

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in COUNCIL CHAMBERS, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 16 FEBRUARY 2022

| Members in attendance | | | |
|------------------------------|------------------------------|---|----------------|
| * Denotes attendance | | | |
| ∅ Denotes apologies | | | |
| * | Cllr V Abbott | * | Cllr M Long |
| * | Cllr J Brazil (Chairman) | * | Cllr G Pannell |
| * | Cllr D Brown | * | Cllr K Pringle |
| * | Cllr R J Foss (Deputy Chair) | * | Cllr H Reeve |
| * | Cllr J M Hodgson | * | Cllr R Rowe |
| * | Cllr K Kemp | * | Cllr B Taylor |

Other Members also in attendance and participating:
Cllr J Pearce

Officers in attendance and participating:

| Item No: | Application No: | Officers: |
|------------------|-----------------|--|
| All agenda items | | Senior Specialists and Specialists – Development Management; Legal Officer; IT Specialists; and Democratic Services Manager; |

DM.51/21 MINUTES
The minutes of the meeting of the Committee held on 19th January 2022 were confirmed as a correct record by the Committee.

DM.52/21 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr B Taylor declared an Other Registerable Interest in applications 2133/19/VAR, 3422/21/FUL, 3470/21/HHO, and 4214/18/FUL (Minutes DM.54/21 (a), (c), (d) and (e) below refer), as he was a Member of the South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon;

Cllr R Foss declared a Non Registerable Interest in application 4219/20/OPA (Minute DM.54/21(6b) below refers). This was because the Member had an account with the applicant’s business. The Member left the meeting for this application;

Cllr H Reeve declared a Non Registerable Interest in application 4219/20/OPA (Minute DM.54/21(6b) below refers). This was because the Member had an account with the applicant’s business and a close relationship with an employee.

The Member spoke in her capacity as the local Ward Member and then left the meeting for the remainder of this application.

DM.53/21 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.54/21 PLANNING APPLICATIONS

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

6a) 2133/19/VAR Cottage Hotel, Hope Cove

Parish: South Huish Parish Council

Development: READVERTISEMENT Application for variation of condition 2 of planning consent 46/2401/14/F

Case Officer Update: The Case Officer outlined the three reasons for the previous deferral: alternative roof safety railing, detailed landscaping scheme, and roof tiles to be more similar to those previously agreed. One late letter of representation had been received which was in support of the application. It was confirmed that the build height was between 0.58m and 0.82m higher than the previously approved application. Members' attention was brought to pages two to five of the published case officer report as the applicant had now agreed to remove the railings. The landscaping scheme had been submitted, with the landscape officer happy with the detail, however, it was noted that the drawing already differed from some of the work already carried out on site. The case officer showed examples of the tiles: one untreated and the other with one coat of the fix suggested by the applicant.

Speakers included: Supporter – Mr W Ireland; Objector – Mr N Stoop; Ward Members – Cllrs M Long and J Pearce.

One Ward Member showed slides to illustrate the differences between the approved application and the current build, highlighting the substantial increase in overbearing of the hotel, and the impact of the orange pantiles used as opposed to the originally slates authorised, Marley Eternit tiles. The Ward Member

referred to the applicant's reference to the potential closure of the hotel if the application was refused, but stated that no economic evidence of this had ever been received. As a Member of the Development Management Committee when the original approval had been granted, the Ward Member reminded the Committee that the approval had been a very finely balanced decision as it was acknowledged at the time that the plans were at the very limit of acceptability, and that the building was now substantially over and above the original approved plans, with extra additions to the front and height. Vehicle access had been constructed at the back which was not on the original plans increasing concreted elements that were to the detriment of landscaping.

The second Ward Member reminded the Committee of the three points to be discussed at this meeting. He drew Members attention to the difficulties endured by all businesses over the last two years.

During the discussion, several Members referred to the need for applications to be built according to approved plans, and that this building was contrary to all guidelines, including the Joint Local Plan (JLP), National Planning Policy Framework (NPPF) and Heritage Coasts.

