

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT  
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,  
3 AUGUST 2016**

<b>Members in attendance</b> * Denotes attendance ∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr B F Cane	∅	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins (pm only)	*	Cllr R J Vint

**Other Members in attendance:**

Cllrs Baldry, Bastone and Wright

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		Planning Specialists, Solicitors and Senior Specialist – Democratic Services
6 (DM.19/16)	0004/16/FUL	Devon County Council Highways Officer
	0579/16/FUL	Emergency Planning Officer and Environment Agency Flood Risk Officers
8	Minute DM.21/16 refers	Specialists Manager

**DM.14/16 MINUTES**

The minutes of the meeting of the Committee held on 6 July 2016 were confirmed as a correct record and signed by the Chairman, subject to deletion of the following sentence in respect of application number 1527/16/FUL: Land adjacent to Whitestrand Car Park, Fore Street, Salcombe (Minute DM.12/16 refers):

*‘Use of new decking for A1 (retail), A3 (restaurants and cafes) and A5 (hot food takeaway) uses.’*

**DM.15/16 URGENT BUSINESS**

The Chairman informed that he had agreed for one urgent item to be raised at this meeting. This item related to the recent Judgement and Order that had been handed down on the Brimhay Bungalows Judicial Review and was considered urgent in light of the announcement having been recently made.

At this point, the Chairman invited the Council Solicitors to provide an update on this matter.

In so doing, reference was made to:-

- (a) the findings of the Judge. It was noted that the Judge had concluded that insufficient reference had been given to the relevance of Council Policy DP8 (loss of open space) in the case officer report that had been considered by the Committee;
- (b) reconsideration by the Committee. Members were informed that the planning application would need to be reconsidered by the Committee as quickly as possible. An amended case officer report would be produced that would incorporate the findings of the Judge and it would then be a matter for the Committee to make a fresh decision on the merits of the planning application;
- (c) the Council being liable to pay the claimants' legal costs; and
- (d) the process followed (and findings reached) in this instance having a number of Member training implications.

**DM.16/16 WITHDRAWN APPLICATION – DEVON ROAD, SALCOMBE**

The Chairman informed that application **1307/16/FUL**: Resubmission of application number 0116/16/FUL being the demolition of an existing house and the building of a new dwelling and associated works – The Rough, Devon Road, Salcombe TQ8 8HJ had been withdrawn by the applicants prior to the start of this meeting.

**DM.17/16 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 T R Holway declared a personal interest in application **0890/16/HHO**: Householder application for a first floor extension to comprise of master bedroom and en-suite – 14 Riverside Walk, Yealmpton by virtue of knowing residents who lived within that road. He remained in the meeting for the duration of this application and took part in the debate and vote thereon;

Cllr P K Cuthbert declared a personal interest in application **0579/16/FUL**: Erection of a detached house on land previously used for WI Hall – Site of WI Hall, Ford Road, Yealmpton, PL8 2NA by virtue of knowing the agent for this application. She remained in the meeting for the duration of this application and took part in the debate and vote thereon.

**DM.18/16 PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

**DM.19/16 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:

**1527/16/FUL Land Adjacent to Whitestrand Car Park, Fore Street, Salcombe TQ8 8BU**

**Parish: Salcombe**

**Construction of a new suspended deck structure over the existing slipway, remedial works to the adjacent quayside frontage and car park and removal of a small section of rear wall located in front of the showers.**

Case Officer Update:

The public consultation period had now expired and the officer recommendation had now been updated to be one of conditional approval.

It was confirmed that the only element of the scheme that required planning permission was the decking. Whilst the other elements could be undertaken through Permitted Development, all aspects were included in the application for completeness.

15 additional letters of objection had been received since the last Committee meeting. New issues raised in these letters were: proposals would interfere with current moorings and be a safety hazard when wet and the application was inconsistent with the DPD and the emerging joint local plan.

In addressing these concerns, the officer informed that the Harbour Master was supportive of the application and any safety concerns were not a material planning consideration.

Speakers included: local Ward Member – Cllr Wright

**Recommendation: Conditional Approval**

During the debate on this application, the local Ward Member in attendance and the Chairman of the Salcombe Harbour Board both highlighted that the deletion of the usage aspect of the original application (minute DM.14/16 above refers) had mitigated the overwhelming majority of objections raised. As a consequence, both Members felt that the proposed additional seating would enhance that area and were supportive of this application.

