

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 26 July 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	∅	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	*	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; relevant Officers; Monitoring Officer; IT Specialists and Senior Democratic Services Officer

DM.13/23

MINUTES

The minutes of the meeting of the Committee held on 28 June 2023 were confirmed as a correct record by the Committee.

DM.14/23

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:

DM.15/23

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.16/23

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) 0516/23/OPA Tuffland, Oldhouse Lane, Kingston, Kingsbridge Parish: Bigbury**

Development: Outline planning application with all matters reserved for a permanent agricultural worker's dwelling to serve the farm business

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

- **Principle** – Meets TTV26(1),(2)(iv) and DEV15(6) of the JLP – the Agricultural Consultant supports the application, confirming there was a functional need for a second permanent agricultural workers dwelling. Contrary to the aims of the SPT1 and TTV26 of the JLP seek to make effective use of the land through optimising the reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development and protecting natural assets. Contrary to Policy BP9 of the Neighbourhood Plan (NP) which requires agricultural development to be well related to an existing farmstead or agricultural complex, unless very special reasons are provided to demonstrate why it needs to be located elsewhere.
- **Landscape impacts** – The Landscape Officer objection. Fails to conserve and enhance the landscape and scenic beauty, and special qualities of the South Devon AONB, including important views and vistas across the site. Contrary to policies DEV23 and DEV25 of the JLP and BP18 of the NP. Contrary to Policy BP9 of the NP which states development should ensure no harm is caused to the landscape and scenic beauty of the AONB and contrary to BP22 of the NP which seeks to protect important views and vistas.
- **Planning Balance** – The Policy conflicts identified including harm to the South Devon AONB were not considered to be outweighed by the identified need for the additional rural workers dwelling and the economic benefits such would bring.
- **Plymouth Sound and Estuaries European Marine Site** – Unilateral Undertaking would be required to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth South and Estuaries European Marine Site.

In response to questions, the Officer reported that the development of that site would not relate to the existing farmstead and would be more elevated from the existing development.

Speakers were: Objector – None, Supporter – Amanda Burden, Parish Council – None, Ward Member – Cllr B Taylor.

The Supporter said

In response to questions raised, the supporter explained that:

- The whole farm was within the AONB and the mobile home was more prominent than the proposed development. Sites B and C would be situated either side of the silage pits making it intolerable to have a dwelling in close proximity;

- The applicants own the land adjacent to the mobile home and if they pursued a dwelling on that site would result in complicated engineering work.

The Ward Member said that this was a growing business and a forward-thinking family. He felt that this site was suitable for the proposed development but wished to hear the debate before committing himself.

During the debate, one Member felt that the proposed site was the better site and would not interfere with the landscape and views and another Member also felt that the dwelling would not affect the landscape. Another Member felt it was important to take notice of the Neighbourhood Plan and that the dwelling should relate to the existing farmstead, there was an agriculture need however this was in a sensitive location and there was a need to protect the landscape and support policies. Another Member felt that the proposed location would be visible from the road and that an alternative site would be preferable.

Recommendation: Refusal

Committee decision: Refusal

6b) 1508/23/FUL "Land At Sx 619 532", Luson, Westlake Parish: Ermington Parish Council

Development: Installation of 24no. ground-mounted solar panels

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

- **Principle** – Aligns with aims of Policies SPT1.2, SPT2.11, DEV32 and DEV33 of the JLP and Para.158 of the NPPF, which provide support for increasing the use and production of decentralised energy, including through delivering on site low carbon or renewable energy systems. Development requires a countryside location (required by Policy TTV26(2)(iv) as it was to provide renewable energy to an existing dwelling and the wider field would continue to be used for grazing livestock.
- **Heritage impacts** – Not considered to harm the significance or setting of Listed/Curtilage Listed Buildings. The Heritage Officer raised no objections. Likely enhancement by providing ground mounted panels.
- **Landscape impacts** – Limited long-distance views of the site. Visual impacts minimised through conditions requiring black finish colour/anti-reflective coating, details of any fencing and provision of additional landscaping. Solar panels have limited lifespan and condition recommended to require removal once no longer required. There were no concrete footings required and the development was reversible.
- **Impacts on ecology/trees** – Site was under a mid-level stewardship scheme for low-input grassland and the brambles in

the upper fields were due to be flailed this year, in early September. DCC Ecology advised that as the habitat was going to be removed outside of the planning system (as part of the stewardship scheme) in this instance an informative note to the applicant to remind them of their duty and legal responsibilities with regards to protected species would be sufficient. Landscaping secured by condition would provide biodiversity benefits.

- The Tree Officer raised no objections with regard to impact on mature trees/hedges.