Recommendation: Refusal

Committee decision: Conditional Approval

Conditions

2. In accordance with approved plans/amended plans
4. Construction phase surface water plan as previously agreed
5. Surface water scheme as previously agreed
6. Unexpected contamination
7. Lighting scheme for each phase to be submitted
8. Landscaping implementation
9. Stonework as previously agreed
10. Accord with CMP previously agreed
11. Accord with ecological mitigation
12. Materials as previously agreed, except roof tiles
13. Details of windows and doors for future phases
14. No additional windows in side elevations
15. Retention and creation of new car parking
16. Application of Liquid Weather to roof tiles within 3 months
17. Roof railing removed within 3 months
18. Lower ground floor rooms storage for hotel only

6b) 4219/20/OPA "Land at Three Corners Workshop", Moreleigh

Parish: Halwell & Moreleigh Parish Council

Development: Outline application with all matters reserved for a permanent occupational/rural worker's dwelling.

Case Officer Update: The reasons for deferral were outlined, and it was confirmed that, in principal, the required drainage, ecology and planning statement had now been received, reassessed and relevant consultees involved. Although the applicant had outlined the need for the dwelling, the case officer felt that the outlined description of rural worker dwelling was not met in this application.

Speakers included: Supporter – Ms A Burden; Ward Member – Cllr H Reeve.

The Ward Member outlined that the site consisted of a shop, barn, and workshop and, therefore, the house would not be out of keeping.

During the debate, several Members commented on the need to support local industry and the nature of the business was such that calls could be made on the service at any time, which would help with the worker being on site.

Proposed conditions would go to Chair, Proposer and Seconder.

Recommendation: Refusal

Committee decision: Conditional Approval delegated to the Head of Development Management (DM), in consultation with the Chairman of the DM Committee, and the Proposer and Seconder.

Conditions

1. Time limit
2. In accordance with approved plans
3. Linked residence to engineering business
4. Dev 32
5. Lighting x3 conditions
6. Landscaping including tree planting
7. Drainage

**6c) 3470/21/HHO Old Barton Barn, Wembury, PL9 0EF
Parish: Wembury**

Development: Householder application for rear extension.

Case Officer Update: There was no further update.

Speakers included: Supporter – Ms M Barrett; Ward Member – Cllr Brown;

During questions it was clarified that the curved roof was to ensure the junction between the two barns could still be seen.

The Ward Member reminded the Committee that the Parish Council had raised no objection, nor had local residents. He felt that this was a modest extension and, due to the size and siting, the scale and massing was not incongruous.

During the debate, a Member stated that as the extension was tucked away and affected no-one's view, for him the decision came down to heritage. Therefore with the structural element of heritage still visible due to the style of the extension, he was of a mind to support the application. While another Member felt that whilst the original barn alteration had been sympathetic, the new proposed extension did not fit in with the rest of the buildings around it and would be overly blatant. Members were reminded that the Barn Guide in the adopted Supplementary Planning Documents advocated a general absence of extensions on barns as it would detract from the barn form. A Member stated that he thought the modern lightweight construction and design produced a clear distinction between the original and the new, with the glazing helping to maintain the link between the two original barns.

Recommendation: Refusal

Committee decision: Conditional Approval

Conditions

1. Standard time limit
2. Accord with plans
3. Soakaway to be installed in accordance with plans submitted

**6d) 3422/21/FUL "The Barns", Fishley, Modbury
Parish: Aveton Gifford**

Development: Erection of inclusive holiday letting unit as ancillary facility to 'The Barns' (Resubmission of 2807/20/FUL).

Case Officer Update: It was confirmed that the Neighbourhood Plan (NP) had been adopted in May 2021 and therefore carried weight. It was outlined that the NP stated new business developments would be welcomed if they were small and/or on the edge of the village, or an alteration of a current building. It also stated that holiday lets/second homes would be detrimental to the village, although camping would be acceptable. A previous application had approved the new access and track. It was highlighted that there was currently no disability exception policies within the Joint Local Plan, therefore although there may be a dearth of accessible holiday accommodation in Devon, currently that could not be cited as material planning. The case officer was of that opinion that there was no knowledge of need in the area and that the sustainability elements were insufficient to counter the

recommendation of refusal.

Speakers included: Supporter – Mrs C Wotton; Town Council –
Presentation read out; Ward Member – Cllr Kemp;

The Ward Member felt that the application was not as unsustainable as it might appear.

During the debate, several Members stated that there was a lack of disabled facilities in the area and that this issue should be pertinent to the review of the Joint Local Plan. The Council's Solicitor advised that if the Committee were of a mind to approve the application then conditions would need to be added to ensure the property was fitted out to be accessible for wheel-chair users, and that the new building remained as an accessible holiday venue, ancillary to the main property.

