MINUTES of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE** held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES,** on **WEDNESDAY, 28 June 2023**

Members in attendance * **Denotes attendance** ø **Denotes apologies**			
*	Cllr V Abbott	ø	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
*	Cllr L Bonham	*	Cllr D O'Callaghan
*	Cllr J Carson	*	Cllr G Pannell
*	Cllr J M Hodgson	ø	Cllr S Rake
*	Cllr M Long (Chairman)	*	Cllr B Taylor (Vice Chair)

Other Members also in attendance:
Cllr Hopwood on MS Teams

Officers in attendance and participating: Cllr D Thomas

Item No:	Application No:	Officers:
All agenda items		Head of Development Management; Senior Planning Officers; Monitoring Officer; IT Specialists and Senior Democratic Services Officer

DM.7/23 **MINUTES**

The minutes of the meeting of the Committee held on 7 June 2023 were confirmed as a correct record by the Committee.

DM.8/23 **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 D O'Callaghan declared a Personal Interest in application 6(d) (minute DM.10/23 (e)) below refers) because they have previously supported the skate park. The Member remained in the meeting and took part in the debate and vote thereon.

By virtue of being a local Ward Member, Cllr M Long advised that he would be relinquishing the Chair for application 6(a) (minute DM.10/23(a) below refers). As a result, the Vice-Chairman chaired the meeting during consideration of this application.

DM.9/23 **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.

DM.10/23 **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) 0793/23/HHO The Paddocks, Thurlestone
Parish: Thurlestone

Development: Householder application for renovations and extension.

As highlighted above (Minute DM.10/23 refers), this application was Chaired by Cllr Taylor (Vice-Chair).

Case Officer Update: The Case Officer shared existing and proposed plans as requested following the site visit. The Case Officer summarised the key issues. Namely that:

- Design would not represent uplift to quality of built form;
- Quantity of fenestration would not conserve AONB and Undeveloped Coast;
- Drainage details not supplied.

Speakers were: Objector – None, Supporter – John Salmon, Parish Council – None, Ward Member – Cllr M Long.

The Officer reported that the SPD does allow for exceptions to increase the 50% threshold, however it would have to be the right design to justify this.

In response to questions, the supporter reported that:

- light spill and the type of glass to be used as part of the design was considered;
- distant viewpoints formed part of the design consideration and the property would be slightly lower than the neighbouring building;
- the side elevation would be in zinc and central section and internal parts would be timber and silvered timber.

The Ward Member found the site visit useful and had brought this to Committee to consider whether this application provides the uplift on design and build quality to address the 50% threshold justification. This challenges own policies and Thurlestone Parish Council support this application and requested the Committee to go against the officer recommendation of refusal.

During the debate, Members felt that the overall design incorporates a rather a messy layout into something better with no impact on the landscape. Members debated the light spill, glazing, drainage and materials used in the build and were minded to approve the application subject to more appropriate materials being used other than zinc. It was also highlighted that the Parish Council supported the application.

Recommendation: Refusal

Committee decision: The application be approved subject to receipt of amended plans showing the replacement of the zinc panels with alternatives materials and annotation that shows the first floor glazing being reduced by 25% compared to normal glass provided that the applicant does not include the later in revised plans a condition to that affect be included together with other conditions as determined by the Head of Development Management in consultation with the Vice-chair, Councillor Hodgson (Proposer) and Councillor Allen (Seconder).

6b) 1381/23/FUL Birdsong, Cliff Road, Wembury, PL9 0HN
Parish: Wembury and Brixton

Development: Proposed new dwelling.

Case Officer Update: The Case Officer reported that applicant was related to a member of staff. The Case Officer summarised the key issues. Namely that:

- Principle – existing;
- Design/Impact on AONB;
- Residential amenity;
- Impact on Undeveloped Coast.

The Case Officer also highlighted:

- they had received a letter of objection which referred to planning previously being refused on this site, loss of Devon hedge and issues relating to site ownership and access to the site;
- Amendment to condition 10 surface water drainage.

Speakers were: Objector – None, Supporter – Dan Stewart, Parish Council – None, Ward Members – None.

During the debate, Members supported the improvements with this application, biodiversity and drainage solution.

The Proposer and Seconder supported the drainage condition.

Recommendation: Approval subject to conditions and the completion of a legal agreement to secure mitigation in respect of additional recreational pressures upon the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA).

Committee decision: Approval subject to conditions and the completion of a legal agreement to secure mitigation in respect of additional recreational pressures upon the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA).

