

MINUTES of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE**
held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES**, on **WEDNESDAY,**
5 October 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 K Baldry (substituting for Cllr J Brazil) | * | Cllr B Spencer (substituting for Cllr K Pringle) |
| * | Cllr P Smerdon (substituting for Cllr D Brown) | | |

Other Members also in attendance and participating:
Cllr J Pearce

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; Environmental Health Officer; IT Specialists; and Democratic Services Officer |

DM.31/22 MINUTES

The minutes of the meeting of the Committee held on 7 September were confirmed as a correct record by the Committee.

DM.32/22 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 R Foss declared a Disclosable Pecuniary Interest in application 6(d) (minutes DM.34/22 (d) below refer) because the applicant to known to him. The Member left the meeting and did not take part in the debate or vote.

DM.33/22 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.34/22 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) 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 this application was approved by the Committee on 7 September 2022. However, member's agreement to amend the wording of the reason for condition 6 was not secured. The purpose of bringing the application back to committee is to secure such approval.

Recommendation: Conditional approval.

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

**6b) 1614/21/VAR "Brutus Centre", Fore Street, Totnes
Parish: Totnes**

**Development: Application for variation of condition 2 (approved plans) of
planning consent 2560/21/FUL**

Case Officer Update: The Case Officer reported this is a variation of previously approved application which includes a contentious amendment for the addition of a substation. Objections received from residents regarding the impact of noise and public health. No objections from environmental health and Western Power can build a substation under permitted development if this application is refused.

Members raised concerns on the proximity of the substation to dwellings and whether the substation could be located in a different area. Questions were raised with regard to Western Power installing the substation if application refused.

Speakers included: Objector – Isabel Carlisle; Ward Member – Cllr J Birch.

The Ward Member raised concerns on the health impact of this application and the non-compliance of DEV1 and DEV2. Outlined in DEV1 it states 'ensuring new development provides for protection of noise for new and existing residents'. The application lacked evidence to support health and environmental impacts and requested that this application is deferred. A deferment will allow Members to undertake a site visit, for a health impact assessment to be produced and response from environmental health.

In response to questions raised, the Head of Development Management reported that it would be a judgement for members on whether they can defend a refusal on what can be done under permitted development.

The Environmental Health Officer reported that they had previously worked on a development with the same scenario of a substation located next to an existing property. The substation was not encased in a brick structure which caused night time vibrations felt by residents. This resulted with the equipment being mounted on vibration pads and encased in a brick structure. This resolved the issues. What has been proposed here is the solution that has been used elsewhere.

Some Members still had concerns on noise and impact on residents and moved for the application to be deferred.

A vote was taken to defer the application. The vote was lost.

During the debate Members raised that if this application was refused, Western Power will build the substation, however if we approve will have some control over the build and can include conditions to further reduce impact to residents.

Head of Development Management requested a 5 minute adjournment to formulate the wording of the condition.

The additional condition to include that no work shall be undertaken in connection with the provision of the substation or building to house it until the details of the equipment being installed being submitted to and approved by the local planning authority and to include noise and vibration mitigation. The installation to be in accordance with the approved details.

Recommendation: Conditional Approval

Committee decision: Conditional approval

**6c) 2013/22/FUL 20 Buckwell Road, Kingsbridge
Parish: Kingsbridge**

Development: Erection of new dwelling (Re-submission of 0536/22/FUL)

Case Officer Update: The Case Officer explained the parking arrangements following concerns raised by Members at the site visit. At the site visit the 3 neighbouring properties and the topography of the area were shown to

members. The neighbouring property in Allotment Gardens was viewed at the site visit and the dwelling will be visible from neighbouring property but not considered to have a harmful impact.

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

- Parking provision was adequate for this dwelling;
- Tree protection to be agreed before commencement.

Speakers included: Objector – Catherine Palmer; Supporter – Amanda Burden; Ward Member – Cllr O’Callaghan.

Members sought clarification on the height of hedges and it was reported that high hedges should be kept below 9 meters and the proposed dwelling would be higher than the hedge.

The Ward Member highlighted the affordable housing crisis in Kingsbridge and was extremely supportive of people in this situation, however needed to be mindful of the planning rules and regulations. The loss of the light for the neighbouring property in Allotment Gardens with new dwelling should be at a distance of 15 meters and not 13 meters. The council have asked for the trees/hedges to be reduce which might affect the privacy of properties in Marco Gardens. Parking in Kingsbridge is a big issue and this additional dwelling with additional parking needs would add to the problem.

During the debate, Members supported the application and felt this helped the housing crisis but also accepted the impact on residents. Members also raised the neighbourhood plan and the impacts of back garden developments and principle residency.

The Head of Development Management requested an adjournment to review the Neighbourhood Plan for Kingsbridge.

Following the adjournment, it was reported it that they couldn’t source the right policy that covered principle residency, however, spoke with the applicant and they are happy to have a principle residency condition added.

Members requested for a landscaping condition to be added and it was reported that no boundary fencing to be erected without detailed plan being approved.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions: Standard time limit Accord with plans
Tree protection measures (pre-commencement)
Construction Management Plan (pre-commencement)
Removal of permitted development rights
Natural slate

Details of external lighting to be submitted
Accord with recommendations of ecology survey
Drainage details to be submitted
Parking area to be installed prior to occupation of dwelling

6d) 3503/21/ARM "Gerston Gate Barn", Gerston Lane, West Alvington Parish: West Alvington

Development: Application for approval of reserved matters following outline approval 1655/19/OPA (for provision of an agricultural worker's dwelling)

This application was Chaired by Cllr Rowe.

