

**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 13 December 2023**

<b>Members in attendance</b> * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
*	Cllr L Bonham	∅	Cllr D O'Callaghan
*	Cllr J Carson	*	Cllr G Pannell (Vice-Chairman)
*	Cllr J M Hodgson (for 6(a),(b) and (c) only (Minute DM.41/23 refers)	*	Cllr S Rake
∅	Cllr M Long	*	Cllr B Taylor (Chairman)
*	Cllr T Edie (substituting for Cllr McKay) (for 6(a),(b), (c) and (d) only (Minute DM.41/23 refers)		

**Other Members also in attendance:** Cllr Thomas

**Officers in attendance and participating:**

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

**DM.38/23 MINUTES**  
The minutes of the meeting of the Committee held on 15 November 2023 were confirmed as a correct record by the Committee.

**DM.39/23 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 L Bonham declared an Other Registerable Interest in application 2790/22/FUL (Minutes DM.41/23 (d) below refer), as he was a Member of the Caravan and Motorhome Club. The Member remained in the meeting and took part in the debate and vote thereon.

**DM.40/23 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.41/23 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) 1505/23/FUL                      Land At SX 654 517, New Mills Industrial Estate, Modbury**

This application was withdrawn.

**6b) 1668/23/VAR                      The Mooring, Newton Hill, Newton Ferrers, PL8 1BG**

**Development:    Variation of Condition 1 (approved plans) of planning consent0068/20/VAR**

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

- Whether the proposed changes affect the external appearance of the completed development.
- Whether the changes give rise to loss of amenity for neighbours

The Case Officer raised that the previous objection to the fence was now accepted by the neighbour and clarified the process for planning applications and the rules around planning enforcement. They also explained that the condition requires the applicant to construct within the approved plans but can amend that condition for screening to be a 1.8 metre height if required.

Having heard from speakers on behalf of the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member was happy to go with the officer recommendation because of the agreed compromise between the applicant and the objector. Another Member was frustrated by the process because they were unaware whether the applicant would be happy with the proposals.

**Recommendation:**                      Conditional Grant

**Committee decision:**                      Delegated approval to the Head of Development Management subject to alterations to the screening to be agreed with Chairman, Ward Members, Proposer (Cllr Rake) and Seconder (Cllr Nix).

**Conditions:**                                      Adherence with approved plans.  
Adherence with approved CMP.  
Privacy screens to be installed prior to use of balcony.  
Landscaping.  
Timber to undercroft door North western boundary wall to be clad in natural stone (5 months).

Wall on south eastern elevation to be clad in stone.

**6c) 3161/23/FUL**

**Linhay Barn, Budlake, Ermington, PL21 9NG**

**Development: Construction of a new replacement dwelling to replace proposed barn conversion under 2767/17/FUL**

The Case Officer provided an update since the agenda was published and reported that following discussions with the agents and architects the JLP Officer has made some comments regarding the climate emergency and has highlighted some inconsistencies.

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

Policy

- Within countryside location but does not meet criteria of TTV26.
- Not a replacement dwelling.
- Contribution to housing supply does not justify location.
- Contrary to pattern of development.
- Insufficient information to show that the proposal would conserve and enhance rural landscape.

Other Matters

- Barn Conversion
  - Doubt whether permission would still extant.
  - Effectiveness of Legal Agreement.
  - Securing long term further of barn.
  - Comparison of carbon calculations for both proposals were uncomplete.
- Approved agricultural building:
  - Cannot prevent future prior approval applications.

Conclusion

- Unsuitable location without appropriate planning justification for countryside location.
- Does not have regard to the pattern of local development or conserve the landscape character of the surroundings.
- Previous permissions do not outweigh the policy considerations.

The Principal Planning Officer provided an update on the carbon neutral status on the application to ensure that Members have the information before them to make an informed decision.

The Case Officer raised that this application was not made as an agricultural dwelling. The Case Officer reported that pedestrian access on the road was unsafe as it was unlit at night and outside the 30mph restriction. The Case Officer also reported that S106 to cease the conversion of the Linhay Barn.

