SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a meeting of the **South Hams Development Management Committee** held on **Wednesday, 14th December, 2022** at **9.30 am** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Foss
Vice Chairman Cllr Rowe

Cllr Abbott
Cllr Brown
Cllr Long
Cllr Pringle
Cllr Taylor
Cllr Brazil
Cllr Hodgson
Cllr Pannell
Cllr Smerdon (as Substitute)
Cllr Thomas (as Substitute)

In attendance:

Councillors:

Cllr Bastone
Cllr O'Callaghan
Cllr Hawkins
Cllr Pearce

Officers:
Head of Development Management
Senior Specialists, Specialists & Senior Case Manager – Development Management
Monitoring Officer
Specialist- Engineering
Democratic Services Officer

43. **Minutes**

DM.43/22

The minutes of the meeting of the Committee held on 9 November 2022 were confirmed as a correct record by the Committee.

44. **Declarations of Interest**

DM.44/22

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 application 6(a), (b), (c) and (d) (minutes DM.46/22 (a), (b), (c) and (d) below refer) because he is a member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

45. **Public Participation**

DM.45/22

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.

46. **Planning Applications**

DM.46/22

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) 4774/21/FUL Burgh Island Hotel", Burgh Island, Bigbury On Sea.
Parish - Bigbury

Development: READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements.

Case Officer Update: The Case Officer reported that an additional letter of representation had been received from the freehold cottage adjacent to the Pilchard Inn, they raised concerns on access to the beach, emptying of and access to the sceptic tank, the proposed building, tidal surges and rooftop seating which will overlook into the cottage.

A question was raised on the number of applications and why they were not being looked at separately. The Officer reported that Members will have to determine the application before them because the applicant has chosen to present the application this way.

The Officer highlighted that there was a proposal to build on the car park to provide for staff accommodation and that aspect was removed and no longer forms part of the application. The applicant has purchased Korniloff to be used as proposed staff accommodation.

The Officer then gave an overview of the developments on the island, which included the extension to the Pilchard Inn, west wing extension to the hotel, staff accommodation under the tennis court, Fisherman's Gardens, proposed tearoom, extension to the Nettleford Bar, realignment of footpath towards the Mermaid Pool and the improvements to Chirgwin. The Officer reported that many discussions took place at pre-app stage and a Design Review Panel appointed to overlook this application.

In response to questions raised, the Officer reported that:

- With regard to the overlooking into the neighbouring cottage from the Pilchard Inn, people can currently stand and not concerned that will be worse than already is, however there was a potential for a loss of amenity;
- The Design Review Panel consists of selection of SW based designers and architects. They are independent and look at the proposals, visit the site and feedback their comments. These comments are included on the website;
- The Environment Agency (EA) raised a concern about the building and proximity to the sea wall and whether the building could withstand sea surges. The applicant commissioned drainage experts and following discussion with EA, EA have withdrawn their objections subject to 2 conditions which asks for details to be supplied before commencement of work in this area;
- The basement under the staff accommodation will be plant room necessary for the solar heating;
- The proposal to move the footpath would be a separate application looked at by Public Rights of Way at Devon County Council. Also could be an application to South Hams and will form a separate application and the granting of the planning permission does not automatically grant the alteration to route of a public right of way;
- The Island was in not in the AONB, however the mainland is. The proposals for the staff accommodation has the least impact on the landscape and have not received comments from AONB on this application;
- Access to the hotel is restricted to the public but the rest of the island is available for public use;
- There will be some form of sewage treatment in Fisherman's Gardens and rebeds were not considered feasible;
- No plans to change the slipways at this moment;
- The colour Chirgwin will be painted was not raised as an issue and previously was a lighter colour;
- Solar panels will sit flat on the roof;
- Neighbouring parishes if they had concerns could have commented on the application.

Speakers included: Objector – Mr Harvey (statement read out by the Clerk); Supporter – Mr Fuchs; Parish Councillor – Cllr Scott; Ward Member – Cllr Taylor.

