

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 5 April 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	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 K Baldry (substituting for Cllr K Kemp)
*	Cllr G Pannell	*	Cllr B Spencer (substituting for Cllr K Pringle) (for 6 (d), (e) and (f) only (Minute DM.72/23 refers)

Other Members also in attendance and participating:
Cllr J Pearce

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.69/23 **MINUTES**
The minutes of the meeting of the Committee held on 15 March 2023 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 the following were made:

Cllr B Taylor declared an Other Registerable Interest in application 6(a) and (e) (minutes DM.72/23 (a), (b), (c) and (d) 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.

Councillor J Brazil declared a Personal Interest in application 6(d) (minutes DM.72.23 (d) below refer because he is known to the applicant.

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.

DM.72/23

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) 2914/22/FUL "Rendoc", Herbert Road, Salcombe, Devon
Town: Salcombe**

Development: (Original application) Demolition of existing lower ground floor basement flat (separate) to 1No. dwelling to be replaced with 2No. new proposed dwellings.

Case Officer Update: The Case Officer provided an update on the internal window and reported it would be a full height glazed panel. They summarised the following:

- The existing building hosts a dwelling with a one bed roomed basement flat;
- The demolition of the existing building and its replacement with the two detached dwellings was therefore acceptable with regards to the provisions of DEV8 and the principle residence requirements were not applicable;
- It was acknowledged that the contemporary design has received mixed feedback but Officers were satisfied that the street scene was sufficiently varied that the new dwellings would not appear incongruous;
- The dwellings were fitted with low carbon measures and were compliant with policy requirements with respect to highways, drainage, biodiversity and neighbour amenity.

In response to questions raised, it was reported that:

- The basement bedroom would get the light through the front door;
- Despite the objections from the Town Council on the distance to the boundary, it was felt acceptable and would need to be considered on own merit.

Speakers were: Objector – None, Supporter – statement read out by the clerk, Parish Council – Cllr N Turton, Ward Members – Cllrs Pearce and Long.

In response to questions, the Town Council reported that the three storey dwelling would affect the street scene, very little gap between properties and too big for the space.

One Ward Member raised that the principle of the development was accepted, however need to consider the size, scale, bulk and the massing and how these dwellings would sit on the site. The appropriateness of the design and impact on the street scene, with the dwellings being built up to

the boundaries. Consideration to be given whether this proposal was acceptable and appropriate development for that site.

The second Ward Member raised concerns on the massing on the street scene and whether the frontages acceptable. The steeping down of the ridges, the design of lower ground floor with rooms without direct light and whether Members felt this was acceptable. The swimming pool touches the back wall and was this practical arrangement and this to be considered carefully.

During the debate, one Member highlighted the swimming pool and the close proximity to the dwelling and concerns over health and safety and whether the Committee could be held culpable if there was an accident on the pool. Other Members felt that the street scene would be negatively impacted and it was felt that a property could be built with a more positive contribution to the street scene. It was also felt that building to the boundaries would rob the neighbouring properties of their privacy and the lack of natural daylight into the basement bedrooms was a concern.

Recommendation: Conditional Approval

Committee decision: Delegated to the Head of Development Management to refuse planning in consultation with the Chair, Vice-Chair, Proposer and Seconder. The outline reasons for refusal being 1: The scale, materials and siting of the dwellings have a negative impact on the street scene. Poor design and lack of daylight into lower ground floor area. The relationship of the dwelling to the existing swimming pool. The massing of the dwellings disproportionate and not in keeping the local vernacular and characteristics of the setting in Herbert Road.

6b) 0161/23/HHO "Vermilion", Herbert Road, Salcombe Town: Salcombe

Development: Householder application for extension & alterations to include replacement garage, single storey rear extension & habitable accommodation at second floor level with new roof structure (Resubmission of 2475/22/HHO)

Case Officer Update: The Case Officer reported that following the site visit the total floor space was 182sqm with an increase of 85sqm. There is an existing currently 1 metre difference between the application site and the neighbour, Breton. The ridge height would be raised by 0.6m, remaining 0.4m lower. They summarised the following:

- Design – the proposed alterations would not result in harm to the street scene;

- Neighbour Amenity – given the presence of existing side windows and the current relationships between the existing garage and the neighbouring property the proposed alterations would not be materially harmful to residential amenities in regards to overlooking, overbearing or loss of light;
- Parking – the proposal would have a neutral impact on parking provision;
- Climate emergency – the proposal incorporates an EV charge point and solar panels in line with CE guidance and a ASHP.

Speakers were: Objector – Iain McGregor, Supporter – Carmen Redondo, Town Council – Cllr N Turton, Ward Members – Cllrs Pearce and Long.

The first Ward Member reported that this was a distinctive house and frames the end of Loring Road. The big side window would look onto the neighbouring property and this was a concern. This dwellings needs a refresh rather than rebuild. The bulk of the building would be increased, the massing and change the street scene to a more bland appearance to a house not typical of Herbert Road.

The second Ward Member raised concerns on the scale, bulk, massing, design and the impact on the street scene. There was an opportunity to improve the building to make changes and for the Committee to consider whether this was appropriate and acceptable.

