

## **PLANNING COMMITTEE**

**24 JUNE 2025**

Present:

Councillors Sanders (Chair), Cox (Vice-Chair), Bradford, Bullivant, Hall, Nuttall, P Parker, Palethorpe and Williams

Members in Attendance:

Councillor Atkins

Apologies:

Councillor Nutley

Officers in Attendance:

Ian Perry, Head of Development Management

Cheryl Stanbury, Area Team Manager (East)

Natalia Anderson, Solicitor

Charlie Fisher, Democratic Services Team Leader

Artur Gugula, Senior Planning Officer

Christopher Morgan, Trainee Democratic Services Officer

### **94. MINUTES**

It was proposed by Councillor Sanders and seconded by Councillor Cox that the minutes of the previous meeting be agreed as a correct record and signed by the Chair after the meeting.

A vote was taken. The result was 7 for, 0 against, and 2 abstained.

Resolved

That the minutes of the previous meeting be agreed as a correct record and signed by the Chair after the meeting.

### **95. DECLARATIONS OF INTEREST.**

None.

#### **a) Dawlish: 23/00305/MAJ - Site of Shell Cove House**

The Senior Planning Officer presented the application to the Committee. The Officer provided a verbal update prior to presenting the application to the Committee outlining the following:

- Amendment to the recommendation of approval which should include an

additional condition seeking submission of SAP calculations. The requirement for the condition was mentioned within the body of the Committee Report, however in error was not included in the recommendation.

- Clarification was provided in respect of the proposed removal of 4 trees (3 of which are subject to TPO) as 2 (1 TPO and 1 non-TPO) of the trees have already been permitted to be removed under the consented scheme. As such, the proposal would result in loss of 2 additional trees rather than 4.

Public Speaker, Supporter – Spoke on:

- Resident of a neighbouring property on site
- The proposed application is an improvement on the planned flats
- The proposed townhouses are attractive and high quality
- The proposed application ensures better views and landscapes for neighbours than previous plan.

Public Speaker, Supporter (Agent) – Spoke on:

- Existing dwellings on site are high quality and award winning
- Site has extensive history of residential development
- Low density layout
- The proposed dwellings have less impact than the planned flats
- Air-source heat pumps and Electric Vehicle charging stations
- Network Rail are now supportive of the application subject to conditions
- Drainage officer supports application
- Multiple letters of support for the application
- Delivery of 13 new homes in a sustainable location that contribute to the housing supply
- Financial contribution to offsite affordable housing
- Financial contribution to habitat regulation assessment
- Extensive landscaping and new tree planting
- Sustainable travel vouchers

Comments from Councillors included:

- The proposed design is an improvement on the proposed flats
- The application now has the support of Network Rail
- The drainage officer supports the application
- The application provides an offsite contribution to affordable housing.
- Any access rights to the railway are maintained in the application
- The site is already used for residential development and this application has a reduced impact compared to the planned flats
- The Flood Management Team at Devon County Council had advised that a groundwater survey had been requested by the Railway Authority but was now not needed following various works carried out.
- 13 trees planted on site would contribute to biodiversity

The Senior Planning Officer clarified that the application was submitted before the introduction of mandatory Biodiversity Net Gain and so there could not be a demand for the 10 percent mentioned in the reasons for call-in.

It was proposed by Councillor Williams and seconded by Councillor Bullivant that permission be granted as set out in the report.

A vote was taken – the result was unanimously in favour.

Resolved

That permission be granted subject to the following:

- a) The Applicant/Landowner first entering into a Section 106 Agreement to secure:
  - Affordable Housing contributions of £265,627; and
  - Habitat Regulations Assessment contribution of £3,041 to offset recreational pressure on the Exe Estuary SPA/Ramsar site and Dawlish Warren SAC; and
  - Provision of a Travel Pack and £300 sustainable travel voucher for each dwelling to promote the use of sustainable modes of transport.
- b) The completion of the s106 Agreement within 6 months of a resolution to grant planning permission, subject to any extension to this date being agreed with the Executive Member for Planning. In the event that the s106 Agreement is not completed within this period (or an agreed extension), delegation to the Head of Development Management to refuse the planning application due to the lack of obligations as set out in (a) above.

