

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE



Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 12th February, 2020** at **10.00 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 Reeve

In attendance:

Councillors:

Cllr Baldry
Cllr O'Callaghan
Cllr Thomas

Cllr Bastone
Cllr Pearce

Officers:

Head of Practice – Development Management
Planning Specialists
Deputy Monitoring Officer
Specialist – Democratic Services
Affordable Homes Officer
Joint Local Plan Officer

49. **Minutes**

The minutes of the meeting of the Committee held on 15th January 2020 were confirmed as a correct record and signed by the Chairman, subject to the following amendments being made:

1. Minute Ref. DM.45/19: Cllr G Pannell had declared a personal interest in application **3498/19/FUL** as it is sited *close to* the Dartmoor National Park Authority (DNPA) by virtue of being married

to a Member of the DNPA who had submitted a letter of representation. He remained in the meeting and took part in the debate and vote thereon; and

2. Minute Ref.DM.47/19 b) the application **3021/19/HHO** was sited in Ivybridge West ward and not Ivybridge East as had been indicated in the published minutes.

50. **Urgent Business**

The Chairman confirmed that the following application had been deferred from the published agenda to a subsequent meeting:

3703/18/OPA Land at SX 651 560, Filham, Ivybridge
Town: Ivybridge East
Parish: Ugborough
Ward: Ivybridge East

READVERTISEMENT (Revised Plans Received) Hybrid application for the erection of up to 200 dwellings, comprising the following: Phase 1 – detailed application for the erection of 94 dwellings (C3), formation of access with Exeter Road (B2131), new spine road, internal roads and footpaths, surface water infiltration ponds, landscaping, ground and utilities works and associated infrastructure; and Phase 2 - outline application for up to 106 dwellings (C3) with all matters reserved except for access; strategic landscaping, surface water drainage works, highway works and diversions and associated infrastructure.

51. **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:

Cllr G Pannell declared a personal interest in application **3197/19/OPA** as he was a lifetime Member of Ivybridge Rugby Club who may be a recipient of S106 monies linked to this application. He remained in the meeting and took part in the debate and vote thereon:

Cllr K Pringle declared a personal interest in application **3197/19/OPA** as her son played for Ivybridge Rugby Club who may be a recipient of S106 monies linked to this application. She remained in the meeting and took part in the debate and vote thereon:

Cllr R Rowe declared a personal interest in application **3197/19/OPA** as she was a Member of the South Devon AONB Partnership Committee. She remained in the meeting and took part in the debate and vote thereon:

Cllrs R Foss and H Reeve both declared a personal interest in application **2655/19/FUL** as they used the veterinary practice for all their livestock needs. Both Councillors withdrew from the meeting and took no part in the debate nor vote. Cllrs J Brazil and K Pringle also declared a personal interest in this application. However, since they

only used the practice for domestic pets, they both remained in the meeting and took part in the debate and vote thereon:

52. **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.

53. **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:

**b) 2499/18/FUL Land adj. to The Old Mill, Woodland Road, Harbertonford, TQ9 7RS
Parish: Harberton Ward: West Dart**

Demolition of existing barn structure and erection of 4 new residential dwellings with associated landscaping (Re submission of 2564/17/FUL)

Case Officer Update: None

Speakers included: Against – Mr Christopher Bowley; For – Mr Ashley Piggot; Harberton Parish Council – Cllr George Waite; Ward Member – Cllr John M^cKay

Recommendation: Conditional Approval

During discussion, concerns were raised over the turning circle for cars to enter the ground floor garages and the number of cars using the area around the development and the existing properties. There were also concerns raised over the use of zinc for the roof as it had a life span of only 60 – 70 years, and the use of brick slip instead of stone. It was felt by some Members that the application was an overdevelopment of the site and therefore unneighbourly.

Committee Decision: Refusal, with delegated authority being given to the Head of Practice for Development Management to determine the wording of the reasons, in consultation with the Chairman and Vice Chairman of the Committee and the proposer (Cllr Hodgson) and the seconder (Cllr Rowe) of the motion.

