

South Hams Council



Title:	Agenda																														
Date:	Thursday, 29th June, 2023																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Pannell</p> <p style="text-align: center;">Vice Chairman Cllr Taylor</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Jackson</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Lawford</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr McKay</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Munoz</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Nix</td> </tr> <tr> <td>Cllr Cooper</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Dennis</td> <td>Cllr Oram</td> </tr> <tr> <td>Cllr Dewynter</td> <td>Cllr Penfold</td> </tr> <tr> <td>Cllr Dommett</td> <td>Cllr Presswell</td> </tr> <tr> <td>Cllr Edie</td> <td>Cllr Rake</td> </tr> <tr> <td>Cllr Hancock</td> <td>Cllr Steele</td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Yardy</td> </tr> <tr> <td>Cllr Hopwood</td> <td></td> </tr> </table>	Cllr Abbott	Cllr Jackson	Cllr Allen	Cllr Lawford	Cllr Birch	Cllr Long	Cllr Bonham	Cllr McKay	Cllr Brazil	Cllr Munoz	Cllr Carson	Cllr Nix	Cllr Cooper	Cllr O'Callaghan	Cllr Dennis	Cllr Oram	Cllr Dewynter	Cllr Penfold	Cllr Dommett	Cllr Presswell	Cllr Edie	Cllr Rake	Cllr Hancock	Cllr Steele	Cllr Hawkins	Cllr Thomas	Cllr Hodgson	Cllr Yardy	Cllr Hopwood	
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Cllr Hopwood																															
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Democratic.Services@swdevon.gov.uk																														

- 1. Minutes** **1 - 14**

to approve as a correct record the minutes of the annual meeting of the Council held on 25 May 2023;
- 2. Urgent Business**

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under ‘Business Brought forward by the Chairman’);
- 3. Exempt Information**

to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;
- 4. Declarations of Interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 5. Business Brought Forward by the Chairman**

to consider business (if any) brought forward by the Chairman;
- 6. Reports of Bodies**

to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:

(* Indicates minutes containing recommendations to Council).
- (a) Development Management Committee - 7 June 2023** **15 - 24**
- 7. Public Question Time** **25 - 26**

From Mr John Grocock

“Recent Liberal Democrat literature informed us there are ‘766 households in urgent need of affordable rented accommodation’. Once the action plan to tackle this has been published, how frequently, and by what means (other than online), will the public be updated on progress?”

8. Questions on Notice from Members

to consider the following question(s) (if any) received in accordance with Council Procedure Rules.

9. Notice of Motion

to consider the following motions received (if any) in accordance with Council Procedure Rules:

a. From Cllr McKay and Cllr Abbott

'A priority for this Council is to address the challenges of climate change by reducing emissions across the district of South Hams and to prepare the area for the inevitable consequences of global warming.

This Council will set itself goals based on the latest climate science, and in the interests of its residents and beyond strive to achieve these. However, it recognises that it will need help from central government in terms of both funding and legislation.

It is therefore essential that this Council, in partnership with other Local Authorities, either directly or through the LGA, vigorously and persistently lobbies central government for the support that is desperately needed to effectively address the threats to our communities as a result of climate change.

Of immediate importance are the problems community renewable energy projects face, which can only be dealt with through changes to legislation. Currently, to become an energy supplier, it is necessary to enter into highly complex network agreements and grid balancing codes that make the cost prohibitive.

The Local Electricity Bill was an attempt to address this by the introduction of:

- a) A Community Electricity Export Guarantee: which would create a right for sites that generate low carbon electricity with a capacity below 5 megawatts to export their electricity to an existing electricity supplier on fair terms.*
- b) A Community Electricity Supplier Services Scheme: which would create a requirement on existing larger energy suppliers to work with community schemes to sell the power they generate to local customers. Existing suppliers could charge a fee for doing this, but that fee must be reasonable.*

The Local Electricity Bill has now been absorbed into the Energy Bill as clauses 272 and 273. The Energy Bill is at its Committee stage, and has still to progress through its Report and 3rd Reading stages before it becomes law. It

is an enormous bill.

The need for community based local renewable energy schemes is becoming increasingly urgent if we are to drive down eCO2 emissions, provide energy security for our residents while also addressing the cost of energy for residents and businesses alike.