Following the objector's statement, the Officer clarified the concerns on the accommodation to the rear of Bay View Café within the current application. It was confirm this has been removed from the plans. It was also highlighted that a unilateral undertaking to be provided for the Tamar Estuaries and 4 conditions require slight revision.

In response to questions raised, the supporter reported that:

- With regard to waste and sewage outfall they had looked at every possible solution. The system they were using was the best solution and the water once through the system will be of drinking quality;
- They will have a plan in place on how the soil will be distributed and reused across the island;
- There are 3 freehold properties on the island;
- Next to the Pilchard Inn there is a seating area and will ensure the

neighbouring garden is protected as much as possible;
- The sewage system has been designed for the future and confident that the solution in place is robust;
- The Officer reported that Condition 23 will cover waste;
- A standby generator was a good consideration and will be added.

The Officer reported that it was possible to have a condition on the opaque screening by the seating area.

In response to questions, the Parish Councillor reported that the space behind the hotel and the land not developed is shown as local green space and allocation in the adopted Neighbourhood Plan was equivalent to greenbelt.

The Ward Member said on the site visit to the island he had a lot of negatives but since the visit was more positive about the application. They felt that the negatives can be overcome with conditions. He congratulated the officers on the work undertaken. This is an iconic building and a gem in South Hams. To keep the hotel running you need to increase rooms and need more staff.

During the debate, Members felt that the site visit was informative and what was being proposed fairly sympathetic to what is already there and a natural progression for the hotel. They also felt that the hotel needs to be brought up to date, with more rooms, staff accommodation and that it was difficult to get hospitality staff especially in this area. In principle this was a friendly application and sewage issues addressed.

Following an adjournment, the Officer stated that Councillor Scott mentioned Policy BV15 being equivalent to greenbelt and whilst a justification was given in the report for staff accommodation the wording exceptional circumstances was not included. For clarification this is considered as an exceptional circumstance because of the business case and the need for staff to be accommodated to support the hotel and for that accommodation to be located on the island. This therefore justifies the recommendation made.

The debate continued and Members also felt this was an important asset to the area and important to protect this unique asset. There were concerns on the impact on sewage but recognised this heritage asset and the need to modernise. The need to ensure this iconic hotel continues and to secure future employment.

A request for a condition on the car park behind the café to protect from future development. It was reported that you can condition that the car park is retained for use for hotel only but cannot prevent future development. A further request for a condition to include a 5 year landscaping conditions and new trees to have TPO.

The Monitoring Officer asked if the Proposer and Seconder were in agreement to an amendment to the proposal: To be approved as recommended subject to the completion of a unilateral undertaking to secure the payment contribution subject to the Head of Planning in conjunction with the Head of Legal Services as to whether the application should be advertised as a departure pursuant to the Town and Country Planning Consultation England Direction 2021 and if so concluding be advertised accordingly.

For clarification, for certain applications and in accordance with the 2021 Direction have to be referred to the Secretary of State to allow them to determine whether they want to call in for their own determination and in reference to green belt development and floor space. The floor space is met and whether the greenbelt is an open designated green space.

The Proposer and Seconder happy to propose this.

Recommendation: Approval, subject to a Section 106 agreement to secure the Tamar SAC contributions and the off-site parking requirements.

Committee decision: To be approved as recommended subject to the completion of a unilateral undertaking to secure the payment contribution subject to the Head of Planning in conjunction with the Head of Legal Services as to whether the application should be advertised as a departure pursuant to the Town and Country Planning Consultation England Direction 2021 and if so concluding be advertised accordingly.

The following conditions to be included:

- Screening to protect the neighbouring property;
- Additional wording to be included in the Landscape and Ecology Plan;
- The car park to be retained for hotel use only;
- Minor tweaks to 4 conditions.

The above to be agreed by Head of Development Management.

