

**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 15 March 2023**

<b>Members in attendance</b>			
<b>* Denotes attendance</b>			
<b>∅ Denotes apologies</b>			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil	∅	Cllr K Pringle
*	Cllr D Brown	*	Cllr H Reeve
*	Cllr R J Foss (Chairman)	*	Cllr R Rowe (Vice Chair)
*	Cllr J M Hodgson	*	Cllr B Taylor
∅	Cllr K Kemp	*	Cllr D O'Callaghan (substituting for Cllr K Kemp)
*	Cllr G Pannell	*	Cllr P Smerdon (substituting for Cllr K Pringle)

**Other Members also in attendance and participating:**

Cllr J Pearce and Cllr J Sweett

**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.63/23

**MINUTES**

The minutes of the meeting of the Committee held on 15 February 2023 were confirmed as a correct record by the Committee.

DM.64/23

**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 B Taylor declared an Other Registerable Interest in application 6(a) and (e) (minutes DM.66/23 (a) and (e) below refer because he is a member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

DM.65/23

**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.66/23

**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) 4118/22/FUL "Edgecombe House", West Buckland  
Parish: Thurlestone**

**Development: New dwelling & site landscaping (Re-submission of 3247/22/FUL)**

Case Officer Update: The Case Officer provided an amendment on the ridge height of Rose Cottage, with the height given referring to an outbuilding of Rose Cottage. Ridge height of Rose Cottage should read 107.43 (+4.53m). This application was within the Buckland Settlement Boundary and supported open market housing within the settlement boundaries. On the site visit a question was asked on the cut in and it was reported that, if granted approval, there would be a 1.5 m cut into the lower level. Objections were received from the 3 neighbouring properties. There was a flood zone at the bottom of the site, however, no flood risk issues for this dwelling.

In response to questions raised, it was reported that:

- an ecology report was submitted and the ecology officer was happy subject to appropriate conditions being included;
- the previous application which was withdrawn had 4 bedrooms and the outbuilding proposed to be a study. In these revised proposals, the study had been moved into the house and reduced to 3 bedrooms;
- foul drainage would drain into the existing sewer.

Speakers were: Objector – None, Supporter – James Wells, Parish Council – Cllr R Lewis, Ward Members – Cllrs Pearce and Long.

In response to questions, the Supporter responded that:

- slate hung was used in parts of the village and the use of this material would ground the building and reduce the mass;
- they were looking at different options to facilitate bats;
- they have designed a home which provided a good level of amenity and adapted for later living;
- the scale of the home was considered appropriate to that setting.

In response to questions raised, the Parish Councillor reported that:

- from the plans 75% of the property would be glazed;
- the neighbourhood plans stated that housing was to be provided for young people and families which contributed to the local area.

One Ward Member reported that the development was allowable, however the scale of the property, element of the design, the setting and impact on the natural environment was a concern. Members needed to

consider the principle of the development alongside what the Parish Council had raised in their Neighbourhood Plan. The Member questioned whether this property met that housing need and addressed the requirement in the area. The Member asked that the Committee give serious consideration to the design and the slate hanging and whether the scale and design was appropriate, the glazing and the impact on bats and the neighbours had been considered. Finally, the Member emphasised that this was an important habitat.

The second Ward Member reported that when the Neighbourhood Plan was approved there was a high turnout and the basis of the plan had been to promote sustainable development. This dwelling could be adapted for later living and there was a shortage of this type of dwelling in this area with very few properties that could be adapted for later life.

During the debate, Members felt that the main intention of the Neighbourhood Plan was for affordable housing. It was felt that the scale and affordability of this property was out of reach for young people and families. However, some thought that the proposal was reasonable and in particular the Section 106 principal residency which would avoid a lot of the issues that had been raised by the Parish Council.

The Head of Development Management highlighted that it would be difficult to defend a decision to refuse this application and recognised that the Housing Needs Survey was now 7 years old.

Members requested a condition to have no external lighting and the meeting was adjourned to allow officers to look at policies.

The proposer and seconder were happy to accept a change to condition 7 whereby it be altered to no external lighting.

**Recommendation:** Conditional approval subject to completion of S106 to secure principal residency

**Committee decision:** Delegated approval granted to the Head of Development Management in consultation with the Chair and Vice-Chair and Cllr Brown and Cllr Taylor to amend condition 7 to no external lighting.

