

PLANNING COMMITTEE

TUESDAY, 20 MARCH 2018

Present:

Councillors Kerswell (Vice-Chairman), Austen, Bullivant, Clarence, Colclough, Dennis, Hayes, J Hook (was Brodie), Keeling, Mayne, Nutley, Parker, Pilkington, Prowse, Rollason and Dewhirst (Reserve for Jones)

Apologies:

Councillors Smith, Fusco, Jones, Orme and Winsor

Members in Attendance

Councillors Golder, Goodey and Gribble

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Kelly Grunnill, Senior Planning Officer
Steven Hobbs, Senior Planning Enforcement Officer
Paul Clough, Planning Lawyer
Hannah Milford, Legal Assistant
Trevor Shaw, Senior Planning Officer
Mary Rush, Biodiversity Officer
Steven Hobbs, Enforcement Officer

In the absence of the Chairman the Vice Chairman chaired the meeting.

367. MINUTES

The Minutes of the meeting held on 20 February, 2018 were confirmed as a correct record and signed by the Chairman.
(15 votes for, 0 against, 1 Abstention).

368. MATTERS OF REPORT

The Chairman reminded Members that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application. The Chairman also welcomed public speakers to the meeting.

369. DECLARATIONS OF INTEREST

Members declared interests as detailed below.

370. PLANNING APPLICATIONS FOR CONSIDERATION

The Committee considered the reports of the Business Manager – Strategic

Place together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

a) **DAWLISH - 17/02327/FUL 25 Badlake Hill - Demolition of existing dwelling and redevelopment to provide three detached dwellings with integral garages and parking**

The application was deferred at the last meeting of the Committee for a Member site inspection to assess the effect of the proposal on the amenities of neighbouring properties. The Committee noted the report of the site inspection held on 7 March 2018, circulated with the agenda, and which appended the report of the Business Manager circulated with the agenda for the previous meeting of the Committee held on 20 February 2018.

A plan indicating the access location with Badlake Hill had been submitted.

Members considered there was a mix of housing size and design and therefore the proposal would not be detrimental to the character of the road, and the proposed dwellings would be an acceptable distance from the dwellings opposite.

It was proposed by Councillor Prowse, seconded by Councillor Dewhirst and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with the approved plans/documents.
3. Surface water drainage scheme to be submitted for approval.
4. Foul water to the combined drain only.
5. Notwithstanding the submitted details, samples of external materials for the dwellings shall be submitted to and approved by the Local Planning Authority.
6. Removal of Permitted Development Rights – Part 1, Schedule 2 (Classes A, B, C, D, E and G – alterations and extensions to dwellings, outbuildings, roof alterations, porches, chimneys and flues).
7. Recommendations as set out in ecology report to be followed.
8. Reptile Mitigation Plan.
9. Construction Management Plan.
10. Visibility splays as shown on drawing 1625-107 Rev B shall be provided prior to first occupation of any dwelling and thereafter shall be kept free of obstruction over 600mm.
11. Hard and Soft landscaping to be undertaken and thereafter maintained in accordance with drawing 1713/01 P1 (Landscape Plan).
12. Notwithstanding the submitted details, details for all boundary treatments and retaining structures shall be provided prior to development commencing above d.p.c. Development shall be carried out in accordance with the approved details prior to first occupation of any part of the development.
13. Notwithstanding the submitted details, the south east facing ground floor bathroom window, first floor study window and landing window in Plot 1 shall be

obscure glazed to a minimum of Level 3 with no clear cut glazing and thereafter retained. No further windows inserted into the south west elevation without express consent being sought.

14. Sample or details of all external materials including cladding specification.
(16 votes for, 0 against)

b) **TEIGNMOUTH - 18/00250/FUL - Beachcomber, Promenade - Replacement windows, aluminium panels to roof and alterations to fenestration**

The Business Manager advised that the finishing details in relation to the windows would be negotiated with the occupier.

It was proposed by Councillor Prowse, seconded by Councillor Clarence and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.
 2. Development to be carried out in accordance with approved plans.
- (16 votes for, 0 against)

c) **IPPLEPEN - 17/03031/FUL - Bulleigh Oaks Farm - Provision of temporary dwelling for agricultural worker and associated landscaping**

Public Speaker, Objector – Objected on the grounds of lack of justification; there are available dwellings some 300 metres from the site; the need for a full time worker at the site is not apparent; and approval will set a precedent.