This Council therefore resolves that:

- 1. It recognises the urgent need for community energy generation projects and the need to create the legislative environment in which they can succeed.*
- 2. It fully supports clauses 272 and 273 of the Energy Bill and urges government to speed the passage of the Energy Bill or, in recognition of the importance of clauses 272 and 273, to allow the Local Electricity Bill to proceed separately and at speed.*
- 3. It will write to our local MPs and the leaders of all the UK political parties emphasising the importance of community energy projects and the urgent need to expedite changes to legislation to make them viable.*
- 4. It will seek to partner with other Local Authorities both directly and through the LGA to lobby parliament to achieve the legislative changes.*
- 5. It will publicise, through all suitable media channels, the importance of the need for changes to legislation to allow community energy projects to succeed.'*

Agenda Item 1

MINUTES OF THE ANNUAL MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 25 MAY 2023

MEMBERS

* Mr L Austen – Chairman

* Cllr B Taylor – Vice-Chairman

* Cllr V Abbott	∅ Cllr S Jackson**
* Cllr G Allen	* Cllr L Lawford
∅ Cllr J P Birch**	* Cllr M Long
* Cllr L Bonham	* Cllr J McKay
* Cllr J Brazil	* Cllr P Munoz
* Cllr J Carson	* Cllr A Nix
* Cllr B Cooper	* Cllr D M O’Callaghan
* Cllr S Dennis	* Cllr C Oram
* Cllr A Dewynter	* Cllr G Pannell
* Cllr N Dommett	* Cllr S Penfold
∅ Cllr T Edie	* Cllr A Presswell
* Cllr D Hancock	* Cllr S Rake
* Cllr J D Hawkins	* Cllr M Steele
* Cllr J M Hodgson	* Cllr D Thomas
* Cllr N A Hopwood	* Cllr G Yardy

* Denotes attendance

∅ Denotes apology for absence

** Denotes attendance over Teams in a non-voting capacity

Officers in attendance and participating:

For all items: Senior Leadership Team; Monitoring Officer; Democratic Services Manager; Head of Communications; Head of Economy & Place (via Teams) and Community Services Operations Manager (via Teams)

01/23 ELECTION OF THE CHAIRMAN OF COUNCIL

RESOLVED

That Cllr G Pannell be elected Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2024.

Cllr Pannell subsequently declared and signed his acceptance of office.

02/23 ADDRESS BY THE NEW CHAIRMAN OF COUNCIL

In addressing the Council, Cllr Pannell offered his congratulations to the newly elected Members and welcomed them to their first Council meeting and sympathised with those who had lost their seats. He expressed his honour at being elected as Chairman of the Council and wished to put on record his particular thanks to Mr Austen for the way that he had chaired the Council during 2022/23.

During his address, Cllr Pannell made specific reference to:-

- his expectation that it would be an exciting and stimulating year;
- his wish that Members would all work in the best interests of the South Hams and its residents, and that he would do his best to foster a spirit of cooperation, albeit with some lively political debate;
- his chosen charity for the Municipal Year being the RNLI (Royal National Lifeboat Institution).

03/23

VOTE OF THANKS TO RETIRING CHAIRMAN

In proposing and seconding the vote of thanks to the retiring Chairman, particular reference was made to the non-partisan way that Mr Austen had chaired Council meetings, some of which had proven to have had particularly contentious debates. The proposer and seconder both expressed the view that Mr Austen had been a credit to South Hams District Council.

It was then:

RESOLVED

That the thanks of the Council be extended to Mr Austen for the manner in which he had performed his duties during his term of office as Chairman of the Council.

04/23

RESPONSE OF THE RETIRING CHAIRMAN

At the invitation of the meeting, the retiring Chairman thanked Members for their kind comments.

05/23

APPOINTMENT OF VICE CHAIRMAN OF COUNCIL

RESOLVED

That Cllr B Taylor be appointed Vice Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2024.

Cllr Taylor subsequently declared and signed his acceptance of office.

06/23

MINUTES

The minutes of the meeting of Council held on 30 March 2023 and the Special meeting of Council held on 13 April 2023 were both confirmed as a correct record.

07/23 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but there were none made.

08/23 **ELECTION OF LEADER OF THE COUNCIL AND CHAIRMAN OF THE EXECUTIVE FOR THE FOUR YEAR TERM FROM 2023/24**

RESOLVED

That Cllr J Brazil be elected Leader of the Council and Chairman of the Executive for the period expiring on the date of the Annual Meeting of the Council in 2027.

