

South Hams Council



Title:	Agenda																														
Date:	Thursday, 25th July, 2024																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Taylor</p> <p style="text-align: center;">Vice Chairman Cllr Pannell</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Jackson</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Lawford</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr McKay</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Munoz</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Nix</td> </tr> <tr> <td>Cllr Cooper</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Dennis</td> <td>Cllr Oram</td> </tr> <tr> <td>Cllr Dewynter</td> <td>Cllr Penfold</td> </tr> <tr> <td>Cllr Dommett</td> <td>Cllr Presswell</td> </tr> <tr> <td>Cllr Edie</td> <td>Cllr Rake</td> </tr> <tr> <td>Cllr Hancock</td> <td>Cllr Steele</td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Yardy</td> </tr> <tr> <td>Cllr Hopwood</td> <td></td> </tr> </table>	Cllr Abbott	Cllr Jackson	Cllr Allen	Cllr Lawford	Cllr Birch	Cllr Long	Cllr Bonham	Cllr McKay	Cllr Brazil	Cllr Munoz	Cllr Carson	Cllr Nix	Cllr Cooper	Cllr O'Callaghan	Cllr Dennis	Cllr Oram	Cllr Dewynter	Cllr Penfold	Cllr Dommett	Cllr Presswell	Cllr Edie	Cllr Rake	Cllr Hancock	Cllr Steele	Cllr Hawkins	Cllr Thomas	Cllr Hodgson	Cllr Yardy	Cllr Hopwood	
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Democratic.Services@swdevon.gov.uk																														

- 1. Minutes** **1 - 12**
to approve as a correct record the minutes of the meeting of the Council held on 23 May 2024;

- 2. Urgent Business**
the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');

- 3. Exempt Information**
to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;

- 4. Declarations of Interest**
In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

- 5. Business Brought Forward by the Chairman**
to consider business (if any) brought forward by the Chairman;

- 6. Public Question Time** **13 - 14**

- 7. Reports of Bodies**
to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:

* Indicates minutes containing recommendations to Council.
- (a) Development Management Committee - 15 May 2024** **15 - 24**
- (b) Licensing Committee - 16 May 2024** **25 - 26**
- (c) Executive - 6 June 2024** **27 - 34**
- (d) Development Management Committee - 20 June 2024** **35 - 44**
- (e) Executive* - 18 July 2024**
To follow

8. Questions

to consider the following question(s) (if any) received in accordance with Council Procedure Rules.

9. Notice of Motion

to consider the following motion received in accordance with Council Procedure Rules:

(a) From Cllrs McKay and Bonham

“South West Water has not delivered the service that could be reasonably expected of it for many years. It was formed in 1989 some 35 years ago. Since that time it has paid out £4.5 billion in dividends and now has debts of £3.1 billion.

It has paid out £127 million in 2024 alone.

This is a company that:

- 1. is rated by the Environment Agency’s Environmental Performance Assessment metric as being the worst in England;*
- 2. in May this year was fined a record £2.1 million as a result of charges brought by the Environment Agency. It was shown to be responsible for many hundreds of illegal discharges at seven sites across Cornwall and one in Plymouth over a six-year period;*
- 3. was responsible for at least 58,249 sewage overflows in 2023. On average 159.6 times a day. These lasted for 530,736 hours (That's 61.43 years!) - in 1,117 different locations across its service area;*
- 4. leaks over 20% of water delivered;*
- 5. has recently allowed its water supply to be polluted and cause a serious outbreak of cryptosporidium infections; and*
- 6. has not invested in the necessary infrastructure, yet puts forward schemes like the desalination plant in Cornwall, that would not be necessary if just 2% of leaks were fixed.*

This litany of failure has also to be considered in the context of climate change and it is clear that South West Water has put us all in a very difficult position. It is one that cannot be allowed to continue.

By any measure South West Water is a poorly run company that has failed to balance the need to attract investment with providing a satisfactory service to its customers. It is this that has led OFWAT to have to approve a price rise.

Given such an appalling track record of poor performance, the CEO (Susan

Davy) turned down a £237,000 bonus and diverted a further £298,000 pay bonus to the Watershare+ customer scheme. While this is laudable and needs to be recognised, it is hardly sufficient and the question remains why she and her board are still in post.

This Council therefore resolves to:

- 1. Call on the government to recognise the guiding principle in all policy that clean water is a right and not a commodity;*
- 2. Call on the government to ban all bonuses and company dividend payments until such time as the Environment Agency's Environmental Performance Assessment (EPA) metric is 'good' (4 stars);*
- 3. Call on the government to limit the time to no more than five years to reach an EPA of 4 stars after which it would take the company into 'special measures' with a view to the possible creation of a public benefit company or re-nationalisation;*
- 4. Call on South West Water to provide a detailed plan and timetable on how it intends to achieve an EPA of 4 stars and to undertake to consult with and seek the approval of all the local authorities in its service area;*
- 5. Call on South West Water to provide a detailed plan on how it intends to reduce leaks by at least 50% in the next 5 years;*
- 6. Call on South West Water to provide a full explanation of why it initially failed to detect the presence of cryptosporidium in the Brixham water supply, either directly or through regular monitoring for e-coli as a proxy for its possible presence;*
- 7. Call on the government to strengthen the Environment Agency and the Drinking Water Inspectorate so that they are better able to monitor and provide oversight of the water services sector;*
- 8. Request the CEO of South West Water to attend a session of this Council's Overview and Scrutiny Committee to answer questions;*
- 9. Call on the board of South West Water to give serious consideration to their position if the requests of this Council are unacceptable; and*
- 10. Call on the CEO of SWW to attend a water summit of local MPs, Councillors and Community Groups to explain the cause of recent failures, provide plans for remediation and answer questions, to be held by 30 September 2024."*

Agenda Item 1

MINUTES OF THE ANNUAL MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 23 MAY 2024

MEMBERS

* Cllr G Pannell – Chairman

* Cllr B Taylor – Vice-Chairman

* Cllr V Abbott

* Cllr G Allen

∅ Cllr J P Birch

* Cllr L Bonham

* Cllr J Brazil

* Cllr J Carson

* Cllr B Cooper

∅ Cllr S Dennis

* Cllr A Dewynter

* Cllr N Dommett

∅ Cllr T Edie**

∅ Cllr D Hancock

* Cllr J D Hawkins

* Cllr J M Hodgson

* Cllr N A Hopwood

* Cllr S Jackson

* Cllr L Lawford

* Cllr M Long

* Cllr J McKay

* Cllr P Munoz

* Cllr A Nix

* Cllr D M O'Callaghan

* Cllr C Oram

* Cllr S Penfold

* Cllr A Presswell

* Cllr S Rake

* Cllr M Steele

* Cllr D Thomas

∅ Cllr G Yardy

* Denotes attendance

∅ Denotes apology for absence

** Denotes attendance over Teams in a non-voting capacity

Officers in attendance and participating:

For all items: Chief Executive; Deputy Chief Executive (via Teams) Director - Place & Enterprise, Section 151 Officer, Monitoring Officer; Head of Democratic Services; and Assistant Director – Strategy (via Teams)

Also in Attendance: Alderman John Tucker

01/24

MOMENT'S REFLECTION

The Chairman welcomed all in attendance and informed that this was the first formal Member meeting since former Councillors Ian Blackler and Judy Westacott MBE had sadly passed away. In paying tribute to both, the Chairman reflected on their tireless service to their respective communities and their work for local charities.

As a mark of respect, the Council proceeded to stand and observe a moment's silence in their memory.

02/24

SOUTH HAMS COMMUNITY AWARDS PRESENTATION

The Chairman highlighted the success of the inaugural South Hams Community Awards and congratulated all of those individuals and Community Groups who had been nominated.

In recognition for their fantastic work to support communities across the South Hams District, the Chairman presented the following awards to the worthy winners:

- Organisation Award (joint winners): '*Dementia-Friendly Parishes Around the Yealm*' and '*Kingsbridge Foodbank*';
- Community Champion Award (joint winners): Robin Cox and Peter Davis; and
- Young Persons Award (for under 18s): Kieran Grills.