**Conditions:** Standard time limit  
Accord with plans  
Construction Management Plan  
CEMP to be submitted  
Adherence to recommendations of ecology report  
Works to take place outside of nesting season  
Details of external lighting  
Accord with Tree Protection Plan

Removal of PD rights  
Rooflights to be obscure-glazed  
Windows to east elevation to be obscure-glazed  
Surface water drainage details to be submitted  
Details of materials  
Natural local stone  
Natural slate  
Accord with energy statement  
PV panels to be installed prior to occupation  
EV charging points to be installed prior to occupation  
Flue to be of a matte, dark finish  
S106 to secure principle residency

**6b) 0116/23/FUL "Higher Farleigh Meadow", Diptford  
Parish: Diptford**

**Development: Application to regularise & retain an agricultural storage building (resubmission 2156/22/FUL) (Retrospective)**

Case Officer Update: The Case Officer reported that an additional letter of support had been received that had raised no new issues. An application on this site had previously been presented to Committee in November 2022 and had been refused. The barn had been reduced slightly but was considered to remain too large for the site and was therefore recommended for refusal. There were no concerns with the design and use and a smaller building could be potentially be supported.

Speakers were: Objector – none, Supporter – Amanda Burden, Parish Council – None, Ward Members – Cllrs Pannell and Smerdon

In response to questions raised, the Supporter reported that:

- the fire engine currently on site had been put up for sale and would be removed from the site along with the shipping container;
- the fire engine sat across three of the open bays currently used for security, once removed the building would be clad on all four sides;
- the applicant wants to grow their own food.

One of the Ward Members raised that the Parish Council had objected to this application and queried whether the scale of the building was appropriate and the reduction in size sufficient enough to overcome those objections.

The second Ward Member wished to have their say during the debate.

During the debate, some Members felt that there was a need to support small scale farming and secure accommodation on site for tools and machinery. The applicant had made a small reduction and with the

removal of the fire engine and the shipping container recommended approval and this was seconded.

Other Members felt that if they went against the officer's recommendation this could then proliferate throughout the Area of Outstanding Natural Beauty and would significantly change the landscape. A number of Members still felt that the barn was too big.

It was then put to the vote that the application be conditionally approved, with delegated authority being granted to the Head of Development Management in consultation with the Chair and Vice-Chair, Cllr Smerdon and Cllr Hodgson to finalise the decision. In support, it was felt that the size of the building was proportionate and the approval decision should include the following conditions:

- Accordance with plans
- Restricted to agricultural use
- No external lighting
- Removal of fourth bay within 6 months
- Removal of container and fire engine within 6 months and no other vehicles to be put on site
- No caravan or mobile homes on the site

When put to the vote, the proposal was lost.

The vote was then taken to refuse the application (in line with the officer recommendation).the

**Recommendation:** Refusal

**Committee decision:** Refusal

**6c) 3111/21/HHO - "1 Lee Mount", Buckfastleigh  
Parish Council: Staverton**

**Development: Householder application for proposed garden room and studio.**

Case Officer Update: The Case Officer highlighted a mistake in the report with the incorrect application number quoted. Within flood zone 2 and 3 and Policy TTV29 – residential extensions and replacement dwellings in the countryside requires extensions to be appropriate in scale and design in the context of the setting of the host dwelling. The application was not connected to the main building and would be ancillary, however, overall size and design of this proposal would compete with the main dwelling and it was not considered to fulfil policy requirements. In addition, no information had been provided on biodiversity and the application was not considered to comply with policies DEV26 and DEV32.

In response to questions raised, it was reported that the caravan has

currently been on site for at least 3 years.

Speakers were: Objector – None, Supporter – None, Parish Council – None, Ward Councillor – Cllr J Hodgson.

The Ward Member highlighted that the new building would be a working space and garden room for the current resident to live in. The Parish Council had raised no objections as long as it was ancillary to the main building. The application was not intended to be a residential building and was not visible and the Member understood that this was slightly unusual but the main dwelling was very small.

During the debate, most Members felt that this application did not comply with the 50% rule and were therefore of the view that the application should be refused. In contrast other Members felt that the proposals were acceptable and met local need.

**Recommendation:** Refusal

**Committee decision:** Refusal

**6d) 3679/22/FUL 92 High Street, Totnes  
Town Council: Totnes**

**Development: Change of use from shop to residential of part of the ground floor & entire first & second floors comprising two dwellings & second floor roof conversion/extension**

The Case Officer: The Case Officer highlighted Policy DEV 18 (Protecting local shops and services) and Policy E3 (The Town Centre) of the emerging Totnes Neighbourhood Plan 'Within the town centre's primary shopping area, as defined in the Joint Local Plan, ground floor space and shopping frontages should be retained predominantly in retail use'. The key issues included:

- Loss of retail space;
- C3 Residential Use – includes holiday;
- Neighbour amenity;
- Lack of outdoor amenity;
- Lack of parking.

