

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the South Hams Development Management Committee held on Wednesday, 4th December, 2019 at 9.30 am at the Council Chamber - Follaton House

Present: **Councillors:**

Chairman Cllr Brazil
Vice Chairman Cllr Foss

Cllr Brown
Cllr Holway
Cllr Abbott
Cllr Long
Cllr Pringle

Cllr Hodgson
Cllr Rowe
Cllr Kemp
Cllr Pannell
Cllr Taylor

In attendance:

Councillors:

Cllr McKay
Cllr Spencer

Cllr Pearce

Officers:

HOP Development Management
Planning – Senior Specialist
Planning Specialists
Deputy Monitoring Officer
Specialist – Democratic Services
Specialist – Strategic Planning
Devon County Council Flood Risk Manager
Devon County Council Highways Officers

39. Minutes

The minutes of the meeting of the Committee held on 6 November 2019 were confirmed as a correct record and signed by the Chairman.

40. **Declarations of Interest**

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

Cllrs T Holway declared a personal interest in application **3460/17/OPA: READVERTISEMENT** (Revised Plans Received) Outline application with some matters reserved for 7 self-build/custom build dwellings (five open market and two affordable self-build plots), by virtue of knowing the applicant and the neighbours. He remained in the meeting and took part in the vote thereon;

Cllr K Kemp declared a personal interest in application **0545/19/FUL: Demolition and rebuild of 2 existing dwellings – Hill Cottage, Herbert Road, Salcombe**, by virtue of knowing the applicant. She remained in the meeting and took part in the debate and vote thereon;

Cllrs R Rowe and B Taylor each declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being Members of the South Devon AONB Partnership Committee and they remained in the meeting and took part in the debate and vote thereon:

2101/19/FUL: Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL) – Lantern Lodger Hotel, Grand View Road, Hope Cove;

0545/19/FUL: Demolition and rebuild of 2 existing dwellings – Hill Cottage, Herbert Road, Salcombe;

2416/19/FUL: Provision of a menage – Land at SX 903 518, Kingswear.

41. **Public Participation**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

42. **Planning Applications**

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:

**a) 3460/17/OPA Lutterburn Farm, Lutterburn Street,
Ugborough
Parish: Ugborough**

Outline application with some matters reserved for 7 self build/custom build dwellings (five open market and 2 affordable self-build plots)

Case Officer Update: The Case Officer noted that further information had been submitted and circulated, and advised that the Flood Authority representative was in attendance to respond to questions

Recommendation: Delegate to the HOP Lead Development Management in consultation with the Chairman to conditionally approve planning permission, subject to a section 106 legal obligation.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the HOP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made, delegated authority is given to the HOP Lead to refuse the application in the absence of an agreed s106 Agreement.

During discussion, the Flood Authority representative responded to a number of questions of clarity. The local Ward Member stated that the proposed drainage scheme for the development had no prospect of achieving the desired result, as it was dependent on use of third party land, for which permission would not be given.

The Flood Authority representative advised that Ugborough was not high enough as a priority to receive funding from Defra towards a flood alleviation scheme, and therefore the Flood Authority would not be in a position to undertake flood mitigation works until at least 2021. The proposal before Members enabled flood alleviation work to be undertaken by a developer, more quickly.

The local Ward Member stated that a scheme had been previously proposed that included flood alleviation work being undertaken on the applicant's land. The HOP Lead confirmed that the proposal could not be approved subject to a condition stating that flood alleviation work must be carried out on the applicant's land. The Solicitor confirmed that refusal of the application on the basis of the proposed scheme not being achievable because of the objection of landowners was not a route that she recommended, and Members should proceed with caution.

Finally, Members agreed that they wanted to support the proposal, but would delegate final approval, subject to approval of a drainage scheme, (as previously submitted), between the applicant and the

flood authority, and the HOP Lead, Chairman and local Ward Member.