### **Committee Decision: Conditional Approval**

#### **Conditions:**

1. Time limit
2. Accord with plans
3. Construction Environmental Management Plan (incorporating comments of Estuaries Officer and Natural England)
4. Floor Notice
5. Flood Warning and Evacuation

**0004/16/FUL            11 Lower Street, Dartmouth TQ6 9AN**

**Parish: Dartmouth**

### **Proposed change of use and alterations to ground floor to create garaging, parking and ancillary storage**

Case Officer Update:

The decision had been taken at the last Committee meeting to defer this application pending further information on retail and highways issues.

Loss of a retail unit – officer had recently visited Dartmouth town centre and counted only three empty retail units in the town at that time. Whilst this indicated high demand for retail units in Dartmouth, this particular application site did not have an ordinary shop frontage and officers did not consider that the proposals would have an adverse effect on the vitality of the retail centre.

Highways implications – the County Highways Officer was in attendance and informed that vehicle tracking information had now been provided by the agents. This information had indicated that it was possible to exit the application site whilst cars were parked on the opposite side of the road. In respect of the safety concerns raised, the officer advised that vehicle speeds were inherently low in this particular area and it was his view that reversing out at this location was possible.

Finally, the Highways Officer drew the attention of the Committee to the comments in the National Planning Policy Framework whereby such applications should not be refused unless the impact would be 'severe'. Whilst the proposals were not ideal, it had been his conclusions that the impact would not be so severe in this instance to warrant refusal of the application.

Speakers included: local Ward Members – Cllrs Bastone and Rowe

**Recommendation: Conditional Approval**

During the debate on this application, reference was made to:

- the concerns of the participating local ward Members. These concerns could be summarised as follows:
  - o the loss of retail space in a thriving town;
  - o the garage being in the narrowest part of what was a very busy street; and
  - o there was on-street parking on the opposite side of the road. In addition, reversing on to the street was likely to be both dangerous and chaotic in such a busy area.
- the application being detrimental to the Conservation Area;
- the lack of a proposed splay. Some Members lamented the lack of any splay being proposed for this application and felt that reversing out on to the highway against the flow of traffic from the lower ferry was particularly dangerous. However, if the Committee was minded to approve this application, a Member was adamant that an additional condition should be included whereby a turntable should be in situ to ensure that vehicles using the garage would not need to reverse out over a pavement and on to the highway.

**Committee Decision: Refusal**

**Reasons:**

- The design and siting of the proposals would be out of character with the Conservation Area and would result in the loss of a historic building;
- The loss of a retail unit would result in an adverse impact on the vitality and viability of the town centre; and
- The proposed development would give rise to vehicles reversing from or on to the public highway which would have an adverse effect on highways safety.

**0890/16/HHO      14 Riverside Walk, Yealmpton PL8 2LU**

**Parish: Yealmpton**

**Householder application for a first floor extension to comprise of master bedroom and en-suite**

Case Officer Update: None

Speakers included: local Ward Member – Cllr Baldry

**Recommendation: Conditional Approval**

With the aid of photographs, the participating local Ward Member highlighted two extensions that were on the opposite side of Riverside Walk. The Member commented that these photographs illustrated that no other extensions in the street scene covered the whole width of their own garages.

In discussion, some Members felt that the site visit had been particularly useful and were of the view that, whilst the extension would feel slightly oppressive, the impact would not be so significant to warrant the application being refused.

**Committee Decision: Conditional Approval**

**Conditions:**

1. Standard time limit;
2. Accord with plans;
3. Materials to match existing; and
4. No windows to side elevation.

**0579/16/FUL                      Site of WI Hall, Ford Road, Yealmpton PL8 2NA**

**Parish: Yealmpton**

**Erection of a detached house on land previously used for WI Hall**

Case Officer Update:

- An extensive extract from the end of the Environment Agency's Position Statement dated 27 July 2016 was read to the Committee. The Statement made clear that the Agency maintained its objection to the proposal on flood risk grounds, whilst accepting that the Local Planning Authority was the decision-maker. In addition, if Members were minded to approve the application, the Agency wished to pledge its support in defending a refusal decision, on flood risk grounds, in a potential future appeal situation;
- A further letter of representation had been received from the neighbour at Applegarth reiterating objections in relation to overlooking, overshadowing and design, but concentrating on flood risk and potential flood displacement.