Conditions: (list not in full)

1. Time limit
2. Accord with plans, including AIA
3. Joinery details to be submitted
4. Materials to be submitted
5. Stonework to match existing
6. Extraction equipment to be submitted and agreed with the LPA prior to bringing the restaurant in The Pilchard into use.
7. EA Future raising of flood wall.
8. EA flood resilience measures
9. CEMP required
10. LEMP required
11. Details of mitigation requirements for nesting birds to be submitted prior to commencement
12. BNG of 10% shall be provided. If this cannot be provided on the island then an offsite contribution will be required.
13. Details of the measures to avoid the spread of invasive species shall be so included in the CEMP.
14. Lighting proposals shall be included in the LEMP and the CEMP

15. Reptile mitigation measures shall be included in the CEMP
16. At least one integrated bird box/brick be built into the new staff accommodation building to offer nesting opportunities for small passerine birds
17. No unnecessary lighting should be installed and the cliff boundaries should remain dark.
18. The requirement for additional parking on land outside of the site shall be required to be provided in perpetuity prior to work commencing.

6b) 1386/22/FUL Dennings, Wallingford Road, Kingsbridge
Parish: Kingsbridge

Development: Erection of six new residential dwellings (resubmission of 3830/20/FUL)

Case Officer Update: The Case Officer reported that two objections received regarding drainage and flood risk and whether the application should be re-advertised. The application to include additional ecology conditions and an updated drainage condition. Previous appeal refused solely on drainage issues and not having an adequate surface water drainage strategy in place. Drainage concerns have now been addressed.

In response to questions raised, it was reported that officers were using the latest ONS data and clarification was also sought on the two applications for this site and it was reported this was a standalone application and if approved it was likely that the other application would be withdrawn.

Speakers included: Objector – Mr L Pengelly; Supporter – Caroline Waller; Parish Council – Cllr P Cole; Ward Member – Cllr D O'Callaghan (MS Teams).

In response to questions, the objector reported the main hedgerow was supposed to remain and not aware if planning permission was sought to remove the hedgerow.

The officer provided clarification on drainage and it was highlighted that drainage on site will manage the surface water for the site. Any flooding issues on the site would be picked up by the other application and SW Water are not a statutory consultee and have been contacted because they are the owner of the new sewer.

In response to questions, the supporter reported that with regard to the design access statement which states that these homes are designed for the family housing market which is in great shortage in the Kingsbridge area. This statement was written by someone else, however, officers and the inspector were content with the design and that the only thing in dispute is the drainage.

In response to questions, the Parish Councillor reported that 725 people voted for Neighbourhood Plan.

The Ward Member felt that a site visit could have be useful for Members but

wanted to raise two issues: housing mix and drainage. In the Inspector's report one of the issues was not housing mix but there is an affordable housing crisis in Kingsbridge, recommended to approve 6 large expensive homes which will not benefit the community or the environment. The previous application for 14 dwellings had 3 affordable homes, this application however has no affordable housing neither does it make a contribution for affordable housing in the area. The applicant has stated that there is a shortage of large detached homes in Kingsbridge using out of date data. Other housing estates in development in the area are well underway with nearly 100 homes being built. The JLP and DEV8 states that housing that address an imbalance with housing for young families and older people. The related SPD states that South Hams has an imbalance on the housing mix and there is a higher proportion of 4-5 bedroom homes in the area so there is a need for smaller homes and the current housing stock unaffordable. This site is in a critical drainage area and there is a major concern on flood risk, the Applegate housing site above this application has unresolved drainage issues with SW Water. On this site a hedgerow has been removed and new entrance created and this has made flooding more likely to happen and residents have reported further flooding. DCC issued a report after 4 June floods stating that the development site had contributed to the flooding and that all authorities to work together to address this and feel that refusal or deferral to look at this application more holistically to address the flooding concerns.

In response to a question regarding the neighbourhood plan being approved at Full Council tomorrow, and if this application heard at next meeting would we have to take into account the neighbourhood plan, the Officer reported that the Neighbourhood Plan being ratified tomorrow is irrelevant to this application and the plan has the same weight as it moves through the different processes until finally being adopted.