And the following conditions:

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.  
REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/Reference Number	Description
07 Mar 2024	1180-GA-31-HOUSE TYPE 02	Elevations (02_02)
07 Mar 2024	1180-GA-30-HOUSE TYPE 02	Elevations (01_02)
07 Mar 2024	1180-GA-29-HOUSE TYPE 02	Roof Plan

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07 Mar 2024	1180-GA-28-HOUSE TYPE 02	First Floor Plan
07 Mar 2024	1180-GA-27-HOUSE TYPE 02	Ground Floor Plan
07 Mar 2024	1180-GA-26-HOUSE TYPE 02	Below Ground Floor Plan
07 Mar 2024	1180-GA-25-HOUSE TYPE 01	Elevations (02_02)
07 Mar 2024	1180-GA-24-HOUSE TYPE 01	Elevations (01_02)
07 Mar 2024	1180-GA-23-HOUSE TYPE 01	Roof Plan
07 Mar 2024	1180-GA-22-HOUSE TYPE 01	Second Floor Plan
07 Mar 2024	1180-GA-21-HOUSE TYPE 01	First Floor Plan
07 Mar 2024	1180-GA-20-HOUSE TYPE 01	Ground Floor Plan
07 Mar 2024	1180-GA-09	Comparative Site Section
07 Mar 2024	1180-GA-08	Comparative Site Section
07 Mar 2024	1180-GA-07	Proposed Site Section
07 Mar 2024	1180-GA-06	Proposed Site Section
07 Mar 2024	1180-GA-03	Proposed Block Plan
09 May 2024	GE-SHELLCOVE-02 REV A	Planting Plan
09 May 2024	GE-SHELLCOVE-01 REV F	Landscape General Arrangement Plan
09 May 2024	1180 GA-10 REV A	Proposed Levels Plan and Retention Features
09 May 2024	1180 GA-03 REV A	Proposed Block Plan
09 May 2024	1180 GA-001	Ordnance Survey Plan

REASON: In order to ensure compliance with the approved drawings

**Prior to commencement conditions**

3. Prior to commencement of the hereby approved development the following drainage details shall be submitted to and approved in writing by the Local Planning Authority:
- a) A detailed drainage design based upon the hereby approved Drainage Statement (Report Ref. 1086.DS, Rev. A, dated 23rd May 2024) and the Response to Drainage Comments document (HCE1086, dated 6th March 2025); and
  - b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted; and
  - c) Proposals for the adoption and maintenance of the permanent surface water drainage system; and
  - d) A plan indicating how exceedance flows will be safely managed at the site; and
  - e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

The approved detailed surface water drainage scheme shall then be implemented in strict accordance with the approved details prior to the first occupation of any of the hereby approved dwellings. Then the scheme shall thereafter be retained and maintained in accordance with the approved management details.

REASON: In the interest of ensuring that the site is served by an appropriate surface water drainage management system which would not cause an increase in flood risk either on site or elsewhere. The details are required prior to commencement as it is essential that the proposed surface water drainage system is shown to be feasible before works begin.

4. Prior to commencement of the hereby approved development a tree and hedge protection plan and a method statement setting out the details and timetable of how the retained trees, hedges their respective root protection areas will be protected during the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details, and the protection shall remain in place for the entirety of the construction phase of the development.

REASON: In the interest of protecting the retained trees and hedges on the site some of which are subject to a Tree Preservation Order for the benefit of the visual amenity of the area. The details are required to be prior to commencement as it is essential to ensure that the trees and hedges are

suitably protected since the beginning of the development including any site set up.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
- (a) the timetable of the works;
  - (b) any road closure;
  - (c) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18:00 Mondays to Fridays inclusive; 09:00 to 13:00 Saturdays, and no such delivery or vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
  - (d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (g) hours during which no construction traffic will be present at the site;
  - (h) the means of enclosure of the site during construction works; and,
  - (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
  - (j) details of wheel washing facilities and obligations;
  - (k) the proposed route of all construction traffic exceeding 7.5 tonnes;
  - (l) details of the amount and location of construction worker parking;
  - (m) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall be carried in strict accordance with the approved details.

REASON: In the interest of highway safety and neighbouring

residential amenity. This detail is required prior to commencement as impacts can occur immediately upon works starting.

6. Prior to commencement of the hereby approved development details of the confirmed heights of retaining walls and structures, finished floor levels and material treatment of all retaining structures in accordance with drawing referenced 1180 GA-10 REV A (Proposed Levels Plan and Retention Feature) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In order to ensure that the development is carried out in accordance with the approved levels strategy in the interest of landscape and visual amenity of the area as well as impact on residential amenity of neighbouring properties. The details are required prior to commencement as any ground and levelling works are likely to be undertaken at the earliest stages of the development.

#### **Prior to installation/commencement of certain works conditions**

7. Prior to their first use in the construction of any of the hereby approved dwellings, details, specification and samples of all facing, roofing, window and door materials, and boundary treatment materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.

#### **Compliance conditions**

8. The development hereby approved shall proceed in strict accordance with precautions, mitigation measures and enhancement as described in Section 5 of the Ecology Report (by South West Ecology dated 23rd March 2023) referenced SWE 798 VERSION NO: 1.