03/24

ELECTION OF THE CHAIRMAN OF COUNCIL

Having sought nominations for the role of Chairman of the Council, it was then:

RESOLVED

That Cllr B Taylor be elected Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2025.

Cllr Taylor subsequently declared and signed his acceptance of office.

04/24

ADDRESS BY THE NEW CHAIRMAN OF COUNCIL

During his address, Cllr Taylor made specific reference to:-

- his honour at being elected as Chairman of the Council and his wish to put on record his particular thanks to Cllr Pannell for the manner in which he had chaired the Council during the 2023/24 Municipal Year;
- his gratitude to all Members of the Council for their unanimous support following his nomination to the role of Chairman of the Council;
- his hope that the Council would continue to work together (irrespective of party politics) to specifically deliver upon the corporate priorities relating to affordable housing and climate change and biodiversity;
- his wish to welcome Alderman John Tucker and past Councillors Mr Richard Foss and Mrs Rosemary Rowe to this meeting of Annual Council;
- the unwavering support provided by his wife; and
- his chosen charities for his year of office being the British Diabetic Association and the British Heart Foundation.

(a) Cryptosporidium Update

At his discretion, the Chairman invited the lead Executive Member and a local Ward Member to provide an update to the meeting on the recent Cryptosporidium outbreak at Brixham, Kingswear and surrounding areas.

In so doing, the Members made particular reference to:

- their concern for residents who had been so unwell and had been so poorly treated by South West Water. Both Members were of the view that affected residents should have been better compensated following the outbreak;
- the response to the outbreak having been supported by the Council's Environmental Health team and lead officers were thanked accordingly; and
- the need for an independent investigation to be carried out into how the outbreak had started and how South West Water had responded.

05/24

VOTE OF THANKS TO RETIRING CHAIRMAN

In proposing and seconding the vote of thanks to the retiring Chairman, particular reference was made to the manner in which he had chaired Council meetings. During his year of office, the retiring Chairman had demonstrated impartiality and a huge desire to be inclusive of all Members. In addition, the view was expressed that Cllr Pannell had represented the Council with much credit and emphasis was given to the enjoyable events that he had hosted.

It was then:

RESOLVED

That the thanks of the Council be extended to Cllr Pannell for the manner in which he had performed his duties during his term of office as Chairman of the Council.

06/24

RESPONSE OF THE RETIRING CHAIRMAN

At the invitation of the meeting, the retiring Chairman thanked Members for their kind comments and provided an overview of what the role of the Chairman entailed, highlighting the events that he undertaken in the role over the preceding six weeks.

In closing his address, Cllr Pannell made reference to having raised in the region of £2,000 for his chosen charity, the RNLI Dartmouth Boat Station appeal and he proceeded to thank Members and Officers for their support in this regard.

07/24

APPOINTMENT OF VICE CHAIRMAN OF COUNCIL

RESOLVED

That Cllr G Pannell be appointed Vice Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2025.

Cllr Pannell subsequently declared and signed his acceptance of office.

08/24 **MINUTES**

The minutes of the meeting of Council held on 21 March 2024 were confirmed as a correct record.

09/24 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but there were none made.

10/24 **ANNUAL STATEMENT FROM THE LEADER OF COUNCIL**

In providing his annual statement, the Leader made particular reference to:

- his pride at the success of the first year of the new Council administration. Further, the Leader wished to thank all of the non-Liberal Democrat Group Members for embracing his vision of a co-operative approach for the Council and he cited the Freeport and the Dartmouth Park and Ride projects as being excellent examples of this approach;
- the South Hams being a wonderful place in which to live and work;
- the hard work now beginning following the recent adoption of the Council Plan; and
- his recruitment of an additional (ninth) Executive Member. In so doing, the Leader advised that, with effect from today, he had appointed Cllr Dommett to serve on the Executive and she would initially be leading on two projects: the installation of Solar Photo Voltaic panels on Council Leisure Centres and supporting Cllr McKay on the delivery of local food and produce.

11/24 **REPRESENTATION ON POLITICAL GROUPS**

The Chairman advised Members that a review of the representation of the political groups on the Council's Bodies had been carried out in consultation with the Leaders of the three Political Groups.

It was then:

RESOLVED

1. That it be noted that the Political Composition of the Council is as follows:-
 - A Liberal Democrat Group of 19 Members;
 - A Conservative Group of 7 Members;
 - A Green Party Group of 3 Members;

- A Labour Party Member; and
 - An Independent Member; and
2. That the overall political balance of Council Bodies, as reflected in the paper tabled to the meeting, be approved.

12/24

APPOINTMENT OF MEMBERS (AND SUBSTITUTE MEMBERS) OF THE BODIES OF THE COUNCIL

The Council subsequently received nominations from the Group Leaders and Independent Members for the membership of the Bodies of the Council.

It was then:

RESOLVED

That, for the 2024/25 Municipal Year, Members be appointed to the Bodies of the Council as set out in Appendix A to these minutes.

13/24

ELECTION OF CHAIRMEN AND VICE CHAIRMEN OF THE BODIES OF THE COUNCIL

The Council received nominations from its Group Leaders for the positions of Chairmen and Vice Chairmen of the Bodies of the Council.

It was then:

RESOLVED

That the Chairmen and Vice Chairmen of the Bodies of the Council for the 2024/25 Municipal Year be as indicated below:-

Body	Chairman	Vice Chairman
Audit & Governance Committee	Cllr Bonham	Cllr Nix
Council Tax Setting Committee	Cllr Brazil	
Development Management Committee	Cllr Long	Cllr Taylor
Licensing Committee	Cllr Rake	Cllr Penfold
Overview and Scrutiny Committee	Cllr Hawkins	Cllr Cooper

14/24

APPOINTMENT OF GOVERNANCE BOARDS / PANELS

Members proceeded to consider the appointment for the 2024/25 Municipal Year of the:-

- a) Armed Forces Covenant Champion;
- b) Devon Building Control Partnership;
- c) Director – Plymouth & South Devon Freeport;
- d) Joint SH/WD/Plymouth Local Plan Partnership Board;
- e) Member Development Steering Group;
- f) Rate Relief Panel;
- g) Slapton Line Steering Group;
- h) South Devon National Landscapes Partnership Committee; and
- i) Tamar Valley National Landscapes Partnership Committee.

It was then:

RESOLVED

That the number, size and appointment of the Governance Boards / Panels of the Council for the 2024/25 Municipal Year be approved, as shown in Appendix B to these minutes.

15/24

APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

A paper was considered that set out details of those Outside Bodies to which the Council appointed representatives and included a list of nominations for representation on these Outside Bodies.

In discussion, the importance of appointed representatives providing regular feedback to the wider membership was emphasised and it was felt that the Overview and Scrutiny Committee could have a role to play in reviewing the list of Outside Bodies to which the Council annually appoints.

It was then:

RESOLVED

1. That the Council be represented on the list of Outside Bodies as presented to the meeting;
2. That the Members named in Appendix C to these minutes be appointed as the Council's representatives to those Bodies for the 2024/25 Municipal Year, and that, for the purposes of Members' Allowances, attendance at meetings of these bodies be regarded as an approved duty; and
3. That Members appointed to Outside Bodies provide a written report following each meeting; regular feedback and consultation on the issues affecting the Bodies concerned.

16/24

APPOINTMENT OF INDEPENDENT PERSONS

The Council considered a report that sought approval for the appointment, until the next annual meeting, of five persons as Independent Persons to assist in the discharge of the Council's arrangements for dealing with standards complaints.

The report also sought approval for authority to be delegated to the Section 151 Officer, in consultation with the Chairman and Vice-Chairman of the Audit & Governance Committee, to appoint the 'Independent Person' to serve on the Audit & Governance Committee.

