

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in COUNCIL CHAMBERS, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 1 JUNE 2022

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

Other Members also in attendance via Teams and participating:
Cllr

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Specialists and Specialists – Development Management; Monitoring Officer; IT Specialists; and Democratic Services Specialist;

DM.07/22 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 Reeve declared a non-registerable interest in application 0050/22/FUL as the applicant was related to the Member. Cllr Reeve left the meeting for that application and took no part in the debate nor vote thereon, Minute 09/22 (c) refers.

DM.08/22 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.09/21 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) 1159/21/FUL

**Land at West End Garage, Salcombe, TQ8 8NA
Town: Salcombe Town Council**

Development: Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)

Case Officer Update: The Case Officer clarified that Salcombe Town Council had submitted a revised consultation response. During questions from Members, it was clarified that the floor space and stairs accessibility in the flats complied with guidelines. It was also confirmed that the orientation changes had impacted slightly on the efficiency of some solar panels.

Speakers included: Supporter – Mr S Thompson; Parish Council – Cllr M Fice; Ward Members – Cllrs M Long and J Pearce

Following questions to the Speakers, it was confirmed that the **bun** would not be built above and it would have protection from sideways roots. Salcombe Town Council confirmed that, although they objected to the development, they had no concerns to register. However, the Town Council were concerned about the safety of pedestrian access to the site, although Devon Highways had raised no concerns, only asking for removal of the grass verge on the opposite side of the road to accommodate a footpath. The Applicants had offered to pay for a pelican crossing, but Devon Highways would not support this.

One of the Ward Members stated that she thought the access to the flats was convoluted, with insufficient lights and windows in the flats. The Member felt that the affordable housing had been relegated to the least appealing area of the development. She outlined her wish for the application to be deferred to try to improve the allocated site.

The other Ward Member agreed with his fellow Ward Member but conceded that the application would provide much needed homes and the protection of the affordable housing via the Section 106 agreement (S106) was welcomed.

During the debate, some Members stated their view that the control over residency, as outlined in the S106 and suggested conditions, was beneficial to the area. One Member requested that there should be a means of ensuring that playing, particularly of ball games, was not able to be outlawed.

A Member voiced concerns regarding the sizing of some properties which were minimal acceptance on sizing. She also outlined that the objection raised by the AONB (Area of Outstanding National Beauty) had raised an objection but there had been no attempt made to ameliorate this. The Member also questioned whether enough weight had been given to the Joint Local Plan (JLP) and Supplementary Planning Documents (SPD), and that deferral would allow a review of the site.

It was felt that deferral would also allow the opportunity for Devon Highways to revisit their decision, including potential speed restrictions on the highway, and to be invited to Committee if their decision remained the same. Members stated that the deferral could lead to achieving a better site overall.

If the deferral vote was successful, it was stated that officers would require a clear steer on what changes needed to be made and that the Ward Members should meet with the Applicant. It was then clarified that the Ward Members wished to see improvement in space standards for the affordable housing; amenity spacing and siting as child safety concerns had been raised because the amenity space for the flats was not overlooked by the flats. Access to the flats was also to be reviewed, as was the level of lighting and windows.

Recommendation: Conditional Approval, subject to prior completion of S106 agreement

Committee decision: Deferral

The Chairman acknowledged that this was the last presentation by the Case Officer as she was leaving the Council. He passed on the thanks of the Committee to the Case Officer.

**6b) 1704/21/HHO Summerleaze, Drake Road, Salcombe, TQ8 8EG
Town: Salcombe Town Council**

Development: Householder application for roof extension and alterations to front, side, and rear

Case Officer Update: It was confirmed that this application had been sent to Planning Inspectorate (PINS) for determination, therefore this application decision would not be published but would form part of the Council's case at the PINS' hearing.