During the debate, some Members felt that this was a dramatic change to a unique building and the stepping down in the roofline that was a characteristic of the existing street scene would start to disappear. It was felt that that the overlooking was a serious issue and the impact on neighbours unreasonable. Another Member felt that there was no reason to go against the officer decision. Other Members felt that this was a unique building and the new proposal would be overpowering and have a negative impact on the street scene and would like to see the property retained.

Recommendation: Conditional Approval

Committee decision: Conditional Approval as set out in the Officer report

Conditions:

- Standard time limit
- Adherence to plans
- Adherence to ecological mitigation
- Development to be outside of nesting season
- Air Source Heat Pump details
- Drainage Extension not be used as a terrace
- No external lighting

**6c) 0271/23/FUL "Land at Spirewell Farm", Traine Road,
Wembury
Parish: Wembury**

Development: New single storey three bed dwelling with agricultural occupancy condition (re-submission of 4421/21/FUL)

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

- Was there a clearly established functional need for an additional agricultural workers unit at this countryside location?
- Was there a robust business justification?
- Would the development conserve and enhance the AONB?
- Does the development secure the requisite financial contribution that was required to mitigate the recreational impact on the Tamar European Marine Site?
- Amenity issue;
- Carbon benefits?

In response to questions raised, it was reported that:

- This application was not within the underdeveloped coast;
- They were looking to have 100 cows on site;
- One of the holiday lets on site and could be used for the agricultural dwelling.

Speakers were: Objector – Brian Hall, Supporter – Andy Coughlan, Parish Council – Cllr J Stansell, Ward Councillor – Cllr D Brown

In response to questions raised, the supporter reported:

- This dwelling would be the interface between the farm and the road and there was a need for two agricultural workers to have the flexibility to look after the cattle;
- There was no intention to move the dogs and they would remain in their current location;
- The agricultural dwelling was ideally located for the worker to come and go with any additional traffic;
- This was a discrete site and the existing farm building would be used by a full-time employee.

The Officer reported that the Agricultural Consultation was unable to support this proposal and the farm dwelling did have an agricultural tie.

The Ward Member raised that the Parish Council had no objection to this application, and as the Chair of the Parish Council did not vote on this. There were no objections made by the Parish Council, no local objections and some people were in favour. The applicant and objector made ardent representations and sympathetic to the agricultural need, however still undecided.

During the debate, Members raised concerns that this application was

within the AONB and no justification for the building in this particular location was being proposed. Members noted that a number of holiday cottages existed within the farm and felt that if the need for an agricultural worker to be on site could have been met by using one of the holiday lets for the agricultural worker. Members while wanting to support the local community, agreed with the Officer recommendation.

Recommendation: Refusal

Committee decision: Refusal for the reasons set out in the Officer report.

6d) 4234/22/ARM "West Prawle Farm", East Portlemouth Parish: East Portlemouth

Development: Application for approval of reserved matters following outline approval 1067/20/OPA for provision of an agricultural workers dwelling.

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

- A functional need for an agricultural worker's dwelling had been established under 106/20/OPA;
- However, Officers considered that the footprint of the dwelling was excessively large; the footprint has not been linked to a functional need related to the holding and was unlikely to be affordable in perpetuity for future agricultural workers;
- The scale and design of the dwelling would render it incongruous within the setting to the detriment of the landscape character and tranquillity;
- The proposal was contrary to the adopted policy.

The Officer reported that they were happy with the distance between the barn and the proposed dwelling. The acceptable size of an agricultural dwelling was 175sqm and the proposed dwelling would be 277sqm.

Speakers were: Objector – None, Supporter – Stephen Tucker, Parish Council – None, Ward Member, Cllr Brazil

The Ward Member reported that they would not want to allow a large house to be built, however this dwelling would be for a working family and would enable a mix of generations within our community. This was about the extended family and a hub for the community which justifies the need for an agricultural dwelling at this site. They did understand that it should be affordable for an agricultural worker and an agricultural tie should take precedent.

During the debate, one Member raised the need to look at Planning Policies and dwellings for farming families and proposed approval for this

application. This was seconded by another Member who disagreed that this dwelling was incongruous. Others Members also supported approval of this application because it was felt that this was a sustainable and discreet dwelling within the landscape. It was further highlighted that there were no policies on agricultural worker's dwelling and a need to be more realistic on what was required. Some Members felt concerned because the Committee had refused a similar application and the need for consistency.

Recommendation: Refusal

Committee decision: Delegated approval to the Head Development Management in consultation with the Chair, Vice-Chair, Proposer and Seconder, Members felt that the scale of the building was commensurate with the needs of holding.

Conditions:

1. Standard in completion in accordance with the approved plans.
2. Garage to be used incidental purposes only.
3. Samples of the slate and stone to be submitted to the relevant planning authority.