It was then:

RESOLVED

1. That the following persons be appointed as Independent Persons for the remainder of the 2023/27 Council administration:
 - George Barnicott
 - Peter Boreham
 - Martin Gleed
 - Trevor Kirkin
 - Victoria Spence; and
2. That authority be delegated to the Section 151 Officer, in consultation with the Chairman and Vice-Chairman of the Audit & Governance Committee, to appoint the 'Independent Person' to serve on the Audit & Governance Committee for the remainder of the 2023/27 Council term.

17/24

CONSTITUTION UPDATE

The Council gave consideration to a report that presented the Council Constitution and the changes made to it by the Monitoring Officer under delegated powers. The changes were set out in Appendix A of the presented report.

In discussion, some minor typographical amendments were highlighted for incorporation and the Monitoring Officer committed to making these changes and ensuring that the updated version was publicly available on the Council website within the next few weeks.

It was then:

RESOLVED

1. That a co-opted independent member to the Audit and Governance Committee be appointed;

2. That the proposed changes to the Council's Constitution as set out in Appendix A of the presented report be approved;
3. That the Constitution as amended be adopted; and
4. That the Monitoring Officer will report further to the Audit and Governance Committee and/or Council on changes to the Contract Procedure Rules required due to the implementation of the Procurement Act 2023 in October 2024.

18/24

REPORTS OF BODIES

RESOLVED

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

(a) Development Management Committee - 13 March 2024

(b) Overview & Scrutiny Committee - 14 March 2024

(c) Audit & Governance Committee - 21 March 2024

With regard to recommendation AG.40/23 (2024/25 Capital Strategy, 2024/25 Treasury Management Strategy And 2024/25 Investment Strategy), it was noted that this item had already been considered at the Council Meeting held on 21 March 2024 (Minute 58/23 refers).

(d) Audit & Governance Committee - 28 March 2024

(e) Development Management Committee - 10 April 2024

(f) Executive - 18 April 2024

(Meeting commenced at 10.00 am and concluded at 11.20 am)

Chairman

Membership of Council Bodies 2024/25

Appendix A

a) Audit & Governance Committee

Cllr L Bonham	Cllr C Oram
Cllr S Dennis	Cllr A Presswell
Cllr D Hancock	Cllr S Rake
Cllr A Nix	Cllr G Yardy

Substitutes:

Cllrs Abbott, Allen, Birch, Brazil, Carson, Cooper, Dewynter, Dommett, Edie, Hawkins, Hodgson, Hopwood, Jackson, Lawford, Long, McKay, Munoz, O'Callaghan, Pannell, Penfold, Steele, Taylor and Thomas

b) Development Management Committee

Cllr V Abbott	Cllr M Long
Cllr G Allen	Cllr A Nix
Cllr L Bonham	Cllr C Oram
Cllr J Carson	Cllr G Pannell
Cllr N Dommett	Cllr S Rake
Cllr J Hodgson	Cllr B Taylor

Substitutes:

Cllrs Birch, Cooper, Dennis, Dewynter, Edie, Hancock, Hawkins, Hopwood, Jackson, Lawford, McKay, Munoz, O'Callaghan, Penfold, Presswell, Steele and Yardy

c) Licensing Committee

Cllr V Abbott	Cllr G Pannell
Cllr G Allen	Cllr S Penfold
Cllr J Carson	Cllr A Presswell
Cllr N Dommett	Cllr S Rake
Cllr C Oram	Cllr D Thomas

Substitutes:

Cllrs Birch, Bonham, Brazil, Cooper, Dennis, Dewynter, Edie, Hancock, Hawkins, Hodgson, Hopwood, Jackson, Lawford, Long, McKay, Munoz, O'Callaghan, Nix, Steele, Taylor and Yardy

d) Overview & Scrutiny Committee

Cllr B Cooper	Cllr J Hawkins	Cllr C Oram
Cllr S Dennis	Cllr S Jackson	Cllr S Penfold
Cllr A Dewynter	Cllr L Lawford	Cllr A Presswell
Cllr T Edie	Cllr P Munoz	Cllr M Steele

Substitutes:

Cllrs Allen, Bonham, Carson, Hancock, Long, Nix, Pannell, Rake, Taylor and Yardy

e) Council Tax Setting Committee

Cllr J Birch
Cllr J Brazil
Cllr M Long
Cllr D Thomas

Appointment of Governance Boards / Panels 2024/25 Appendix B

- (a) Armed Forces Covenant Champion**
Cllr A Dewynter

- (b) Devon Building Control Partnership**
Cllr J Birch
Cllr J McKay

- (c) Director – Plymouth & South Devon Freeport**
Cllr J Birch

- (d) Joint SH/WD/Plymouth Local Plan Partnership Board**
Cllr J Brazil
Cllr D Thomas

- (e) Member Development Steering Group**
Cllr G Allen
Cllr N Hopwood
Cllr A Nix
Cllr C Oram
Cllr A Presswell
Cllr D Thomas

- (f) Rate Relief Panel**
Cllr J Birch
Cllr N Hopwood
Cllr G Yardy

- (g) Slapton Line Steering Group**
Cllr J Hawkins
Cllr L Lawford

- (h) South Devon National Landscapes Partnership Committee**
Cllr G Allen
Cllr J McKay

- (i) Tamar Valley National Landscapes Partnership Committee**
Cllr C Oram

ORGANISATION	Nominee(s)
1. Dartmoor National Park Authority	Cllr G Pannell
2. Devon Audit Partnership Committee of the Audit Committee	Chairman and Vice-Chairman
3. Devon Authorities Strategic Waste Committee	Cllr J Brazil (Substitute: Cllr J Hodgson)
4. Devon County Locality Committee <i>(Note: this Committee was abolished at the Devon County Council Annual Meeting held on 23 May 2024)</i>	Cllrs J Birch and D O'Callaghan
5. Devon County/South Hams Highways and Traffic Orders Committee	Cllrs J Birch and D O'Callaghan
6. Devon Districts Forum	Leader of Council
7. Governance Board (South Devon Healthcare NHS Foundation Trust)	Cllr G Yardy
8. Heart of the South West Devolution Joint Committee	Cllr J Brazil (Substitute: D Thomas)
9. Hope Harbour Commissioners	Cllr M Long
10. Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park	Cllrs A Dewynter and G Pannell
11. Local Government Association:- (i) District Council Network – Leader or Deputy Leader of Council (ii) General Assembly – Leader or Deputy Leader of Council (iii) South West Branch – Leader or Deputy Leader of Council (iv) Rural Commission – Leader or Deputy Leader of Council (v) LGA Committee, Panel, etc appointments (NB: These appointments are made via an Electoral College process through the LGA. Council has been given delegated authority to the Monitoring Officer, in consultation with the Leaders of the political groups, to agree any such appointments).	
12. PATROL – Parking and Traffic Regulations Outside London	Cllr G Pannell
13. Police & Crime Commissioners Scrutiny Panel	Cllr D Thomas
14. River Yealm Harbour Authority	Cllr T Edie
15. South Devon and Dartmoor Community Safety Partnership	Cllr S Rake

- 16. South West Councils Leader and Deputy Leader of Council
- 17. SPARSE Rural and Rural Services Network Cllr J McKay

PUBLIC QUESTIONS AT COUNCIL MEETINGS

There is a period of 15 minutes at meetings of the Full Council (excluding the Annual Meeting) during which members of the public can ask questions about items on the agenda.

Any member of the public who wants to ask a question should ensure that the question:

- a) is no more than 50 words in length;
- b) is not be broken down into multiple parts;
- c) must be about matters relating to the powers or responsibilities of the Council; and
- d) is suitable to be considered. A question will not be suitable if, for example, it is derogatory to the Council or any third party; relates to a confidential matter; it is about a specific planning matter; or it is substantially the same as a question asked in the past six months.