The Case Officer confirmed that the two previous appeal decisions had been upheld, with the proposed application acceptable except for the issue of daylight and sunlight impact on the neighbour. The applicant had submitted an independent report, which had been revised to reflect the proposed roof form, and the impact on the neighbouring property. The case officer clarified the changes from the previous refused application: the physical form has not changed save for the pitched roof being exchanged for a butterfly roof which the applicant stated that it improved the light to the neighbour.

Speakers included: Objector – Mr R Wheeler; Supporter – Ms L Davies (read out); Town Council – Cllr M Fice; Ward

Members – Cllrs M Long and J Pearce

The representative of the Town Council stated that the daylight problems to the neighbour remained, however the inclusion of a construction management plan was welcomed. Following a question from a Member, the Representative confirmed the Town Council were against the application but acknowledged PINS had approved the principal of building on the lot.

During her presentation, one of the Ward Members reiterated that the Committee were only reviewing the overshadowing on the neighbouring property directly to the north. She outlined that DEV1 implications to the application, including the potential impact of the butterfly roof to the north lower ground floor level of the neighbouring building, particularly in the winter months when the sun is lower in the sky.

The other Ward Member reiterated that the key issue for him was safe-guarding amenities for residents, and health and well-being in winter. He questioned whether anything had changed in the new application.

During the debate it was stated that Members did not see any changes to the previously refused applications, and that the issues of light to the neighbours remained an issue.

Recommendation: Conditional Approval

Committee decision: Refusal

Reasons for refusal to be clarified by the Chair, Vice Chair, Proposer and Secunder but would be based on DEV1 and the Neighbourhood Plan, covering daylight protection for the neighbour and their health and well-being.

**6c) 0050/22/FUL “Land at The Mounts”, East Allington, Totnes, TQ9 7QE
Parish: East Allington Parish Council**

Development: Provision of temporary agricultural dwelling (mobile home) for three years

Case Officer Update: The Case Officer explained that this application had been called to Committee as the applicant was a relative of one of the Committee Members. It was confirmed that no objections had been received.

Recommendation: Conditional Approval.

Committee decision: Conditional Approval.

Conditions

1. 3 year time limit for commencement
2. Accordance with approved plans
3. Removal of temporary dwelling within three years
4. Occupation restricted to agricultural worker
5. Unsuspected contamination
6. Foul water drainage
7. Surface water drainage
8. No external lighting
9. Prior to above level works, details of hard and soft landscaping, and a hedgerow cross section to be provided and approved by the LPA.

**6d) 1357/21/ARM Beacon Park, Dartington
Parish: Dartington Parish Council**

**Development: READVERTISEMENT (Amended development description)
Application for approval of reserved matters (appearance, landscaping,
layout and scale) following outline approval 3631/17/OPA relating to
Building 3, for the erection of a mix of B1, B2 & B8 employment spaces and
associated works with a drainage scheme.**

Case Officer Update: The reserve matters were outlined, and the reorientation of buildings explained, which would alter the amount of available space but would still be sufficient to put in seven more trees. There was a 3% increase in the square meterage of the buildings than at outline permission. It was confirmed all the buildings were for one business and that route of the footpath clarified.

Speakers included: Supporter – Ms A Burden; Ward Member – Cllr J Hodgson;

The Ward Member reiterated that data used for flood modelling was outdated and more recent data was available, which she requested was to be used in any future applications. Following confirmation of receipt of Devon County Council's withdrawal of their previous objection, the Ward Member reluctantly supported the application.

The Development Management Manager was tasked to confirm which flood figures were being used and to find out why not all documents appear on the Council's webpage for Planning.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions: (list not in full)

1. Time for commencement

2. Accordance with plans
3. Samples of materials
4. Low carbon development
5. Adherence to Arboricultural Method Statement
6. Landscaping
7. Drainage

6e) 4701/21/FUL Linhay Barn, Budlake, Ermington, PL21 9NG
Parish: Ermington Parish Council

Development: Erection of agricultural worker's dwelling

Case Officer Update: Although 200 fruit and nut trees had been planted in the last few years, it was not deemed sufficient reason to justify an agricultural worker's dwelling. The proposed dwelling would give significant ecological gain, with the existing barn repaired as an item of heritage.

