

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in THE REPTON ROOM, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 6 OCTOBER 2021

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

Other Members also in attendance and participating:
Cllrs T Holway; J Pearce; and D Thomas.

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Specialists – Development Management; Legal Officer; Planning Specialists; IT Specialist; and Democratic Services Officer;
Item 6a		Strategic planning officer;
Item 6f		Landscape officer
Item 6g		Plymouth City Council Viability Officer, South Hams Affordable Housing Officer

DM.26/21 MINUTES
The minutes of the meeting of the Committee held on 8th September 2021 were confirmed as a correct record by the Committee.

DM.27/21 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr B Taylor declared a personal interest in applications 4277/20/FUL, 1099/21/FUL, 2855/21/HHO, 2133/19/VAR and 2720/21/FUL (Minutes DM.29/21(a), (b) (d) (f) and (h) below refer) as he was a Member of the South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon;

Cllr K Kemp declared a personal interest in application 2133/19/VAR (Minutes DM.29/21 (f) below refers) as she knew the applicant. The Member remained in the meeting and took part in the debate and vote thereon.

Cllr R Foss declared a personal interest in application 2133/19/VAR (Minutes DM.29/21 (f) below refers) as he had eaten at the establishment. The Member remained in the meeting and took part in the debate and vote thereon.

DM.28/21 **PUBLIC PARTICIPATION**

The Chairman noted the list of members of the public, town and parish council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.29/21 **PLANNING APPLICATIONS**

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

6a) 4277/20/FUL Lantern Lodge Hotel, Grand View Road, Hope Cove, TQ7 3HE

Parish: South Huish

Development: Amendment to previously approved 2101/19/FUL for additional installation of 2 no. concealed gas tanks below lawn.

Case Officer Update: One extra objection letter of representation had been received.

Speakers included: Supporter – Simon Bird; Parish Council – Cllr J Hocking; Ward Members – Cllrs M Long and J Pearce;

The Ward Members were in agreement that had the original application come before the Committee with this proposed energy supply, there could have been a very different outcome to that decision. This was because the original application's energy credentials tipped the balance to supporting the development. One Ward Member disputed the applicant's claim that there was no space on site for an electrical substation.

During the debate, Members stated that this request was a retrograde step and would lead to future costs to replace the then obsolete form of energy, and approval would be difficult to defend in light of the Council's declaration of a climate change emergency. Members also expressed concerns regarding the structural integrity of the cliff to cope with the hole that the gas tanks would require. It was also noted that the Western Power Distribution had not confirmed that they were unable to provide an enhanced electricity supply to the site only that they could not guarantee the ability to provide this until legal agreements were secured to run cables through land outside of the applicant's control.

A motion to defer the application was proposed and seconded but declared lost on the vote.

Recommendation: Conditional Approval

Committee decision: Refusal

Reasons for Refusal:

Proposal, by virtue of its reliance on fossil fuels, was considered to represent a retrograde step for the application site compared to the previously proposed scheme, for the redevelopment of this site in terms of means of energy provision. It would not positively contribute to support the Joint Local Plan's aims to increase the use and production of renewable and low carbon energy to contribute to national targets for reducing carbon emissions. Furthermore, insufficient evidence had been submitted to show that the necessary agreements could not be reached to bring an enhanced electricity supply to the site, as previously proposed, as the means of energy provision for the site to negate the need for reliance on fossil fuels.

6b) 1099/21/FUL Land adjacent to Manor Cottage, South Milton, TQ7 3JQ

Parish: South Milton Parish Council

Development: New 3 Bedroom detached dwelling (Resubmission of 2731/20/FUL)

Case Officer Update: The Case Officer clarified the definition of in-fill and that, whilst the report for Dev32 had not been submitted, this would be required if the application was conditionally approved.

Speakers included: Objector – Mr John Walliss; Supporter – Mr Louis Dulling; Ward Members – Cllrs M Long and J Pearce.