Questions should be sent to Democratic Services (Democratic.Services@swdevon.gov.uk) by 1.00pm on the Monday before the meeting (the deadline will be brought forward by a working day if affected by a bank holiday). This will allow a detailed response to be given at the meeting. If advance notice of the question cannot be given the Chairman of the meeting has the discretion to allow questions on matters that are felt to be urgent;

For any further advice on questions to Full Council, or to request a copy of the full Public Questions Procedure Rules, please contact Democratic Services (Democratic.Services@swdevon.gov.uk)

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 15 MAY 2024

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr A Nix
*	Cllr G Allen	∅	Cllr D O’Callaghan
∅	Cllr L Bonham	∅	Cllr G Pannell
*	Cllr J Carson	*	Cllr S Rake
*	Cllr J Hodgson	*	Cllr B Taylor
*	Cllr M Long (Chairman)	*	Cllr M Steele (substituting for Cllr Bonham)

Other Members also in attendance:

Cllrs Thomas and Birch and Cllr Presswell (on MS Teams)

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Monitoring Officer; Senior Planning Officers, Principal Housing Officer; Agricultural Consultant, Landscape Officer; Senior Historic Environment Officer; IT Specialists and Senior Democratic Services Officer.

DM.69/23

MINUTES

The minutes of the meeting of the Committee held on 10 April 2024 were confirmed as a correct record by the Committee.

DM.70/23

DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and none were made.

Cllrs J Hodgson and G Allen both declared an Other Registerable Interest in application 4021/21/VAR (Minutes DM.72/23 (a) below refer), they are a personal friend of Neil MacTaggart speaking as an objector.

By virtue of being a local Ward Member, Cllr M Long advised that he would be relinquishing the Chair for application 6(d) (minute DM.72/23(d) below refers). As a result, the Vice-Chairman chaired the meeting during consideration of this application.

DM.71/23

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.

PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

- 6a) 4021/21/VAR Development site at SX 809597, Steamer Quay Road, Totnes
Town: Totnes**

Development: Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL [erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping]

Case Officer Update: The Case Officer summarised the key issues, namely:

- Whether a s73 application can be made.
- Housing mix/quality of accommodation.
- Design, landscape/townscape character and appearance, trees.
- Highways.
- Residential amenity.
- Flood risk and drainage.
- Ecology and biodiversity.
- Energy efficiency and climate change.

In response to questions raised:

- With regard to the retaining wall proposed planning condition 12 and 3 would require no further development to take place until plans had been submitted.
- The Totnes Neighbourhood Plan does have relevant material consideration but have to be careful to suggest that there was an element in the NP that the principle of development was unacceptable.
- This plan was not looked at by the Design Review Panel and Officer's felt this scheme was very similar to the consented scheme.
- Condition proposed that no addition could go above the 20-metre line and the solar panels should not be visible because of the parapet.
- No additional transport assessment had taken place and the impacts between the two applications were very similar.
- The applicant and Ecology Officer at Devon County Council have had numerous discussions regarding bats and lighting and subject to condition felt that there would be no adverse impact.
- No in principle objection to this application from the statutory consultees regarding the drainage.
- The uncompleted planting of screening on the approved drawings

would be a separate matter to this application.

- There was a condition relevant to EV charging.
- Highways were happy with the parking spaces proposed due to the nature of the occupants staying at the care home and this was a sustainable location and expect people to travel by sustainable means.
- The Construction Management Plan would include the methodology of the piling, and this was already proposed as part of the consented scheme, however this would be looked at again because of the additional excavation.
- Obscure glazing was not relevant to every balcony and subject to a planning condition.
- The applicant has agreed to a condition regarding the retaining wall to the east of the development.
- The construction management plan would be reimposed and an opportunity to review the timings and movements of construction vehicles.
- It was further reiterated that the drainage had been looked at by the Environment Agency and lead statutory authority and they were happy with the proposals.
- Was unsure how feasible the removal of construction waste via the Dart.

Having heard from speakers on behalf of the objector, supporter, Parish Council and Ward Members. Members debated the application. During the debate, one Member raised concerns with the additional excavation, blocking of view and impact on residents in Sparkhay Drive, over development of the site, visual impact on the town, stability of the hill and access and parking. Another Member felt that the building now being a metre lower was a positive benefit and the 7-metre retaining wall would not be seen by the neighbouring properties.

Another Member said the original plan to integrate the building into the surrounding area and raised concerns on the piling, the safeguarding of the neighbouring homes and the River Dart recently awarded a safe bathing area and the impact of leakage on the River Dart. Another Member having heard the discussions felt their concerns regarding the retaining wall and impact on neighbouring homes were addressed and felt that neighbouring houses would be protected from any slippage with the retaining wall.

Another Member felt the residents view were really pertinent and the Town Council had worked hard on their NP. There had been a decline in care homes in this area and potentially these apartments could be changed to holiday lets in the future. This development would be dominant and whether the impact of extreme weather had been properly assessed and therefore proposed refusal.

Cllr Hodgson proposed and Cllr Allen seconded that the application should be refused with the reasons for refusal being delegated to the

Head of Development Management, in consultation with the Chair and Vice-Chair, Cllr Hodgson (Prosper) and Cllr Allen (Secunder) with the suggested reasons being that the proposed increase of the scale and mass of the building does not integrate into the area to the same extent as the approved scheme and would result in a dominant building to the detriment of the character of the area which is adjacent to an important recreational/amenity area for the wider town. The proposal to discharge ground water from the development into the River Dart was likely to cause unacceptable harm to the water quality and flood risk. The Council has insufficient information to determine whether or not the proposed development had an adverse impact on the neighbouring properties due to lack of information. Sufficient information has not been provided to demonstrate the construction of the building would not have a harmful impact or destabilise on adjacent land due to the additional excavations and piled foundations. The Head of Development Management made it clear to Members that if this application went to appeal, Members would need to provide evidence to back this particular reason. To include the relevant policies.

The proposal to refuse was then put to the vote, and was declared lost.

It was then proposed that that the application should be approved in accordance with the Officer's report subject to revision to the condition requiring construction management plan to ensure that investigations were carried out to ascertain whether or not the excavated materials/bringing in of new materials could be undertaken by river transport to minimise impact on the road.

The vote was then taken to approve the application.

Recommendation: Grant Conditional Planning Permission

Committee decision: Grant Conditional Planning Permission

Conditions:

- i. Approved/varied Plans
- ii. All 68no. residential units to be single occupancy
- iii. No part of the building including any related or attached structures or plant shall exceed 20.00m AOD
- iv. No external plant to be installed without agreement (subject to demonstration of no adverse impact on amenity)
- v. Compliance with updated lighting strategy
- vi. Compliance with DEV32 energy statement/agreement of final measures
- vii. Updated drainage scheme condition
- viii. Tree protection
- ix. Updated hard and soft landscape scheme (inc. increased sedum provision)

- x. Green wall details
- xi. Secured by Design compliance/scheme to be agreed
- xii. Land Stability Strategy
- xiii. Revised Construction Management Plan (accounting for additional excavation)
- xiv. Balcony glazing to be obscured; details to be agreed before occupation
- xv. Conditions that remain relevant from the host permission/compliance with previously approved details. [including contamination, noise and emissions/as required by EHO]

**6b) 0156/24/HHO 28 Redwalls Meadow Dartmouth TQ6 9PR
Town: Dartmouth**

Development: Householder application for erection of single storey ancillary residential annexe and associated works.

This application was deferred at the 10 April 2024 meeting for DMC Members to undertake a site visit.

The Case Officer clarified the shared access and confirmed this had consent.

In response to questions raised:

- The size of the ancillary building was deemed acceptable by officers.
- Access was always intended to be a shared access onto Mount Boone.

During the debate, Members felt that following the site visit and listening to the views of the local residents which related to the current use of the property as a Airbnb if this was normal unlet residential dwelling would accept this without too many concerns and felt there was no justification to go against the officer's recommendation.

Recommendation: Conditional Approval

Committee decision: Conditional Approval to include that the ancillary building would not be let separately.

