MINUTES of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE** held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES,** on **WEDNESDAY, 6 July 2022**

Members in attendance * **Denotes attendance** ø **Denotes apologies**			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil	ø	Cllr G Pannell
*	Cllr D Brown	*	Cllr K Pringle
*	Cllr R J Foss (Chairman)	*	Cllr H Reeve
*	Cllr J M Hodgson	*	Cllr R Rowe (Deputy Chair)
ø	Cllr K Kemp	*	Cllr B Taylor
*	Cllr Thomas (substituting for Cllr Pannell	*	Cllr McKay (substituting for Cllr Kemp) (for 5(a) only (Minute DM.15/22 refers)

Other Members also in attendance and participating:
Cllr J Pearce and Cllr H Bastone

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management; Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer; IT Specialists; and Democratic Services

DM.12/22 **URGENT BUSINESS**
The Chairman advised that there was no urgent business

DM.13/22 **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 B Taylor declared an Other Registerable Interest in applications 5(a), (b), (c) (d) and (f) (minutes DM.15/22 below refer), he was a member of the Member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

Cllr J Brazil declared a Personal Interest in applications 5(f) (minutes DM.15/22 below refer), the applicants are personal friends. The Member remained in the meeting and took part in the debate and vote thereon.

DM.14/22 **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.15/22 **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:

5a) 1059/22/FUL **Car Park off Leonards Road", Leonards Road, Ivybridge.**
Parish: Ivybridge East

Development: Delivery of a new A1 food retail store circa. 1950m2 (shell only), associated 2-tiered carpark, highway works, pedestrian, cyclist and public realm enhancements

The Chairman handed over to the Monitoring Officer to read the following statement:

"The following application is one that has been submitted by the Council. It is not unusual for a council to apply for planning permission and for the same council to decide whether planning permission should be granted or not. The law expressly allows for this. As with any other planning application that the Committee has to consider, the Committee is required to determine the application on its merits having regard to the development plan and any material considerations. The planning officer's report to the Committee makes it plain what considerations are material and equally those that are not. Any benefits that the Council as the applicant and landowner might accrue from the proposed development are entirely separate from the planning process and are not relevant to the decision about whether the planning application should be approved or not."

Case Officer Update: The Case Officer shared images of the site area and highlighted the development outline to members, different views following the site visit from the car park in relation to the Town Hall and Glanville Mill, EV charging points, disabled parking, mother and baby spaces, cycle path and planting/seating area. Image showing the different elevations and existing vegetation and the materials to be used on the build will be Siberian larch timber blades which will fade to a grey and will be in keeping with the surroundings.

The Chairman adjourned the meeting at 10.17 am to address technical issues with the live streaming. The meeting reconvened at 10.30 am and the Case Officer proceeded from the beginning of the presentation for the benefit of the recording of the meeting.

The Case Officer highlighted the concerns expressed on the location and stated that a retail impact assessment had been undertaken for an edge of centre site and concluded that the Co-op would see a loss in sales, however the Tesco at Lee Mill would see the most impact.

There will be a temporary loss of car parking spaces and currently there are 227 spaces. The proposals will see 222 spaces with an overall loss of 5 spaces, 99 spaces allocated to Aldi with 90 minutes free parking and 115 spaces run by SDHC. The percentage of parking allocation will be 44% to Aldi and 56% to SHDC. A survey was undertaken and at peak times 99 spaces were available across Ivybridge. A mitigation scheme will be put in place during the construction period of 6 – 9 months or until the lower deck is open with a free shuttle bus from station car park, promotion of existing car parks and tariffs changed to allow shoppers to stay longer.

There will be public realm improvements with a new skate park and tree planting and vegetation on site. The JLP seeks to avoid tree loss however building on the car park cannot be secured without the loss of trees. £172k of mitigating tree planting on site and in other areas of Ivybridge. Report submitted on flooding in this area and in order to overcome concerns the swale areas of land lower and can accommodate access water. Image showing the section of the swale. Drainage must be dealt with on site and in terms of impact potential flooding.