Having heard from speakers on behalf of supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member raised that the application went against the policies however there were a lot of mitigating circumstances and whether this application should be deferred to look at the carbon neutrality. Another Member felt that the development would result in a better heritage outcome with the preservation of the linhay. Another Member felt this application ticked all the good boxes.

**Recommendation:** Refusal

**Committee decision:** Delegated approval to the Head of Development Management in consultation with the Chairman, Proposer (Cllr Abbott) and Secunder (Cllr Hodgson) to agree conditions and S106 agreement going forward with the Linhay.

**6d) 2790/22/FUL** **Quay Caravan Club Site, Steamer Quay Road, Totnes, TQ9 5AL**

**Development:** Re-development works include internal refurbishment of site facilities block and installation of solar panels, replacement service points, installation of new barrier system, conversion of existing grass pitches into 47no. all-weather serviced pitches, a new tractor store & prefabricated reception building

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

Principle

- Use as a caravan site permitted through Caravan and Motorhome Club exemption certificate.
- Proposed development improves on site facilities and operation of caravan site, all-weather pitches to offer better access to those with mobility issues.
- Accords with SPT1, SPT2, TTV1 and DEV15 of JLP and C9 and E1 of Totnes NP. C9 of NP supports the principle of leisure or river related development of Steamer Quay.

Design/Landscape/Heritage

- Existing development on site and land has been used as a caravan site for many years.
- Formalisation of the pitches, along with the provision of new service points and a MVWP would change the character of the site but not considered to result in a significant change that would detrimentally harm the character of the site and surrounding area or harm the setting of heritage assets providing an appropriate landscaping scheme was secured and that existing trees/hedges were retained wherever possible (see conditions list)
- Subject to conditions accords with DEV20, DEV21 and DEV 23 of

the JLP and Policy C9, En1, En2, En3, En4 and C1 of the NP.

#### Neighbour Amenity

- Site has been used as a caravan site for many years under the Caravan and Motorhome Club exemption certificate. Relationship between the caravan site and neighbouring properties already exists.
- Landscaping would help to screen development and lighting to be controlled (see conditions list)
- Subject to conditions, accords with DEV1 of the JLP and Policy En2 of the NP.

#### Ecology/Trees

- PEA, BNG Metric and Lighting Strategy submitted DCC Ecology reviewed and no objections subject to conditions.
- AIA submitted. Tree Officer raised no objections subject to conditions.
- Subject to conditions, accords with DEV26 and DEV28 of the JLP and Policy C0, En2, En5 and En6 of the NP.

The Case Officer said that the Drainage Officer was happy with the proposed drainage which was subject to condition.

Having heard from speakers on behalf of the Parish Council together with the Ward Councillor, Members debated the application. During the debate, Members supported the application as this was a good step forward for tourists and the local community. Concerns were raised that pitches were gravelled disadvantaging people with tents and the need for more hedging to increase biodiversity. Another Member raised whether a condition for a hedgehog highway could be included.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval - to include provision for hedgehogs to traverse the site.

**Conditions:**

1. Time limit
2. Approved plans
3. Landscaping scheme (Pre-commencement agreed 17/11/2023)
4. LEMP – BNG Net Gain (Pre-commencement agreed 17/11/2023)
5. CEMP (Pre-commencement agreed 17/11/2023)
6. Accordance with Tree Reports, submission of AIA (Pre-commencement agreed 17/11/2023)
7. Tractor store details
8. Details of fencing/gates/walls
9. Details of timber cladding to external walls reception unit and temporary permission 1

10. Surface water drainage
11. DEV32 measures
12. Accordance with Ecological Appraisal
13. No vegetation removal, clearance or demolition during nesting season
14. No raising of ground levels across the site
15. External lighting
16. Lighting controls
17. PD removal – no new hardstanding
18. PD removal – buildings and structures

**6e) 2839/23/FUL Land At SX 740 393, The Fish Quay, Gould Road, Salcombe**

**Development: Construction of food preparation unit associated with Crab Shed restaurant**

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

Principle:

- Building was for storage, food preparation and staff resting area in connection with existing Crab Shed Restaurant. No cooking facilities with the building as cooking would be completed in main restaurant.
- Condition 6 – requires removal of the building by 15 March 2033 (matching condition 9 on 41/0189/13/F)
- Condition 7 – requires development to be used ancillary to the Crab Shed.
- Subject to conditions, accords with SPT1, DEV14 and Dev15 of JLP and objective 3 of Salcombe NP (Section 1.0 Officer Report)

Design/Landscape

- Site was with AONB and Undeveloped Coast.
- Proposal was for a simple timber building, positioned adjacent to timber fence and timber clad buildings.
- Subject to appropriate materials/finished being used which would be secured by condition 5, accords with DEV20, DEV23, DEV24 and DEV25 of the JLP and Policies SALC Env1, SALC Env5, SALC Env6 and SALC B1 of the Salcombe NP (Section 2.0 Officer Report)

Flood Risk

- Site was in Flood Zone 2/3.
- EA and Drainage Officer raised no objections.
- Amended FRA including specific flood risk mitigation measures and Flood Warning and Evacuation Plan secured by condition 3.
- Condition 6 – requires removal of the building by the 15 March 2033 (matching condition 9 on 41/0189/13/F which was imposed due to flood risk of the site)
- Subject to conditions, accords with DEV35 of JLP (Section 5.0 Officer Report)

## Ecology

- Site was within SSSI Salcombe to Kingsbridge Estuary.
- Natural England and DCC Ecology raised no objections subject to development being carried out in accordance with CEMP which was required by condition 4.
- Subject to conditions, accords with DEV26 of JLP and SALC Env5 of the Salcombe NP (Section 6.0 Officer Report)

The Case Officer was not aware of a safe pedestrian route from the food preparation unit to the Crab Shed.

There were no speakers for this application, Members debated the application. During the debate, Members raised the importance of supporting local businesses but had concerns on the access from the unit to the restaurant.

Regarding the concerns raised by the Committee, a request to be forwarded to the Assets Team to ascertain whether provision could be provided for a safe walkway.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval

**Conditions:**

1. Time limit
2. Approved plans
3. FRA mitigation measures (pre-commencement agreed 24.10.2023)
4. CEMP
5. Materials
6. Temporary period
7. Restricted use – in connection with the Crab Shed

## DM.42/23 **PLANNING APPEALS UPDATE**

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

## DM.43/23 **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 12.53 pm. The meeting adjourned at 12.43 pm. Meeting concluded at 15.15 pm)

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Chairman

**Voting Analysis for Planning Applications – DM Committee 13 December 2023**

<b><i>Application No:</i></b>	<b><i>Site Address</i></b>	<b><i>Vote</i></b>	<b><i>Councillors who Voted Yes</i></b>	<b><i>Councillors who Voted No</i></b>	<b><i>Councillors who Voted Abstain</i></b>	<b><i>Absent</i></b>
1505/23/FUL	Land At SX 654 517, New Mills Industrial Estate, Modbury	This item was deferred				
1668/23/VAR	The Mooring, Newton Hill, Newton Ferrers, PL8 1BG	Conditional Grant	Cllrs Abbott, Allen, Bonham, Carson, Edie, Hodgson, Nix, Pannell, Rake and Taylor (10)			Cllrs Long, McKay and O'Callaghan (3)
3161/23/FUL	Linhay Barn, Budlake, Ermington, PL21 9NG	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Nix, Pannell and Rake (8)		Cllrs Edie and Taylor (2)	Cllrs Long, McKay and O'Callaghan (3)
2790/22/FUL	Quay Caravan Club Site, Steamer Quay Road, Totnes, TQ9 5AL	Conditional Approval	Cllrs Abbott, Allen, Carson, Edie, Nix, Pannell, Rake and Taylor (8)		Cllr Bonham (1)	Cllrs Hodgson, Long, McKay and O'Callaghan (4)
2839/23/FUL	Land At SX 740 393, The Fish Quay, Gould Road, Salcombe	Conditional Approval	Cllrs Abbott, Allen, Bonham, Carson, Nix, Pannell, Rake and Taylor (8)			Cllrs Edie, Hodgson, Long, McKay and O'Callaghan (5)