In response to questions, the Officer reported that there was a condition to remove the solar panels when no longer required, however whilst in use would be covered by the permission.

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

During the debate, Members requested that details of the fencing to take into account a hedgehog highway.

Recommendation: Conditional Approval

Committee decision: Conditional Approval subject to landscape condition to include planting underneath and around the solar panels to enhance the biodiversity in the area.

Conditions:

1. Time limit
2. Approved plans
3. Landscaping scheme
4. External lighting
5. Removal when no longer required
6. Details of fencing
7. Black finish colour

6c) 1875/23/VAR "Marlands Farm", Newton Road, Totnes Parish: Berry Pomeroy

Development: Application for variation of condition 2 (approved drawings) of planning consent 0176/21/FUL

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

- Minor aesthetic changes.
- No impact on wider landscape or residential amenity.
- No highways impact.
- Additional renewable energy sources.
- All original conditions reimposed.

Speakers were: Objector – None, Supporter – None, Parish Council –

None, Ward Councillor – None.

During the debate, Members were pleased that this application addressed the climate emergency agenda.

Recommendation: Conditional approval

Committee decision: Conditional approval

Conditions: Time limit as per original permission
Accord with plans
Details of materials
Surface water drainage (pre-commencement – date agreed TBC)
Low carbon development
Landscaping details
Unsuspected contamination
Details of lighting
Removal of permitted development rights

**6d) 1522/23/FUL Land At Sx 776 496 Higher Poole Farm",
East Allington
Parish: East Allington**

Development: Erection of agricultural barn to house livestock and farming equipment and other associated equipment (part retrospective) (resubmission of 4021/22/FUL)

This application deferred to the next meeting.

**6e) 1108/23/FUL Land at SX 729 441 Morley Way,
Kingsbridge
Town: Kingsbridge**

Development: Proposed construction of employment buildings and associated works.

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

- Employment use on this site has been planned since 2015.
- Proposals result in 7 small/medium size employment units.
- Class E uses were generally appropriate next to residential.
- Conditions can be imposed to limit noise and disturbance.
- Design and layout respects residential amenity and character of the area.
- Landscaping Masterplan and Ecological Impact Assessment provide a good basis for conditions requiring submission of detailed landscaping plan, LEMP and CEMP.

In response to questions, the Officer reported:

- They had not come across a heat map with regard to cut and fill.
- 17 parking spaces proposed, and this was sufficient space for this site.
- The application did include scope for a future mezzanine floor due to their height but this could be restricted by condition.
- There was room for larger vehicles to move around the site.
- The access road into the commercial unit was via the residential road and parking for residents would not be impacted by the commercial unit.
- There were no objections received from highways regarding parking.
- Cut and fill would be dealt with on the site.
- The hedge bank would remain, and replanting had already taken place.
- There were no openings at the back of the building apart from a window opening on unit 5.
- Solar panels would be on the roof.
- The Ecology Officer have no objections on the information presented to them.
- The neighbouring property was outside the application site and there would be no changes to the lane.
- The development site lies within the South Hams SAC Landscape Connectivity Zone for greater horseshoe bats but not in the Sustenance Zone.
- The tree protection fence line would change when construction complete.

Speakers were: Objector – None, Supporter – Graham Hutton, Town Council – none, Ward Member – Cllr D O’Callaghan.

The Supporter said....

In response to questions, the Supporter explained that:

- They would provide heatmaps for future planning applications and any cart away would go to a licenced tip and this was heavily regulated by the Environment Agency.
- Hedges and trees were cut under the supervision of SHDC Officers.
- The commercial units were of similar size of a 2-bedroom house and standard practice not to put in a mezzanine floor.
- There were not expecting a queue of artic lorries at the site.
- The units were not intended to be used as a creche or a gym.
- Each unit would have an allocated EV charging point.

The Ward Member said Kingsbridge Town Council and West Alvington Parish Council support this, however the Parish Council support subject to no loss of amenity to surrounding properties, suitable landscaping and

sufficient parking as to not spill into the residential area. They also raised that noise was a concern for the neighbours.

In response to questions from Members, it was explained that noise and hours of operation would be managed by Condition 6 - Submission of a Noise and Complaint Management Plan.

During the debate, a Member raised concerns on parking and any considerations on how to manage the use of parking spaces so that cars would not spill out onto the residential road.

Another Member felt satisfied with the proposals but wanted to ensure the proposals included a hedgehog highway. Another Member had reservations and whether ecology had been thoroughly investigated. Another Member felt this was good for Kingsbridge area for new startups and supported this application. Another Member liked the development apart from the parking and requested a condition that a mezzanine should not be added for 2 years to allow sufficient time to review the impact of parking.