In expressing his gratitude at being elected Leader of the Council, Cllr Brazil revealed to the Council that, in accordance with the Strong Leader model (Minute 57/10 refers), and in his wish of this being an inclusive Council, he had chosen to appoint Cllr Thomas to the position of Deputy Leader for the period expiring on the date of the Annual Meeting of the Council in 2027. Furthermore, he had decided to appoint Cllrs Abbott, Birch, McKay, O'Callaghan, Hodgson and Hopwood to serve with him and the Deputy Leader on the Executive.

Cllr Brazil proceeded to express his wish for this Council term to be one of consensus and compromise. He stated that his aim was for the Council to deliver against the elements contained within the recent South Hams Liberal Democrat Group Election Manifesto particularly in relation to Housing and Climate Change and Biodiversity. In addition, it was essential that the key Council services (including Waste and Housing) were delivered to a high standard in order that South Hams District Council was recognised as an exemplar Council that delivered excellent services for and to its local communities.

In closing, Cllr Brazil offered his sympathies to those Members who had lost their seats at the recent election and paid particular tribute to Mr Keith Baldry, who had led the Liberal Democrat Group in opposition for many years of service on the Council. He also offered his thanks to Mrs Cathie Pannell, who had been a Member of the Council when he was first elected in 2003 and had acted as a mentor to him. Finally, Cllr Brazil thanked the previous Leader of Council (Mrs Judy Pearce) for her hard work, dedication and achievements in serving the people of the South Hams.

In response, a number of Members offered their congratulations to Cllr Brazil on his election to the role of Leader of the Council and wished him every success during his term of office.

09/23

REPRESENTATION ON POLITICAL GROUPS

The Chairman advised Members that a review of the representation of the political groups on the Council's Bodies had been carried out in consultation with the Leaders of the three Political Groups.

It was then:

RESOLVED

1. That it be noted that the Political Composition of the Council is as follows:-
 - A Liberal Democrat Group of 19 Members;
 - A Conservative Group of 7 Members;
 - A Green Party Group of 3 Members;
 - A Labour Party Member; and
 - An Independent Member; and
2. That the overall political balance of Council Bodies, as reflected in the paper tabled to the meeting, be approved.

10/23

APPOINTMENT OF MEMBERS (AND SUBSTITUTE MEMBERS) OF THE BODIES OF THE COUNCIL

The Council subsequently received nominations from the Group Leaders and Independent Members for the membership of the Bodies of the Council.

It was then:

RESOLVED

That, for the 2023/24 Municipal Year, Members be appointed to the Bodies of the Council as set out in Appendix A to these minutes.

11/23

ELECTION OF CHAIRMEN AND VICE CHAIRMEN OF THE BODIES OF THE COUNCIL

The Council received nominations from its Group Leaders for the positions of Chairmen and Vice Chairmen of the Bodies of the Council.

It was then:

RESOLVED

That the Chairmen and Vice Chairmen of the Bodies of the Council for the 2023/24 Municipal Year be as indicated below:-

Body	Chairman	Vice Chairman
Audit & Governance Committee	Cllr Bonham	Cllr Nix
Council Tax Setting Committee	Cllr Brazil	
Development Management Committee	Cllr Long	Cllr Taylor
Licensing Committee	Cllr Rake	Cllr Carson
Overview and Scrutiny Committee	Cllr Hawkins	Cllr Cooper

12/23

APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

A paper was considered that set out details of those Outside Bodies to which the Council appointed representatives and included a list of nominations for representation on these Outside Bodies.

Two nominations (Cllrs J Brazil and J Hodgson) had been received for the one position on the Devon Authorities Strategic Waste Committee

When put to the vote, it was declared **CARRIED** that Cllr J Brazil be appointed to the position on the Devon Authorities Strategic Waste Committee.

Two nominations (Cllr J Brazil and J Hodgson) had been received for the one position on the Heart of the South West Joint Devolution Committee

When put to the vote, it was declared **CARRIED** that Cllr J Brazil be appointed to the Heart of the South West Joint Devolution Committee

It was then:

RESOLVED

1. That the Council be represented on the list of Outside Bodies as presented to the meeting;
2. That the Members named in Appendix C to these minutes be appointed as the Council's representatives to those Bodies for the 2023/24 Municipal Year, and that, for the purposes of Members' Allowances, attendance at meetings of these bodies be regarded as an approved duty; and

3. That Members appointed to Outside Bodies provide a written report following each meeting; regular feedback and consultation on the issues affecting the Bodies concerned.

