

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



**Minutes of a meeting of the South Hams Development Management Committee
held on
Wednesday, 25th May, 2022 at 10.00 am at the Council Chamber - Follaton
House**

Present: **Councillors:**

Chairman Cllr Foss
Vice Chairman Cllr Rowe

Cllr Abbott	Cllr Baldry (as a Substitute)
Cllr Brazil	Cllr Brown
Cllr Hodgson	Cllr Long
Cllr Reeve	Cllr Smerdon (as a Substitute)
Cllr Taylor	

In attendance:

Councillors:

Cllr Pearce	Cllr Thomas
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Officers:
Head of Development Management
Senior Specialists – Planning
Specialists – Planning
Case Managers – Planning
Monitoring Officer
Specialist – Democratic Services
Senior Specialist – Affordable Housing
Specialist – Affordable Housing
Strategic Planning Officer
Specialist – Trees and Landscapes

1. Minutes

DM.01/22

The minutes of the meeting of the Committee held on 13th April 2022 were confirmed as a correct record by the Committee subject to the following amendment regarding planning applications 4442/21/ARM and 4443/21/ARM. The document circulated to the Committee from a resident in Dartington in which

Councillor Hodgson referred to Ms Wyatt as Dr Wyatt. This was incorrect and should have referred as Ms Wyatt.

2. **Declarations of Interest**

DM.02/22

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

Cllr B Taylor declared an Other Registerable Interest in applications 6(a), (b) and (c) (minutes DM.04.22 below refer), he was a member of the Member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon. Cllr H Reeve declared a Non Registerable Interest in application 6(e) (minute DM.04.22 below refer), by virtue of a one-off business transaction with the applicant and remained in the meeting and took part in the debate and vote thereon.

3. **Public Participation**

DM.03/22

The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

4. **Planning Applications**

DM.04/22

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:

**6a) 3335/21/FUL Proposed Development Site At Sx 566 494, Land West of Collaton Park, Newton Ferrers
Parish: Newton and Yealmpton**

Development: Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and landscaping.

Case Officer Update:

The Case Officer provided the Committee with an update which included that this application would secure the permissive footpath for perpetuity, also this application was not classed as an Environmental Impact Assessment (EIA) Development and in the report the Barn Owl Trust did not respond however they had responded to the applicant and confirmed they were satisfied with the proposed mitigation measures. The applicant tried to engage with the Devon Wildlife Trust and confirmed that other statutory bodies were happy with what was proposed in terms of biodiversity. The Case Officer highlighted changes to proposed conditions 2, 6, 3, 21 and 36 and highlighted that the Section 106 Agreement included provision for £200,000 for bus improvements. The Case Officer reported that she had received an email from the Secretary of State, saying they had received a third party request to call in the application and would not act on it until the

Committee had determined the application, however this did not stop proceedings today.

In response to questions raised by Members, it was reported that the ancient woodland did not form part of the proposals, however additional planting would take place in advance of the build. The applicant had provided a detailed study on the grade of soil and the contaminated land. The case officer's report outlined the different classification of businesses within the site. The increase provision of bus service was not a condition but formed part of the Section 106 agreement and after 5 years would then become self-sustaining. The Housing Officer reported that there were 35 people currently seeking rented accommodation in the area and housing need had significantly increased over the last couple of years and Section 106 obligations included principle residency restriction. It was reported that if the Community Land Trust (CLT) could not deliver then a new provider would be sourced and because the land was gifted opened up funding opportunities. The 50%-55% delivery of affordable homes forms part of the Section 106 agreement and self-build sold at 20% below open market would be a question for the applicant.

One member felt it was important for the Council to have undertaken a viability assessment of this development. Management of public toilets would be covered by the Section 106 Agreement as part of the operation of the café and the Council would not maintain them and there was an agreement in place for DCC to maintain the permissive path. The transport assessment was updated using the standard methodology and the officer was happy with the results and the applicant was exploring options for car sharing. The applicant did try to engage with Devon Wildlife Trust and native planting had been addressed through the landscaping scheme and DCC and South West Water (SWW) were satisfied with the drainage proposals. The officer reported that a Tree Preservation Order (TPO) was not appropriate now but could be considered later and the Member requested for TPO legislation to be investigated.