Police commented that they did express concerns on the development and applicants will have adequate lighting and trolleys locked. The applicant will undertake a review within a year of opening to ascertain what parts of the car park require CCTV.

This is supported by planning policy, there will be trade diversion, no significant competitive between Aldi and other retailers, car parking has been mitigated, drainage mitigated with a swale, no objections from the environment agency or flood agency. The Case Officer concluded that overall the proposals were in line with planning policies and the location supported by planning policy.

Speakers included: Objector – Jo Burgess (slides); Supporter – Martin Simpson; Parish Council – Cllr Hladkij (slides); Ward Members - Cllrs Abbot (slides) and Pringle

Following questions to speakers it was felt that an independent person should be appointed to undertake the assessment to review both reports before making a final assessment. It was reported that no other site was highlighted for this development. They were not asked to look at sustainable materials for the development which would also have cost implications. They were offering a range of flexible car parking tariffs to give people more flexibility when they visit Ivybridge. They looked at several layouts for the site and wanted to maintain the car parking numbers and unfortunately there would be a loss of trees.

The Ward Members thanked members for attending the site visit. They said that this is not just a commuter town was their home. Ivybridge has the lowest number of car parking spaces in comparison to other towns in the South Hams area. Car parking will be further impacted by construction workers taking up spaces and the impact on the loss of parking on local businesses, and people trying to access NHS services. An Aldi built in Totnes, Kingsbridge, Salcombe or Dartmouth take away from our town. Experts saying two different things regarding the veteran tree

and crucial to understand whether the tree is veteran before development takes place. Members when stood by the Co-op store saw green and this will be replaced by a two-storey building. When the bridge was renovated businesses saw a reduction in footfall which resulted in a shop not opening on the second day. The town has regenerated and recovered from covid and there is only one empty shop on Fore Street. Ivybridge is regenerated and do not take away the livelihood of retailers. The impact on the loss of car park for the Breast Screening Unit and Thursday market.

During the debate, Members felt that this scheme was not supported within the Ivybridge Neighbourhood Plan and would negatively impact on an already thriving Town Centre. Members questioned whether there was a more suitable site for this development. Concerns raised on the veteran trees and wildlife and the impact of the removal of trees. Members questioned whether appropriate assessments on flood risk, economic impact and the age of the veteran tree had been undertaken. The loss of car parking was of concern and the impact of the proposed mitigation during construction would have on the Town Centre. Members felt that appropriate assessments had not taken place on the viability of this scheme.

Recommendation: Approval

Committee Decision: The Head of Planning in consultation with Cllrs Hodgson, Brazil, Chairman and Vice-chair be authorised to finalise the reasons for the refusal of planning permission based on the Committee's concerns about parking provision, the unacceptable impact on town centre businesses, the design and retail building not supporting the local vallecular and would cause harm to the visual appearance to site and aesthetics; and the loss of trees as a result of the development being likely to have a significant impact to biodiversity.

5b) 1430/21/ARM **"Site at SX 775 424", East of Creek Close, Frogmore**
Parish: Frogmore and Sherford

Development: READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline approval 3880/17/OPA

Councillor Rowe chaired this application.

Case Officer Update: Two updates since the report written. The neighbourhood plan has been through a referendum and no change to the report. Cirl Bunting mitigation has been covered by an obligation in a Section 106 Agreement and therefore the proposed condition referred to in the report can be omitted.

Speakers included: Supporter – Alex Perraton; Parish Councillor – Cllr Smith

Following questions to speakers, it was reported that the agricultural access retained due to the narrowness of Mill Lane for large vehicles. There will be occasional access to that field.

The Ward Member questioned the safety of large farm machinery accessing the field and the layout of the site.

In response to questions from speakers it was reported that highways have not objected to this application.

During the debate Members discussed the layout of the site and agricultural access. The meeting was adjourned at 14.44 to ensure the right information was being provided. The meeting reconvened at 14.46 and officers reported that they were happy with the overall layout and that the access to the field would be very occasional.