Public Speaker, Supporter – The working farm is extensive with over 600 acres, some 300 cattle, 600 lambs, and successful industrial site units; the Council's agricultural adviser considers a worker should be within sight and sound of livestock which is not possible from the dwellings some 300 metres away; a temporary unit is justified and there is a functional need; the proposal accords with policy; and a new Devon hedge bank will be constructed to screen the temporary building.

The Senior Planning Officer reported that the Council's agricultural adviser considers a functional need is justified for temporary accommodation on site.

Comments from Councillors included: the agricultural barns were converted to industrial units; machinery is now essential for daily work on the farm; there are already buildings on site and available dwellings nearby which will meet the functional need; the dwelling is not necessary or justified; dwellings are available 300 metres away; it would set a precedent; and contrary to the Devon Minerals Plan.

In response the Senior Planning Officer reiterated the advice of the agricultural consultant that there is a functional need and the proposal is justified; the

proposal complies with policy; the dwellings 300 metres away will not enable the worker to be in sight and sound of the livestock; and Devon County Council has not raised an objection in relation to the Minerals Plan. The Business Manager added that the informative recommended by the County to include alerting the applicant to the site's location in a Mineral Safeguarding Area as detailed on page 24 of the agenda will be included in the decision notice. He also emphasised the need has been identified by a professional consultant and the proposal is policy compliant.

It was proposed by Councillor Dewhirst, seconded by Councillor Rollason and

Resolved

Permission be refused for the following reasons:

1. Dwelling in the countryside not justified by agricultural need.
(9 votes for, 7 against)

371. ENFORCEMENT REPORT - UNAUTHORISED FENCE AT LAND REAR OF THE VILLAGE HALL, SHILLINGFORD ST GEORGE

Councillor Parker declared an Appendix A, paragraph 14 interest by virtue that one of the objectors is a close family member. He did not speak or vote on the matter.

Comments made by Councillors included: the fence is a breach of condition and has changed the character of the area; the space was given to the community to be used as open space; the car park cannot be used by the community resulting in on street parking; and 54% of residents' lives are affected by the fence and they have objected.

The Planning Lawyer advised that the Land registry entry indicates the Trustees are the owners of the land. The Business Manager added: that the fence has been erected along the boundary of the site; Permitted Development Rights were removed to retain control over the enclosure and protect the character of the area; the fence is not having an obvious impact on the character of the area; it does not have planning permission but it is not illegal to erect a structure without permission; and it is not an illegal situation until a notice is served and the land owners do not comply with the notice. The Planning Lawyer also advised on the difference between a Breach of Condition Notice and an Enforcement Notice. Prosecution for the noncompliance of a Breach of Condition Notice is proceeded through the Magistrates Court.

It was proposed by Councillor Dewhirst, seconded by Councillor Keeling and

Resolved

That a breach of Condition Notice is served to secure the removal of the new post and rail fence erected across the car park on land to the rear of the village hall at Shillingford St George, with a period of 28 days for compliance.
(15 votes for, 0 against)

372. SOUTH HAMS SPECIAL AREA OF CONSERVATION JOINT SUPPLEMENTARY PLANNING DOCUMENT

Consideration was given to the report of the Business Manager, and the draft South Hams Special Area of Conservation Greater Horseshoe Bats Joint Supplementary Planning Document (SPD), both circulated with the agenda.

The South Hams Special Area of Conservation, (SAC) and associated Consultation Zone, covers an area which lies within five local planning authority areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council.

The SDP updates and replaces the 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010. It is intended to sit alongside the relevant adopted and emerging Local Plans to promote the protection and enhancement of the South Hams SAC greater horseshoe bat population.

It was proposed by Councillor Dewhirst, seconded by Councillor Rollason and

Resolved

That the draft South Hams Special Area of Conservation Greater Horseshoe Bats Joint Supplementary Planning Document (SPD) is approved for consultation, with a recommendation that the word *severely* is deleted at paragraph 2.2.11, page 13 of the Consultation draft document.

(15 votes for, 0 against, 1 abstention)

373. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

The Committee noted appeal decisions made by the Planning Inspectorate on appeals against refusal of planning permission as set out in the report circulated with the agenda.

AVRIL KERSWELL
Chairman