Speakers included: Objector - Peter Harrison-Jones (slides); Supporter - Richard Pillar; Parish Council - Peter Hinchliffe OBE; Ward Members - Cllrs Baldry and Thomas

Following questions to speakers the objector was of the view that a solar farm would be more beneficial on the site. The applicant had engaged with SWW to confirm that there was capacity within the sewage works and anaerobic solutions had not been considered. With regard to self-build to be sold at 20% open market value was a means of supporting people getting on the housing ladder and this type of home should be more affordable and there was demand for this type of build. The applicant had a comprehensive report on the contaminated land and confirmed that the site would be completely remediated for future generations. Whilst traffic from the construction site would not be without impact, this could be limited with the homes being built off site and then delivered on a lorry.

One of the Ward Councillors reported that his two pledges when he stood for Council was for increased affordable housing provision and defending the Area of Outstanding Natural Beauty (AONB) and the reality is that we could not provide affordable housing without looking at the AONB as the entire parish was located within the AONB. In listening to the views of the parishioners, the Member stated that many were against the proposals but on the other hand a large number of the community had expressed support for the scheme. This application was a balancing

act and the group of objectors had made a passionate statement that Collaton was not a suitable location. In support of the scheme, if the plans achieved what they had promised to achieve then the parish would get a good scheme. With regard to the location, the local Member could not think of a suitable alternative location and the nearer that any site was located to the village centre, then the houses would not be affordable. This issue had divided the community and the Committee had to balance the gain of the declared Housing Crisis against the AONB and to ensure mitigation to protect the AONB.

When questioned, the Ward Member said, on balance, he would have to support the officer recommendation for conditional approval on one simple factor: that he had been fortunate to buy a house in Yealmpton 10 years ago but, given the huge increase in property prices, he would not now be able to purchase a property there today. If officers could demonstrate to the Committee that there was a genuine housing need and that people could be linked to the local community then it would be on those grounds that he would support the application.

The second local Ward Councillor stated that this was the biggest and most divided scheme that he had had to consider during his time serving on the Council. 138 submissions had been received for the scheme, with 186 against. The GP surgery in Yealmpton was already overstretched yet NHS England had raised no objections to the application, however, the practice was unable to take on extra work. The good points in the proposals were the excellent public transport, contributions from CLT, mitigation on street lighting and the Parish council had worked with the applicant and made enormous progress on achieving a satisfactory scheme. However, the bad points were that the 2 neighbouring parishes: Hobelton and Yealmpton had raised objections and, other bodies and the Landscape Specialist were against the proposal. Also, it was important to give weight that, located in an AONB, the AONB Office did not support the proposals, which was not in an allocated site in the Joint Local Plan and not named as a sustainable site. This site was not an integrated part of Newton and Noss now and would not be in the future. When on the site visit, Members would have seen the lovely landscape with a nice backdrop of Dartmoor and that would be spoilt within the AONB should conditional approval be granted to this application. The Member understood the need for people to have homes and to live in their local community, however, the choice between housing need and adhering to planning policy was a finely balanced judgement call for the Committee. The Member concluded that there were still a lot of unanswered questions and he would listen to the debate before reaching a view.

Officers provided a response to a question raised by a Member regarding TPOs and it was reported that the Tree Officer had confirmed that a TPO could be made on a tree as soon as they were planted. In addition, the Council had the ability under the legislation to make a TPO from approved plans before planting.

During the debate, Members felt this was a finely balanced application to determine and there was a need to look at what might be possible. There were justifiable concerns over the impact on the AONB and whether additional planting could reduce the impact and also support long term impact on climate change and biodiversity. Concerns were raised on the contamination and asbestos and whether further advice should be sought from the Health and Safety Executive. Delivery of affordable housing did have big merits and the potential to be populated by people willing to use car schemes and eBikes was welcomed. The Committee site visit had been very useful and there were clearly a number of elements to weigh up with

regard to AONB status and also the affordable housing elements, which was an attractive offer, however housing in this area is difficult. This site was located within the AONB and was a major development and policy outlined that planning permission for major development would be only granted in exceptional circumstances and demonstrated in the public interest and this was a key consideration to weigh up. The application had its merits including: carbon reduction, the increase public realm and affordability and there were some issues and whether the £200,000 set aside for bus provision could be invested in bike hubs and car clubs. This was a large brownfield site and there were not many sites like this available and sited between two small hamlets, it was considered to be a sustainable location. However, a key consideration for Members was the massive support received from the local parish council. Members were inspired by the first Ward Councillor's speech and hoped that this application delivered affordable housing for young people living in the area and for those slightly older that wish to downsize for this development to become a vibrant area. Members felt that it was unfortunate that the site was located within the AONB and would wish to see this mitigated through an additional condition whereby all suitable public realm trees, excluding trees in gardens on this site be subject to a TPO.