Conditions:

1. Standard Time Limit
2. Adherence to Plans
3. Pre-Commencement – Drainage Scheme (agreed in writing 29/02/2024)
4. Natural Slate of UK/EU origin
5. Natural stone
6. Natural timber cladding
7. Ancillary use only
8. Removal of PD Rights

**6c) 3570/23/FUL Stokeley Barton Farm, Stokenham
Parish: Stokenham**

Development: READVERTISEMENT (amended plans & documents)
change of use from derelict poly-tunnel to new dwelling house

Case Officer Update: The Case Officer summarised the key issues, namely:

- Sustainable development.
- Justification for a countryside location.
- Justification for a coastal location within the Undeveloped Coast.
- Pattern of development.
- Size of the proposed dwelling.
- Insufficient information for upgrading of access.
- Loss of trees.
- Demonstrating compliance with DEV32.

In response to questions raised, there was a requirement for the development to have access to services by sustainable means and the walking route would need to be accessible to everyone. The home would need to continue in a sustainable manner.

Having heard from speakers on behalf of the supporter, Parish Council and Ward Member. Members debated the application. During the debate, one Member raised issues with the design and access and the need to take a broader view on what an occupational tie might look like in the future. Another Member understood the need for family to be close to their workplace, however, there were many missing parts to this application.

Recommendation: Refusal

Committee decision: Refusal in accordance with reasons for refusal 5, 6 and 7 as set out in the Officer's report.

**6d) 2786/20/FUL West Buckland Barn, Bantham, TQ7 3AJ
Parish: Thurlestone**

**Development: READVERTISEMENT (Revised plans & documents)
Erection of new agricultural store**

This application was Chaired by Councillor Taylor (Vice-Chair).

Case Officer Update: The Case Officer summarised the key issues, namely:

- Agricultural need within this location.
- Landscape.
- Heritage/Archaeology.

In response to questions:

- The roof would be a flat roof covered with an earth grassed mound.
- The steel roller shutter doors would have an appropriate colour and finish and when the planting established would diminish the view.
- Proposed fencing around the conservation site was temporary fencing to prevent accidental damage during construction.
- Leakage from machinery into the ground would be covered by other legislation and not planning legislation.

The Agricultural Consultant stated that he was happy with the size and location of the agricultural building.

The Case Officer highlighted condition 13 which related to the fencing around the conservation site and would look to amend this condition.

The Senior Historic Environment Officer reported that there was an archaeological condition in place so that any areas outside the protected area exposed by the removal of topsoil would be recorded before it was destroyed and would be preservation by record rather than preservation in situ with regard to the roundhouse site there would be no machinery over the top and therefore had no concerns. A method statement for the archaeology and that would be implemented during construction.

The South Devon National Landscape Unit initially provided a detailed objection. Revised plans were received and while the South Devon National Landscape Unit were consulted, they did not provide further written comments. However, there were numerous discussions between the Landscape Officer and the South Devon National Landscape Unit. They advised that the revised plans broadly addressed the concerns raised and they verbally confirmed that they were content with the changes.

The Agricultural Consultant was satisfied with the equipment to be stored was adequate and commensurate for the needs of 600 acres of land under the applicant's custodian. He also felt that the siting of the building with the bulk of the machinery being used for the vineyards was appropriate.

The Landscape Officer said that they were proposing a variety of plants and majority would be quite small but with management the smaller stock would establish quickly. Realistically, the landscape would take 10 years to fully develop adequate screening.

The Agriculture Consultant raised concerns back in 2021 over the several barns on site and was provided with a breakdown on machinery and took own measurements and space requirements and was happy that the barns were fully utilised at the time. He further confirmed that the building would be used to stored machinery and equipment that related to the management of the estate. Access would be a highways issue.

Having heard from speakers on behalf of the supporter, Parish Council and Ward Member. Members debated the application. During the debate, one Member raised the impact on the National Landscape, undeveloped coast and heritage site but did admire this application for minimising the effect on the landscape and the proximity of resources to provide support to workers in urgent times. Another Member supported the professional's view on the location of the proposed agricultural building. Another Member felt the Lower Aunemouth would be a better location and would mitigate against the archaeological site. Another Member in terms of balance felt the Parish Council made a strong case and inclined to follow that.

Another Member raised that this was a rural business and seen agricultural buildings go up elsewhere to support local businesses however cannot support this particular application as it was felt there was no particular need to have a building in this location. There was a need to protect the National Landscape, Undeveloped Coast and Heritage Site from development because this development could take place elsewhere with no harm or impact.

Recommendation: Conditional Approval

Committee decision: Delegated refusal to the Head of Development Management in consultation with the Chair, Vice-Chair, Cllr Steele (Proposer) and Cllr Hodgson (Seconder). The expansion of a greenfield site causing adverse impact on the landscape character and scenic quality of the South Devon National Landscape and undermining the special quality of the area.

DM.73/23 **PLANNING APPEAL UPDATES**

Members noted the update on planning appeals as outlined in the presented agenda report.

DM.74/23 **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, break at 12.30 pm and lunch at 1.15 pm. Meeting adjourned at 14.47 pm. Meeting concluded at 18.00 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 15 May 2024

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
4021/21/VAR	Development site at SX 809597, Steamer Quay Road, Totnes	Grant Conditional Planning	Cllrs Abbott, Long, Nix, Rake, Steele and Taylor (6)	Cllrs Allen, Carson and Hodgson (3)		Cllrs Bonham, O'Callaghan and Pannell (3)
0156/24/HHO	28 Redwalls Meadow, Dartmouth, TQ6 9PR	Conditional Approval	Cllrs Abbott, Carson, Hodgson, Long, Nix, Rake and Taylor (7)	Cllr Allen (1)	Cllr Steele (1)	Cllrs Bonham, O'Callaghan and Pannell (3)
3570/23/FUL	Stokeley Barton Farm, Stokenham	Refusal	Cllrs Abbott, Allen, Carson, Hodgson, Long, Nix, Rake and Taylor (8)		Cllr Steele (1)	Cllrs Bonham, O'Callaghan and Pannell (3)
2786/20/FUL	West Buckland Barn, Bantham, TQ7 3AJ	Refusal	Cllrs Allen, Carson, Hodgson, Long, Nix and Steele (6)	Cllrs Abbott, Rake and Taylor (3)		Cllrs Bonham, O'Callaghan and Pannell (3)

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MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 16 MAY 2024

MEMBERS

- * Cllr S Rake - Chairman
- * Cllr J Carson - Vice-Chairman

* Cllr V Abbott	∅	Cllr G Pannell
* Cllr G Allen	∅	Cllr S Penfold
* Cllr Dommett	*	Cllr A Presswell
* Cllr C Oram	*	Cllr D Thomas
* Cllr B Taylor	*	Cllr D Hancock
(substituting for Cllr S Penfold)		(Substituting for Cllr G Pannell)

- * Denotes attendance
- ∅ Denotes apology for absence

Officers in attendance and participating:
Legal Advisor to the Committee (via MS Teams); Licensing Officer; and Senior Democratic Support Officer

L.10/23 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 18 January 2024 and the Licensing Sub-Committee held on 18 April 2024 were confirmed as a correct record.

L.11/23 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

L.12/23 **DETERMINATION OF WHETHER TO GRANT A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

Consideration was given to an exempt report that asked the Committee to determine whether an individual was a ‘fit and proper person’ to hold a Hackney Carriage/Private Hire Driver Licence in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report, and the individual was invited to make representations to the Committee. At the conclusion of their address, Members of the Committee asked a series of questions.

Once all parties were satisfied that they had no more questions or issues to raise, the Committee adjourned at 11.31 am in the presence of the Solicitor.

Having fully considered the matter, the meeting was then re-convened at 12.10 pm and the Chairman read the decision as follows:

As a Licensing Committee, we have carefully considered the application for a new Hackney Carriage and Private Hire Joint Driver licence made under the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Part II and other relevant Legislation and have specifically considered:

- Our own Taxi Licensing Policy;
- Our Code of Good Conduct for Hackney Carriage and Private Hire drivers;
- The Government guidance issued under the Act;

In reaching our decision, we have taken account of the convictions disclosed on your application along with the additional convictions undisclosed at the time of applying, the omission of these convictions and the evidence and comments made today.