In response to questions raised by Members, Officers reported that:

- It was questioned why we only had SW Water's view and not a view from DCC. It was reported that the in-house drainage expert has looked at this and reason it went to SW Water is because they will oversee the surface water and storm water drain. There is a condition to ensure that SW Water have installed what is required and taken into account the impacts highlighted by the Planning Inspector. DCC will not comment on this because of the scale of the development.
- It was reported that grey water recycling on this site had not been considered. The drainage proposals for this site manage all surface water to an attenuation tank and then controlled discharge to a dedicated sewer and included in the condition that they meet CDA requirements;
- The attenuation tank will be sited under the parking bays;
- The analysis does contain reference to the emerging Neighbourhood Plan, but does not specifically mention the housing mix. Housing mix has been given consideration under DEV8 and DEV10, however should have made reference for clarity. It was highlighted that the previous application did not include housing mix;
- Since that plan submitted have received confirmation from SW Water that sewer has been installed and now operational.

During the debate, one Member felt unsure whether this type of home was right for the area and had concerns on drainage issues. Another Member highlighted

the Planning Inspector's comments on the previous application and that the issues raised concerning the drainage had now been addressed.

The Officer highlighted to the Committee that recommendation should be delegated approval to the Head of Development Management subject to completion of S106.

The debate continued and a Member felt the Planning Inspector did not consider the housing market or housing mix and was minded to refuse the application on this consideration. The MO asked whether the Member had the evidence to support a refusal on housing mix. The Member responded that the Neighbourhood Plan asking that consideration should be given to provide housing solutions for young families and the elderly in the parish.

It was further debated that residents of Kingsbridge cannot afford to buy a property in the area and the applicant used data from the 2011 census stating a shortage of big family houses. This is not the case. Affordable houses for young people and older people to downsize and this application does not address this. The Planning Inspector failed to look into the housing mix. Concerns with the drainage and flooding issues in Kingsbridge but would not refuse on drainage grounds. However will refuse on housing mix grounds because the Inspector is silent on this. Housing mix is a massive issue in this application and on those grounds refuse this application. It was also highlighted that the SH and WD Housing Strategy reports an under occupancy of 4 and 5 bedroom homes at 27% in South Ham compared to 19% nationally. SPD DEV 8 delivery of smaller homes will create a better churn of housing stock.

The Head of Legal Services asked Members for a clearer reason for refusing the application. The application refused because Members do not feel that the provision of 6 large dwellings meets KH2 of the Kingsbridge Neighbourhood Plan or DEV8.

Recommendation: Conditional Approval

Committee decision: Refusal

6c) 2327/22/OPA "Distin's Boatyard", Old Mill Lane, Dartmouth
Parish – Dartmouth

Development: Outline application with some matters reserved for proposed onsite security building with manager's accommodation as live work unit (resubmission of 0412/22/OPA)

Case Officer Update: The Case Officer reported that there was a lack of justification for dwelling on this site, the glazing on the dwelling will cause light spill and close to an ancient woodland.

In response to questions raised by Members, it was reported that:

- It was difficult to justify conditions such as attaching the dwelling to the boatyard and curtains to reduce light spill;
- It was unusual to seek revised plans from the applicant when the officer recommendation was to seek refusal;

- It would be a challenge to condition the strength of lightbulbs used inside the dwelling;
- Security issues at the site are highlighted within the supporting documents.

Speakers included: Supporter – Dave Distin, Parish Councillor – Cllr C Campos, Ward Councillor – Cllrs H Bastone and J Hawkins.

In response to questions to the supporter, the Supporter responded that:
- He would make changes to the windows;
- By having a manager on site would secure the future of the business;
- Across the water there is a bungalow above the boatyard;
- CCTV already on-site.