13/23

APPOINTMENT OF GOVERNANCE BOARDS / PANELS

Members proceeded to consider the appointment for the 2023/24 Municipal Year of the:-

- a) Devon Building Control Partnership;
- b) Director – Plymouth & South Devon Freeport;
- c) Joint SH/WD/Plymouth Local Plan Partnership Board;
- d) Rate Relief Panel;
- e) Slapton Line Steering Group;
- f) South Devon AONB Partnership Committee; and
- g) Tamar Valley AONB Partnership Committee.

Once the principle and size of these Boards and Panels had been determined by the Council, Members proceeded to consider the appointments to each of these Bodies and, based upon these two decisions, it was then necessary for a vote to be undertaken for the two positions on the Joint SH/WD/Plymouth Local Plan Partnership Board, for which three nominations had been received (Cllrs J Brazil, J Hodgson and D Thomas).

In light of there being two positions available, the Chairman exercised his discretion to call for a recorded vote on these appointments, with the vote breakdown being as follows:

Cllr Brazil: 26 votes – Cllrs Abbott; Allen; Bonham; Carson; Cooper; Dennis; Dewyter; Dommett; Hancock; Hawkins; Hodgson; Hopwood; Lawford; Long; McKay; Munoz; Nix; O’Callaghan; Oram; Pannell; Penfold; Presswell; Rake; Steele; Taylor and Yardy;

Cllr Hodgson: 4 votes – Cllrs Allen; Hodgson; Presswell; and Yardy;

Cllr Thomas: 23 votes – Cllrs Abbott; Bonham; Brazil; Carson; Cooper; Dennis; Dewyter; Dommett; Hancock; Hawkins; Hopwood; Lawford; Long; McKay; Munoz; Nix; O’Callaghan; Oram; Pannell; Penfold; Rake; Steele and Taylor.

Abstentions: 1 – Cllr Thomas

Absent: 3 – Cllrs Birch; Edie and Jackson.

and it was therefore declared **CARRIED** that Cllrs J Brazil and D Thomas be appointed to the two positions on the Joint SH/WD/Plymouth Local Plan Partnership Board.

It was then:

RESOLVED

That the appointment of the Governance Boards / Panels of the Council for the 2023/24 Municipal Year be approved, as shown in Appendix B to these minutes.

14/23

APPOINTMENT OF INDEPENDENT PERSONS

The Council considered a report that sought approval for the appointment, until the next annual meeting, of five persons as Independent Persons to assist in the discharge of the Council's arrangements for dealing with standards complaints.

During the ensuing debate, particular reference was made to:

- (a) gender balance. A Member expressed her concern over the lack of gender balance within those appointed to the Independent Persons roles; and
- (b) the terms of appointment/re-appointment. A Member queried the appointment/re-appointment process and specifically asked whether or not it was possible for the terms of appointment to be reduced. In reply, the Monitoring Officer stated that it was his wish to review the process during this Council term and that the matters raised would make up part of the review process.

It was then:

RESOLVED

That the following persons be appointed as Independent Persons until the next annual meeting:

George Barnicott
Peter Boreham
Martin Gleed
Trevor Kirkin
Victoria Spence

15/23

COUNCIL CONSTITUTION

The Council gave consideration to a report that presented the Council Constitution and the changes made to it by the Monitoring Officer under delegated powers. The changes were recorded in the Record of Changes set out in Appendix A of the presented report.

It was then:

RESOLVED

1. That the Constitution (as set out at: <https://southhams.gov.uk/our-constitution>) be noted; and
2. That the changes made by the Monitoring Officer since the adoption of the Constitution and as set out in the Record of Changes (attached as Appendix A to the presented agenda report) be noted.

16/23

HONORARY ALDERMEN - PROCESS

The Council gave consideration to a report that sought approval for the criteria and procedure to appoint Honorary Aldermen

During debate, a Member expressed concern at the title 'Aldermen' and questioned whether or not it was possible to change the title so as to reduce the gender bias.

In response, it was confirmed that the title of 'Honorary Alderman' was a legal title so could not be amended by the Council in isolation. As a result, an amendment to add an additional recommendation was **PROPOSED, SECONDED** and when put to the vote declared **CARRIED** that read as follows:

- 3. That the Council make representations to request that the current legal title: 'Honorary Alderman' be revised to 'Honorary Alder'.*

It was then:

RESOLVED

1. That the criteria for appointing Honorary Aldermen of the Council as set out in paragraph 3.1 of the presented report, be approved;
2. That Group Leaders be invited to make nominations to appoint Honorary Aldermen of the Council, prior to the arrangement of a Special Council meeting specifically convened for this purpose; and
3. That the Council make representations to request that the current legal title: 'Honorary Alderman' be revised to 'Honorary Alder'.

