

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in THE REPTON ROOM, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 10 NOVEMBER 2021

Members in attendance * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil (Chairman)	*	Cllr G Pannell
*	Cllr D Brown	∅	Cllr K Pringle
*	Cllr R J Foss (Deputy Chair)	*	Cllr H Reeve
*	Cllr J M Hodgson	*	Cllr R Rowe
*	Cllr K Kemp	*	Cllr P Smerdon (substituting for Cllr Pringle)
		*	Cllr B Taylor

Other Members also in attendance and participating:

Cllrs J McKay; D O'Callaghan

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Specialists and Specialists – Development Management; Legal Officer; IT Specialists; and Democratic Services Officer;
Item 6a	3389/21/TPO	Tree officer;
Item 6c	3792/20/FUL	Flood Risk Engineer, Environment Agency; Schools Planning, Pupil Placement, and Commissioning Manager, Devon County Council

DM.32/21

MINUTES

The minutes of the meeting of the Committee held on 6th October 2021 were confirmed as a correct record by the Committee.

DM.33/21

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 B Taylor declared a personal interest in applications 3047/21/HHO (Minute DM.35/21(6e) below refers) as he was a Member of the South Devon AONB Partnership Committee. The Member also declared an interest in 3155/20/FUL (Minute DM.35/32(6b) below refers) as he knew the applicant. The Member remained in the meeting and took part in the debate and vote thereon;

Cllrs R Foss and P Smerdon also declared a personal interest in 3155/20/FUL

(Minute DM.35/32(6b) below refers) as they knew the applicant. The Members remained in the meeting and took part in the debate and vote thereon;

DM.34/21

WITHDRAWN APPLICATION

The Chairman advised the Committee that application number 0647/21/FUL (Construction of a stone finished car park – Asherne Lodge, Strete TQ6 0RW) had been withdrawn by the applicant prior to the start of the meeting.

DM.35/21

PUBLIC PARTICIPATION

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.

DM.36/21

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:

6a) 3389/21/TPO Tree Preservation Order, 636 Endsleigh, Jubilee Road, Totnes, TQ9 5BP

Town: Totnes Town Council

Proposed Works: Undertake a lateral branch reduction to the limb overhanging and in contact with roof, by 3m.

Case Officer Update: Nothing to update

Speakers included: No speakers

Recommendation: The Council grants consent for the proposed lateral reduction to the limb overhanging and in contact with the roof of Golden Oktober by 3 metres

Committee decision: The Council grants consent for the proposed lateral reduction to the limb overhanging and in contact with the roof of Golden Oktober by 3 metres

6b) 3155/20/FUL Daynes Farm, Harberton, TQ9 7FB

Parish: Harberton Parish Council

Development: Erection of farm shop/butchery building and provision of associated infrastructure

Case Officer Update: The Case Officer updated that recommendation refusal reason four was to be discarded as it was no longer relevant because changes to the material on the outside of the building had been made and accepted. The officer then updated on access issues and charging points on site.

Following questions to the Officer, it was confirmed that the ecological assessment was still to be received, and the hedge at the proposed entrance would be moved which could limit impact on the environment but there would still be disruption.

Speakers included: Supporter – Mr David Camp; Parish Council: statement read; Ward Member – Cllr J McKay.

Following questions to the applicant, it was confirmed that there would not be a fence along the approach track, which would be hard core stone. The field would be used for grazing with additional trees planted. The applicant confirmed that they currently had solar panels on the existing buildings which allowed for an amount to be returned to the grid. The intention was to recover the heat from the fridges and recycle this to heat water in the farm shop.

The Ward Member highlighted that the farm was already organic and selling local produce, thereby reducing food miles and packaging, and was a vital part of much needed enterprises across the District. It was his opinion that the increase in traffic would have little effect on local amenities as the route was not near residential buildings. The Member felt that the butchery unit was far enough away from live animals, and would keep the public away from the farm, but would give them views across the farm, helping to tell the farm story to visitors and local students. It was confirmed that butchery would be onsite and slaughtering would be locally carried out at Ashburton.

During the debate several Members felt that this application should be deemed sustainable due to being on the bus route, the proximity to Harberton, and the recovery and reuse of the heat from the farm machinery. It was noted that the officer had no option but to recommend refusal due to the policies in the Joint Local Plan (JLP). It was recommended that this should be looked at when the JLP was next reviewed.

It was suggested that, if Members were of a mind to approve the application, the decision delegation could be dependent upon receipt of the ecology report.

Recommendation: Refusal

Committee decision: Conditional Approval delegated to the Head of Development Management (DM), in consultation with the Chairman of the DM Committee, proposer, seconder, and the local Ward Member.