Conditions:

1. Time limit (3 years)
2. Compliance with approved plans
3. Compliance with submitted Construction Management Plan
4. Compliance with submitted Arboricultural Impact Assessment
5. Submission and approval of materials details
6. Compliance with submitted landscaping details
7. No external lighting without the permission of the LPA
8. Compliance with Ecological recommendations and enhancement measures
9. Provision of access and parking spaces prior to occupation and retained thereafter
10. Drainage details – pre-commencement condition (agreed with applicant 14/06/2023)
11. First floor window to north west elevation obscure glazed
12. Adherence to DEV32 measures
13. Unexpected contamination
14. Removal of PD
15. Delineation of domestic garden are

6c) 1355/23/VAR **Oakhill Farm, Worston, Yealmpton, PL8 2LN**
Parish: Yealmpton

Development: Application for variation of condition 4 (use restrictions) of planning consent 0732/22/FUL (resubmission of 0354/23/VAR).

Case Officer Update: The Case Officer summarised the key issues. Namely that:

- Stables were only granted permission in May 2022;
- Original condition was imposed due to unsustainable location of the site;
- No change in circumstances which would now justify amending the condition;
- Unsustainable location ≠ highways objection

Speakers were: Objector – Sally Hoppins, Supporter – Rachel Wilson, Parish Council – statement read out by the Clerk, Ward Councillor – Cllr D Thomas.

In response to questions, the objector reported that:

- Drainage had not been addressed;
- Dung heap not regularly emptied;
- If granted for commercial usage they would be severely impacted.

In response to questions, the supporter reported that:

- They felt pushed into putting a 7-mile radius;
- The neighbour lives uphill and it was drainage onto their land;
- Access to the property was by car or horse;
- They only had space for 2 horses;
- The dung heap was regularly removed by a small tractor by accessing a neighbouring property.

The Ward Member reported that Officers were right to apply policy, however, people do not use public transport to access stables in South Hams and questioned the current planning policy around sustainability. The number of vehicles would not significantly increase. As outlined in the Officer's report 'a register of users of the stables to be made available to the local planning authority' and suggest this was implemented to clearly demonstrate the condition of non-commercial use. If they follow the principles, then they cannot grant planning permission to stables were stables need to be. Drainage was raised as an issue by the objector and this could be looked at. Ask the Committee to go against officer recommendation with conditions.

During the debate, one Member raised that drainage water does not flow uphill and if there were outstanding drainage issues would be an enforcement matter. Another Member raised whether a 3-mile radius could be conditioned and Officers reported that it would be better to look at the surrounding parishes rather than set a radius. Another Member felt this was a positive application.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management in consultation with the Chair, Vice-Chair, Councillor Hodgson (Proposer) and Councillor Carson (Seconder) to agree wording of the conditions:

- Stables and land will not be used for business or commercial use but for the residents of Oakhill Farm and others at the invitation of Oakhill Farm within the surrounding parishes;

- Register of users for the LPA to inspect;
- Drainage;
- To include conditions from 2022 application.

6d) 1477/23/FUL Land at SX 663 473, St Anns Chapel
Parish: Bigbury

Development: Foul water pumping station, 1.8m high security surround and manholes to support the new Holywell Meadow development at St Anns Chapel.

The Case Officer: The Case Officer provided further updates on the application:

- Bigbury Parish Council have no objections to the application;
- One letter of objection has been received which makes the following points:
  - Why are changes being permitted without consultation with adjacent residents;
  - Aesthetically damaging;
  - A more discreet location should have been planned rather than being added at a late stage.

The Case Officer summarised the key issues. Namely that:

- Application has arisen due to change in SWW requirements for adoption;
- Standalone application – does not affect the wider residential development;
- Fence is utilitarian but green selected to minimise visual impact;
- No impact on access to public open space;
- Design and landscape impact acceptable.

In response to questions raised, the Officer reported that the purpose of the fence was for security and safety.

Some Members raised whether it was possible to have hedgehog access through the fenced area.

Speakers were: Objector – None, Supporter – None, Parish Council – None, Ward Member – Cllr B Taylor (did not speak on this application).

During the debate, one Member said that this was a requirement and would normally be undertaken under permitted development, however this was on South Hams land and why this was before the Committee. Members again raised access issues for hedgehogs and the importance of supporting wildlife.

Recommendation: Conditional Approval

Committee decision: Conditional Approval - Prior to the installation of the fence details on how the fence will include hedgehog access shall be submitted and agreed by the LPA.

Conditions: Standard time limit
Accord with plans
No external lighting

6e) 2030/23/CLP **Skate Park, Kingsbridge**
Town: Kingsbridge

Development: Certificate for lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark.