It was confirmed that the application site was outside the village envelope and that the previously approved application for converting the barn was extant, thereby potentially allowing two dwellings on this site.

Speakers included: Supporter – Mr M Walker; Parish Council – Cllr D Onley; Ward Member – Cllr T Holway;

Following questions from Members, the applicant clarified that there was an intention to have live stock on the site as part of the wild life meadow cultivation. Other products would be willow, hazel, hay, and apples for sale throughout the year via sustainable storage. The applicant confirmed that the existing barn was 240 years old and currently used by various wildlife, including barn owls and swallows.

The Parish Council confirmed that they were in favour of the new application as it was more beneficial than the extant one. The Parish Council had no Neighbourhood Plan but would include the new dwelling in any alteration of the planning envelope. The representative also outlined that the restoration of the Linhay barn was already underway which would make it more difficult to convert into a dwelling. He also outlined that Linhay was a much loved ancient building and the Parish would not support it being a dwelling.

The Ward Member explained that he was favour of this application as it had

strong biodiversity and climate change improvements over the extant permission, however, he understood that granting this application would give the possibility for two dwellings on this site. It was confirmed that this could not be altered by reversing the previous approval, nor through a Section 106 agreement.

During the debate, it was clarified that, as building work had started on the barn, the planning permission was now extant and could be built out in the future if there was a change of ownership or decision. There was an in-depth discussion to see if there could be a legal means to cancel the original planning permission on the barn but there were none unless the formal route was taken. Members agreed it was a very difficult decision to make.

Recommendation: Refusal

Committee decision: Refusal

DM.10/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted. It was confirmed that withdrawal of an.

DM.11/22 **PLANNING APPEALS UPDATE**

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

(Meeting commenced at 10:00 am and concluded at 4:07 pm, with a 10 minute break at 10:45 am and 3:50pm, with lunch at 12:55 pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 1st June 2022

<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>
1159/21/FUL	Land at West End Garage, Salcombe	Deferral	Cllrs Brazil, Hodgson ^s , Long ^p , Pannell, Reeve (5)	Cllrs Abbott & Smerdon (2)	Cllrs Foss & Rowe (2)	Cllr Brown, Kemp, Pringle, Taylor (4)
1704/21/HHO	Summerleaze, Drake Road, Salcombe	Refusal	Cllrs Abbott, Brazil ^p , Foss, Hodgson, Long, Pannell, Reeve, Rowe, Smerdon ^s (9)			Cllr Brown, Kemp, Pringle, Taylor (4)
0050/22/FUL	Land at the Mounts, East Allington, Totnes	Approval	Cllrs Abbott, Brazil ^p , Foss, Hodgson, Long, Pannell, Rowe, Smerdon ^s (8)			Cllr Brown, Kemp, Pringle, Reeve, Taylor (5)
1375/21/ARM	Beacon Park, Dartington	Approval	Cllrs Abbott, Brazil ^p , Foss, Long, Pannell, Reeve, Rowe, Smerdon ^s (8)		Cllr Hodgson (1)	Cllr Brown, Kemp, Pringle, Taylor (4)
4701/21/FUL	Linhay Barn, Budlake, Ermington	Approval	Cllrs Abbott ^s , Brazil, Hodgson ^p , Reeve (4)	Cllrs Foss, Long, Pannell, Rowe, Smerdon (5)		Cllr Brown, Kemp, Pringle, Taylor (4)
4701/21/FUL	Linhay Barn, Budlake, Ermington	Refusal	Cllrs Foss, Long, Pannell ^s , Rowe, Smerdon ^p (5)	Cllrs Abbott, Brazil, Hodgson, Reeve (4)		Cllr Brown, Kemp, Pringle, Taylor (4)

Councillors in **bold** – ^p proposer and ^s seconder