
Erection of 5No 2 storey workplace units with associated off-street parking and bin stores (B1)

Officer's Update: N/A

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time
2. Accord with plans
3. Retention of proposed parking in perpetuity
4. Construction Environment Management Plan prior to commencement
5. Removal of Permitted Development Rights (B8 storage and distribution)
6. 'Unit 1' for D1 homeless shelter as conforming to current land use
7. No demotion of current homeless shelter prior to March 2016

49.

Planning Appeals Update

DM.49/15

Members noted the presented list of appeals.

The Meeting concluded at 4.50 pm

Signed by:

Chairman

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Voting Analysis for Planning Applications – DM Committee 16 December 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
44/0800/15/F	SX8088,4535, Lower Coltscombe, Slapton	Refusal	Cllrs Rowe, Pearce, Foss, Hodgson (4)	Cllrs Holway, Hitchins, Cuthbert, Bramble, Steer, Vint (6)	Cllr Brazil (by virtue of missing the beginning of the presentation) (1)	Cllr Cane (1)
44/0800/15/F	SX8088,4535, Lower Coltscombe, Slapton	Conditional Approval	Cllrs Holway, Hitchins, Cuthbert, Bramble, Steer, Vint (6)	Cllrs Rowe, Pearce, Foss, Hodgson (4)	Cllr Brazil (by virtue of missing the beginning of the presentation) (1)	Cllr Cane (1)
37/1426/15/F	SX 553 496, Newton Downs Farm, Newton Ferrers	Conditional Approval	Cllrs Holway, Hitchins, Bramble, Vint, Hodgson, Brazil, Steer (7)	Cllrs Pearce, Cuthbert, Foss (3)	Cllr Rowe (1)	Cllr Cane (1)
37/2271/15/F	Field at SX 553 488, Newton Downs Farm, Newton Ferrers	Conditional Approval	Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11)	(0)	(0)	Cllr Cane (1)
05/1325/15/F	Development Site at SX 672 471, The Old Vineyard, Easton, Kingsbridge	Conditional Approval	Cllrs Hodgson, Vint, Bramble, Hitchins, Holway (5)	Cllrs Pearce, Cuthbert, Brazil (3)	Cllrs Steer, Rowe, Foss (3)	Cllr Cane (1)
28/1046/15/F	SX 7363 4388, Embankment Road, Kingsbridge	Conditional Approval	Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11)	(0)	(0)	Cllr Cane (1)
01/2131/15/F	Proposed Development site at 2 Dunstone Cottages, Ashprington	Conditional Approval	Cllrs Holway, Hitchins, Rowe, Hodgson, Foss (5)	Cllrs Pearce, Cuthbert, Brazil (3)	Cllrs Bramble, Vint, Steer (3)	Cllr Cane (1)

53/2267/15/F	The Cove Guest House, Torcross	Refusal	Cllrs Brazil, Hodgson, Vint (3)	Cllrs Steer, Foss, Rowe, Pearce, Cuthbert, Hitchins, Holway, Bramble (8)	(0)	Cllr Cane (1)
53/2267/15/F	The Cove Guest House, Torcross	Conditional Approval	Cllrs Steer, Foss, Rowe, Pearce, Cuthbert, Hitchins, Holway, Bramble (8)	Cllrs Brazil, Hodgson, Vint (3)	(0)	Cllr Cane (1)
56/2221/15/O	Cocos Nursery, Ashburton Road, Totnes	Site Inspection	Cllrs Brazil, Hodgson, Vint (3)	Cllrs Steer, Foss, Rowe, Pearce, Cuthbert, Hitchins, Holway, Bramble (8)	(0)	Cllr Cane (1)
56/2221/15/O	Cocos Nursery, Ashburton Road, Totnes	Conditional Approval	Cllrs Steer, Foss, Rowe, Pearce, Cuthbert, Hitchins, Holway, Bramble (8)	Cllrs Hodgson, Vint (2)	Cllr Brazil (1)	Cllr Cane (1)
57/2181/15/VAR	Briar Hill Farm, Court Road, Newton Ferrers	Conditional Approval	Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11)	(0)	(0)	Cllr Cane (1)
58/2174/15/VAR	Trehear, Traine Road, Wembury	Conditional Approval	Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11)	(0)	(0)	Cllr Cane (1)
56/1085/15/F	11-20 Burke Road, Totnes	Conditional Approval	Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11)	(0)	(0)	Cllr Cane (1)

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