Recommendation: Grant Permission

Committee decision: Grant Permission

Conditions:
1. Time limit (2 years) – as per the outline condition
2. Accordance with plans
3. Highways engineering details
4. Drainage (Installed in accordance with plans)
5. Compliance with Ecology report/LEMP
6. Biodiversity net gain
7. External lighting
8. Compliance with DEV32
9. Materials details - stonework, render and slate prior to commencement
10. Remove PD rights

5c) 0746/22/FUL "Houndall Farm", Sparkwell
Parish: Sparkwell

Development: Construction of replacement dwelling in place of barn with Class Q approval under 1567/21/PDM

Case Officer Update: This application is a full planning application for the demolition of the agricultural dwelling, and the construction of a replacement three-bedroom, two-storey dwelling.

Following questions from members it was reported the ridge height of the dwelling on the existing building will be higher by 4m. The fact the development cannot be seen isn't a reason for granting permission. On this site the principle of a residential dwelling is already established for Class Q permission. Members

questioned the size of the dwelling and it was reported by the agent that the size of the new building was not significantly larger.

Speakers included: Supporter – Amanda Burden; Ward Member – Cllr Baldry.

In response to questions to speakers it was reported that the ridge height was 9.5 m and the Scandinavian design of the build allows for better ventilation. The metal roof design to keep the agricultural feel of the building.

The Ward Member reported that he had enormous sympathy for Mr Kendrick and his needs for a more accessible dwelling, however the Ward Member said that personal circumstances were not material. The Ward Member reported that the Parish Council have raised objections with the increase in size and sustainability of the development. The Ward Member further reported that the development had limited accessibility and was not sustainable and therefore vote against the officer recommendations.

During the debate Members identified the main issues as the increase in size and whether detrimental effect on the landscape and heard from the officer this dwelling cannot be seen. Officers reported that the dwelling was now 18% bigger in volume metric and this was seen as an acceptable increase. Members also welcomed a high-quality eco-house.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:
Standard time limit
Accord with plans
Removal of permitted development rights
Walls to be natural timber
Details of materials
No external lighting
Accord with drainage details
Details of ASHP prior to installation
Details of noise mitigation prior to occupation
Accord with ecology survey
Unsuspected contamination

5d) 3026/21/FUL **"Vineyard North West of Buckland", Buckland, Bantham**
Parish: Thurlestone

Development: Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks.

This application deferred to the next meeting.

5e) 3027/21/FUL "Vineyard North of Lower Aunemouth", Bantham
Parish: Thurlestone

Development: Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks

This application deferred to the next meeting.

5f) 3186/20/VAR "The High Nature Centre", East Portlemouth
Parish: East Portlemouth

Development: Variation of conditions 3, 5 and 23 of planning consent 20/0785/12/F

Case Officer Update: Received a letter support saying that the site was very environmentally friendly. The application seeks variation of conditions numbered 3, 5 and 23 of Planning Consent 20/0785/12/F. Those conditions provided:

3. The use hereby authorised shall cease not later than 10 years from the date of this permission. On cessation, the land shall be returned to agricultural purposes, the Roundhouse, yurts and all other structures except for the polytunnels shall be permanently removed from the land.

5. The polytunnels shall be used for B1 and D1 purposes only of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. Notwithstanding these permitted uses, no use of plant, machinery, or other mechanical equipment is permitted unless otherwise agreed in writing in advance with the Local Planning Authority. Reason: To prevent noise and disturbance harming the amenity of neighbours and the tranquillity of the landscape.

23. No further chattels, caravans, tents, yurts or other temporary or moveable structures shall be positioned on the land without the prior written approval of the Local Planning Authority. There are environmental concerns as this is in AONB.

In response to questions raised it was reported that in the opinion of the landscape officer the high levels of recreational use would continue to impact on the condition of the landscape, with an increase in car parking, camping and caravan sites.