Committee Decision: Delegate to the HOP Lead Development Management in consultation with the Chairman to conditionally approve planning permission, subject to the HOP Lead, Chairman and local Ward Member, and the applicant and Flood Authority, DCC approval of a drainage scheme

Conditions:

1. Reserved matters time
2. Reserved Matters details
3. Accord with plans
4. Surface water drainage strategy prior to commencement
5. Surface water adoption and maintenance strategy prior to commencement
6. Construction phase drainage strategy prior to commencement
7. Details of connection to and condition of receiving watercourse prior to commencement
8. Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
9. TEMS Mitigation Strategy
10. Landscape Plan prior to commencement
11. CEMP prior to commencement
12. Accord with details of Arboricultural Work and Tree Protection Plan
13. Highways details prior to commencement
14. Highways construction infrastructure prior to commencement
15. Unsuspected contamination
16. Written Scheme of Investigation
17. Finished floor levels of plot 6
18. Site road and ground levels across flood zone
19. No piping of western watercourse channel
20. No external lighting to be erected upon dwellings without agreement of details with LPA.
21. Accord with LEMP
22. Details of tree retention
23. Dev32 compliance
24. Flood Emergency Plan
25. Submission of revised LDC

**b) 2101/19/FUL Lantern Lodge Hotel, Grand View Road,
Hope Cove
Parish: South Huish**

Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc.) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL)

Case Officer Update: None

Speakers included: Objector – Mr Ron Cole: Supporter – Mr Mark Evans: Parish Council representative – Cllr Alan Cooper: Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

1. Time
2. Accords with plans
3. Details of a minimum of 10 integral nest sites (swift bricks) to be agreed and provided
4. Parking and turning to be provided and retained
5. Material details and samples for external materials including roof, fascia, render type and balcony balustrades.
6. Hard and soft landscape scheme (full details of species, sizes, densities and locations of plants) to include the retention and enhancement of the existing boundary hedgerow, and material samples of hard landscaping. Scheme to be based on Landscape Concept Plan CD/C/553-01 D.
7. No works to or removal of boundary vegetation until a management plan has been submitted to and approved in writing by the LPA.
8. Hedge and tree protection
9. A lighting strategy, to include locations, fixtures, lumens, and measures to reduce light spill for any external light fixtures.
10. Unsuspected contamination
11. CEMP
12. Provision of electric vehicle charging points
13. Details of levels
14. Holiday use restriction on the 9 holiday let apartments
15. Owner's accommodation to be used by person who is mainly occupied in the management of the holiday units.
16. Pre-commencement – adoption and maintenance of drainage
17. Pre-commencement – detailed surface water drainage management scheme
18. Pre-commencement – construction phase surface water drainage management scheme
19. Pre-commencement – evidence agreed discharge rates with SWW
20. Travel plan for staff.
21. Full details of living walls including supplier, construction detail, proposed planting medium and plants and a maintenance schedules for life of wall.
22. Details of any ancillary structures including any fencing, gates, signage, sculptural features.

23. Louvres on first and second floor east facing windows to be provided prior to occupation and to be retained and maintained
24. During discussion, an additional condition was added that would prevent parking of cars and boats on the lawned area at the front of the building, other than the four overflow spaces already included.

c) 0545/19/FUL Hill Cottage, Herbert Road, Salcombe
Parish: Salcombe

Demolition and rebuild of 2 existing dwellings

Case Officer Update: None

Speakers included: Objector – Mr Martin Trenchard:
Supporter – Mr Mark Evans: Ward
Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time Limit
2. Approved Plans
3. Materials
4. Obscure glazing
5. Surfacing
6. Boundary Treatment
7. Landscaping
8. Drainage details
9. Unexpected contamination
10. During discussion, Members requested an additional condition that would require landscaping on the side elevations of the proposal
11. During discussion, Members requested an additional condition to protect the tree at the front of the property
12. During discussion, Members requested an additional condition relating to details of the balcony

d) 2416/19/FUL Land at SX903 518, Kingswear
Parish: Kingswear

Provision of a manege

Case Officer Update: The Case officer apologised for errors in the report in the spelling of manege, in that the incorrect map had been attached, and the Parish Council representation had not been included

Speakers included: Supporter – Mrs Amanda Burden: Parish Council representative – Cllr Hector Newcombe: Ward Members – Cllr Hawkins (statement read) and Cllr Rowe

Recommendation: Refusal

During discussion, a number of Members were of the view that the proposal would not be visible, particularly with the proposed landscaping in place. Members also agreed that the proposal should be approved for reasons of highway safety.