Whilst one Ward Member had concerns regarding the compliance of the site with the definition of in-fill, and the site being within the Undeveloped Coast area, the other Ward Member felt that the site did comply with in-fill and was at the very edge of the Undeveloped Coast area. One Ward Member outlined the conflict between the Joint Local Plan and the South Milton Parish Neighbourhood Plan, it was, however, noted that the Parish Council were in support of this application.

During the debate most Members agreed that the site fitted the definition of an in-fill site. It was noted that the applicant had offered to add an Section 106 agreement for primary residency. The Lawyer clarified that the condition for primary residence could be effected by either an S106 agreement or a Unilateral Agreement, and that this was not a policy requirement as a result of the number of dwellings proposed.

Recommendation: Refusal

Committee decision: Conditional Approval delegated to Head of Development Management (DM) in consultation with the Chairman of the DM Committee and the local Ward Members

Conditions

- 1) Time limit for commencement (3 years)
- 2) Accord with approved plans
- 3) Prior to first installation, materials to be agreed
- 4) Drainage scheme to be installed in accordance with approved plans
- 5) Landscaping to be implemented in accordance with approved scheme
- 6) No external lights unless details first agreed
- 7) Parking provision prior to first occupation and thereafter retained
- 8) Prior to commencement archaeological written scheme of investigation to be submitted and agreed
- 9) Unsuspected contamination
- 10) Prior to commencement – Construction management plan
- 11) Adherence to DEV32 Compliance Statement
- 12) Removal of Permitted Development rights

6c) 2679/21/FUL Wilma, Woodcourt Road, Harbertonford, TQ9 7TY

Parish: Harberton Parish Council

Development: Full planning application for Technical Details Consent for new dwelling following Permission in Principle application 0573/19/PIP

Case Officer Update: The Case Officer highlighted the slight increase in red outline to accommodate drainage but no principal difference between the published report and the report as presented to the Committee.

Recommendation: Delegate approval to Head of Development Management, in conjunction with Chairman of the Committee, to conditionally grant planning permission, subject to expiry of the consultation period.

Committee decision: Delegate approval to Head of Development Management, in conjunction with Chairman of the Committee, to conditionally grant planning permission, subject to expiry of the consultation period.

Conditions:

- 1) Time
- 2) Accordance with approved plans

- 3) Materials to be submitted
- 4) Landscaping
- 5) In accordance with Preliminary Ecological Appraisal
- 6) Drainage
- 7) Land contamination
- 8) Construction management plan
- 9) Removal of PD rights
- 10) No external lights

6d) 2855/21/HHO 15 Church Way, Yealmpton, PL8 2LA

Parish: Yealmpton Parish Council

Development: Householder application for formation of room in roof with rear dormer (Resubmission of 0954/21/HHO).

Case Officer Update: No update

Speakers included: Supporter – Miss H Askem; Ward Member – Cllr D Thomas;

The Ward Member in attendance confirmed that there was no representations from the Parish Council and they had not objected to the original application, although they were supportive of the Officer recommendation this time. It was his view that the overlooking outlined by the Case Officer was not pertinent as there was already substantial overlooking, and the impact on the AONB (Area of Outstanding Natural Beauty) was limited as it was in keeping with the rest of the estate. The extension would bring significant benefit to a local family.

During the debate, the Committee was updated by the Members who had entered the premises on the site visit where it was confirmed that there was already a degree of overlooking. One Member outlined that there would be no loss of amenity and that the flat roof would not be out of place in this particular area. Reasons for overturning the officer's recommendation were that the application was not in a prominent position, and would not be detrimental to the AONB in this particular locale. There was already a degree of overlooking and one Member felt that, in the current climate emergency, this development would make the best use of the home.

Recommendation: Refusal

Committee decision: Conditional approval delegated to Head of Development Management (DM), in consultation with the Chairman of DM, and the local Ward Members.

