MINUTES of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE** held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES,** on **WEDNESDAY, 18 October 2023**

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

Other Members also in attendance: Cllr Brazil and Cllr Hopwood on (MS Teams)

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Monitoring Officer (MS Teams); Senior Planning Officers IT Specialists, DCC Highways Officer and Senior Democratic Services Officer

DM.25/23 **MINUTES**

The minutes of the meeting of the Committee held on 13 September 2023 were confirmed as a correct record by the Committee.

DM.26/23 **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered and none were declared.

DM.27/23 **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.28/23 **PLANNING APPLICATIONS**

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

6a) 2412/22/OPA Land South of Dartmouth Road at SX 771 485, East Allington
Parish: East Allington

Development: READVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associated access

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Principle of residential development
- Highways access.

The Case Officer explained the Joint Local Plan policy framework and that East Allington was a sustainable village for the purposes of Policy TTV25 and the Plan provided for 30 dwellings as the indicative housing figure. New residential development within East Allington was therefore anticipated by the Joint Local Plan. She concluded that the site was well-related to the existing settlement and an acceptable development could be secured through the Reserved Matters consent process; the proposed access was acceptable to the Highway Authority; and planning obligations would be secured through a section 106 agreement.

A member raised a concern about how housing numbers were calculated and a concern that if a dwelling were not to be counted until completion, that could result in multiple planning permissions being granted, which if progressed to completion would result in the indicative number being exceed.

Having heard from speakers on behalf of objectors, supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member highlighted the District's housing emergency and more houses needing to be provided including affordable houses. In terms of the site, it was he said, an appropriate site, it was on the edge of the village, within walking distance of the village shop and school. He therefore agreed with the Officer's Recommendation. Another Member felt that planning obligations would be good for the village.

Committee decision: The Head of Development be authorised to grant approval subject to agreeing the wording of the conditions with the Chair and Vice-Chair: Condition 1 to include all reserved matters to be determined except access. Additional condition to address solar orientation for maximum solar gain and to support sustainable development.

Conditions:

1.Submission of Reserved Matters
2.Time Limit
3.Accord with plans
4.Highway details
5.Highways works required prior to construction of dwellings

6.Construction Management Plan (CMP) (pre-commencement, date agreed 05/10/23)
7.Details of pedestrian link to Lister Way (pre-commencement, date agreed 05/10/23)
8.Surface water drainage (pre-commencement, date agreed 05/10/23)
9.Construction Environmental Management Plan (CEMP) (pre-commencement, date agreed TBC)
10.Unsuspected contamination
11.Trees details (Reserved Matters stage)
12.Landscape and Ecological Management Plan (Reserved Matters stage)
13.Development in accordance with submitted Ecological Appraisal, Bat Activity Report, Dormouse Presence/Absence Report, Breeding Bird Survey and Biodiversity impact assessment: losses and gains
14.Lighting Strategy (Reserved Matters stage)
15.Repeat Hazel Dormouse with Reserved Matters (unless otherwise agreed with the LPA)
16.No vegetation clearance during bird nesting season
17.Boundary Plan with biodiversity enhancements (Reserved Matters stage)
18.Repeat badger survey (pre-commencement, date agreed 05/10/23)
19.Repeat Cirl Bunting surveys with Reserved Matters (unless otherwise agreed with the LPA)
20.Biodiversity Net Gain of no less than 10%
21.Housing mix (Reserved Matters stage)
22.Low carbon development (Reserved Matters stage)
23.Electric vehicle charging (Reserved Matters stage)
24.Waste Management (pre-commencement, date agreed 05/10/23)
25.Employment and Skills Plan (pre-commencement, date agreed 05/10/23)

6b) 1639/23/FUL **"Land At Sx 772 519, Three Corners Workshop", Halwell**
Parish: Halwell and Moreleigh

Development: Called to committee by Councillor Rake to allow members of the DMC to have the opportunity to consider the size of the proposed dwelling and whether this is acceptable.

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Granting of the Outline Planning Permission(4219/20/OPA) established the principle of a rural workers dwelling at this location, with a maximum floor area of 140sqm. Later confirmed that the condition stated 140sqm was a guideline and not a maximum.
- whether there was an essential need for a dwelling of the size proposed.

As to the size of any dwelling, the Case Officer explained that whilst there were no floorspace thresholds in the NPPF and JLP regarding the scale that would be appropriate for a rural workers dwelling, it is clear that dwellings should only be permitted in the countryside in exceptional circumstances, such as where there was an essential need for a rural worker to live permanently at or near their place of work in the countryside, and where the development responds to a proven agricultural, forestry, or other occupational need. A rural workers dwelling should be of a size commensurate with the established functional requirements of the enterprise rather than those of the owner or occupier. The Council's Agricultural Consultant considered there to be no special circumstances or specific requirements of the enterprise that would mean the dwelling should be as large as that proposed in this application. Their comments referred to two appeal decisions for agricultural workers dwellings on sites in North Dorset District Council Area. In both appeals it was considered 140sqm floor space was sufficient for 3-bedroom agricultural workers dwelling.

The Case Officer said that officers accepted that a modest sized, 3-bedroom dwelling would meet an essential need for the rural business. However, the size of the plot and dwelling proposed in this application was not considered to be commensurate with the functional requirements of the enterprise and therefore the principle of development was not considered to comply with Policy SPT1, SPT1 and TTV26 of the JLP.