Speakers included: Objector – Mr Richard Smith: Supporter – Mr Richard Buckland and local ward Member – Cllr Keith Baldry

In addition, Environment Agency Officers (Marcus Salmon and John Pask) and the Council's Emergency Planning Officer (James Kershaw) were in attendance to respond to technical questions raised by Members in relation to flood risk.

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

1. Standard time limit;
2. Accord with plans;
3. Materials;
4. Tree protection during construction;
5. Removal of PD windows first floor south west and south east elevations;
6. No construction or vegetation growth within sight lines;
7. Updated Emergency Plan required;
8. No mud, stones, water or debris shall be deposited from the site onto the public highway at any time;
9. Removal of PD – extensions and garden structures;
10. Space under house to be kept permanently void; and
11. Prior to first occupation the applicants, or successors in title; shall have provided the Local Planning Authority with details of the flood resilient front door and secured written approval for its use. The house shall then only be built with a front door to this specification, or another specifically approved by the Local Planning Authority, and, henceforth shall only be occupied with a flood resilient door in place that equals (or better) the approved performance specification.

**1447/16/HHO                      Southford Cottage, Southford Lane, Staverton  
TQ9 6NZ**

**Parish: Staverton**

**Householder application for an extension to first floor of  
residential outbuilding/garage**

Case Officer Update: There was a small discrepancy in the officer report between the measurements on the drawings and what was stated. The officer confirmed that this matter would be clarified with the applicant prior to the decision being issued.

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

**Conditions:**

1. Standard time limit;
2. Accord with plans;
3. Implementation of the Ecological Report; and
4. Use ancillary to main dwelling.

**1448/16/HHO                      24 Parklands, Totnes TQ9 5HZ**

**Parish: Totnes**

**Householder application for a two storey extension to the side of  
the house and addition of front porch.**

Case Officer Update: None

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

**Conditions:**

1. Standard time limit;
2. Accord with plans;
3. Materials to match existing; and
4. Unsuspected contamination.

**DM.20/16 PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and the Planning Senior Specialist responded to questions and provided more detail where requested.

In particular, the Committee was advised that there was an error on the list presented to the meeting and the description and location for application number 41/2536/15/F should read as follows:

Proposal: *'New two bedroom dwelling in existing car parking bay.'*

Location: *'Rockside, Cliff Road, Salcombe.'*

**DM.21/16 PLANNING PEER CHALLENGE ACTION PLAN 2016/17**

The Committee considered a report that outlined the Action Plan that had been developed to implement the recommendations contained within the report arising from the Planning Improvement Peer Challenge visit conducted between 18 and 20 April 2016.

In the general discussion, the following points were raised:-

- (a) Members were informed that, whilst it was recognised that there were still a number of improvements to be made, the performance of the Development Management (DM) service was now heading in the right direction;
- (b) Some Members felt it to be regrettable that the Council no longer utilised its Design and Conservation Panel or the concept of Developer Forums for major planning applications;
- (c) In light of the service being reliant on the Council's IT systems, Members requested that they receive (outside of the meeting) a further briefing paper from officers on the latest IT position;



- (d) When questioned on the matter of staff morale within the service, the Specialists Manager advised that the officers were under pressure and working incredibly hard. Whilst individual caseloads had reduced, these had recently begun to creep back up again and there was a need to embed all of the T18 processes and systems in order to reduce the pressure on officers.

In taking this point a step further, a Member queried the suitability of the Future Operating Model for the DM Service and requested that an informal meeting be held between Committee Members and DM specialist officers. In reply, the Committee Chairman agreed to consider this request;

- (e) Reference was made to a submission from Cllr Pearce (who was unable to attend this meeting) and her comments were considered and noted by the Committee.