Committee Decision: Conditional Approval

Reasons:

In the interests of road safety, reduction in carbon arising from reduced travel, improving and enhancing the AONB with the additional landscaping and biodiversity

Conditions (final wording to be agreed with HOP, Ward Members and Chairman)

Standard Time
Standard Plans
Not for commercial use
Additional landscaping
Land returned if no longer used
Drainage details
No outside lighting

e) 2198/19/FUL Post Barn, Ashprington Cross, Ashprington Parish: Ashprington

Cladding of existing gate and topping off of stone wall (Retrospective)

Case Officer Update: None

Speakers included: Objector - Ms Jo Cooke; Supporter – Mrs Amanda Burden; Parish Council representative – Cllr Lydia Stocks; Ward Member – Cllr John McKay

Recommendation: Conditional Approval

Members had a detailed discussion on this item, and, having attended the site inspection, were concerned about road safety. A plan was shown that moved the wall, but the plan was connected to an earlier application that had since been superseded. There were discussions about the most appropriate height for a wall in that position, whilst accepting that a hedge could be grown with no

limit on height. Throughout the discussion the overriding sense was that the application should be refused on the grounds of highway safety and the subsequent vote was unanimous.

Committee Decision: Refusal

Reasons

The increase in height of the wall has reduced visibility at a junction on a Class C County Road resulting in an unacceptable impact on highway safety, contrary to paragraph 109 of the National Planning Policy Framework; and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2024.

**f) 1329/19/FUL Commercial/Office unit, Endsleigh Park, Ivybridge
Parish: Ermington**

Construction of commercial/office building (Class B1), with associated car parking, access and landscaping

Case Officer Update: Letter of representation received from Ivybridge Town Council – read in full

Speakers included: Supporter – Mr Nick Toms; Ward Member – Cllr T Holway

Recommendation: Refusal

During discussion, some Members were of the view that the existing units resulted in the proposal not being development within a countryside location. There were a significant number of new houses in Ivybridge, and this proposal would provide employment within walking distance. The recent Climate Change declaration supported this development by providing employment in a sustainable location, even though it had not been included as an employment site within the Joint Local Plan.

Committee Decision: Conditional Approval

Reasons:

Supporting a rural and sustainable employment site under DEV15

Conditions: (to be agreed with HOP, Chairman and Ward Members)

**g) 2948/19/FUL Land adjacent Sea View, West Hill, Heybrook Bay
Parish: Wembury**

Case Officer Update: An additional condition should be included for details of retaining wall for driveway to be submitted and agreed

Speakers: Objector – Mrs Nicola Cuthbert;
Supporter – Mrs Maureen Smith; Ward Member – Cllr Brown

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. 3 year time limit for commencement
2. Development to be carried out in accordance with approved details
3. Sample of natural slate to be provided
4. Details of render to be provided
5. Details of joinery to be provided
6. Wall to be constructed from natural stone
7. Rooflights to be flush fitting
8. Tamar EMS
9. Compliance with drainage scheme
10. Retention of garage for parking/not be used for habitable accommodation
11. Construction and Environmental Management Plan (prior to commencement)
12. Development to accord with recommendations in ecology report
13. No external lighting
14. Removal of PD rights
15. Compliance with landscape scheme
16. Unsuspected land contamination
17. Carbon reduction measures to be implemented prior to occupation

h) 0379/19/FUL Land on east side of New Road, Bickleigh Parish: Bickleigh

Erection of new dwelling, landscape enhancements and associated works

Case Officer Update: None

Speakers included: Objector – Mr Duncan Tilney; Supporter – Mr Richard Hawkes; Ward Member – Cllr Spencer

Recommendation: Conditional Approval

During discussion, Members had differing views on this application. Some Members felt that the development would be an intrusion in the landscape, and that the proposal was not exceptional enough to be approved under Para 79 of the JLP. Other Members thought the proposal was exciting and the carbon neutrality of the design made it exceptional.

