MINUTES of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE** held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES,** on **WEDNESDAY, 7 September 2022**

Members in attendance * **Denotes attendance** ø **Denotes apologies**			
*	Cllr V Abbott (for 5(a),(b),(c),(d) and (e) only (Minute DM.27/22 refers)	*	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)
ø	Cllr K Kemp	*	Cllr B Taylor

Other Members also in attendance and participating:
Cllrs K Baldry; H Bastone and J Pearce

Officers in attendance and participating:

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

DM.24/22 **MINUTES**

The minutes of the meeting of the Committee held on 6 July and 27 July 2022 were confirmed as a correct record by the Committee subject to the following amendments to the 6 July minutes (DM.13/22 and DM.15/22 refers) underlined below.

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

- The Ward Members thanked Members for attending the site visit, they said that this is not just a commuter town, it was their home.

- An Aldi built on the significant car parks in towns like Totnes, Kingsbridge, Salcombe or Dartmouth would take away from each town.

- Experts were saying two different things regarding the veteran tree and it is crucial to understand whether the tree is veteran before development

takes place.

- Members, when stood by the Co-op store, saw green landscape and this will be replaced by a two-storey building.

- Ivybridge has regenerated: do not take away the livelihood of retailers and there will be a significant impact on the loss of car park for the Breast Screening Unit and the Thursday market.

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

DM.25/22 **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 6(a), (c), (d) and (e) (minutes DM.27/22 (a), (c), (d) and (e) below refer) because he was a member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

Cllr K Pringle declared an Other Registerable Interest in application 6(f) (minute DM.27/22(f) below refers), by virtue of being a member of Ivybridge Town Council. The Member remained in the meeting and took part in the debate and vote thereon.

DM.26/22 **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.27/22 **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:

6a) 4318/21/FUL Shelter 21m From Station Restaurant, South Embankment, Dartmouth
Parish: Dartmouth

Development: Change the use of parts of the South Embankment Promenade to facilitate 9 discrete 'pitches' which can be used by hospitality businesses to provide outdoor seating.

Case Officer Update: The Case Officer reported that SHDC was the applicant and shared images showing the outline of where the pitches would be located across the promenade. An objection had been received from Devon County

Highways and a condition had been recommended to ensure that each business supervised crossings. It was proposed that, if granted, a temporary consent would be appropriate in order that the situation could be monitored.

In response to questions raised by Members, the Case Officer informed that:

- all of the canopies would be the same colour and the pitches set back to allow people to continue to walk along by the edge of the water; and
- there would be a requirement that, when not in use, the pitches would be removed and stored away.

Speakers included: Supporter – Mark Readman; Ward Member – Cllr R Rowe

Members felt that the proposed condition 3 was very onerous for the businesses and questioned whether it was the responsibility of each individual business to ensure the safety of the public. Members felt this condition was to satisfy Devon County Council's objections and were minded to remove it. It was also highlighted that the supervised crossing was for the public and staff.

The Ward Member reported that traders worked together to co-ordinate the pitches and there was space for the public to walk alongside the riverside. Instances of the public crossing the road would happen regardless of the pitches and there had been no accidents during the last 3 years of operation. This had created a great ambience in this part of Dartmouth and the Member was confident that, if approved, the pitches would thrive over the next three years.

During the debate, Members questioned whether it was necessary for a temporary application and moved for this application to be made permanent and for the removal of condition 3. Members felt strongly that it was not the responsibility for the businesses to oversee supervised crossings.

Having been proposed, Members sought advice from the Monitoring Officer on the alternative proposition. In so doing, the Monitoring Officer informed that Members were entitled to grant planning permission with conditions subject to the conditions passing the usual tests. If Members view that a proposed condition was not necessary to make the proposal acceptable in planning terms, then it was within their gift to not impose that condition. The Monitoring Officer also stated that it was clear that Members had considered the view of the County Highways Authority and had debated that view. Having done so, the Monitoring Officer was of the view that Members would not be acting unreasonably.

Recommendation: Conditional Approval.

Committee decision: Conditional Approval subject to inclusion of the following additional changes:

- Time limit (temporary 3 year consent) – this condition to be made permanent.

- Use of 'banks person' – this condition to be removed.

Conditions: Accord with plan
Hours of operation 9.00 am – 10.00 pm

6b) 3931/21/FUL **Little Acres, Yealmpton**
Parish: Yealmpton

Development: Conversion of existing garage and store to create annex with habitable accommodation (part retrospective).

Case Officer Update: The Case Officer reported that this application was retrospective and sought approval of the already constructed residential annexe. The key issue for the Committee to consider was whether the principle of the annexe as ancillary habitable accommodation to the main dwelling was acceptable. At the site visit, Members had questioned the planning history for the site. The Case Officer proceeded to provide Members with the planning history for this site which included previous applications, enforcement and subsequent appeals quashed by the planning inspector.