6e) 0090/23/FUL "Land At Sx 512 631", New Road To Roborough Down, Roborough Down, Plymouth, Devon Parish: Bickleigh

Development: Use of land for dog walking and exercise, provision of hard standing, fencing and shelter (resubmission 2503/22/FUL)

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

- Does the proposal respond to an identified need?
- Were there exceptional circumstances to allow this development at an isolated part of the countryside?
- Would the operational development associated with the proposal conserve and enhance the unspoiled rural character?
- Was the development sustainable?

Speakers were: Objector – None, Supporter – Johnny Haines, Town Council - None, Ward Member – Cllr B Spencer

In response to questions raised, the supporter reported that customers would arrive by car and would consider a system on site to deal with foul waste.

The Ward Member raised that he was not a dog owner, however the JLP outlines the need to support the economy with opportunities for growth,

promote neighbourhoods and communities that meet the needs of local people. There was a demand for this type of service and people use this service. This was an ideal location for dogs of a nervous disposition to be walked without any interference. This was a light touch development providing an important green space for the public.

The Monitoring Officer asked whether the Ward Member had predetermined this application and it was highlighted they could have a pre-deposition but not a predetermination. The Ward Member decided to abstain in the vote on this application.

During the debate, one Member had used a similar facility and was happy to go against the officer recommendation and approved this application. Another Member felt that this was a great asset and would help to protect wildlife on the moors. It was also felt the applicant had experience of this and the need to diversify the use of the landscape and supported this application.

Recommendation: Refusal

Committee decision: Approved subject to conditions: Members felt that there was a need for this type of opportunity, does not cause harm and additional traffic would not cause issues.

Conditions:

1. Time limit
2. Completion of quality of approved plans
3. Timber posts fence to secure the area prior to use

**6f) 4477/22/FUL "Alston Well", Alston Farm, Slapton, Kingsbridge
Town Council: Kingsbridge**

Development: Use of existing self-contained annexe accommodation as casual self-contained holiday let accommodation (retrospective)

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

- The proposal would not be suitably located to services and facilities;
- As a result future users would be likely to be reliant on private motor vehicles for most trips;
- This would conflict with the environmental dimension of sustainable development;
- The harm would outweigh any perceived benefits;
- Sufficient carbon reduction could not be secured by condition.

Speakers were: Objector – None, Supporter – Katie Panton, Parish Council - None, Ward Member – Cllr R Foss.

The Ward Member highlighted that the Committee had received similar applications to this and a real big push to enjoy the open countryside.

During the debate, one Member was very persuaded by this application because this was a top quality facility that we want to provide in South Hams, however, if it changed hands would this continue in the same vein and could an ancillary condition be included? The Head of Development Management Officer PW reported if approved could condition for holiday use only. The Monitoring Officer added that Members could under the Section 106 agreement that this property shall not be sold off separately from the parent house and this was supported by Members. Another Member felt this was discrete and acceptable accommodation which supports the tourist industry and to ensure there was accommodation for all people as well as supporting the wider hospitality venues in the area.

Recommendation: Refusal

Committee decision: Delegated approval to the Head Development Management in consultation with the Chair, Vice-Chair, Proposer and Secunder subject to Section 106 prohibiting the proposal from being disposed separately to the main dwelling.

Conditions:

1. Holiday occupancy.
2. Removal of permitted development rights.

DM.73/23 **PLANNING APPEALS UPDATE**

Members noted the list of 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 with a break at 11.40 am. Lunch at 1.00 pm. Meeting concluded at 15:47pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 5 April 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2914/22/FUL	"Rendoc", Herbert Road, Salcombe, Devon	Refused	Cllrs Brazil, Brown, Hodgson, Long, Pannell, Reeve and Taylor (7)	Cllrs Abbott and Foss (2)	Cllr Baldry and Rowe (2)	Cllr Spencer (1)
0161/23/HHO	"Vermilion", Herbert Road, Salcombe	Conditional Approval	Cllrs Baldry, Brown, Foss, Reeve, Rowe and Taylor (6)	Cllrs Brazil, Hodgson, Long, and Pannell (4)	Cllr Abbott (1)	Cllr Spencer (1)
0271/23/FUL	"Land at Spirewell Farm", Traine Road, Wembury	Refused	Cllrs Abbott, Baldry, Brazil, Foss, Hodgson, Long, Pannell, Reeve, Rowe and Taylor (10)	Cllr Brown (1)		Cllr Spencer (1)
4234/22/ARM	"West Prawle Farm", East Portlemouth	Approved	Cllrs Abbott, Baldry, Brazil, Foss, Hodgson, Long, Reeve, Rowe and Spencer (9)	Cllr Pannell and Taylor (2)	Cllr Foss (1)	
0090/23/FUL	"Land At Sx 512 631", New Road To Roborough Down, Roborough Down, Plymouth, Devon	Approved	Cllrs Abbott, Baldry, Brazil, Foss, Hodgson, Long, Pannell, Reeve, Rowe, Spencer and Taylor (11)		Cllr Spencer (1)	
4477/22/FUL	"Alston Well", Alston Farm, Slapton,	Approved	Cllrs Abbott, Baldry, Brazil, Hodgson, Long, Reeve, Rowe, Spencer and Taylor (10)		Cllrs Foss and Pannell (2)	