Case Officer Update: The Case Officer reported this was a reserved matters planning application for an agricultural dwelling. There is a need for agricultural worker on the site however the Agricultural Consultant raised concerns on the size of the residential floor space. The size of the holding in relation to the plan needs to be commensurate with the site.

In response to questions raise, the Case Officer reported:

- The application lacked the justification for the additional floor space;
- The design features were in keeping with the local surroundings;
- This application is not about personal needs and the dwelling to be a size commensurate to that need;

Speakers included: Supporter – Andrew Lethbridge; Ward Members – Cllrs Long and Pearce.

The supporter reported that the dwelling cladding and windows will be in keeping with the local surroundings. In the future this dwelling would be the main farmhouse running the operation at Gerston Gate.

The Ward Member raised that there isn't a policy which sets out particular sizes for rural workers dwellings this cannot be challenged. This is for a principle farmhouse and there is a need for farm workers to have dwellings in this area and our policies do not address this and the two areas for refusal can be challenged.

The Monitoring Officer reminded the Ward Member to avoid giving a fixed view and to have an open mind. The Ward Member responded that he was not a farming person and was challenging the elements of design that he felt needed to be raised and challenged.

The Ward Member reported that the policy is clear on the functional need of the holding rather than the need of the people. The farmhouse goes beyond that functional need and agreed with the officer's recommendation. If this was appealed would be interested to see the outcome.

During the debate, Members raised that the applicant already had an approved dwelling and now wants to extend unreasonably in a protected area. It was important to take notice of the comments made by the agricultural consultant, however some Members felt that a dwelling of this size was warranted and to have a clear policy for agricultural dwellings to be built that are efficient and effective to bring up a family. Whether this was commensurate was subjective and a balance.

Recommendation: Refuse

Committee decision: Refuse

**6e) 3235/21/FUL "Harwood Farm", Salcombe Road, Malborough.
Parish: Malborough**

Development: New Residential Dwelling

Case Officer Update: The Case Officer reported this is a full planning application for a dwelling for agriculture worker on site. This application has been refused because of the applicant's failure to demonstrate carbon reduction, foul drainage, principle residency, the size of the development and visual impact on the protected landscape.

In response to questions raised, the Case Officer reported:

- The new dwelling would replace the temporary dwelling currently on site;
- Planning permission would not be granted until all technical issues resolved.

Speakers included: Supporter – Alex Brazier; Parish Councillor – Cllr Sampson; Ward Members – Cllrs Long and Pearce.

The supporter reported that:

- The structural work would be undertaken by competent people and internal work completed by the applicant;
- They were looking to expand the business however sourcing more land was difficult;
- The house will be lower than the ridge height of the barn;
- Information on air source was not included in the plan but will form part of the build;
- The applicant was willing to consider principle residence.

The Ward Member reported that this is the same as the previous application but holding smaller and again bear in mind the functional need of the dwelling and support the officer recommendation to refuse.

The Ward Member reported that there is a functional need for a farmhouse but need a clear policy on this. This application has been live for a year and no changes and issues raised with the applicant. There is a need and yet there are conflicts in policy and requirements.

The Head of Development Management responded that this application with us longer than should have been. From a planning enforcement perspective an agricultural dwelling justified on this site and will not take any action on the temporary dwelling and an extension will be recommended for approval.

During the debate, Members raised there is clearly a need for the dwelling but not this application. However some Members supported the application and the need to support farming families.

Recommendation: Refuse

Committee decision: Refuse

DM.35/22 **PLANNING APPEALS UPDATE**

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

DM.36/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

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

(Meeting commenced at 9:30 am. Meeting concluded at 13:51 pm, with an adjournment at 10:33 am and 11.32 am)

Chairman

Voting Analysis for Planning Applications – DM Committee 5th October 2022

| Application No: | Site Address | Vote | Councillors who Voted Yes | Councillors who Voted No | Councillors who Voted Abstain | Absent |
|------------------------|---|----------------------|---|---|--------------------------------------|-------------------------|
| 3027/21/FUL | "Vineyard North of Lower Aunemouth", Bantham | Conditional Approval | Cllrs Abbott, Baldry, Foss, Hodgson, Long, Pannell, Reeve, Rowe, Smerdon, Spencer and Taylor (11) | | | Cllr Kemp (1) |
| 1614/21/VAR | "Brutus Centre", Fore Street, Totnes | Deferral | Cllrs Baldry, Hodgson and Long (3) | Cllrs Abbott, Foss, Pannell, Reeve, Rowe, Smerdon, Spencer and Taylor (8) | | Cllr Kemp (1) |
| 1614/21/VAR | "Brutus Centre", Fore Street, Totnes | Conditional Approval | Cllrs Abbott, Foss, Long, Pannell, Reeve, Rowe, Smerdon, Spencer and Taylor (9) | Cllr Hodgson (1) | Cllr Baldry (1) | Cllr Kemp (1) |
| 2013/22/FUL | 20 Buckwell Road, Kingsbridge | Conditional Approval | Cllrs Abbott, Baldry, Foss, Hodgson, Long, Pannell, Reeve, Rowe, Smerdon, Spencer and Taylor (11) | | | Cllr Kemp (1) |
| 3503/21/ARM | "Gerston Gate Barn", Gerston Lane, West Alvington | Refuse | Cllrs Baldry, Pannell, Smerdon, Spencer and Taylor (5) | Cllrs Abbott, Hodgson, Long and Reeve (4) | Cllr Rowe (1) | Cllrs Foss and Kemp (2) |
| 3235/21/FUL | "Harwood Farm", Salcombe Road, Malborough. | Refuse | Cllrs Abbott, Baldry, Foss, Pannell and Spencer (5) | Cllrs Hodgson, Long and Reeve and Smerdon (4) | Cllr Rowe and Taylor (2) | Cllr Kemp (1) |