Speakers included: Supporter – Jessica Duff; Parish Councillor – Cllr Craddock; Ward Members – Cllrs K Baldry and D Thomas.

Members questioned the holiday homes raised by the applicant and whether the annexe was elderly friendly.

One of the Ward Members stated that he was not convinced by the highways officer report and felt that access into the property would cause a highway issue. The Member also felt that this accommodation was not sustainable and water drainage not adequate and was contrary to planning policy TTV26. As a result, the Member asked the Committee to refuse the application.

The Ward Member raised the concerns that the proposed condition restriction occupation could be varied later and for the annexe to evolve from ancillary to a separate dwelling. The Ward Member highlighted that there were chalets in close proximity from Little Acres and this was a separate application and urged Members to take account of the policy points raised and that this could very soon become a separate dwelling.

In response to the Ward Member, Members highlighted the issues with social care and that this annexe would support the family. The Ward Member responded that this site did not support an ancillary dwelling.

During the debate Members sought clarification on the definition of an annexe as opposed to a house and questioned the potential for garages to be turned into a separate dwelling. In conclusion, Members stated that they had sympathy with the views of the Parish Council and local residents but felt that the Planning Inspectorate had overruled previous decisions and the majority of Members

therefore felt that they had to support the proposal.

Recommendation: Conditional Approval.

Committee decision: Conditional Approval.

Conditions: In accordance with plans;
Restriction on use – ancillary to main dwelling known as Little Acres;
Drainage scheme installed in accordance with plans;
Unilateral Undertaking to secure Plymouth Sound and Estuaries EMS contribution has been completed and signed.

6c) 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.

Case Officer Update: The Case Officer reported that this application was for the temporary installation of paraweb for a period of 5 years and key planning considerations for the Committee to determine related to the justification for the wind breaks and landscape impacts.

Members questioned the temporary condition and whether there was a possibility for an extension and asked why the Landscape Officer's opinion had changed.

Speakers included: Objector – Jon Wigg; Supporter – David Hares; Ward Members – Cllrs J Pearce and M Long.

In response to questions from Members, the objector felt that this application constituted a retrospective planning application and the vines had been planted with the knowledge that fencing would need to be built. The objector also had no faith that planning enforcement would be followed through.

In response to questions from Members, the supporter reported that the biodiversity related to the additional planting and that, in his view, this would clearly be an improvement on an arable field. The beech trees would ultimately grow to a height of 45 metres and the overgrown hedge bank would be more characteristic to the area. It was further reported that the long term benefits of the proposals would outweigh the adverse impacts on the landscape.

One of the Ward Members stated that they were content for this application to have been determined by officers as a delegated decision and that no objections had been raised by the Parish Council. The application fell within the policies of the Neighbourhood Plan and would be an innovative project for the parish. The vines had been planted last year and would take five years to

grow. Therefore, the vines would need protection when flowering. Having researched other vineyards that were located near the sea, all were found to have windbreaks to protect them from the wind.

The second Ward Member informed that they had requested for this application to be determined by the Committee in response to concerns that had been raised in respect of the use of paraweb on the landscape and visual impact on the countryside and the AONB. The Ward Member informed that, if approved, would like to see a condition imposed on the maintenance of the orchard, currently a 5 year maintenance plan, to be increased to 10 years.

During the debate, Members felt that this was a fair proposal which would provide new jobs for the local area and increase biodiversity but acknowledged that the local community felt let down by SHDC on planning enforcement matters. Some Members were concerned over the use of the introduction of paraweb and wanted assurances that the paraweb would be removed after 5 years. Members then requested an increase to the maintenance plan to 10 years and for the wording to be changed in condition 6 to ensure that the paraweb was removed after 5 years. Members then debated the use of glyphosate and the impact on the environment and it was recognised that it was not a planning issue and that this subject should be debated further outside of this meeting.

Recommendation: Conditional approval, subject to a detailed landscaping scheme being provided

Committee decision: Conditional Approval, subject to condition 5 being changed to require landscaping to be maintained for 10 years instead of 5 and also for the reason for condition 6 to be changed to remove the last sentence.

Conditions:

1) Time limit
2) Approved drawings
3) Ecology recommendations
4) Nesting birds
5) Planting
6) Temporary condition / removal after five years

6d) 3027/21/FUL Vineyard North of Lower Aunemouth, Bantham
Parish: Thurlestone

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

Case Officer Update: The Case Officer reported that an additional objection had been received from the South Hams Society.

In response to questions from Members, it was reported that there would be more of a visual impact on the AONB due to the positioning of the footpaths

and the use of glyphosate was outlined within the landscaping plan under maintenance.

Speakers included: Objector – Jon Wigg; Supporter – David Hares; Ward Members – Cllrs J Pearce and M Long.

