

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 17 January 2024

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

Other Members also in attendance:

Officers in attendance and participating:

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

DM.44/23

MINUTES

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

DM.45/23

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 J Hodgson declared an Other Registerable Interest in application 3855/23/CLP (Minutes DM.47/23 (d) below refer), as she was involved with a group supporting the need for a skate park. The Member remained in the meeting and took part in the debate and vote thereon.

DM.46/23

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.47/23

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) 2306/23/FUL

Ivybridge Motors Ltd, Fore Street, Ivybridge,
PL21 9AE

Town: Ivybridge

Development: READVERTISEMENT (revised plans) Change of use from sale of motor vehicles to sale of building supplies and associated works.

The Case Officer provided an update to the Committee, which included:

- In para 5.8 in the report should read there would be conflict between users accessing Highlands Health Centre and large vehicles using and moving around the application site.
- The additional information emailed to Members that included Phase 1 Land Contamination Report and update to plans outlining the parking, elevation of the street scene, proposed fence line and proposed planting.
- Additional representation raising objection on traffic impacts.
- At the site inspection, the Tree Officer reiterated their comments regarding the trees and raised no concerns, however, did recommend a pre-commencement condition, if minded to approve because it was unclear on the physical separation of the roots and pressure to prune/fell branches.

The Case Officer summarised the key issues, namely that:

- Relationship Highlands Health Centre.
- Impact of fence and storage area and setting of listed church.
- On-site turning/parking and visibility splays.
- Reasons for refusal outlined within the report.

The case officer responded:

- Forklift trucks would be in operation on the shared access with the public.
- The slope had a gradient of 1:6.
- There has been further dialogue with the Highways and they felt this application was not acceptable.
- Ten parking spaces for customer use.

The Highways Officer reported that a condition to restrict timings for heavy vehicles would not work and conflict with customer parking. The blocking of highways and relocation of customer parking when deliveries were made not acceptable. The steep ramp past the health centre was used by pedestrians and vulnerable road users. Highways had highlighted the need for visibility splays but this concern to be removed.

The Environmental Health Officer reported that dust from the site would not impact on the church. Any dust related issues should be dealt with if complaints arose.

A representative from Town Council requested to speak and at the Chair's discretion this was permitted. It was made quite clear to the representative that they were speaking on behalf of the Town Council. It became evident during their speech that the view's expressed were not on behalf of the Town Council. The Chair asked the representative to confirm that this was their own personal view, and this was confirmed by the representative.

Having heard from speakers on behalf of objectors, supporters together with the Ward Councillor, Members debated the application. During the debate, one Member highlighted the importance of keeping employment within the town, however due to the large number of objections and public representatives it was important to hear those arguments. This site previously was a petrol station and car sales showroom. The Healthcare Centre was accessed via this site and well used. The height of fence would be problematic and appear dominant, however a hedge may overcome this, but the contaminated land would be an issue. Another Member felt this was a sensitive site, however this was a business that wished to expand and as a council should support economic growth. Other Members felt that safety issues for pedestrians accessing the Healthcare Centre, large vehicles in and out of the site, the heritage of the church and the negative impact on the street scene therefore more disadvantages to advantages to this application. It was also felt that this type of business should be on an industrial site.

Recommendation: Refusal

Committee decision: Refusal. Remove reference to the visibility splays.

6b) 1505/23/FUL Land at Sx 654 517, New Mills Industrial Estate, Modbury Parish: Modbury

Development: Provision of 3 bedroom dwelling (log cabin) to accommodate graduate vets/nurses

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

- Principle of allowing residential use in a commercial area.
- Conditions for the occupiers.
- Impact on car parking.
- Impact on the street scene.
- Highways considerations.

The Case Officer explained:

- The current drainage plan was not satisfactory and therefore would seek revised drainage plans if Members were minded to approve

the application.