Reasons:

Delegated reasons for refusal to Chair, Vice Chair, Proposer of refusal (Cllr Hodgson), and Secunder of refusal (Cllr Rowe)

Namely: Overdevelopment, scale and massing with blank wall facing neighbour therefore unneighbourly;
Insufficient parking and manoeuvring space; Inappropriate materials and design – dormers

**c) 2655/19/FUL Land at New Mills Industrial Estate, Modbury, PL21 0TA
Parish: Modbury Ward: Charterlands**

Proposed provision of Equine Veterinary Facilities

Case Officer Update: The drainage issues had been resolved and the drainage objection removed

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. The premises hereby permitted shall be used solely for the purposes of veterinary surgeons to practice associated with the veterinary practice currently known as 'South Moor Veterinary' and for no other purposes.
4. Hedgebank provided prior to occupation
5. Hours, no operation outside of business hours unless in the case of emergency
6. No external lighting
7. Drainage conditions (if recommended by SHDC Drainage Specialist)

**d) 3795/19/FUL Higher Yetson Farm, Ashprington, Totnes, TQ9 7EG
Parish: Ashprington Ward: West Dart**

Demolition of agricultural building and construction of new residential dwelling following Class Q approval (1021/19/PDM)

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit for commencement
2. Accordance with plan
3. Foul drainage details
4. Surface water details
5. Unsuspected contamination

6. Accord with ecology survey
7. Works outside bird nesting season
8. Materials
9. Compliance with dev 32 (renewables/energy efficiency)
10. Remove PD rights

**e) 2434/18/ARM Allocated Site K5, Land at SX 729 440,
West Alvington Hill, Kingsbridge
Town Council: Kingsbridge Parish Council: West Alvington
Wards: Kingsbridge and Salcombe & Thurlestone**

READVERTISEMENT (Revised Plans Received and Amended Description) Application for approval of reserved matters following outline approval 28/0508/15/O for erection of up to 52 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage.

Case Officer Update: Clarification to the ecological impact (pg 88, para 2 of the published agenda) "in keeping with outline consent would **enable** delivery of employment site". Also on page 72 of the published agenda, remove the S106 legal agreement as the reserved matters already had an extant S106 so there was no need for a new one

The Case Officer clarified that the conditions relating to outline consent differed from those on the notice because some of the conditions had been combined.

New letters of representation had been received and another Letter Of Representation (LOR) from the South Hams Society had been circulated to the Committee. Objections had been received from West Alvington Parish Council and Kingsbridge Town Council. One LOR from a local business had been received regarding the impact on his coach business. A number of objections had also been received regarding biodiversity impact.

It was clarified that the reserved matter to the outline planning application related to the second outline application as the first application was refused, with the appeal subsequently being turned down.

The amendments to the bin stores were highlighted.

Speakers included: Objector – Ms Didi Alalyi; Supporter – Mr Graham Hutton; Town Council representative – Cllr Dena Bex; Ward Members – Cllrs O’Callaghan, Long and Pearce

Recommendation: Conditional Approval via delegation to HoP Lead Development Management, in conjunction with Chairman, subject to a Section 106 legal Obligation, and discharge conditions 11 (foul drainage), 12 (surface water drainage), 18 (LEMP), 14 (landscaping) of 8/0508/15/O.

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 to refuse to application in the absence of an agreed S106 Agreement

Members had a detailed discussion regarding the merits of the application, seeking clarification on various points including: access to the car park and bins from the flats, disabled access to flats in relation to the 25% lifetime homes required from the outline permission, and achieving net gain in biodiversity. The previous refusal had, in part, been due to the non-integration of affordable homes across the site – Members felt this had not been suitably addressed. Members also felt strongly that the housing mix did not reflect that of the Joint Local Plan for South Hams, which detailed 4+ beds being at 18% whereas this application had a ratio of 50% for 4+ bedrooms. It was also felt that the 3.5 floored buildings at the entrance to the AONB did not enhance the AONB, contributing to issues with the scale and massing at the lower edge of the site.