It is our decision to refuse this application. A decision the committee came to by majority vote, on the balance of probabilities when considering if you are a fit and proper person.

As you have been refused a License you have the right to appeal against a Licensing Committee decision to the Magistrates Court within 21 days of notification of the Committee's decision. The Officer will send the information to you.

(Meeting commenced at 11:00 am and concluded at 12:11 pm).

Chairman

MINUTES OF A MEETING OF THE EXECUTIVE HELD IN THE COUNCIL CHAMBER ON THURSDAY 6 JUNE 2024

Members in attendance: * Denotes attendance ∅ Denotes apologies for absence ** Denotes attendance via Teams in a non-voting capacity			
*	Cllr V Abbott	∅	Cllr N A Hopwood
∅	Cllr J P Birch	∅	Cllr J McKay
*	Cllr J Brazil (Chairman)	*	Cllr D M O'Callaghan
*	Cllr N Dommett	*	Cllr D Thomas (Vice Chairman)
*	Cllr J M Hodgson		

Non-Executive Members also present either in person or remotely for all or part of the meeting: Cllrs Dennis, Oram, Penfold, Steele (via Teams), and Taylor

Officers in attendance and participating:		
All items		Senior Leadership Team; Head of Democratic Services; Monitoring Officer; Assistant Director – Strategy (via Teams); Head of Revenues & Benefits; Head of Housing; Principal Housing Officer and Senior Strategic Planning Officer

E.1/24 WELCOME

In opening the meeting, the Leader welcomed Cllr Dommett to her first meeting as a Member of the Executive.

E.2/24 MOMENT OF REFLECTION

In recognition of it being the 80th Anniversary of the Normandy Landings, at the invitation of the Leader, the Chairman of Council addressed the meeting. In so doing, he acknowledged the courage and sacrifice of the men and women involved on that momentous day and invited Members and officers to stand for a moment of reflection.

E.3/24 MINUTES

The minutes of the Executive meeting held on 18 April 2024 were confirmed as a true and correct record.

E.4/24 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and these were recorded as follows:

With regard to agenda item 11 ('Staverton Neighbourhood Plan' (Minute E.11/24 below refers)), Cllr J Hodgson advised that by virtue of having been an observer to the process (in her capacity as the local Ward Member), she declared a personal interest in the item and, as such, took part in the debate and vote thereon.

E.5/24 QUESTION TIME

The Leader informed that two questions had been received in accordance with the Executive Procedure Rules. However, these had both been deferred to the next Executive meeting (to be held on 18 July 2024) in light of the Council now being in the pre-election period.

E.6/24 EXECUTIVE FORWARD PLAN

Members were presented with the most recently published version of the Executive Forward Plan that set out items on the agenda for Executive meetings for the next four months and the contents were duly noted.

In discussion, the following points were raised:

- (a) For future iterations of the Plan, it was requested that officers populate (and give greater consideration to) the column heading titled: '*Consultees and Means of Consultation*';
- (b) Unless informed to the contrary, it was noted that officers were still intending to present the draft Productivity Plan to the Executive meeting to be held on 18 July 2024;
- (c) In terms of updates to the next iteration of the Plan, Members requested that:
 - the 'Waste Services Update' agenda item on 19 September 2024 being broadened out to include reference to a progress update on the Community Composting initiative; and
 - a review into the recently launched Planning Enforcement Protocol being scheduled for the Executive meeting to be held on 21 November 2024.

E.7/24 CORPORATE PEER CHALLENGE 2024

The Executive considered a report that set out the findings and conclusions of the recently undertaken Corporate Peer Challenge.

During the ensuing debate and, in recognition of such a positive concluding report, there was widespread thanks extended to the Senior Leadership Team and all Members (both past and present). Whilst it was acknowledged that the report had been so positive, the importance of the Council not being complacent was also emphasised.

It was then:

RESOLVED

1. That the positive assessment of South Hams District Council provided in the Local Government Association's feedback report following the Peer Challenge in March 2024 be noted; and
2. That the recommendations set out in the report with the proposal to collaborate with partners and key stakeholders to develop an action plan in response to the recommendations made, be endorsed, with an initial draft action plan to be considered at the next Executive meeting (to be held on 18 July 2024).

E 8/24

COST OF LIVING CRISIS: PLANS FOR HOUSEHOLD SUPPORT FUND ALLOCATION (1 APRIL TO 30 SEPTEMBER 2024) AND 12-MONTH REVIEW OF THE REVENUES AND BENEFITS SERVICE

The Executive was presented with a report that sought Member support for the implementation of a series of measures to support residents during the Cost of Living Crisis.

In discussion, the following points were raised:

- (a) Members praised the Head of Revenues and Benefits for her tireless efforts in generating service improvements. Furthermore, Members asked that the officer relay their thanks to her team for the levels of thoughtful support that they provided to residents;
- (b) The Executive was assured that officers had a very close (and positive) working relationship with colleagues from Citizens Advice;
- (c) The leadership role being played by the Council in the Devon Care Leavers initiative was welcomed.

It was then:

RESOLVED

1. That the Head of Revenues and Benefits takes immediate steps to:
 - a) progress support payments of £500 to Devon Care Leavers known to be living at an address in the district on 1 June 2024;

- b) to progress support payments of £500 to Devon Care Leavers newly notified by Devon County Council to be living at an address in the district between 2 June and 30 September 2024; and
 - c) release the balance of the Household Support Fund for an open application process until 30 September 2024 or until the Fund is fully spent, if sooner; and
2. That the progress made by the Revenues and Benefits service in the last 12 months, following the service review, be noted.

E.9/24

Q3 AND Q4 WRITE OFF REPORT – 2023/24

A report was considered that informed Members of the proposal to write-off a series of debts with a value of more than £5,000 for the period from 1 October 2023 to 31 March 2024.

In discussion, reference was made to:

- (a) the Corporate Debt Policy. By way of an update to the debate at the Audit and Governance Committee meeting held on 28 September 2023 (Minute AG.18/23 refers), officers informed that the Corporate Debt Policy had now been implemented. In addition, a new Enforcement Agent Contract would be procured now that a new Procurement Framework had gone live and an invitation to tender would be issued in the upcoming weeks;
- (b) payment arrangements. It was noted that Debtors who entered into individual voluntary arrangements may be required to pay back a proportion of their debt. Furthermore, it was recognised that the Council was now in a position to take earlier (and quicker) action in respect of debt management.

It was then:

RESOLVED

1. That it be noted that, in accordance with Financial Regulations, the Section 151 Officer has authorised the write off of individual debts totalling £74,023.54 as detailed in paragraph 3 of the presented agenda report; and
2. That the write-off of the individual debts totalling £124,438.41 (as shown in exempt Appendix A of the presented agenda report) be approved.

E.10/24 **HOUSING – PARISH PROFILES AND UPDATE ON SOUTH HAMS HOUSING OFFER**

The Executive considered a report that sought approval for the introduction of ‘Parish Profiles’, a broad basket of data and information, designed to help provide a greater understanding of each demographic within a community and to help identify areas of need.

The report also provided an update on the South Hams Housing Offer.

In her introduction, the lead Executive Member made specific reference to:

- the delay in residents being able to move into the St Anns Chapel Development. The Member apologised for the delay (that was attributed to a legal dispute between the Council and its contractor) and informed that it had now been resolved and she was therefore confident that residents would be moving in within the next few weeks. The Member also wished to put on record her thanks for the diligence, support and input from the local Ward Member, who had demonstrated real community leadership on this project;
- refurbishment work was ongoing on the temporary accommodation units at Westville, Kingsbridge; and
- the South Hams Housing Offer. In highlighting that promising progress was being made, if any local Ward Member was contacted by a landowner regarding the Offer, they were encouraged to signpost them to either the Council website or lead officers.