Recommendation: Grant conditional planning consent

Committee decision: Grant conditional planning consent to include the removal of permitted development rights to install a mezzanine level.

Conditions:

1. Time limit – 3 years.
2. Building accordance with approved plans list.
3. Accord with Carbon Reduction Statement.
4. Construction and Environmental Management Plan (pre commencement Date Agreed 18/07/23).
5. Construction Management Plan (pre commencement Date Agreed 18/07/23).
6. Submission of a Noise and Complaint Management Plan (pre occupancy).
7. Landscape and Environmental Management Plan (pre occupancy).
8. Detailed Landscaping scheme (pre occupancy).
9. Parking and Turning provided (pre occupancy).
10. Electric Vehicle Charging Points (pre occupancy).
11. Hours of use of machinery, processes and deliveries – 8am to 7pm Mon-Fri and 8am to 1pm sat.
12. Noise restriction – machinery inaudible beyond boundary.

- 13.No external lighting without approval.
- 14.Accord with Ecological Impact Assessment.
- 15.No clearance during bird nesting season without qualified ecologist supervision.
- 16.Permitted development restricted for extensions and hardstandings
- 17.Restrict use to B8 and E(c)-(g) only.
- 18.Outdoor storage screening and restrictions.

**6f) 2928/22/FUL 71 Yealm Road, Newton Ferrers
Town: Newton and Noss**

**Development: Proposed boatshed and reinstatement of Landing
(Resubmission of 0370/22/FUL) (Retrospective)**

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

- Principle of the development
- Impact on undeveloped shoreline
 - Ecological Impact
 - Impact on policy

In response to questions, the Officer reported:

- There were parts of Newton Creek that were highly developed.
- There was no evidence there was a quay.
- That water would flow under the cantilever deck.
- The Estuary Partnership objected to the original scheme but this changed when the Estuary Partnership agreed the cantilever deck.
- They would be required to apply for an MMO licence.
- That Natural England have not responded to the revised proposals.
- The AONB have responded on behalf of DCC and commented on ecology and inter tidal habitats.

One Member felt that the language used by the applicant regarding the reconstruction of the former quay wall was misleading. Ordnance Survey maps of the area and foreshore were shown to the Committee which showed no evidence of a quay wall.

Speakers were: Objector – None, Supporter – None, Parish Council – Cllr P Hinchcliffe, Ward Member – Cllr D Thomas.

In response to questions, the Parish Councillor reported that the Parish Council want to conserve the quay area and this development would affect the character of that part of the river.

The Ward Member said they called this in partly for the Parish Council and that the Newton and Noss NP received nearly 90% support. They

object on a number of policies and in particular the need to protect and enhance where possible and this application does not enhance or protect.

During the debate, one Member felt that Newton Ferrers could be the next Salcombe, this site has steps built without permission and when do we say no to these types of development? Another Member raised concerns on materials to be used to rebuild the quay and could be toxic to the environment. They also felt the need to support the Parish Council when they raise a strong objection. Another Member was undecided, they respected the views of the Parish Council, having viewed the site could see concrete landings further up the river. Another Member felt that the NP needed to be recognised and to respect the wishes of the people that live in Newton Ferrers.

Recommendation: Conditional Grant

Committee decision: Delegated to the Head of Development Management to agree the reasons for refusal with the Chair, Vice-Chairman, Cllr Hodgson (Proposer) and Cllr O'Callaghan (Seconder), contrary to N3P2, does not conserve or enhance the character of the area and impact on the undeveloped shoreline.

DM.17/23 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.18/23 **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 with a break at 12.48 pm and 15.47pm. Meeting concluded at 17.09pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 26 July 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
0516/23/OPA	Tuffland, Oldhouse Lane, Kingston, Kingsbridge	Refused	Cllrs Abbott, Bonham, Hodgson, Long, O'Callaghan and Pannell (6)	Cllrs Allen, Carson, Nix, Rake and Taylor (5)		Cllr McKay (1)
1508/23/FUL	"Land At Sx 619 532", Luson, Westlake	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			Cllr McKay (1)
1875/23/VAR	"Marlands Farm", Newton Road, Totnes	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			Cllr McKay (1)
1522/23/FUL	Land At Sx 776 496 Higher Poole Farm", East Allington	Deferred				
1108/23/FUL	Land at SX 729 441 Morley Way, Kingsbridge	Approved	Cllrs Abbott, Allen, Bonham, Carson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (10)	Cllr Hodgson (1)		Cllr McKay (1)
2928/22/FUL	71 Yealm Road, Newton Ferrers	Refused	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)		Cllr Rake (1)	Cllr McKay (1)