Committee Decision: Deferral

Reasons for Deferral:

The siting of affordable homes
Clarity over Dev 23 biodiversity enhancement
Steps and parking too remote from flats
Landscaping throughout estate
Housing mix
Scale and massing

**f) 3197/19/OPA Land adjacent to New Park Road, Lee Mill, Nr Ivybridge
Parish: Sparkwell Ward: Newton & Yealmpton**

Outline application with some matters reserved for residential development of up to 25 residential units including vehicular access, estate roads, landscaping, open space, drainage, infrastructure and all associated development.

Case Officer Update: One more letter of representation with no new issues raised, and one correction: S106 obligations, contribution to unclassified Sparkwell Road (301) should read £15,000. One new condition added - Any reserved matters application for layout shall include details of a parking strategy that also seeks to provide some off-street parking for existing dwellings on New Park Road if community support for the parking is demonstrated. The reason for this additional condition is: In the interests of the safety and convenience of users of the highway and in the interests of amenity.

Speakers included: Objector – Ms Lesley Hughes; Supporter – Mr Neal Jillings; Ward Members – Cllrs Thomas and Baldry.

Recommendation: Conditional Approval - delegated to HoP Lead Development Management, in conjunction with Chairman to conditionally grant 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 to refuse to application in the absence of an agreed S106 Agreement.

The debate about this application covered the amenity availability within Lee Mill itself, the potential increased congestion of traffic around Lee Road, and with S106 monies being ear-marked for Ivybridge rather than Lee Mill. It was previously reported that Lee Mill had no identifiable housing needs, with the Joint Local Plan earmarking the potential for 20 houses. Some Members felt this would be better met by infill rather than a new estate. The parking issues were clarified by the Case Officer who confirmed that the new estate had provision for extra parking onsite and would be providing more parking on the access road, which would be provided without charge.

Committee Decision: Conditional Approval

Conditions:

The terms of the Section 106 Obligation are:

- 30% affordable housing which shall include 70% social rent and 30% intermediate home ownership.
- Occupants (to be calculated based on Table 3 of the SPD) x £595 towards '*Provision of a MUGA at Bottlepark and/or improvements to sports facilities in Ivybridge as identified in the South Hams Playing Pitch Strategy 2015 and subsequent updates.*'
- Occupants (to be calculated based on Table 3 of the SPD) x £380 towards '*improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area*'
- Public access and on-going management and maintenance of the on-site public open space in perpetuity.
- On-going management and maintenance of retained boundary features in accordance with LEMP
- Primary school infrastructure: £29,863
- Secondary school infrastructure: £82,203
- Primary school transport: £31,504
- Secondary school transport: £12,433
- £6000 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill
- Contribution of £15,00 towards the unclassified road 301 in Sparkwell
- Implementation of LEMP and SUDs

- Clause securing delivery of offsite delivery of compensation/appropriate Biodiversity Net Gain in the event that it is not possible to evidence sufficient onsite provisions at Reserved Matters when applying the Defra Biodiversity Metric Calculator. This may be by way of a monetary sum or offsite delivery of habitat creation or enhancement on land owned by the landowner, and should be consistent with the detail within the JLP SPD.
- Prior to first occupation of any residential unit, a contribution in accordance with Table 3 of the Plymouth Sound and Estuaries European Marine Site Recreation Mitigation and Management Scheme (November 2019) shall be paid to the Local Planning Authority