Members then proceeded to debate the draft Action Plan, reference was made:

- (i) Action 1. The view was expressed that some of the terminology associated with the Transformation Programme was somewhat confusing. As an example, it was felt that the Case Manager role (that did not have any line management responsibility) should be re-defined as being 'Case Processers';
- (ii) Action 3. As a specific point, a Member requested that the functionality of the website include some form of colour coding system to indicate what pages had already been viewed;
- (iii) Action 4. Whilst some concerns were expressed regarding the timing of the joint Developer / Agent Forum (22 August 2016), the overriding view was that such a Forum was long overdue and swift progress needed to be made in this regard;
- (iv) Action 5. Whilst recognising the importance of facilitating engagement with town and parish councils, a Member emphasised the need for such engagement to be more creative and innovative.

The Committee also considered the need to support neighbourhood plans to be of equal importance. As a consequence, Members welcomed the news that an officer had recently been employed by the Council, who would be tasked with supporting the Neighbourhood Planning process;

- (v) Action 6. A Member expressed his concerns at the decision to delegate authority to adopt the Local Development Scheme to senior officers in consultation with lead Executive Members and queried when this decision had been taken. In reply, it was agreed that a response would be sent to the Committee outside of this meeting;

- (vi) Action 8. The need for (and importance of) ongoing Member training on planning related matters was emphasised by the Committee;
- (vii) Action 9. The Committee welcomed the recommendations whereby performance information would be reported to the Development Management Committee. With regard to the information reported, a Member hoped that consideration could be given to specific indicators being reported in relation to: wildlife protection; traffic congestion; social housing numbers; and enforcement.

With regard to the frequency of reporting performance information, a number of Members expressed their agreement with the comments submitted by Cllr Pearce whereby this should be undertaken on a quarterly (rather than a monthly) basis.

As a way forward, it was agreed that performance information would be first presented to the Committee meeting on 28 September 2016. At this meeting, the Committee would then reach a view regarding the frequency of reporting this information.

It was then:

### **RESOLVED**

1. That the content of the Planning Peer Challenge report (as outlined at Appendix 2 of the presented agenda report) be noted;
2. That the content of the Action Plan 2016/17 being implemented to improve performance within the wider Planning function (appendix 3 of the presented agenda report refers) be endorsed, subject to the comments as recorded in the minutes above being taken into account; and
3. That Council be **RECOMMENDED** that the Committee terms of reference be amended to ensure that key performance data relevant to the Action Plan can be considered by the Committee.

(Meeting commenced at 11.30 am and concluded at 4.40 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 3 August 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1527/16/FUL	Land adjacent to Whitestrand Car Park, Fore Street, Salcombe	Conditional Approval	Cllrs Bramble, Brazil, Cane, Cuthbert, Holway, Rowe and Steer (7)	None	Cllrs Foss, Hodgson and Vint (by virtue of missing the debate at the last Committee meeting (3)	Cllrs Hitchins and Pearce (2)
0004/16/FUL	11 Lower Street, Dartmouth	Refusal	Cllrs Bramble, Brazil, Cane, Cuthbert, Holway and Rowe (6)	Cllr Steer (1)	Cllrs Foss, Hodgson and Vint (by virtue of missing the debate at the last Committee meeting (3)	Cllrs Hitchins and Pearce (2)
0890/16/HHO	14 Riverside Walk, Yealmpton	Conditional Approval	Cllrs Bramble, Brazil, Cane, Cuthbert, Hodgson, Holway, Rowe, Steer and Vint (9)	None	Cllrs Foss and Hitchins (by virtue of missing the debate at the last Committee meeting (2)	Cllr Pearce (1)
0579/16/FUL	Site of WI Hall, Ford Road, Yealmpton	Conditional Approval	Cllrs Bramble, Cane, Foss, Hitchins, Hodgson, Holway, Rowe and Steer (8)	Cllrs Brazil, Cuthbert and Vint (3)	None	Cllr Pearce (1)

1447/16/HHO	Southford Cottage, Southford Lane, Staverton TQ9 6NZ	Conditional Approval	Cllrs Bramble, Brazil, Cane, Cuthbert, Foss, Hitchins, Hodgson, Holway, Rowe, Steer and Vint (11)	None	None	Cllr Pearce (1)
1448/16/HHO	24 Parklands, Totnes TQ9 5HZ	Conditional Approval	Cllrs Bramble, Brazil, Cane, Cuthbert, Foss, Hitchins, Hodgson, Holway, Rowe, Steer and Vint (11)	None	None	Cllr Pearce (1)