17/23

REPORTS OF BODIES

RESOLVED

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

- a) Overview & Scrutiny Committee** **16 March 2023**
- b) Development Management Committee** **5 April 2023**
- c) Executive** **13 April 2023**

With regard to recommendation E.97/22 (2) Waste and Recycling Service Update, it was noted that this item had already been determined at the Special Council Meeting held on 13 April 2023 (Minute 84/22 refers).

(Meeting commenced at 10.00 am and concluded at 10.55 am)

Chairman

Membership of Council Bodies 2023/24

Appendix A

A. Audit and Governance Committee

Cllr L Bonham
Cllr S Dennis
Cllr D Hancock
Cllr A Nix
Cllr C Oram
Cllr A Presswell
Cllr S Rake
Cllr G Yardy

Substitute Members:

Cllr J Carson
Cllr N Dommett
Cllr L Lawford
Cllr B Taylor

B. Development Management Committee

Cllr V Abbott
Cllr G Allen
Cllr L Bonham
Cllr J Carson
Cllr J Hodgson
Cllr M Long
Cllr J McKay
Cllr A Nix
Cllr D O'Callghan
Cllr G Pannell
Cllr S Rake
Cllr B Taylor

Substitute Members:

Cllr N Dommett
Cllr T Edie
Cllr D Hancock
Cllr J Hawkins
Cllr L Lawford
Cllr C Oram
Cllr S Penfold
Cllr A Presswell
Cllr M Steele

C. Licensing Committee

Cllr V Abbott
Cllr G Allen
Cllr J Carson
Cllr C Oram
Cllr G Pannell
Cllr S Penfold
Cllr S Rake
Cllr D Thomas

Substitute Members:

Cllr S Dennis
Cllr A Dewynter
Cllr N Dommett
Cllr T Edie

D. Overview and Scrutiny Committee

Cllr B Cooper
Cllr S Dennis
Cllr A Dewynter
Cllr N Dommett
Cllr T Edie
Cllr J Hawkins
Cllr S Jackson
Cllr L Lawford
Cllr P Munoz
Cllr S Penfold
Cllr A Presswell
Cllr M Steele

Substitute Members:

Cllr L Bonham
Cllr A Nix
Cllr G Pannell
Cllr B Taylor
Cllr G Yardy

E. Council Tax Setting Committee

Cllr J Birch
Cllr J Brazil
Cllr M Long
Cllr D Thomas

Appointment of Governance Boards / Panels 2023/24 Appendix B

- (a) Devon Building Control Partnership**
Cllr J Birch
Cllr J McKay

- (b) Director – Plymouth & South Devon Freeport**
Cllr J Birch

- (c) Joint SH/WD/Plymouth Local Plan Partnership Board**
Cllr J Brazil
Cllr D Thomas

- (d) Rate Relief Panel**
Cllr J Birch
Cllr N Hopwood
Cllr G Yardy

- (e) Slapton Line Steering Group**
Cllr S Dennis
Cllr L Lawford

- (f) South Devon AONB Partnership Committee**
Cllr G Allen
Cllr J McKay

- (g) Tamar Valley AONB Partnership Committee**
Cllr C Oram

	ORGANISATION	Nominee(s)
1.	Dartmoor National Park Authority	Cllr G Pannell
2.	Devon Audit Partnership Committee	Chairman and Vice-Chairman of the Audit Committee
3.	Devon Authorities Strategic Waste Committee	Cllr J Brazil (Substitute: Cllr J Hodgson)
4.	Devon County Locality Committee	Cllrs J Birch and D O'Callaghan
5.	Devon County/South Hams Highways and Traffic Orders Committee	Cllrs J Birch and D O'Callaghan
6.	Devon Districts Forum	Leader of Council
7.	Governance Board (South Devon Healthcare NHS Foundation Trust)	Cllr G Yardy
8.	Greater Dartmoor Local Enterprise Action Fund	Cllr D Hancock
9.	Heart of the South West Devolution Joint Committee	Cllr J Brazil (Substitute: D Thomas)
10.	Hope Harbour Commissioners	Cllr M Long
11.	Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park	Cllrs A Dewynter and G Pannell
12.	Local Enterprise Partnership Joint Scrutiny Committee	Cllr G Yardy
13.	Local Government Association:- (i) District Council Network: (ii) General Assembly: (iii) South West Branch: (iv) Rural Commission (v) LGA Committee, Panel, etc appointments (NB: These appointments are made via an Electoral College process through the LGA. Council has been given delegated authority to the Monitoring Officer, in consultation with the Leaders of the political groups, to agree any such appointments).	Leader or Deputy Leader of Council Leader or Deputy Leader of Council Leader or Deputy Leader of Council Leader or Deputy Leader of Council
14.	PATROL – Parking and Traffic Regulations Outside London	Cllr G Pannell
15.	Police & Crime Commissioners Scrutiny Panel	Cllr D Thomas