Conditions

1. Std outline time condition
2. Reserved matters to be submitted
3. Accords with plans
4. Submission and agreement of details (including on-going management and maintenance) of the public open spaces at reserved matters stage
5. CEMP
6. Proposed estate roads etc details to be agreed and provided
7. Access road – first 20m to be laid out before any other development continues
8. Footway(s) to Holly Berry Road to be provided prior to occupation
9. Housing mix to be agreed at reserved matters stage and shall meet local housing need.
10. Detailed design of surface water management to be agreed at reserved matters stage.
11. Prior to commencement - Construction phase surface water management to be agreed
12. Prior to commencement – exceedance route to be agreed
13. Prior to commencement – details of the adoption and maintenance to be agreed.
14. PROW diversion order to be made prior to commencement of development if required
15. Details of any works to the PROW to be agreed
16. Unsuspected contamination
17. Prior to commencement - to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation agreed with the LPA
18. Lighting strategy at RM showing no more than 0.5 lux within 5m of western and northern boundary features and reflecting recommendations of section 9 of the Bat Activity Report (Ecological Surveys Ltd, Nov 2017).
19. Submission of a LEMP at RM detailing ongoing management and maintenance of retained and created public open space/boundary features.
20. Submission of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include mitigation and enhancement proposals for construction and operational

phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate proportionate measurable net gain in biodiversity including a completed Defra Biodiversity Metric Calculator, reflecting recommendations within sections 7 and 8 of the Ecological Appraisal (Ecological Surveys Ltd, May 2017).

21. Tree and hedge protection details to be provided in RM
22. Provision of parking and turning areas prior to occupation
23. Removal of PD – boundary treatments, hard standings, roof extensions
24. Electrical charging points – details to be provided and implemented
25. The reserved matters application for layout shall include details of how the development meets the requirements of JLP policy DEV32 and represents low carbon development.
26. All residential units shall meet as a minimum National Space Standards
27. At least 20 per cent of dwellings shall meet national standards for accessibility and adaptability (Category M4(2) Building Regulations).
28. Details of pedestrian links to be agreed at reserved matters

**g) 3889/19/FUL Paddyacre, Bowden Hill, Yealmpton, PL8 2JX
Parish: Yealmpton Ward: Newton and Yealmpton**

Removal and replacement of existing garage and formation of two new dwellings (resubmission of 2520/19/FUL)

Case Officer Update: One more letter of representation received, objecting but with no new issues raised. Applicant has now provided sustainability report. Case Officer confirmed that the woodland to the north lies mostly in control of the applicant with only a small area outside of the woodland management plan suggested by the Tree Officer. Ridge heights were shown and confirmation of the Tree Preservation Order on the large copper beech tree, so that another condition has been added to deal with this.

Speakers included: Objector – Mr Barton, Supporter – Mr Simon Lebrasse; Ward Member – Cllr Baldry.

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

Delegate to Head of Practice (HoP) Lead Development Management, in conjunction with Chairman to conditionally grant 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 to refuse to application in the absence of an agreed S106 Agreement

Committee Decision: Conditional approval subject to the completion of Section 106 Legal Agreement and the addition of two further conditions re minimum hedge height and ridge height maintenance

Conditions

1. 3 year time limit for commencement of development
2. Development to be carried out in accordance with approved plans
3. Details of surface water drainage to be provided
4. No mud, stones, water or debris deposited on the highway
5. Visibility improvements to be undertaken in accordance with drawing 033.PA.11
6. Parking/turning to be provided before dwellings are occupied
7. Adherence to recommendations set out within ecology report
8. Details of carbon reduction measures to be provided
9. Woodland management plan
10. Tree protection methodologies (new woodland edge and Copper Beech)
11. Landscaping
12. Bin/recycling
13. Use of garage associated with Paddyacre
14. Natural stone
15. Natural slate to the roof
16. Joinery
17. Roof lights
18. Flue/ducts/vents, etc
19. Verge/eaves details
20. No openings within west elevation of garage
21. Removal of PD rights
22. Privacy screens (fencing) to be provided
23. Road hedge to be maintained at a minimum height of (to be measured as it is today)
24. Ridge height to be as per plan – existing height of building to be measured

Section 106 contributions:

Financial contributions of £6,337.50 towards the improvement of existing facilities at Stray Park and £903.80 to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site