During debate, particular reference was made to:

(a) the Parish Profile approach. Members commended the Profile approach and were of the view that local Ward Members and local town and parish councils would have an instrumental role to play in both their ownership and ongoing accuracy (and relevance) of contained information. Having already taken the Profile to a local Parish Council meeting, a Member provided the following feedback:

- especially in smaller parishes, some context was needed around some of the statistics;
- some fact checking was required regarding the accuracy of some of the information set out; and
- it would be helpful to include reference to some community facilities;

(b) affordable housing policies. Some Members stated that current Central Government rules and policies in relation to affordable housing simply did not work. It was therefore hoped that these areas could be tightened up as part of the review into the Joint Local Plan;

- (c) the merits of town and parish councils undertaking their own Housing Needs Surveys. When questioned, the Leader expressed his view that he would never discourage a town or parish council from carrying out their own Survey, however he did have personal reservations about their merit and was of the view that they were out of date as soon as they had been published and there was now a need for the Council to be more sophisticated in its approach to demonstrating Housing Need;
- (d) the South Brent Community Land Trust (CLT). With regard to progress on the CLT, it was agreed that officers would provide an update to an interested Member outside of this meeting.

It was then:

RESOLVED

:

1. That the Parish Profile approach be endorsed; and
2. That the progress being made on the South Hams Housing Offer be noted.

E.11/24

STAVERTON NEIGHBOURHOOD PLAN

The Executive considered a report that sought approval for the making (adoption) of the Staverton Neighbourhood Plan

During the ensuing discussion, particular reference was made to:

- (a) the voter turnout. The voter turnout of 37% was felt to be encouraging and reflective of the extensive levels of community consultation that had been carried out;
- (b) the quality of the Plan. A number of Members commented that the Plan was of an exceptional quality and thanks were consequently passed on to both the Parish Council and the Neighbourhood Plan Steering Group.

It was then:

RESOLVED

:

1. That the Staverton Neighbourhood Development Plan (as set out at Appendix A of the presented agenda report) be made (adopted); and
2. That the Director of Strategy & Governance be instructed to publish the Decision Statement (as set out at Appendix B of the presented agenda report).

(Meeting commenced at 10.00 am and concluded at 11.20 am)

Chairman

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 17 JUNE 2024 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES)

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 20 JUNE 2024

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long (Chairman)
*	Cllr G Allen	*	Cllr C Oram
*	Cllr L Bonham	*	Cllr A Nix
*	Cllr J Carson	∅	Cllr G Pannell
*	Cllr N Dommett	∅	Cllr S Rake
*	Cllr J Hodgson	*	Cllr B Taylor
*	Cllr T Edie (substituting for Cllr Pannell)		

Other Members also in attendance:

Cllr D O'Callaghan and Cllr S Rake on MS Teams

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Principal Planning Officers, Monitoring Officer; Senior Planning Officers, Landscape Officer; DCC Highways Officer; Principal Project Manager; IT Specialists and Senior Democratic Services Officer.

DM.01/24 MINUTES

The minutes of the meeting of the Committee held on 15 May 2024 were confirmed as a correct record by the Committee.

DM.02/24 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and none were made, however, the Chair raised that himself and Committee Members received a briefing document from the applicants in relation to 0278/24/ARM - Land at SX 855 508, Violet Drive, Dartmouth. For openness and transparency this briefing document was uploaded to the planning portal.

DM.03/24 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.04/24 PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**6a) 0932/24/VAR Development Site, Tumbly Hill,
Kingsbridge
Town: Kingsbridge**

Development: Application for variation of condition 2 (approved plans) & condition 4 (surface water drainage) of planning consent 2876/21/FUL

Case Officer Update: Highlighted the repositioning of the red line due to surveying errors and explained that this was very minor reduction in the extent of the red line and was considered to be within the scope of the application and was uncontentious.

The Case Officer summarised the key issues, namely:

- Principle was established by extant permission.
- Drainage approach agreed and Condition 3 would require compliance.
- External alternations were minimal.
- Development remains within the same development area.

In response to questions raised, it reported that the original red line was due to an error in surveying. Further clarification was sought on the attenuation tanks and it was reported that the 3 tanks would hold water back at a controlled rate using a low maintenance system. Many discussions had taken place, all concerns raised had been alleviated and now have a scheme with the lowest risk.

Having heard from speakers on behalf of the objector, supporter, statement from the Town Council and Ward Member. Members debated the application. During the debate, some Members could not see any issues with the variation put forward and felt that the drainage assessment covered the concerns raised and the most recent climate events. Landscaping was also raised, and it was reported that condition 9 included a Landscape Plan.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:

1. Approved Plans – amended.
2. Implementation of Sustainability Measures.
3. Surface water drainage scheme – amended to secure compliance with submitted details including monitoring schedule.
4. CMP.
5. External materials – amended to reflect approval 4006/23/ARC.

- 6. Stone walls – amended to reflect approval 4006/23/ARC.
- 7. Unsuspected land contamination.
- 8. Parking.
- 9. Landscaping – amended to reflect details approved by 0717/23/ARC.
- 10. Trees – amended to reflect details approved by 1426/23/ARC.

**6b) 1368/24/PHH Longcombe Well, Longcombe, TQ9 6PN
Parish: Berry Pomeroy**

Development: Application to determine if prior approval is required for proposed enlargement of existing rear extension

Case Officer Update: The Case Officer summarised the key issues, namely:

- Whether or not the proposal accords with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and whether or not any potential impacts on neighbour amenity were considered acceptable.

In response to questions raised, it was reported that when looking at the application heating of the rear extension was not considered.

There were no speakers for this application. Members debated the application and supported the officer’s recommendation.

Recommendation: Prior Approval Required and Given

Committee decision: Prior Approval Required and Given

Conditions:

- 1. Accord to Plans.
- 2. Materials to Match Existing.

**6c) 0278/24/ARM Land at SX 855 508, Violet Drive, Dartmouth
Parish: Stoke Fleming**

Development: READVERTISEMENT (Amended red line, elevational changes to building, revised boundary treatment details, additional landscaping details, updated tree protection plan, additional plans of bin store, cycle store and access ramp, directional highway signage within the site, revised lighting details with replacement of some lighting columns with bollards, and further transport note to address comments on highway access arrangements) Application for approval of reserved matters (layout, appearance, scale and landscaping) following outline approval 0479/21/VAR for Erection of a 3-storey, 105-bedroom hotel with ancillary restaurant and all associated works.

The Case Officer provided an update:

- Members were sent a briefing note from the applicant and this has been uploaded onto the planning website.
- Blackawton Parish Council submitted a representation in support of the application but would prefer an adaptation of architectural design to create a building and site more in keeping with the historic and natural beauty of Dartmouth.

The Case Officer summarised the key issues, namely:

- Compliance with outline consent, layout, scale, appearance and landscaping.

In response to questions raised, it was reported that:

- Different roof options were discussed and a flat roof inappropriate because it would not respect the character of the area and the plant and machinery would be exposed.
- If the Premier Inn and 3 storey apartments on Violet Drive were on the same level, then the Premier Inn would be a taller building, but as it would be built on lower ground and the ridge height would be 0.35 metres lower.
- Policy TTV4 relates to the whole development.
- The wider accessibility of the site was dealt with by the outline consent.
- Pedestrian and cycle routes throughout the wider development site with a local bus stop and park and ride close by.
- Green space and outdoor space immediately in front of the entrance/restaurant for amenity use.
- The restaurant would be 50 metres from the residential properties to the east.
- The cladding would be more of a ceramic type cladding with a timber effect and other timber effect claddings had been approved on this site.
- There would be significant tree planting around the site and include large extra heavy standard, feathered trees. Hedgerow planting would be of native mix.
- Further hedgerow had to be removed to accommodate utility services.

Having heard from speakers on behalf of the objector, supporter and Ward Member. Members debated the application. During the debate, one Member raised that we need to decide whether to approve on the layout, scale, appearance, knowing full well that something similar could be built on that site. The impact on the residents and the applicants have been working with the council to address issues raised and now need to make decision on whether this was right.