The Monitoring Officer stated this was not a planning application but an application for a Certificate for Lawfulness of proposed development or use. Section 192 of the Town and Country Planning Act allows any person to apply to ascertain whether a proposed use or proposed development would be lawful. Lawful because it does not require planning permission because not development, or already has planning permission or permitted development. The Committee was therefore being asked whether this was permitted development.

One Member raised that there was a challenge from the South Hams Society who argue that this should be a planning application because of breaches to conditions 2 and 4 from the previous skate park and requirement to consult with Natural England. The Monitoring Officer reiterated that this was a Certificate of Lawfulness which the Committee has been asked to consider.

The Case Officer: The Case Officer summarised the key issues: Namely that:

- Whether the proposed constitutes permitted development;
- Policies of the JLP were not material to the determination of this type of application;
- Officers recommend a Lawful Development Certificate can be issued.

The Chair read out the statement from the Leader:
Members of the committee will be aware that the issue of trees is not a material consideration for the certificate of lawfulness, brought today, however: Trees clearly are a very important and sensitive element of the project, and for that reason, following any decision made today by the committee, I will be attending a site meeting with project officers, local Cllrs and Town Council to examine in detail the trees proposed for removal, the replacement tree planting scheme and the further landscaping matters.

The Officer highlighted that further to the report being published that 2 letters of objections were received which included the South Hams Society and 160 letters of support. The letters of objection relate to the loss of trees and whether the development would be in breach of the conditions from the existing planning permission. The loss of trees was not material to the consideration of the lawful development certificate application. In terms of the conditions for the skate park, the skate park was being removed and replaced therefore be a new chapter in the planning history and conditions no longer applicable and therefore no breach. This was a Certificate of Lawfulness and not a planning application and therefore no requirement to consult with Natural England.

In response to questions raised, it was reported that there was no requirement to consult. It was further reiterated that Members were obliged to consider the application before them as a Certificate of Lawfulness and not as a planning application.

Speakers were: Objector – None, Supporter – Rob Sekula , Town Council – statement read out, Ward Member – Cllr D O'Callaghan.

The Ward Member raised that the new skate park was widely supported. A survey was undertaken which highlighted that the loss of car parking spaces would not be an issue. There would be a net gain of 3 trees under the proposals, a site visit would be taking place to address the concerns on the trees. This was a positive for the community but they do have concerns about the trees.

In response to questions, the Ward Member reported that the South Hams Society did raise that the loss of the trees would increase noise levels but this was not widely expressed.

During the debate, one Member raised that it was for them to decide whether this was permitted development and the Leader would address the issues raised on a site visit. Another Member felt it was important to support facilities for your people and this skate park would meet that need. Another Member also supported the need for this type of facility for young people but questioned whether the skate park could be located in a different location? Current skate park not used because of the debris from the trees and said that the skate park to be located in the right place. They requested that they reject the permitted development and take this through a full planning process to address the siting, noise and the trees. They also questioned that the works to build this skate park would exceed 200 cubic metres in capacity because of the removal of trees. Another Member felt it was important to get this right and look at other locations.

The Monitoring Officer responded to the concerns raised and the cutting down of trees was not development and does the construction of the skate park within the limitations? Does it exceed 4 metres in height? no and does it exceed 20 cubic metres? no. The issues that have been raised for another arena.

The Officer added that the felling of trees was not development and cubic content of trees not included in the 200-metre capacity. This application does not require planning permission.

The Deputy Leader added that the Council were the applicants of this site and the Leader was committed to listening to the concerns of local residents to deliver the right scheme.

The Officer reported that over the last 18 months looked at different locations with conversations with the Tree Officer and Landscape Officer on this location and used good practice guidance.

Recommendation: Certificate of Lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark

Committee decision: Certificate of Lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark

DM.11/23 **PLANNING APPEALS UPDATE**

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

DM.12/23 **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 with a break at 12.19 pm. Meeting concluded at 13:54pm.)

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Chairman

Voting Analysis for Planning Applications – DM Committee 28 June 2023

Application No:	*Site Address*	*Vote*	*Councillors who Voted Yes*	*Councillors who Voted No*	*Councillors who Voted Abstain*	*Absent*
0793/23/HHO	The Paddocks, Thurlestone	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
1381/23/FUL	Birdsong, Cliff Road, Wembury, PL9 0HN	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
1355/23/VAR	Oakhill Farm, Worston, Yealmpton, PL8 2LN	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan and Pannell (9)		Cllr Taylor (1)	Cllrs McKay and Rake (2)
1477/23/FUL	Land at SX 663 473, St Anns Chapel	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
2030/23/CLP	Skate Park, Kingsbridge	Approved	Cllrs Abbott, Allen, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (8)	Cllr Bonham (1)	Cllr Carson (1)	Cllrs McKay and Rake (2)