The Case Officer clarified for the Committee the officer recommendation for refusal was because the scope of Section 73 had been subject to a number of court cases that had adopted a restrictive interpretation. As a result the Officer explained that a section 73 application cannot extend the scope of the base permission. The original planning application established the base permission, in this case "Construction of roundhouse and siting of five yurts to be used in association with nature holiday enterprise. Provision of additional facilities for educational, recreational and business activities together with associated carparking landscaping works". Accordingly, in terms of the current application, what was

being proposed by way of changes to Condition 3, would be acceptable within the terms of section 73. Likewise Condition 5 if the additional of food and drink was connected with the recreational and business use of the base permission. Members were advised that the difficulty was in the changes sought to be made to Condition 23. Members felt disappointed that the local authority did not contact the applicant after they have followed the process and then for the application to be refused. In light of this, the Monitoring Officer suggested different scenarios for members to consider which included the applicant withdrawing that part of the Application relating to the variation of Condition 23.

The Chair adjourned the meeting at 15.46 for officers to discuss with the applicant the withdrawal of Condition 23. The meeting reconvened at 15.53 pm. Officers reported that the applicant had agreed to withdrawn variation Condition 23 from this application.

Speakers included: Objector – John Miller (slides); Supporter - Catherine Middleditch (slides); Parish Councillor – Cllr Lawson; Ward Member – Cllr Brazil

In response to questions to speakers the main objection was the breaches and noise pollution during the summer months. Members highlighted the good social outreach work undertaken with children and young adults at the centre. With regard to noise complaints, it was reported that the centre had never been visited by an Enforcement Officer. It was further reported that it was extremely rare for the centre to hold a party.

The Ward Member reported that he understood the concerns of local residents, however he said that he represented the wider community and there was a lot of support for this application. He referred to the social benefits that the development has brought to the area and that the application ticked all the boxes and should be supported.

During the debate Members said that the original development had been a really important offer to the area and provided a real social service, important to children and young people and their families. Members highlighted a real concern for nearby neighbours and asked whether it would be possible to add a condition on the use of the field kitchen to alleviate the noise. Officers reported that they could impose a new condition on the hours of use for the field kitchen, but the question of noise nuisance was a matter for Environmental Health to address under its powers. In discussion members asked whether a dawn to dusk would be appropriate Officers advised that conditions needed to satisfy 6 tests and the difficulty with such a dawn to dusk condition is that the times vary from day to day and officers therefore encouraged members to consider a condition that was more precise. Accordingly, it was suggested that the Field kitchen close by 10 pm would be a good compromise.

Recommendation: Refusal

Committee decision: The Head of Planning be authorised to approve the application in consultation with the proposer and

seconder, Chairman and Vice-Chair.

DM.16/22 **PLANNING APPEALS UPDATE**

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

DM.17/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

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

(Meeting commenced at 10:00 am and concluded at 17:18 pm, with a 10 minute break at 12:20 pm and 4:15 pm, with lunch at 1:20 pm)

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Chairman

Voting Analysis for Planning Applications – DM Committee 6th July 2022

Application No:	*Site Address*	*Vote*	*Councillors who Voted Yes*	*Councillors who Voted No*	*Councillors who Voted Abstain*	*Absent*
1059/22/FUL	"Car Park off Leonards Road", Ivybridge	Refusal	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, McKay, Reeve, Rowe, Smerdon, Taylor and Thomas (12)			
1430/21/ARM	"Site at SX 775 424", East of Creek Close, Frogmore	Approval	Cllrs Abbott, Brazil, Brown, Long, Reeve, Rowe, Smerdon, Taylor and Thomas (9)		Cllrs Foss and Hodgson (2)	Cllr McKay (1)
0746/22/FUL	"Houndall Farm", Sparkwell	Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Reeve, Rowe, Smerdon and Taylor (10)		Cllr Thomas (1)	Cllr McKay (1)
3026/21/FUL	"Vineyard North West of Buckland", Buckland, Bantham	Deferred				
3027/21/FUL	"Vineyard North of Lower Aunemouth", Bantham	Deferred				
3186/20/VAR	"The High Nature Centre", East Portlemouth	Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Reeve, Rowe, Smerdon, Taylor and Thomas (11)			Cllr McKay (1)