Conditions

- 1) eco assessment looking at movement of hedge, also details of how hedge is being moved, and general area, plus mitigation, ecology report, and revised access plan
- 2) external lighting, plan, where, strength, times
- 3) Tree planting and landscaping – extensive, particularly around building and track
- 4) Larch timber cladding example
- 5) Conditioning what is sold

6c) 3792/20/FUL River Dart Academy, Shinnars Bridge, Dartington, TQ9 5JD

Parish: Dartington Parish Council

Development: Planning application for erection of a new school building on the site of the current school, new reduced car park, associated hard and soft landscaped play areas, new boundary treatment to the site, and removal of 8no. C grade trees and 2no. U grade trees and demolition of two temporary classroom units

Case Officer Update: The Case Officer emphasised the potential risk of life outlined in the consultation response from the Environment Agency. The ecology comments on this application were only recently received. The Ecologist at Devon County Council (DCC) had raised no objections but had stipulated that a Habitats Regulations Assessment from Natural England was required. This had been requested but not yet received. It was confirmed that the application had been called to Committee by the Head of Planning and not by the local Ward Member.

In response to questions from Members, the Environment Agency Engineer further explained the issues with flooding, including the propensity for the site to flood quickly, with the wire fence potentially causing blockages which could lead to flash flooding, and confirmed flood records went back to 1970s which showed that this school flooded on average every five years or so.

The Schools Planning and Commissioning Manager for Devon County Council (DCC) confirmed that many schools in Devon were located in flood zones and it was not practical to move them all. The existing site was no longer suitable for the vulnerable children using the Academy, hence the application. He

confirmed that the fence was a requirement of the Department of Education, not DCC.

Speakers included: Objector – Ms S Mara; Supporter – Ms B Mukherjee; Parish Council – Cllr T Turrell; Ward Member – Cllr J Hodgson;

When questioned the applicant confirmed that the Dartington Trust had not engaged when approached about possible alternative educational sites on the Estate, and that the Department of Education funding was for the current site.

The Ward Member outlined her support for the Parish Council's view that this application was inappropriate for the site particularly when considering that weather patterns were worsening, thereby increasing the potential for severe flooding.

The Planning Manager outlined that refusal notice would not be issued until the Habitats Regulations Assessment from Natural England had been received as this might give a third reason for refusal.

Recommendation: Refusal

Committee decision: Refusal

6e) 3047/21/HHO 38 Linhey Close, Kingsbridge, TQ7 1LL

Town: Kingsbridge Town Council

Development: Householder application for detached garage including extension to existing first floor terrace and regularisation of replacement boundary wall (resubmission of 1229/21/HHO)

Case Officer Update: Following questions raised at the site visit, the Officer confirmed that the boundary to the site included the strip of land in front of the fence. She also confirmed that the fence down the hill would need enforcement action taken.

Speakers included: Supporter – Mr P George; Ward Member – Cllr D O'Callaghan

The Ward Member in attendance confirmed that both Ward Members had visited the site and agreed that it was a subjective view. Although the site was within the AONB Devon (Area of Outstanding Beauty), the site was located in the middle of a housing estate.

During the debate, Members agreed that the site visit had been useful. Several Members felt that the wall was not in keeping with the original design of the estate and would fundamentally change the street scene, while other Members felt that the new fence was a considerable improvement over the previous hedge which had grown out and over the pavement. Members were of the opinion that the acceptance of the fence would be dependent upon the steps taken to minimize the starkness of the wall.

Recommendation: Refusal

Committee decision: Conditional approval on receipt of approved scheme to minimize starkness of wall. Head of Development Management (DM) in consultation with the Chairman of the DM Committee and the local Ward Members

Conditions:

Standard time limit
Accord with plans
Details of landscaping
Paint colour finish
Surface water drainage

DM.37/21 **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. It was raised that when the Planning Inspector was reviewing Householder decision appeals, currently there was no option to make a statement but the evidence submitted was only the officer report and decision notice. Therefore, it was deemed necessary to look at ways to ensure that the Committee's reasons and decisions were also put before the Inspector. It was also acknowledged that Conservation Area Appraisals were being reviewed.

DM.38/21 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted. It was requested that the list be updated to remove obsolete applications.

(Meeting commenced at 10:00 am and concluded at 2:40pm, with lunch at 1:30pm to 2:00pm and a ten minute break at 11:20am.)

Chairman

Voting Analysis for Planning Applications – DM Committee 10th November 2021

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
3389/21/TPO	“Endsleigh”, Jubilee Road, Totnes	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Reeve, Rowe, Smerdon, Taylor (12)			
3155/20/FUL	“Daynes Farm”, Harberton	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Reeve, Rowe, Smerdon, Taylor (12)			
3792/20/FUL	“River Dart Academy”, Shinnars Bridge, Dartington	Refusal	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Reeve, Rowe, Smerdon, Taylor (12)			
3047/21/HHO	38 Linhey Close, Kingsbridge	Conditional Approval	Cllrs Abbott, Brazil, Brown, Hodgson, Kemp, Reeve, Rowe (7)	Cllrs Foss, Long, Pannell, Smerdon, Taylor (5)		