- | | | |
|-----|---|-------------------------------------|
| 16. | River Yealm Harbour Authority | Cllr T Edie |
| 17. | South Devon and Dartmoor Community Safety Partnership | Cllr A Dewynter |
| 18. | South West Councils | Leader and Deputy Leader of Council |
| 19. | SPARSE Rural and Rural Services Network | Cllr J McKay |

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 7 June 2023

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

Other Members also in attendance:

Cllrs Thomas and Brazil and Cllr Hopwood (on MS Teams)

Officers in attendance and participating:

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.1/23 MINUTES
The minutes of the meeting of the Committee held on 5 April 2023 were confirmed as a correct record by the Committee.

DM.2/23 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.4/23 (d)) below refers) because they are known to the applicant. The Member remained in the meeting and took part in the debate and vote thereon.

Cllr S Rake declared a Personal Interest in application 6(d) (minutes DM.4/23 (d)) below refers because they are known to the applicant. The Member left the meeting for this item and took no part in the debate or the vote.

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.4/23(a) below refers). As a result, the Vice-Chairman chaired the meeting during consideration of this application.

DM.3/23 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.4/23

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) 3273/22/FUL "Sheerwater", Devon Road, Salcombe
Town: Salcombe**

Development: Demolition of existing dwelling and construction of new replacement dwelling including existing garage renovation and associated landscaping.

As highlighted above (Minute DM.2/23 refers), this application was Chaired by Cllr Taylor (Vice-Chair).

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

- The application was submitted prior to 1 December 2022 and the enhanced requirements relating to the carbon implications of the demolition phase did not apply;
- The proposal did not seek to increase the number of dwellings or the number of bedrooms;
- The contemporary design had generated both criticism and praise;
- While the decision was finely balanced, Officers did not consider that the proposal would result in significant harm so as to warrant a refusal and the application was therefore recommended for conditional approval.

In response to questions, the Officer reported that:

- the lobby entrance would be partly open;
- the Salcombe Neighbourhood Plan had been in place for some time;
- changes and improvements were being made to the parking area and would be a little bit lower in the proposed application;
- The ridge height was slightly higher and width similar in size.
- The applicant had removed some of the existing trees which had opened up the view of the estuary.

Speakers were: Objector – Chris Watkins, Supporter – Mark Evans, Parish Council – Statement read out by the Clerk, Ward Member – Cllr M Long.

In response to questions raised, the supporter reported that:

- there would be a mix of glazing and stone and it would be possible to be able to see partly through the upper area;
- the design was a linear contemporary form;
- the building would be stepped into the site following the contours similar to the current building and would retain existing wall and render that was typical for Salcombe;
- the driveway levels did drop but not significantly;
- they were undertaking a landscaping scheme for Officers to approve.

The Ward Member thanked Members for their attendance at the site visit earlier in the week. This application impacted on the area and, if approved, would change the town scape and urban setting. The Member asked that the Committee seriously look at the design, scale and massing as well as the accumulative impact on the town setting.

During the debate, some Members felt that it was hard to see whether there would be any change in public view and felt that those views would largely remain. On viewing the application from the estuary, some Members also felt that the building did not look particularly large and was similar to other dwellings in the vicinity. Another Member felt that the application was extraordinarily large and looked more like a hotel. In viewing from the water, the sheer over massing, scale and glazing would impact on the ecology in the area. The scale of the development took away the habitat with a loss for foraging. Another Member felt it was important to take on the views of the Town Council with their concerns on the massing and this would change the character of Salcombe. Another Member felt this was a change in style and moving away from local vernacular into something more linear and block like and feared this added to the changes seen in the townscape and landscape. The dwelling could be blended better into the hillside and the size and massing was detrimental to the site and a Member did not want to see this trend continue especially since it was felt to contradict the adopted Neighbourhood Plan.