REASON: In the interest of protecting legally protected species and to ensure biodiversity enhancements are delivered as part of the development.

9. Any works associated with the hereby approved development shall only take place between the hours of 08:00 to 18:00 Mondays to Fridays inclusive; 09:00 to 13:00 Saturdays, and no working on the site to take place on Sundays and Bank/Public Holidays. No lighting shall be left on over-night during the construction phase. Works compounds to be located away from existing roosts, new roost building, hedges and other retained vegetation. Works compounds lighting to be PIR activated security lighting only on short timers (1 minute maximum), directed away from bat roosts, hedges and

trees.

REASON: To permit continued use of the site by light-averse bats.

10. The development hereby approved shall be carried out in accordance with the Energy Statement – Phase 4 received on 4th March 2024 and the Travel Plan referenced 1086.TP REV A. The measures described within the statement and the plan shall thereafter be maintained and retained for the life of the development.

REASON: In order to ensure that the development plays its part in reducing carbon emissions.

11. The hereby approved landscaping and planting scheme shall be implemented in strict accordance with the hereby approved drawings referenced GE-SHELLCOVE-01 REV F (Landscape General Arrangement Plan) and GE-SHELLCOVE-02 REV A (Planting Plan) within the first available planting season following the first occupation of any of the hereby approved dwellings. The landscaping and planting shall thereafter be retained, maintained and managed in accordance with the hereby approved Landscape and Ecological Management Plan (July 2024) REV B. Any trees or plants that, within an establishment period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with other species, size and number as originally approved.

REASON: In the interest of securing the implementation and ongoing management of the submitted landscaping scheme designed to complement the development in respect of its visual and landscape amenity.

12. Prior to the first occupation of each of the hereby approved dwellings, the air source heat pumps as identified on drawings referenced 1180-GA-20-HOUSE TYPE 01 (Grand Floor Plan) and 1180-GA-26-HOUSE TYPE 02 (Below Ground Floor Plan) in accordance with details set out in the Energy Statement - Phase 4 shall be installed, operational, and thereafter maintained and retained to serve each of the dwellings.

REASON: In order to ensure that the development plays its part in reducing carbon emissions.

13. Prior to the first occupation of Unit 01 and Unit 04 as identified on drawing numbered 1180-GA-03 (Proposed Block Plan) hereby approved the windows on the first floor south west elevation and first floor north east elevations as identified on drawings numbered 1180-GA-30-HOUSE TYPE 02 (Elevations 01\_02) and 1180-GA-31-HOUSE TYPE 02 (Elevations 02\_02) and shall be fitted with a minimum of level 3 obscured glazing over the entirety of the window with no clear areas and shall thereafter be permanently retained in that condition.

REASON: In the interests of adjoining residential amenity.



14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the types described in Classes A, AA, B, C, D, E of Part 1 and Class A of Part 2 of Schedule 2 (which includes extensions, alterations and means of enclosure to the dwellings) shall be undertaken on the premises (other than those expressly authorised by this permission).

REASON: To ensure that the character and appearance of the locality are protected.

15. No external lighting shall be installed on, or in association with, the new buildings, except for low-lumen, LED, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any such lights shall be mounted in association with doors only, at a height no greater than 1.9m from ground level, directed and shielded downward and away from hedges and trees. The lights shall produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more.

REASON: For the benefit of legally protected light-averse bats.

16. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 17 metres to the left and 43 metres to the right.

REASON: To provide adequate visibility from and of emerging vehicles in the interests of highway safety.

17. Prior to the occupation of any of dwellings hereby approved, Standard Assessment Procedure (SAP) calculations for at least 50% of the dwellings demonstrating compliance with the approved Energy Statement - Phase 4 received on 4th March 2024 shall be submitted to and approved in writing by the Local Planning Authority. If compliance is not demonstrated an updated Energy Statement and supporting SAP calculations shall be submitted to and approved in writing prior to any occupation.

REASON: In the interest of ensuring that the proposed carbon reduction measures are implemented.

b) **Shaldon: 25/00544/HOU & 25/00545/LBC - 4 Marine Parade**

Both applications were withdrawn by the applicant before the Committee Meeting.

**96. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.**

The Committee noted the appeals decisions made by the Planning Inspectorate.

It was noted that one of the non-determined applications that was approved by the Inspectorate was not considered appropriate to determine by the relevant Planning Officer due to elements of a residential development having been found on the property.

**97. S73 MAJOR DECISIONS SUMMARY**

The Committee noted the Major Decisions Summary Sheet.

The meeting started at 10.00 am and finished at 10.38 am.

CLLR S SANDERS  
Chair