Conditions:

1. Time limit
2. Accord with plans
3. Materials to match existing

4. Adherence to ecology report

6e) 2707/21/HHO **Star House, Pleases Passage, High Street, Totnes, TQ9 5QN**

Town: Totnes Town Council

Development: Householder application for alteration and extension to provide improved access to roof terrace and replacement of roof material (resubmission of 1924/20/HHO)

Case Officer Update: The Case officer confirmed that a Certificate of lawfulness had been submitted but was not yet registered.

Speakers included: Objector – Mr P Swallow; Supporter – Ms G Jensen;

During the debate, some Members felt that the safety and well-being of the owner outweighed the neighbour's amenity issue. It was also stated that the application was in keeping with the nature of the town and that green spaces were increasingly important. There were discussions around the possibility of imposing a condition for a planted screen by the neighbour's window. Following a tied vote, the Chair used his casting vote to conditionally approve the application.

Recommendation: Refusal

Committee decision: Conditional approval delegated to the Head of Development Management (DM) in consultation with the Chair of DM and the local Ward Members

Conditions:

Standard time limit
Accord with plans
Details of any external lighting
Details of landscaping
Details of materials
Natural slate roof

6f) 2133/19/VAR **Cottage Hotel, Hope Cove, TQ7 3HJ**

Parish: South Huish Parish Council

Development: Readvertisement (Revised Plans Received) Application for variation of condition 2 of planning consent 46/2401/14/F.

Case Officer Update: Following a question at the site inspection, the Case Officer confirmed there were no solar panels on the approved plans. One objector had removed his

objection while four additional objection letters had been received from two people. The Case Officer highlighted the impact on the Heritage Coast and on the property to the rear, West View.

It was also noted that the gabion baskets had been roughly packed and resembled rubble, whereas it was possible to pack gabion baskets to create an impression of a stone wall. There was also no planting scheme for how the gabion baskets would be softened in appearance. This impacted on the outlook of the hotel.

It was confirmed that there had been no evidence supplied that the Health and Safety Executive had requested the railings on the roof, and that the height increase was significant compared to the approved plans of 2015.

The Case Officer confirmed that should the application be refused, the applicant was not expected to reduce the building all the way back but to reduce the height of the extension to the approved height of the approved plans of 2015.

Speakers included: Objector – Mrs D Stoop; Supporter – Mr W Ireland; Parish Council – Cllr Jo Hocking; Ward Members – Cllrs J Pearce and M Long;

Whilst one of the Ward Members remarked that the economic benefit of the hotel was an over-riding factor, the other Ward Member outlined the loss of amenity on the property behind due to the increased scale and height versus the approved plans. She felt that the unauthorised pods were also an issue. It was clarified that the roof tiles had not been signed off and were markedly different to those that were originally approved.

During the debate Members stated that this was a difficult decision to make with some Members feeling that the economic impact on the business was paramount while other Members felt that the increase in mass, size, and loss of amenity to the neighbours had a significant impact, with the Council's Landscape Specialist and the AONB both raising concerns. Members also commented on the colour of the roof tiles. Members deferred the application so that mitigation could be explored as follows:-

1. Alternative roof safety railings
2. Detailed landscaping scheme
3. Roof tiles to be more like those agreed under conditions discharge

Members also reiterated that when the remaining phases were built, they must be at the ridge height and size as approved in 2015.

Recommendation: Refusal

Committee decision: Deferral

6g) 2560/21/FUL **“Former Brutus Centre”, Fore Street, Totnes, TQ9 5RW**

Town: Totnes

Development: Demolition of existing building and redevelopment of the site to form 2 no retail units, public car park and 42 Retirement Living apartments including communal facilities, access, car parking and landscaping (resubmission of 4198/19/FUL)

Case Officer Update: Further to enquiries when the application came before the Committee on 8th September 2021, the Case Officer confirmed that the plan could accommodate the refuse vehicle. It was confirmed that the applicant had offered £410,000 for the Affordable Housing off site contribution. It was confirmed that the Vacant Building Credit, which allowed for the extant building footprint to be taken off the proposed footprint, reduced the affordable housing contribution (as identified in Policy DEV8) from 30% to 18%. The Case Officer confirmed that the loss of 25 parking spaces, as proposed in this application, would reduce parking spaces within Totnes by 3% and that the remaining 25 spaces would remain as a public car park.