It was then put to the vote that the application be conditionally approved (in line with the Officer recommendation). When put to the vote, the proposal was lost.

The vote was then taken to refuse the application, with the exact wording of the reasons for refusal being delegated to the Head of Development Management, in consultation with the Committee Vice-Chairman and the proposer (Cllr Long) and seconder (Cllr Hodgson) of the motion, with the reasons being summarised as:

1. Design, massing and scale, siting, contrary to policies ENV1 and ENV7 DEV21, DEV23 and DEV25.
2. Landscaping.
3. Impact on ecology.

Recommendation: Conditional Approval

Committee decision: Refusal

**6b) 2202/22/FUL "Churchstow Lodge", Churchstow
Parish: Churchstow**

Development: Erection of new dwelling & associated new vehicular access

Case Officer Update: The Case Officer summarised the key issues:

- The dwelling was designed in a contemporary style, mirroring the main design themes of Churchstow Lodge;
- The proposal included low carbon measures, such as solar panels, EV charging point and a heat pump;
- The existing boundary hedge would be retained but realigned as part of the proposal to minimise the visual impact of the scheme and to safeguard the setting of nearby Listed Buildings;
- Concerns regarding highways safety were noted, however, the DCC Highways Engineer had not objected and Officers were not able to substantiate a refusal on highways safety grounds;
- The proposal recommendation was for conditional approval.

Speakers were: Objector – None, Supporter – Anthony Puncher, Parish Council – None, Ward Member – statement from Cllr Bonham was read out by the Clerk.

In response to questions raised, the supporter reported that:

- No other alternative access to the property had been considered;
- The existing hedge would be cut but would grow back.

The following statement was read out on behalf of the local Ward Member:

'I hope that the following comments on application 2202/22/FUL Churchstow Lodge Churchstow, in my ward, can be considered at the DM Committee on 7 June. I have a number of concerns.

Firstly I note that the site is inside the AONB and in a village not listed as a sustainable village in the TTV section of the JLP (see page 242). The JLP makes clear that DEV25 applies in this case, as noted by the officer's report. DEV25 requires 'substantial weight' will be given to 'natural beauty' and 'conservation of wildlife and cultural heritage'. Unfortunately, this development requires the removal of part of the hedge and Devon bank in the centre of Churchstow along the side of the A379. This seems to me to be an element of natural beauty, a cultural asset in the village and a wildlife asset. I am concerned at it proposed removal.

Secondly, the Kingsbridge, West Alvington and Churchstow Neighbourhood plan notes the protected view CV6 from the green space in Churchstow along the A379 westward, which includes the said Devon bank and hedgerow. The Policy KWAC Env4 in this document says that the “quality of these views within the settlements ... should be safeguarded.” Removal of the hedge would contravene that, I believe.

Thirdly, the officer’s report notes that DEV25 requires developments to ‘conserve and enhance’ natural beauty. The report accepts that the application does NOT offer any enhancement. Therefore it seems to me that the policy DEV25 is not met.

Fourthly, I feel that DEV23 and DEV28 of the JLP should be taken into account. DEV23 requires developments to ‘conserve and enhance valued attributes...such as hedgerows... that contribute to the character and quality of the area. DEV28 also states that hedgerows should be protected, unless there is mitigation, and I do not see any mitigation in this case.

Overall, the proposal seems to contravene a number of the JLP and Neighbourhood plan policies.’

During the debate, some Members understood the concerns regarding highway safety, however DCC had raised no concerns and the VAS sign was known to have a positive impact on reducing speeds. The application was within the envelope of a settlement and new development should be allowed to take place. Other Members felt that it would be difficult to defend an appeal if they went against this application on highways grounds. The hedge would be reduced slightly however this was not too detrimental and the new dwelling would not have a significant impact on the two listed buildings with the hedges for protection.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

- Conditions:**
1. Standard time limit
 2. Accord with plans
 3. Construction Management Plan
 4. Visibility splays
 5. Unexpected contamination
 6. Surface water drainage
 7. Natural slate
 8. Solar panels
 9. Air source heat pump
 10. DEV32 measures
 11. Accord with arboricultural report
 12. Accord with ecological mitigation
 13. Details of external lighting
 14. First floor window in east elevation –

obscure glazed and fixed shut
15. Permitted Development rights removed

**6c) 0596/23/HHO 15 Heybrook Drive, Heybrook Bay, PL9 0BN
Parish: Wembury**

Development: Householder application for side porch and bedroom extension

Case Officer Update: The Case Officer summarised the key issues:

- The proposed extension single storey, set back from the principal elevation and subservient to the existing dwelling;
- The localised impact on the AONB was acceptable within an existing residential context;
- The impact upon neighbouring amenity and adjoining property, no. 14 Heybrook Drive was acceptable
- The proposal includes an EV charging point within the existing garage;
- The proposal was recommended for conditional approval.