Recommendation: Conditional Approval delegated to the Head of Development Management (DM), in consultation with the Chairman of the DM Committee, and the Proposer and Secunder of the Motion.

Committee decision: Conditional Approval delegated to the Head of Development Management (DM), in consultation with the Chairman of the DM Committee, and the Proposer and Secunder of the Motion. To include email received from Secretary of State and completion of the Section 106 Agreement.

Conditions:

1. 2 year time limit
2. Approved plans
3. Drainage; surface and foul (pre-commencement)
4. Construction Management Plan (CMP) (pre-commencement)
5. Construction Ecological Management Plan (CEMP) (pre-commencement)
6. Landscape and Ecological Management Plan (LEMP) (pre-commencement)
7. Accord with ecology report
8. Bat/bird/bee boxes and vegetation clearance
9. Hard and soft landscaping plan
10. No additional lighting beyond that considered
11. External materials, finish and colour (including windows and doors)
12. Parking provision
13. EV Charging 7kw point for each property.
14. Comply with Energy Statement
15. Waste Management Plan (pre-commencement)
16. Secure land remediation
17. Unexpected land contamination
18. Employment Skills Plan (prior to commencement)
19. Off-site highway works
20. Estate road/access points
21. Provision of site access

- 22.Stage 2 safety audit
- 23.Provision of bus stop
- 24.Removal of PD
- 25.Compost bins and water butts to be provided
- 26.Commercial unit use 3
- 27.Accord with tree reports
- 28.Implement WSI
- 29.Lockable gates
- 30.Sustainable Travel Plan to be agreed for each commercial unit before occupation
- 31.First occupant resident monitoring
- 32.Provision of artwork
- 33.Barrier and CCTV for car park/boat store – details to be submitted
- 34.Allotment compliance with SPD
- 35.Details of equipment for play areas
- 36.Phasing plan

**6b) 3837/21/FUL New England Quarry, New England Hill, Plympton
Development: Change of Use of cabins to holiday accommodation**

Case Officer Update:

The Case Officer reported that this application was for a change of use to holiday lets and had been called in by Cllr Thomas (in his capacity as a local Ward Member). The site was a former quarry in an isolated countryside location and development only allowed in exceptional circumstances. In a previous application in 2019 a condition had been imposed for the cabins to be solely used by visitors attending the dive school and not to be used as a place of residence.

Speakers included:Supporter - Neil Tugwell; Ward Members – Cllr Thomas

In calling-in the application, one of the Ward Members reported that there was an exceptional circumstance for this application and the cabins could not be changed because of an unfortunate set of circumstances and these cabins could not now be used. Mr Tugwell had followed due process and the Member asked that the Committee adopt a pragmatic approach and for these cabins to exist. This was not felt to be an unreasonable request and the ward Member appealed to Members to show some pragmatism and have these cabins occupied rather than empty.

During the debate Members, after hearing the speakers, felt that this was a matter of common sense. The cabins existed but, following exceptional circumstances because of covid, had impacted the diving school. Members felt it would be more destructive to refuse planning permission and see these cabins whither into the country side. Having these cabins in use would boost tourist trade in the area. Members requested that a condition be included on occupancy of the cabins and to ensure the cabins did not become permanent dwellings.

Recommendation: Refuse permission

Committee decision: Delegated approval to the Head of Development Management to in consultation with the Chair and Vice-Chair and proposer and seconder of the Motion to agree the precise wording of the conditions.

**6c) 2369/21/FUL Land Opposite Lyndale, Onslow Road, Salcombe, TQ8 8AH
Parish: South Huish**

Development: Proposed residential development of two detached dwellings on vacant land. (Revised scheme of application 3262/18/FUL)

Case Officer Update:

The Case Officer reported that this application site had previously been before the Committee for 3 dwellings and had been refused. In 2018, an application came back to the Committee for 2 dwellings which had also been refused and upheld at appeal. The Committee was provided with an update following the site visit regarding the heights of the finished floor levels and soakaway drainage which was incorrect and would be an attenuation tank. Also raised was the matter of principal residence for an amendment in the Salcombe Neighbourhood Plan requiring a Section 106 Agreement to secure principal occupancy and therefore the agenda report recommendation should be changed to: 'delegate to the Head of Practice to secure a Section 106 agreement to require the dwellings to be occupied as principal residences'. Biodiversity was also raised and at the site visit the area was noted as being overgrown so there would be an impact to biodiversity. A photo was shared which highlighted the site without the overgrowth and it was reported that there was a land dispute between 9 and 20 Knowle Court but that this was not a material planning consideration. Comparison drawings were provided showing the refused application in 2018 and the current proposal. The current proposals were felt to have overcome the inspectors concerns and the proposed dwellings had been reduced.