The Ward Councillor reported that this application is supported by Dartmouth Town Council. Cottages were there previously and the applicant asking for a small home and despite security cameras being installed has impacted the business. There is a need to support and sustain local businesses and ask the Committee to give this boatyard the support and approve the application.

The Ward Councillor felt this was really important to secure this employment site for the family who have worked on the Dart for generations. By having someone on site will step up security. A landscaping condition to make this more sympathetic and to be assisted by Officer on ensuring appropriate lighting. The Neighbourhood Plan being adopted tomorrow will ensure that the property protected only for full time residence.

During the debate Members highlighted that this is a busy boatyard and a family business for over 70 years and supported by Dartmouth Town Council. This site will be providing employment and security for the boatyard. Some Members raised concerns on the issues with lighting and it was reported that the only option to approve subject to receipt of received plans to reduce glazing. Members also raised that there was a need to support businesses and were supportive of this application being approved.

Recommendation: Refusal

Committee decision: Minded to approve the application subject to receipt of revised plans showing a reduction in the amount of glazing to the satisfaction of the Head of Planning in consultation with the Proposer, Seconder and ward members and subject to conditions to be determined by the Head of Planning.

6d) 2579/22/HHO Red Gables, Cliff Road, Wembury
Parish – Wembury

Development: Householder application for conversion of existing garage to extra living accommodation

Case Officer Update: The Case Officer highlighted the site plans and reported that the annex was approved on appeal in 1999 as ancillary use for parents but has been used as a holiday rental since 2017. The proposal is to convert the

garage to an extension, however, the accumulative nature of the proposal, the policies that have not been adhered to and the likelihood this extension will become a property in its own right.

In response to questions raised by Members, it was reported:

- There will be 3 different levels to the roof heights;
- Under the current definition of the terms this is not an annex;
- There was no evidence on how the garage was being used but can't be used as an independent dwelling;
- That breach of occupancy is 10 years and not 4 years and not to focus on that aspect as part of this application;
- Being in the AONB limits permitted development.

Speakers included: Supporter – Stephen Lang (statement read out by the Clerk), Ward Member – Cllr D Brown.

The Ward Member reported that the Parish Council did not object to this application but wanted a condition for it not to become an Airbnb or holiday home. This is a fairly modest increase in size and suggest a condition that it cannot be sold separately or used as a holiday home.

During the debate, Members felt sympathetic towards the applicant in wanting to provide accommodation to help the next generation, however this application breached a number of policies and felt this application was in effect creating a second dwelling and therefore Members agreed with the Officer's recommendation to refuse.

Recommendation: Refusal

Committee decision: Refusal

47. **Planning Appeals Update**

DM.47/22

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

48. **Update on Undetermined Major Applications**

DM.48/22

Members noted the update on undetermined major applications as outlined in the presented agenda report.

The Meeting concluded at 4.01 pm

Signed by:

Chairman

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Voting Analysis for Planning Applications – DM Committee 14th December 2022

Application No:	*Site Address*	*Vote*	*Councillors who Voted Yes*	*Councillors who Voted No*	*Councillors who Voted Abstain*	*Absent*
4774/21/FUL	Burgh Island Hotel", Burgh Island, Bigbury On Sea.		Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Taylor and Thomas (11)			Cllr Brazil (1)
1386/22/FUL	Dennings, Wallingford Road, Kingsbridge	Refusal	Cllrs Abbott, Brazil, Hodgson, Long, Pannell, Pringle, Taylor and Thomas (8)	Cllr Brown (1)	Cllrs Foss, Rowe and Smerdon (3)	
2327/22/OPA	"Distin's Boatyard", Old Mill Lane, Dartmouth	Approval	Cllrs Abbott, Brazil, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Spencer and Taylor (10)	Cllrs Foss and Thomas (2)		
2579/22/HHO	Red Gables, Cliff Road, Wembury	Refusal	Cllrs Abbott, Brazil, Foss, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Taylor and Thomas (11)	Cllr Brown (1)		

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