Speakers included: Objector – Mr J Van As; Supporter – Mr M Shellum; Totnes Town Council – Cllr R Hendriksen; Ward Member – Cllr J Sweett;

During the debate it was confirmed that the Affordable Housing element was acceptable from the viability point of view once all costs were taken into account. Members were disappointed with the development that was presented to the Committee, but acknowledged that there were no planning policies or reasons that could be applied to refuse the application.

Recommendation: Conditional approval, subject to Section 106 agreement to secure the affordable housing contribution; the OSSR contribution and ongoing maintenance of the public realm areas

Committee decision: Conditional approval, subject to Section 106 and additional conditions on the retention of the retail units

and that the car park shall remain as a public short stay car park in perpetuity

Conditions:

1. Time limit
2. Accord with plans
3. WSI
4. No development in the bird nesting season
5. Details of the balconies and how they will be fixed to the building to be submitted and agreed.
6. Unexpected contamination
7. Construction management plan
8. Access complete before occupation
9. Access improvements carried out prior to occupation.
10. External lighting strategy to be agreed by LPA
11. LEMP
12. CEMP
13. Detailed landscape plan to be submitted and agreed prior to development above slab level.
14. 20 shop front plans to be submitted
15. Junction of materials to be submitted to and agreed
16. Location and angle of photovoltaics to be agreed
17. Location and type of plant to be agreed
18. Roof specification to be agreed
19. Natural stone sample and to be laid on its natural bed.
20. External finishes
21. Parapet wall details to be submitted
22. Railings around site to be submitted and agreed
23. Rainwater goods
24. Details of public route
25. Tree protection measures.
26. Prior to the commencement of development a Waste Statement in accordance with Para 8 of the NPPF and W4 of the Devon Waste Plan to be submitted.

**6h) 2720/21/FUL Barby Lodge, Cleveland Drive, Bigbury on Sea,
TQ7 4AY**

Parish: Bigbury

**Development: Full planning application for replacement dwelling
(resubmission of 2828/20/FUL).**

Case Officer Update: The applicant had moved the dwelling forward on the site and the Case Officer outlined how the new view would be seen by neighbours. No visuals in presentation as both the objector and supporter had questioned each other's accuracy, so none were

included.

Speakers included: Objector – Mr J Munday; Supporter – Mr J Marshall;
Parish Council – Cllr V Scott; Ward Member – Cllr B Taylor;

During the debate, one Member stated that in bringing the dwelling forward but with no other changes, it had made the dwelling look bigger in the street scene. Some Members felt that the dwelling would be too overbearing and would impose too much on the neighbours. Members also felt that the suggested wraparound of the decked area along the front and eastern side would have a significant impact on the street scene and could set an unwelcome precedent. It was felt that the reasons for refusal at the Committee meeting held on 26th May had still not been addressed by these proposals

Recommendation: Conditional approval

Committee decision: Refusal

Reasons for refusal:

Overdevelopment of the site, more negative onto street scene, (scale, massing, DEV20). NPPF changes to paragraph numbering – virtue of new position, overlooking and perception of overlooking still with window removed. Final refusal wording to be delegated to Head of Development Management (DM), Chair of DM Committee, and Ward Member.

6i) 0788/21/OPA Whiteoaks, Davids Lane, Filham, PL21 0DW

Parish: Ugborough

Development: Outline application with all matters reserved for construction of 2 residential dwellings.

Case Officer Update: There was no update.