Speakers included: Objector - Mr Robert Smith (via teams); Supporter - Mr Rob Heard; Ward Members - Cllrs Pearce and Long.

One of the Ward Members highlighted that at the appeal, the inspector dealt with the living conditions of the neighbours and character and appearance of the buildings. The refusal decision was taken only days before the new JLP was adopted and the previous application had been determined on policies under the old plan. The inspector dealt with the problems that could incur if sat outside for the neighbours below and it was a matter for the Committee to determine whether these had been overcome. Also, it was for the Committee to consider whether or not the occupant's significant loss of privacy (by having three floors close to the boundary) would be a dominant feature and whether Members felt that the objection from the inspector had now been overcome.

The second Ward Member reported that this was a contentious development plot in the area and the Member understood the concerns of the neighbours regarding privacy and amenities. Architecture was considered appropriate and, if the application was approved, the Member would wish to see a condition imposed on the restriction on height, planted vegetation at the front and side so not to exacerbate the loss of view and understanding on the tank. Finally, it was felt that Biodiversity could be clawed back by bird, bat and bee boxes.

During the debate Members raised that this application had been previously refused however this application had addressed the concerns raised by the inspector. Concerns were raised on the land dispute, landscaping, biodiversity

and the proximity of the attenuation tank to the landscaping and whether the tank would be impacted by the land dispute. Members then discussed the inclusion of pre-commencement conditions on landscaping and maintaining the height of the landscaping and for conditions 11 and 13 to be in perpetuity.

Recommendation: Conditional Approval

Committee decision: Delegated approval to the Head of Development Management (DM), for officers to work on changing the conditions and to include the Section 106 principle residency in consultation with the Chairman, and the Proposer and Secunder of the Motion and local Ward Councillors.

6d) 0865/21/VAR Little Shear, Hope Cove, TQ7 3HH
Parish: South Huish

Development: Application for variation of condition 2 (drawings) of planning consent 1079/20/FUL

Case Officer Update:

The Case Officer raised that this was a variation of a previously approved application. The main issues related to the retaining wall, facing materials used and amenity space. The application was located in an AONB, however there was no more impact on the AONB than the previously approved dwelling. The gable frontages had slightly increased with a new balcony area proposed on the ground floor.

In response to questions raised by Members, it was reported that only the applicant could answer why this had been built in the material used and this retaining wall had not been approved by the Council. To officer's knowledge, condition 10 had not been discharged. The footprint between the two applications was not much bigger in size. Included in the amenity space was the balcony area and the area surrounding the dwelling, however the previous amenity space was steeper and much more useable. The inspectorate was allowed to make a spilt decision however the Committee could not and was only able to: approve, refuse or defer.

The Chair adjourned the meeting for 5 minutes after a Member asked whether the plans being approved depicted the wall. Following the adjournment, the Head of Development Management reported that if Members were minded to approve the application then it would be subject to receipt of an application that accurately depicted the wall.

Speakers included: Parish Council - Cllr Jo Hocking; Ward Members - Cllrs Long and Pearce

The first Ward Member reported that, when you looked at the plans and see what had been built, there were challenges and the material used was not in keeping. Two homes created and one with a principle residence and there was question as to whether the amenity space was suitable for families. The plans had followed the property which was approved but the footprint was bigger and there were substantial changes.

The second Ward Member raised that in principle this was accepted in the first application but this was now about the consequences of having adopted a lower ground floor approach and had started this without permission. The retaining wall especially on the eastern side and at the rear elevation was extreme and the Member was not sure why there were so many retaining walls also materials used were not in keeping with the South Devon AONB. The occupants of Sunnygate now live next door to a crater and the retaining wall below is over two floors high. The engineering qualities not been tested and not sure whether they have been approved by building control. The residents had every right to worry because the land was unstable. The applicants had gone beyond the stage of no return with so many walls, hard surfaces and little room for anything green and soft. The Member questioned as to how this could be resolved.