In response to questions from Members, it was reported that herbicide applications took place in April, June and August and were used during the first year for planting to establish and plantation A1 west of the fencing was included in the landscaping scheme as part of a condition.

One of the Ward Members highlighted that, due to the very few objections that had been received, this application could have been delegated to officers. It was stated that a previous application relating to the Bantham Estate had received over 90 objections.

The second Ward Member again raised concerns on the paraweb, the visibility impact and expressed the view that these proposals would have a higher impact.

During the debate, Members raised the maintenance schedule on landscaping to be increased to 10 years as opposed to the 5 years and to include plantation at area a1.

Recommendation: Conditional approval, subject to a detailed landscaping scheme being provided

Committee decision: Conditional Approval

Conditions:
1) Time limit
2) Approved drawings
3) Ecology recommendations
4) Nesting birds
5) Planting
6) Temporary condition / removal after five years

6e) 1332/22/HHO **Netton Farmhouse, Noss Mayo Householder application for single storey side extension to kitchen.**
Parish: Newton and Noss

Development: Householder application for single storey side extension to kitchen.

Case Officer Update: The Case Officer provided Members with images outlining the measurements for the extension following comments made on the site visit. The application was recommended for refusal with the key issues related to the siting of the structure, the proposed design and Policy N3P not relevant to this particular site.

Speakers included: Supporter – Dr Philip Hughes; Parish Councillor – Cllr Kevin Thomas; Ward Members – Cllrs D Thomas and K Baldry.

The Ward Members reported that this application had been called in in response to the contents of the parish neighbourhood plan and they strongly urged the Committee to consider this application which was entirely in keeping and had widespread parish support. Finally, the Members were of the view that the proposals were an improvement on the current building and therefore asked the Committee to grant approval of the application.

Having been informed by the Monitoring Officer that the merits of the application were subjective, Members took into consideration what had been said and the proposed building materials being in keeping with the existing property, a number of Members proceeded to express their support for this application being conditionally approved.

Recommendation: Refusal.

Committee decision: Delegated Approval with the final wording of the conditions being delegated to the Head of Development Management in consultation with the Committee Chairman and the Proposer and Seconder of the Motion.

6f) 2264/22/FUL Cemetery, Woodland Road, Ivybridge Proposed extension of existing cemetery
Parish: Ivybridge

Development: Proposed extension of existing cemetery.

Case Officer Update: The Case Officer reported that this was a SHDC application to extend the area for burials.

Members debated whether a condition could be added to allow the development of wild flowers across the site and it was highlighted that this would be covered by the community team on the management of the cemetery. It was also reported that there was a management plan in place separate to the planning application regarding burials at this cemetery.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:
1. Time limit
2. Accord with plans
3. Tree protection plan (pre-commencement)
4. Siting of burials
5. Accord with ecological mitigation

6g) 2453/22/HHO 36 Furze Road, Totnes

Parish: Berry Pomeroy

Development: Householder application for proposed single storey front extension.

The Committee noted that this application had been deferred for further consultation.

DM.28/22 **PLANNING APPEALS UPDATE**

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

DM.29/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

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

DM.30/22 **PLANNING PERFORMANCE INDICATORS**

Members noted the planning performance indicators outlined in the agenda report.

(Meeting commenced at 10:00 am. Meeting concluded at 14:33 pm, with a 10 minute break at 11:20 am, with lunch at 13:25 pm)

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Chairman

Voting Analysis for Planning Applications – DM Committee 7th September 2022

Application No:	*Site Address*	*Vote*	*Councillors who Voted Yes*	*Councillors who Voted No*	*Councillors who Voted Abstain*	*Absent*
4318/21/FUL	Shelter 21m From Station Restaurant, South Embankment, Dartmouth	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (11)			Cllr Kemp (1)
3931/21/FUL	Little Acres, Yealmpton	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Pannell, Reeve, Rowe and Taylor (10)	Cllr Pringle (1)		Cllr Kemp (1)
3026/21/FUL	Vineyard North West of Buckland", Buckland, Bantham	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Pringle, Reeve, Rowe and Taylor (9)	Cllr Long (1)	Cllr Hodgson (1)	Cllr Kemp (1)
3027/21/FUL	Vineyard North of Lower Aunemouth, Bantham	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Pringle, Reeve, Rowe and Taylor (9)	Cllr Long (1)	Cllr Hodgson (1)	Cllr Kemp (1)
1332/22/HHO	Netton Farmhouse, Noss Mayo	Approved	Cllrs Abbott, Brazil, Brown, Hodgson, Long, Pannell, Pringle, Reeve and Taylor (9)		Cllrs Foss and Rowe (2)	Cllr Kemp (1)
2264/22/FUL	Cemetery, Woodland Road, Ivybridge	Conditional Approval	Cllrs Brazil, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (10)			Cllr Abbott and Kemp (2)
2453/22/HHO	36 Furze Road, Totnes	Deferred				