- It was understood that no animals were kept overnight at the practice.
- There were routes accessible by foot from the industrial estate, however one route was considered too dangerous by foot and therefore refusal based on highway concerns.
- DEV14 seeks to protect employment land and existing premises.
- A strip of land north of the industrial estate was used by people as a footway but was unsure of the ownership of the land.
- The lodge would be removed if not used for employment purposes by South Moor Vets.
- There were no plans in place to formalise the footpath north of the site.

Having heard from speakers on behalf of supporter and a statement from the Parish Council, Members debated the application. During the debate, Members raised concerns on the highways objections and objections raised by the Parish Council, however another Member, despite the concerns raised felt that other businesses on the industrial site could be accessed by people on foot. Another Member highlighted the need for more diversity in housing and commended this application to help young people getting onto the housing ladder. It was also highlighted that Parish Council suggested the purchasing of a nearby property and employees would have walk that route to access the industrial site. Another Member raised that the alternative route to access the site was regularly used.

In response to the concerns raised on safety and measures to be put in place to reduce the chance of people using that route, Officers reported that it would be for officers to progress for future consideration but not for this application.

There was an acknowledgment to the objections raised by the Highways Authority but on balance it was felt that people would walk the alternative route.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management in consultation with Chairman, Vice Chairman and Proposer (Cllr G Pannell) and Seconder (Cllr J Hodgson) to agree the conditions subject to receipt of revised plans demonstrating a suitable soakaway and occupation of the unit.

6c) 2981/23/VAR **The Crab Shed, The Fish Quay, Gould Road, Salcombe. TQ8 8DU**
Town: Salcombe

Development: Variation of condition 9 (flood survey & removal of permitted building) of planning approval 41/0189/13/F to postpone the proposed Flood Survey from 2033 and allow the building to be retained on site until 2044 (retrospective) (resubmission of 1137/23/VAR)

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

- Climate change/Flood Risk.
- Economic Development.

One Member felt there was a strong need to support the Environment Agency objections and to listen to stakeholder comments. Officers highlighted that the Environment Agency objected to the previous application in 2013.

Having heard from speakers on behalf of the supporter, Members debated the application. During the debate, one Member raised that any businesses on the quayside were at risk of flooding and mitigating measures should be undertaken to protect their business and human life. Another Member said the applicant was seeking security for their business for future years and therefore would put measures in place to protect their business.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions: 1. Accord with Plans 2. Use linked to crab processing facility 3. Restriction on outside eating area use 4. No amplification of outside seating area 5. Temporary Permission until 2044 6. Mitigation Implementation

**6d) 3855/23/CLP Totnes, Skatepark
Town: Totnes**

Development: Application for a Lawful Development Certificate for removal of existing modular steel skatepark ramps and construction of a new spray concrete skatepark on part of the existing site with an extension.

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

- Whether the proposal constitutes permitted development.
- Policies of the JLP were not material to the determination of this type of application.
- Officers recommend a Lawful Development Certificate to be issued.

Having heard from speakers on behalf of the Town Council together with the Ward Councillor, Members debated the application. During the debate, Members were very supportive of this application.

Recommendation: Certificate of Lawfulness (Proposed) Certified

Committee decision: Certificate of Lawfulness (Proposed) Certified

DM.48/23 **PLANNING APPEALS UPDATE**

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

DM.49/23 **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 lunch at 1.20 pm. Meeting concluded at 15.35 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 17 January 2024

<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>
2306/23/FUL	Ivybridge Motors Ltd, Fore Street, Ivybridge, PL21 9AE	Refusal	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			
1505/23/FUL	Land at Sx 654 517, New Mills Industrial Estate, Modbury	Approved	Cllrs Abbott, Allen, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (10)	Cllr Bonham (1)		
2981/23/VAR	The Crab Shed, The Fish Quay, Gould Road, Salcombe. TQ8 8DU	Conditional Approval	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			
3855/23/CLP	Totnes, Skatepark	Certificate of Lawfulness (Proposed) Certified	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			