In terms of the impact on the landscape, the Case Officer said that the submitted LVIA concluded that, whilst the receiving landscape was of Medium Value, the magnitude of development was low with a smaller number of localised receptor viewpoints. It is stated that with a sensitively designed residential property and the landscape mitigation measures proposed that there would be Neutral or Minor Beneficial landscape and visual effect. It was explained that Officers accepted that once the landscaping became established it may screen the development to an extent. However, even with the landscaping in place, due to the prominence of the site, the design and size of the dwelling, the changes to residential curtilage, it is considered that this proposal

would erode the open and rural characteristics of the site, failing to conserve or enhance the site and its surroundings and would result in an incongruous design more appropriate in a suburban context rather than this countryside location. The proposal was therefore considered to be contrary to TTV26(2v), DEV20, and DEV23 of the JLP and Paragraph 174(b) of the NPPF.

Finally, the Case Officer said that whilst a number of sustainability measures had been incorporated into the design of the proposed dwelling, including the provision of solar panels, insufficient information has been provided to demonstrate that the proposed development will secure an equivalent 20% carbon saving through onsite renewable energy generation, as required by M1 of the Local Authorities Climate Emergency Planning Statement. As such, the Council cannot be satisfied that the development will adequately support the plan area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy, contrary to DEV32 of the JLP.

Having heard from speakers on behalf of supporters and the Parish Council together with the Ward Member, Members debated the application. During the debate, one Member after hearing all the arguments felt that the scale of the ground floor was considerable and could be reduced whilst still providing a reasonable sized property. Another Member could see a justification in the rooms associated with the business and another Member felt that the business should be supported and not be penalised.

The Head of Development Management drew Members attention to Policy TTV26 which supports and protects the countryside from inappropriate developments.

Members however disagreed with the Officer recommendation because the application was supported by the Parish Council and acceptable to the local community, was of a design comparable to similar properties, increase in the size appropriate and supported an agricultural enterprise. They considered that SPT1 and SPT2 supported rural workers and the proposal was not contrary to the polices DEV20 and DEV23. DEV15 supporting local business and could be approved subject to conditions including an agricultural tie and ecology and landscape plan prior to approval with appropriate conditions and removal of permitted development rights.

Recommendation: Refuse

Committee decision: Delegated approval to the Head of Development Management with conditions to be determined in consultation with the Chair, Vice-Chair, Proposer (Cllr Hodgson) and Seconder (Cllr Allen).

6c) 2463/23/HHO 14 Butts Park, Newton Ferrers
Parish: Newton and Noss

Development: Householder application for new 2 storey front extension, attic conversion, single storey rear extension & garage to existing 3-bedroom mid-terraced house (resubmission of 0824/23/HHO)

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Scale, elevation, position, materiality and design.
- Protected landscape context: South Devon Area of Outstanding Natural Beauty.

The Case Officer explained that the property was within the AONB and the front elevations did not follow the high-quality design standards.

Having heard from the speakers on behalf of supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member felt that the gain from upgrading properties to better meet the needs of the residents should be encouraged. Another Member felt that front porches should be resisted because they changed the main structure of the original house and therefore the officer recommendation was correct. On the officer recommendation being proposed and put to the vote, it was declared lost.

It was then proposed that that the application should be approved because overall Members said that they had a difference of planning judgment to that of the Officer and felt that the proposal was not contrary to DEV25, SPT1 and TTV2. Also, the proposal would result in a more sustainable building.

The vote was then taken to approve the application.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management with conditions to be determined in consultation with the Chair, Vice-Chair, Proposer (Cllr Abbott) and Seconder (Cllr Rake).

6d) 2304/23/VAR "Barn Adjacent Robins Nest", Diptford
Parish: Diptford

Development: Application for variation of condition 2 (approved plans) of planning consent 4240/18/FUL

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

namely that:

- Existing planning approval in place which current application seeks to vary.
- Impact of proposed changes.

The Case Officer explained that the distance between the side window to the neighbouring property was 27 metres. The bathroom window would have obscure glazing.

Having heard from the speakers on behalf of objectors, supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, Members felt the site had the potential for a new build and the increased footprint was no larger than what was previously there.

Recommendation: Conditional Approval

Committee Decision: Conditional Approval with the inclusion an Ecology Report.

Conditions:

1. Accord with Plans
2. Drainage
3. Unexpected Contamination
4. Access & Parking
5. Highway Debris
6. Landscaping Scheme
7. Glazing
8. Ecology
9. Roof Materials
10. Elevation Materials
11. No External Lighting

DM.29/23 **PLANNING APPEALS UPDATE**

Refer deferred to the next meeting.

DM.30/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Report deferred to the next meeting.

DM.31/23 **ENFORCEMENT – LEGAL PROCEEDINGS**

Members noted the contents and agreed the recommendations as outlined in the report.

(Meeting commenced at 10.00 am with a break at 11.40 am. Meeting concluded at 14.51 pm)

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Chairman

Voting Analysis for Planning Applications – DM Committee 18 October 2023

Application No:	*Site Address*	*Vote*	*Councillors who Voted Yes*	*Councillors who Voted No*	*Councillors who Voted Abstain*	*Absent*
2412/22/OPA	Land South of Dartmouth Road at SX 771 485, East Allington	Conditional Approval	Cllrs Abbott, Hodgson, Long, O'Callaghan, Nix and Rake (6)	Cllr Allen (1)		Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
1639/23/FUL	"Land At Sx 772 519, Three Corners Workshop", Halwell	Approved	Cllrs Abbott, Allen, Hodgson and Nix (4)	Cllrs Long and O'Callaghan (2)	Cllr Rake (1)	Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
2463/23/HHO	14 Butts Park, Newton Ferrers	Approved	Cllrs Abbott, Allen, Hodgson, Nix and Rake (5)	Cllrs Long and O'Callaghan (2)		Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
20304/23/VAR	"Barn Adjacent Robins Nest", Diptford	Conditional Approval	Cllrs Abbott, Allen, Hodgson, Long, Nix and Rake (6)		Cllr O'Callaghan (1)	Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)