It was highlighted to Members that floors above shops could be converted without the need for planning permission.

Speakers were: Objector – None, Supporter – Richard Smith, Town Council – Cllr G Allen (statement read out), Ward Members, Cllr J Sweett

In response to questions, the Supporter reported that:

- the application met housing needs;

- they recognised trading over three floors was not efficient;
- the showroom would operate from the ground floor and the rest would be used as accommodation;
- there was no parking allocation at the site;
- anecdotally within the area there was a high percentage of shops with accommodation above.

The Ward Member highlighted the need to retain retail in the town centre and that the previous owner had retired. Totnes was a thriving market town and she therefore could not support the officer's recommendation that the application be conditionally approved. In addition, the Member stated that the lack of parking was an issue and the application contradicted Policies DEV18 and DEV 17.

During the debate, Members raised that Totnes did not have principle residency and any property could be let out. Transport was an issue, however this proposals might encourage people to arrive in a more sustainable way. The loss of retail space on the ground floor was recognised and Members questioned whether this was significant grounds for refusal. Finally, an additional condition was requested on the access and collection of refuse and this was accepted by the proposer and seconder.

**Recommendation:** Conditional Approval

**Committee decision:** Delegated to the Head of Development Management in consultation with Chair and Vice-Chair, Councillor Brazil and Cllr Rowe for approval subject to the inclusion of a condition that details how refuse from the retail unit shall be dealt with and stored shall be submitted to and agreed in writing with the Local Planning Authority prior to occupation. The agreed arrangement shall be maintained and retained in accordance with the agreed details for the life of the development until such time as an alternative strategy has been agreed in writing with the Local Planning Authority.

**Conditions:**

1. Standard time limit
2. Accord with plans
3. Accord with ecological appraisal
4. Materials to match
5. Conservation rooflights
6. Restrict change of use of ground floor

**6e) 3985/22/FUL "Squares Quay Car Park", Kingsbridge  
Town Council: Kingsbridge**

**Development: Proposed siting of 2 containers for paddle boarding school**

Case Officer Update: The Case Officer reported they have received 47 letters of representation on this application. Kingsbridge Harbour Master had raised no objections. The officer made specific reference to Policy DEV17 'promoting competitive town centres' 'In the town centres of the Thriving Towns and Villages Policy Area the LPAs will enable and where appropriate support measures to enhance the economy'. In addition, the key issues for the Committee to consider included:

- visual impact;
- impact on the car park (paraphernalia, loss of car parking, conflict between users, stake park);
- flood Zone 2/3 and critical drainage area.

Speakers were: Objector – None, Supporter – Crispin Jones, Town Council - None, Ward Members – Cllr D O'Callaghan

The Supporter reported that during the peak of summer would expect 60 people a day to be using the facilities.

The Ward Member raised that the other Ward Member and Town Council supported this application. This was a successful award winning business that would bring the whole place to life and attract visitors and footfall to the town. Also, conditional approval of this application would dovetail into the new stake park and be great for young people.

During the debate, Members welcomed this application and felt that these types of activities would revitalise our parks.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval

**Conditions:**

1. Time limit (temporary 2 year consent)
2. Accord with plans
3. External lighting

DM.67/23

**PLANNING APPEALS UPDATE**

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

DM.68/23

**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. Meeting concluded at 1:31 pm. Meeting adjourned at 11:05am)

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Chairman

**Voting Analysis for Planning Applications – DM Committee 15 March 2023**

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
4118/22/FUL	"Edgecombe House", West Buckland	Conditional Approval	Cllrs Abbott, Brown, Foss, Reeve, Smerdon and Taylor (6)	Cllrs Hodgson, Long and O'Callaghan (3)	Cllrs Brazil, Pannell and Rowe (3)	
0116/23/FUL	"Higher Farleigh Meadow", Diptford	Refused	Cllrs Abbott, Brazil, Foss, O'Callaghan, Long, Pannell, Reeve and Taylor (8)	Cllrs Brown, Hodgson, Rowe and Smerdon (4)		
3111/21/HHO	"1 Lee Mount", Buckfastleigh	Refused	Cllrs Abbott, Brazil, Brown, Foss, O'Callaghan, Long, Pannell, Reeve, Rowe, Smerdon and Taylor (11)	Cllr Hodgson (1)		
3679/22/FUL	92 High Street, Totnes	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Reeve, Rowe, Smerdon and Taylor (9)	Cllrs Hodgson and Long (2)	Cllr O'Callaghan (1)	
3985/22/FUL	"Squares Quay Car Park", Kingsbridge	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, O'Callaghan, Long, Pannell, Reeve, Rowe, Smerdon and Taylor (12)			