

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)