The Officer reported that following the site visit that access to the property would be built within building regulations.

Speakers were: Objector – None, Supporter – David Sims, Parish Council – None, Ward Councillor – None.

During the debate, Members felt that the site visit had been very helpful and building up to the boundary was acceptable. The improvement to energy performance was supported.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Adherence to construction management plan

**6d) 0049/23/HHO 8 Derby Road, Kingsbridge
Town: Kingsbridge**

Development: Householder application for two storey side extension plus first-floor extension over part of existing ground floor, to include pitched roof to match existing

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

- The proposed extensions represented a cohesive design solution which did not dominate the existing dwelling house;

- The localised impact on AONB was acceptable within an existing residential context;
- The impact upon neighbouring amenity and adjoining properties, no. 7 and 9 Derby Road was acceptable;
- The proposal included solar panels on the south elevation roof;
- Re-consultation was being undertaken upon amendments to red outline of application site;
- The proposal was recommended for conditional approval.

The Officer reported that there would be no adverse impact to the neighbour's vegetable plot.

Speakers were: Objector – None, Supporter – None, Town Council – statement read out by the Clerk, Ward Member – Cllr O'Callaghan.

The Ward Member unfortunately was unable to attend the site visit and felt that the proposals were reasonable.

During the debate, Members who had attended the site visit were able to view the neighbouring property's vegetable patch which was already in shadow.

Recommendation: Delegated approval to the Head of Development Management subject to no further representations being received within the reconsultation period (date TBC) that raise any new issues not considered in the Officer Report.

Committee decision: Delegated approval to the Head of Development Management subject to no further representations being received within the reconsultation period (date TBC) that raise any new issues not considered in the Officer Report.

Conditions:

1. Standard time limit
2. Adherence to plans
3. Adherence to drainage details
4. Materials to match
5. Adherence to ecological mitigation and enhancement

DM.5/23 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.5/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Members noted the update on undetermined major applications as

outlined in the presented agenda report.

(Meeting commenced at 9.30 am with a break at 10.50 am. Meeting concluded at 12:40pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 7 June 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3273/22/FUL	"Sheerwater", Devon Road, Salcombe	Refused	Cllrs, Allen, Carson, Hodgson, Long, Nix, O'Callaghan and Taylor (7)	Cllrs Abbott and Pannell (2)		Cllrs Bonham, McKay and Rake (3)
2202/22/FUL	"Churchstow Lodge", Churchstow	Approved	Cllrs Abbott, Allen, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (10)			Cllrs Bonham and McKay (2)
0596/23/HHO	15 Heybrook Drive, Heybrook Bay, PL9 0BN	Approved	Cllrs Abbott, Allen, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (10)			Cllrs Bonham and McKay (2)
0049/23/HHO	8 Derby Road, Kingsbridge	Approved	Cllrs Abbott, Allen, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (10)			Cllrs Bonham and McKay (2)

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PUBLIC QUESTIONS AT COUNCIL MEETINGS

There is a period of 15 minutes at meetings of the Full Council (excluding the Annual Meeting) during which members of the public can ask questions about items on the agenda.

Any member of the public who wants to ask a question should ensure that the question:

- a) is no more than 50 words in length;
- b) is not be broken down into multiple parts;
- c) relates to an item included on the agenda; and
- d) is suitable to be considered. A question will not be suitable if, for example, it is derogatory to the Council or any third party; relates to a confidential matter; it is about a specific planning matter; or it is substantially the same as a question asked in the past six months.

Questions should be sent to Democratic Services (Democratic.Services@swdevon.gov.uk) by 1.00pm on the Monday before the meeting (the deadline will be brought forward by a working day if affected by a bank holiday). This will allow a detailed response to be given at the meeting. If advance notice of the question cannot be given the Chairman of the meeting has the discretion to allow questions on matters that are felt to be urgent;

For any further advice on questions to Full Council, or to request a copy of the full Public Questions Procedure Rules, please contact Democratic Services (Democratic.Services@swdevon.gov.uk)

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