When asked, the Ward Member responded by saying that she urged the Committee to refuse the application and for talks to take place with the Head of Development Management, Monitoring Officer, Chairman of the Committee and local Ward Members on next steps. Returning to the status quo of the original application was not an option due to the extreme excavation of the site. The Case Officer could not categorically say that the wall could be reduced, however if Members were not happy, then they had two options: refuse on planning grounds or defer and give an opportunity for the application to come back. Of the two options, it was the view of the Ward Member, for more certainty, to refuse this application.

During the debate, one Member felt that the building is similar to the one previously approved and hard to refuse on planning grounds, however the front wall was a problem and the Member would like the applicant, having heard the debate, to come back to the Committee to confirm that they will make the change and make a softer impact. However, the Committee would be hard pressed to refuse this application. Other Members raised that the front retaining wall and materials used had an adverse impact on the street scene and neighbouring properties. Members were shocked to see the plans for a bungalow now becoming a two bedroom house and questioned the amenity space and did not believe the landscaping plan could be delivered.

Recommendation: To delegate to the Head of Development Management to grant planning permission subject to conditions and a deed of variation to secure principal residency.

Committee decision: Delegated refusal to the Head of Development Management to draft the reasons for refusal, in consultation with the Chair and Vice Chair of the Committee and the Proposer and Secunder of the Motion.

**6e) 2667/21/OPA Hendham View Farm, Woodleigh
Parish: Woodleigh**

Development: Outline application with some matters reserved for the provision of an agricultural workers dwelling including landscaping

Case Officer Update:

The Case Officer raised whether the dwelling could be elsewhere and outside the

AONB. The key issues related to access, appearance, layout and scale to be submitted with reserved matters. The impact on the great horseshoe bat as well as the impact on the AONB and landscaping.

Speakers included: Objector - Mr Richard Hawkins (presentation read out);
Supporter - Amanda Burden; Ward
Members - Cllr Brazil for Cllr Kemp

The Member who was representing the local Ward Member agreed with 90% of what the agent had said in his statement but disagreed on the location of the dwelling and it was clear in policy for alternative site for this dwelling. The dwelling would have a nice view of Dartmoor but it was in the AONB and he expressed concerns with the officer's comments. If the Council was serious about protecting the AONB, then this application should be outside the designated area.

During the debate, Members highlighted that the AONB had been in place for the last 60 years and that we should not be too frightened to build within an AONB. Members also raised the importance of supporting the farming industry. It was also felt that the condition on landscaping should be raised to 10 years.

Recommendation: Conditional Approval

Committee decision: Conditional Approval and for condition on landscaping implementation to be amended from 5 years to 10 years.

Conditions:

Reserved Matters Details

Reserved Matters (Time)

Development (Time)

Agricultural Tie

Surface Water Drainage

Landscaping implementation and replace if dies within 5yrs etc

Boundary Treatment

Details of Materials

Visibility Splays/Parking etc

PD Removed (extensions/garages etc)

Contamination

Special Area of Conservation Mitigation Measures

Ecology,

Biodiversity net gain

EVCP

Low Carbon Development

**6f) 3295/21/FUL Restholme, Western Road, Ivybridge, PL21 9AT
Parish: Ivybridge**

Development: Construction of 2 residential dwellings with parking

Case Officer Update:

The Case Officer reported that the concerns were raised on highways impacts for competition for on street parking and congestion on local road during construction. The introduction of two additional houses would not have a significant impact on

local roads and recommend a condition limiting construction hours. The development is within the Plymouth European Marine site and the agent had indicated a financial contribution subject to committee approval.

Speakers included:Supporter - Ian Hodgson.

Recommendation: Delegate authority to conditionally approve subject to securing a Unilateral Undertaking for mitigation of recreational impacts on the Plymouth Sound / Tamar Estuary EMS.

Committee decision: Delegate authority to conditionally approve subject to securing a Unilateral Undertaking for mitigation of recreational impacts on the Plymouth Sound / Tamar Estuary EMS.

Conditions: (list not in full)

Time for commencement
Approved plans Construction and delivery hours
Provide parking prior to occupation
Provide foul and surface water drainage prior to occupation
Remove PD rights
Unsuspected Contamination

5. Planning Appeals Update

DM.05/22

This item was deferred to the 1 June 2022 meeting.

6. Update on Undetermined Major Applications

DM.06/22

This item was deferred to the 1 June 2022 meeting.

The Meeting concluded at 5.18 pm

Signed by:

Chairman