Speakers included: Supporter – Miss R French; Ward Member – Cllr T Holway;

The Ward Member outlined his reasons for stating that the site was considered to no longer be in the countryside, with the nearby development progressing. He was also of the opinion that the site was sustainable.

During the debate Members noted the proximity to a major development and that this impacted on the classification of this application as in the countryside. Members also felt that this site was in-fill between established businesses and a nearby private dwelling, thereby allowing for an exception.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management, in consultation with the Chair of Development Management (DM) Committee, Cllrs Hodgson and Pringle (as proposer and seconder of the proposal to conditionally approve), and the local Ward Member

Conditions:

Approval subject to Section 106 agreement for Tamar SAC contribution, drainage info to be submitted before decision is issued, biodiversity condition to be added., Primary residency condition to be offered by the applicants.

DM.30/21 **PLANNING APPEALS UPDATE**

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

The Head of Development Management, provided further details on specific recent appeal decisions. One Councillor thanked officers for the work done on one application which had resulted in the Inspector upholding the decision of the Council.

DM.31/21 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted.

(Meeting commenced at 10:00 am and concluded at 6:20 pm, with lunch at 1:30pm and a ten minute break at 4:10pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 6th October 2021

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
4277/20/FUL	Lantern Lodge Hotel, Hope Cove	Deferral	Cllrs Brown, Foss (2)	Cllrs Abbott, Brazil, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (9)		Cllr Hodgson (1)
		Refusal	Cllrs Brown, Kemp, Long, Pringle, Reeve, Taylor (6)	Cllrs Abbott, Brazil, Foss, Pannell, Rowe (5)		Cllr Hodgson (1)
1099/21/FUL	“Land Adjacent to Manor Cottage”, South Milton	Approval	Cllrs Abbott, Brown, Hodgson, Long, Pringle, Reeve, Rowe, Taylor (8)	Cllrs Brazil, Foss, Kemp (3)	Cllr Pannell (1)	
2679/21/FUL	“Wilma”, Woodcourt Road, Harbertonford	Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (12)			
2855/21/HHO	15 Church Way, Yealmpton	Approval	Cllrs Abbott, Brown, Hodgson, Kemp, Long, Pringle, Reeve, Rowe, Taylor (9)	Cllrs Brazil, Foss (2)	Cllr Pannell (1)	
2707/21/HHO	Star House, Pleases Passage, High Street, Totnes	Approval	Cllrs Abbott, Hodgson, Kemp, Long, Reeve (5) (*)	Cllrs Brown, Foss, Pringle, Rowe, Taylor (5)	Cllrs Brazil, Pannell (2)	
2133/19/VAR	Cottage Hotel, Hope Cove	Refusal	Cllrs Brown, Hodgson, Pannell, Pringle (4)	Cllrs Abbott, Foss, Long, Reeve, Rowe, Taylor (6)	Cllrs Brazil, Kemp (2)	
		Deferral	Cllrs Abbott, Brazil, Foss, Hodgson, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11)	Cllr Brown (1)		
2560/21/FUL	“Former Brutus Centre”, Fore St, Totnes, TQ9 5RW	Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Pringle, Reeve, Rowe, Taylor (9)	Cllrs Hodgson, Kemp, Long (3)		
2720/21/FUL	Barby Lodge, Cleveland Drive, Bigbury on Sea	Refusal	Cllrs, Brown, Foss, Hodgson, Long, Pringle, Reeve, Rowe, Taylor (8)	Cllrs Abbott, Brazil (2)	Cllrs Kemp, Pannell (2)	
3423/20/FUL	“Whiteoaks”, Davids Lane, Filham	Approval	Cllrs Abbott, Hodgson, Long, Pringle, Reeve, Taylor (6)	Cllrs Foss, Kemp, Pannell, Rowe (4)	Cllrs Brazil, Brown (2)	

((*) application conditionally approved by virtue of the Committee Chairman’s Casting (Second) Vote))