**h) 3217/19/FUL Haydens Farm, Wrangaton, TQ10 9HB
Parish: Ugborough Ward: Ermington and Ugborough**

Erection of Skystream 3.7, 2.4Kw Wind Turbine on 13.7m tower

Case Officer Update: Three letters of representation in support

Speakers included: Supporter – Ms French; Ward Member – Cllr Holway

Recommendation: Refusal

During the debate about this application, Members acknowledged that the guidance was for there to be a minimum of 50 metres from the wind turbine to any hedges, to help prevent damage to local bats. However, with this particular application, the siting of the wind turbine, although the distance to any hedges was slightly less than the 50 metres required, it was to be sited as far as possible from any hedges, it was helping to sustain those living off the grid (a particularly powerful argument in light of the declared environmental emergency), and the site was far from any other habitation. Members confirmed that each application was judged on its own merits and therefore, on balance, for this application, they were happy to approve this application, against officer recommendation.

Committee Decision: Conditional Approval

Conditions:

1. 3 year time limit for commencement of development
2. Development to be carried out in accordance with approved plans

54. **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.

55. **Planning Performance Indicators**

Members reviewed the performance indicators as outlined in the presented agenda report.

In discussion, particular reference was made to:

- (a) Officer caseload. Whilst acknowledging that planning officer caseload had recently reduced, Members also noted that imminent staff changes were likely to, at least in the short term, reverse this trend;
- (b) an anomaly in the enforcement statistics. In response to an apparent anomaly in the number of planning enforcement cases, the

Head of Practice committed to providing clarification to Members outside of this meeting.

Chair gave thanks to the HoP DM Lead Officer and his team in being able to bring the workload down. However, he acknowledged the imminent changes in staff which may impact on workload in the next quarter.

The Meeting concluded at 5.55 pm

Signed by:

Chairman

Voting Analysis for Planning Applications – DM Committee 12 February 2020

| Application No: | Site Address | Vote | Councillors who Voted Yes | Councillors who Voted No | Councillors who Voted Abstain | Absent |
|------------------------|-------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------|-----------------------|
| 2499/18/FUL | Land adj to The Old Mill, Woodland Road, Harbertonford | Delegate – conditional approval | Cllrs Abbott, Brazil, Brown, Pannell (4) | Cllrs Hodgson, Holway, Kemp, Long, Pringle, Reeve, Rowe (7) | Cllr Foss (1) | (0) |
| 2499/18/FUL | Land adj to The Old Mill, Woodland Road, Harbertonford | Refusal | Cllrs Hodgson, Holway, Kemp, Long, Pringle, Reeve, Rowe (7) | Cllrs Abbott, Brazil, Brown, Pannell (4) | Cllr Foss (1) | (0) |
| 2655/19/FUL | Land at New Mills Industrial Estate, Modbury | Conditional Approval | Cllrs Abbott, Brazil, Brown, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Rowe (10) | (0) | (0) | Cllrs Foss, Reeve (2) |
| 2795/19/FUL | Higher Yetson Farm, Ashprington, Totnes | Conditional Approval | Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Reeve, Rowe (12) | (0) | (0) | (0) |
| 2434/18/ARM | Allocated Site K5, Land at SX 729 440, West Alvington Hill, Kingsbridge | Deferral | Cllrs Abbott, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Reeve, Rowe (11) | Cllr Brazil (1) | (0) | (0) |
| 3197/19/OP A MAJOR | Land adjacent to New Park Road, Lee Mill, Ivybridge | Conditional Approval | Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Reeve, Rowe (10) | Cllrs Pannell, Pringle (2) | (0) | (0) |
| 3889/19/FUL | Paddyacre, Bowden Hill, Yealmpton | Conditional Approval | Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Pannell, Reeve, Rowe (10) | Cllrs Long, Pringle (2) | (0) | (0) |
| 3217/19/FUL | Haydens Farm, Wrangaton – wind turbine | Refusal | Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Pringle, Reeve, Rowe (11) | (0) | (0) | Cllr Hodgson (1) |

Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, and Taylor (11)

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Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, and Reeve (no Taylor – 11)