Recommendation: Refusal

Committee decision: Conditional Approval

Conditions

1. Standard time limit
2. Accord with plans
3. Marketing Strategy
4. Internal Layout
5. Landscaping
6. Drainage (foul)
7. Drainage (surface water)
8. Holiday let
9. Photovoltaic Panels
10. Low energy/carbon development

6e) 4214/18/FUL Land at Holwell Farm, St Ann's Chapel, Bigbury Parish: Bigbury

Development: Variation of Section 106 Agreement.

Case Officer Update: The Case Officer outlined that, as the Section 106 Agreement (S106) had been specifically agreed in Committee, any changes needed to be brought back to Committee for approval. The only change being sought was to alter the tenure so that all eight of the affordable dwellings would be let at an affordable rent.

Speakers included: Ward Member – Cllr Taylor

Following questions from some Members, it was clarified that rental of the dwellings would be set up in such a way as to ensure they were exempt from 'right to buy'.

During the debate, one Member stated that the project had used £4million to produce eight dwellings, which was extravagant and the Council could not follow this model again. He also stated that there had been insufficient overview by Members.

Recommendation:

The Head of Development Management is authorised to vary the section 106 agreement dated 13 August 2020 to give effect to the variation of the tenure of the affordable housing set out in paragraph 2.3 of the report:

2.3 One of the key reasons for the Council declaring a housing crisis last year was the acute shortage of affordable rented accommodation throughout the District, particularly in coastal areas such as St Anns Chapel. In recognition of this, the Council has resolved that it would wish to see up to all eight of the dwellings that comprise the Affordable Housing on this site, being let at an affordable rent (Min CM.55/21 refers). Whilst the planning agreement is not prescriptive as to the mix of affordable rented or low cost housing, it prevents an increase of all eight dwellings being let at an affordable rent

Committee decision:

The Head of Development Management is authorised to vary the section 106 agreement dated 13 August 2020 to give effect to the variation of the tenure of the affordable housing set out in paragraph 2.3 of the report.

DM.55/21 **PLANNING APPEALS UPDATE**

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

DM.56/21 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted.

DM.57/21 **COUNCIL'S SOLICITOR**

The Chair and Committee Members thanked the Council's Solicitor as this was her last Committee Meeting before leaving the Council. Her expertise, professionalism, and measured approach were commended and would be missed.

(Meeting commenced at 10:00 am and concluded at 3:50pm, with a 10 minute break at 11:00am and lunch at 12:15 pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 16th February 2022

| Application No: | Site Address | Vote | Councillors who Voted Yes | Councillors who Voted No | Councillors who Voted Abstain | Absent |
|------------------------|--|----------------------|---|---|--|--------------------------------|
| 2133/19/VAR | Cottage Hotel, Hope Cove | Refusal | Cllrs Brown, Pannell, Pringle, Rowe (4) | Cllrs Abbott, Foss, Long, Reeve, Taylor (5) | Cllr J Brazil (1) | Cllrs Hodgson, Kemp (2) |
| 2133/19/VAR | Cottage Hotel, Hope Cove | Conditional Approval | Cllrs Abbott, Foss, Long, Reeve, Taylor (5) | Cllrs Brown, Pannell, Pringle, Rowe (4) | Cllr J Brazil (1) | Cllrs Hodgson, Kemp (2) |
| 4219/20/OPA | “Land at Three Corners Workshop”, Moreleigh | Conditional Approval | Cllrs Abbott, Brazil, Brown, Long, Pannell, Pringle, Rowe, Taylor (8) | (0) | Cllr G Pannell (1) | Cllrs Foss, Hodgson, Reeve (3) |
| 3470/21/HHO | Old Barton Barn, Wembury, PL9 0EF | Conditional Approval | Cllrs Abbott, Brown, Kemp, Pannell, Reeve (5) | Cllrs Foss, Long, Pringle, Rowe, Taylor (5) | Cllr Brazil – approved on casting vote (1) | Cllr Hodgson (1) |
| 3422/21/FUL | “The Barns”, Fishley, Modbury | Conditional Approval | Cllrs Abbott, Brazil, Brown, Foss, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11) | (0) | (0) | Cllr Hodgson (1) |
| 4214/18/FUL | Land at Holwell Farm, St Ann’s Chapel, Bigbury | Conditional Approval | Cllrs Abbott, Brazil, Brown, Foss, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11) | (0) | (0) | Cllr Hodgson (1) |