Committee Decision: Refusal

Reasons:

1. The proposed development would not meet the requirements of Paragraph 79 in that it is not sufficiently innovative and does not significantly enhance its immediate setting and therefore is an unsustainable unsupported development.
2. The proposed development would have a detrimental impact on the ecology, in particular on the identified bat species.

43. **Planning Appeals Update**

Members noted the list of appeals as outlined in the presented agenda report.

The Head of Development Management provided further details on specific recent appeal decisions.

The Meeting concluded at 5.10 pm

Signed by:

Chairman

Voting Analysis for Planning Applications – DM Committee 4 December 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3460/17/OPA	Lutterburn Farm, Lutterburn Street, Ugborough	Conditional Approval	Cllrs Pannell, Abbott, Foss, Kemp, Long, Brown, Rowe, Taylor, Pringle (9)	(0)	Cllrs Hodgson and Rowe (by virtue of not being in attendance for the presentations at the previous meeting (2)	Cllr Brazil (1)
2101/19/FUL	Lantern Lodge Hotel, Grand View Road, Hope Cove	Conditional Approval	Cllrs Pannell, Abbott, Foss, Brown, Holway, Pringle, Rowe and Taylor (8)	Cllrs Hodgson, Kemp, Long (3)	(0)	Cllr Brazil (1)
0545/19/FUL	Hill Cottage, Herbert Road, Salcombe	Refusal	Cllrs Long, Foss, Brown and Pringle (4)	Cllrs Pannell, Hodgson, Kemp, Holway, Rowe, Brazil, Abbott and Taylor (8)	(0)	(0)
0545/19/FUL	Hill Cottage, Herbert Road, Salcombe	Conditional Approval	Cllrs Pannell, Hodgson, Kemp, Holway, Rowe, Brazil, Abbott and Taylor (8)	Cllrs Long, Foss, Brown and Pringle (4)	(0)	(0)
2416/19/FUL	Land at SX 903 518, Kingswear	Conditional Approval	Cllrs Foss, Hodgson, Long, Kemp, Abbott, Brown, Taylor, Rowe, Holway and Pringle (9)	Cllrs Pannell and Brazil (2)	(0)	(0)
2198/19/FUL	Post Barn, Ashprington Cross, Ashprington	Refusal	Cllrs Holway, Foss, Brazil, Abbott, Pannell, Long, Pringle, Hodgson, Rowe, Taylor and Brown (11)	(0)	(0)	Cllr Kemp (1)
1329/19/FUL	Commercial/Office Unit, Endsleigh Park, Ivybridge	Conditional Approval	Cllrs Holway, Abbott, Long, Pringle, Hodgson, Rowe and Taylor (7)	Cllrs Brazil, Pannell and Foss (3)	(0)	Cllrs Kemp and Hodgson (2)
2948/19/FUL	Land adjacent Sea View, West Hill, Heybrook Bay	Conditional Approval	Cllrs Holway, Foss, Brazil, Abbott, Pannell, Long, Pringle, Rowe and Taylor (9)	(0)	Cllr Brown (1)	Cllrs Kemp and Hodgson (2)
0379/19/FUL	Land on East Side of New Road, Bickleigh, Plymouth	Conditional Approval	Cllrs Brazil, Abbot, Foss and Brown (4)	Cllrs Pannell, Long, Rowe, Taylor, Holway and Pringle (6)	(0)	Cllrs Kemp and Hodgson (2)
0379/19/FUL	Land on East Side of New Road, Bickleigh, Plymouth	Refusal	Cllrs Pannell, Long, Rowe, Taylor, Holway and Pringle (6)	Cllrs Brazil, Abbot, Foss and Brown (4)	(0)	Cllrs Kemp and Hodgson (2)