Another Member felt a hotel in that site was probably a sensible idea but did have concerns with the inadequate parking spaces at the hotel which

could lead to local roads being overloaded with cars. Also had concerns with the overall scale of the building and the visual impact when first driving into Dartmouth and whether this applied to Policy TTV4.

Another Member raised that when this was given outline planning permission the ground level was not that high but had now changed fundamentally coupled with the loss the hedgerow. They now felt that what was before us was not what was intended.

A proposal was put forward to refuse the application because not in keeping with the vision of the outline permission and the overscale of the size of the site, did not conform with the outline permission, destruction of the hedgerow and the lack of biodiversity offer. Adverse impact on residents with traffic and parking.

The Principal Planning Officer clarified that the biodiversity net gain was relevant to new applications, however, the 10% mandatory net gain was not relevant because this was reserved matters and the outline granted before this came into place and ecology matters would be addressed by conditions on the outline permission.

The Planning Officer clarified that the ground levels of the site. The interior road and main road indicate the original ground levels and spoil had been put on the site making this a metre higher and it was proposed to cut the hotel into the site. The removal of the original hedgerows was to facilitate the new access road and this was undertaken in accordance with the approved plans. There was a proposal to remove further hedgerow in order to put in an environ mesh bank and then build the new hedgerow on top. This land has always been higher than the road and whatever goes on that site would be higher than the road.

The Highways Officer reported that they did not envisage any traffic safety implications because of the proposals. They did have concerns when the hotel would be near capacity which could lead to a potential for spillage of parking onto the road network. The applicant based the parking on examples across the country and that was the prescribed way of demonstrating parking demand and must consider the evidence provided. However, it was said that only 20% of occupants choose to eat in the evening which then allows several external people to book into the restaurant, therefore if the hotel was full, Members have not heard how many could end up parked on the road network.

Cllr Hodgson proposed and Cllr Bonham seconded that the application should be refused with the reasons for refusal being delegated to the Head of Planning in consultation with the Chair, Vice-Chair, Cllr Hodgson (Proposer) and Cllr Bonham (Secunder). Policy TTV4 – scale design and overly prominent when viewed from the surrounding countryside and does not provide a positive frontage onto the adjoining road network. DEV20 place shaping and quality of the build environment and does not contribute positively because it does not enhance the appearance of a gateway

location and route into Dartmouth. Insufficient information to demonstrate the level of parking at peak times could lead to spillage out onto the public highway and could cause a highway safety issue. DEV23 landscape character policy.

Another Member having heard the debate raised that their previous comments were wrong regarding the ground levels.

Another Member was pleased to see someone invest in the local area and provide local jobs. They did have concerns on the impact on parking when the hotel was at full capacity, however, this was a Premier Inn with many across the country. They have hotels in a similar locations with a good understanding of parking requirements and therefore would want their business to thrive and felt confident that the parking they have provided would be sufficient all year round.

The proposal to refuse was then put to the vote and was declared lost.

It was then proposed that that the application should be approved in accordance with the Officer's report.

Recommendation: Grant Reserved Matters

Committee decision: Grant Reserved Matters

Conditions (list not full):

1. Approved plans and details
2. Sample panel for walls and roof
3. Landscaping implementation
4. Noise levels from any plant restricted at boundary of nearest noise sensitive dwelling
5. Compliance with DEV32 requirements

6d) 3732/23/FUL Land at SX 805 583, Ashprington
3733/23/FUL Parish: Ashprington
3734/23/FUL
3735/23/FUL

Development:

Provision of an agricultural livestock building & engineering works to create a level yard area (application 1 of 4)

Provision of an agricultural livestock building & engineering works to create a level yard area (application 2 of 4)

Provision of a storage building & engineering works to create a level yard area (application 3 of 4)

Provision of a storage building & engineering works to create a level yard area (application 4 of 4)

Case Officer Update: The Case Officer summarised the key issues, namely:

- Principle – agricultural buildings in countryside accepted.

- Landscape – mitigation could be conditioned.
- Trees – protection could be conditioned.
- Heritage – no adverse impacts.
- Ecology – mitigation could be conditioned.
- Other conditions as requested could address technical issues.
- Highways Objection – unacceptable impact on highways safety at Ashprington Cross due to poor visibility at junction.

The Highways Officer raised that his concerns came from the design and access statement which stated that Sharpham Barn was no longer fit for purpose for the farmer in that location despite having access to the same fields and therefore wanted to vacate this site and move further along the road. From a highway safety point, the junction affords 22 metres visibility, and the national guidelines indicates 56 metres visibility and therefore have a 50% plus shortfall in visibility at that junction and any increase in use would be detrimental to road safety, however, there have been no accidents recorded in the last three years at that junction.

The Planning Officer reported that this proposal would provide for substantial agricultural activity at that site which then raised concerns that this could lead to an increase in traffic through this junction. Other parts of the application were fine, and this was an opportunity for the Committee to hear the concerns from the Highways Officer.

In response to a question regarding pedestrians and cyclists on this road, the Highways Officer added that there was more than adequate forward visibility for drivers of any type of vehicle to gauge pedestrians or cyclists in the road running past the site and therefore had no concerns.

Having heard from speakers on behalf of the supporter and statement from the Ward Member. Members debated the application. During the debate, some Members felt that this application had a proven agricultural need and to support farmers in the local community. Having heard from the applicant's agent that the junction was already used felt this application should be supported.

Recommendation: Refusal for all 4 applications

Committee decision: Delegated approval to the Head of Development Management in consultation with the Chair, Cllr Taylor (Proposer) and Cllr Oram (Seconder) to agree the conditions and the increase in traffic would not be detrimental to highway safety and no other adverse impacts. Drafting of conditions to be delegated to officers subject to agreement of Chair, Proposer and Seconder

DM.05/24

PLANNING APPEAL UPDATES

Members noted the update on planning appeals as outlined in the

presented agenda report.

DM.06/24

UPDATE ON UNDETERMINED MAJOR APPLICATIONS

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

(Meeting commenced at 11.00 am and lunch at 12.37 pm. Meeting concluded at 17.15 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 20 June 2024

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
0932/24/VAR	Development Site, Tumbly Hill, Kingsbridge	Conditional Approval	Cllrs Abbott, Allen, Bonham, Carson, Edie, Hodgson, Long, Nix, Oram and Taylor (10)		Cllr Dommett (1)	Cllrs Pannell and Rake (2)
1368/24/PHH	Longcombe Well, Longcombe, TQ9 6PN	Prior Approval Required and Given	Cllrs Abbott, Allen, Bonham, Carson, Dommett, Edie, Hodgson, Long, Nix, Oram and Taylor (11)			Cllrs Pannell and Rake (2)
0278/24/ARM	Land at SX 855 508, Violet Drive, Dartmouth	Grant Reserve Matters	Cllrs Abbott, Dommett, Edie, Long, Nix, Oram and Taylor (7)	Cllrs Allen, Bonham, Carson and Hodgson (4)		Cllrs Pannell and Rake (2)
3732/23/FUL	Land at SX 05 583, Ashprington	Approved	Cllrs Abbott, Allen, Carson, Dommett, Edie, Hodgson, Long, Nix, Oram and Taylor (10)		Cllr Bonham (1)	Cllrs Pannell and Rake (2)
3733/23/FUL	Land at SX 05 583, Ashprington	Approved	Cllrs Abbott, Allen, Bonham, Carson, Dommett, Edie, Hodgson, Long, Nix, Oram and Taylor (11)			Cllrs Pannell and Rake (2)
3734/23/FUL	Land at SX 05 583, Ashprington	Approved	Cllrs Abbott, Allen, Bonham, Carson, Dommett, Edie, Hodgson, Long, Nix, Oram and Taylor (11)			Cllrs Pannell and Rake (2)
3735/23/FUL	Land at SX 05 583, Ashprington	Approved	Cllrs Abbott, Allen, Bonham, Carson, Dommett, Edie, Hodgson, Long, Nix, Oram and Taylor (11)			Cllrs Pannell and Rake (2)

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