

West Devon Planning and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 29th March, 2016								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sellis Vice Chairman Cllr Benson</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Parker</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Roberts</td> </tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Cann OBE	Cllr Parker	Cllr Hockridge	Cllr Pearce	Cllr Mott	Cllr Roberts
Cllr Baldwin	Cllr Moyse								
Cllr Cann OBE	Cllr Parker								
Cllr Hockridge	Cllr Pearce								
Cllr Mott	Cllr Roberts								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185								

1. Apologies for Absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

[If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting]

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

4. Confirmation of Minutes

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Meeting held on 1st March 2016

5. Planning Applications & Enforcement Reports

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

(a) 00583/2015

7 - 14

Holly Berry, Thorndon Cross, Okehampton
Erection of kennel building and cattery buildings.

6. Planning Scheme of Delegation

15 - 22

7. Planning Appeals Update

23 - 24

Agenda Item 4

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **1st** day of **MARCH 2016** at **10.00am**

Present: Cllr D K A Sellis – Chairman
Cllr M J R Benson – Vice-Chairman
Cllr W G Cann OBE
Cllr L J G Hockridge Cllr C Mott
Cllr D E Moyse Cllr G Parker
Cllr A Roberts

Substitutes: Cllr R Cheadle for Cllr T G Pearce
Cllr J Yelland for Cllr R E Baldwin

Lead Specialist - Development Management (PW)
Specialists (CG, GB & TF)
Solicitor (SN)
Senior Case Manager (KT)

In attendance: Cllrs P Kimber, A Leech, J McInnes, C R Musgrave and T G Pearce

*P&L 53

APOLOGIES

Apologies were received from Cllr R E Baldwin for whom Cllr J Yelland acted as substitute. Cllr R Cheadle continued to act as substitute for Cllr T G Pearce as he had previously heard the presentations and was able to take part in the discussion and vote on the applications. However, Cllr T G Pearce was in attendance at this meeting.

*P&L 54

DECLARATION OF INTEREST

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllr C Mott declared a personal interest in application 00583/2015: Erection of kennel building and cattery buildings, by virtue of knowing one of the objectors. She remained in the meeting and took part in the debate and vote;

Cllr L J G Hockridge declared a personal interest in application 00583/2015: Erection of kennel building and cattery buildings, by virtue of being the Chairman of the local Parish Council and receiving a number of representations on this application. He remained in the meeting and took part in the debate and vote;

Cllr D E Moyse declared a personal interest in application 00583/2015: Erection of kennel building and cattery buildings, by virtue of one of the speakers being known to her. She remained in the meeting and took part in the debate and vote;

Cllr M E Benson declared a personal interest in application 00583/2015: Erection of kennel building and cattery buildings, by virtue of knowing one of the objectors. He remained in the meeting and took part in the debate and vote;

Cllr W G Cann OBE declared a personal interest in application 00987/2015: Full application for erection of new agricultural livestock building and siting of a temporary agricultural workers dwelling. He remained in the meeting for the duration of this item but did not take part in the debate and abstained from the vote. In addition, he asked that his abstention be noted.

***P&L 55 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 8 December 2015 (page 1 to the Agenda), were confirmed and signed by the Chairman as a correct record.

***P&L 56 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Development Management Specialists and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports and summarised below, and **RESOLVED**:

Application No: 01092/2015 Ward: Okehampton North

Site Address: 22 North Street, Okehampton

Change of use from a second floor function room ancillary to drinking establishment (use class A4) to a wholesale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers

Speakers included: Supporter – Mr Baily (A statement read out on his behalf); Ward Member – Cllr A F Leech

RECOMMENDATION: Conditional Approval

During discussion, and following the site inspection, Members noted a number of concerns with the application. Members sought confirmation that the description should be amended to 'Change of use from a second floor function room ancillary to drinking establishment (use class A4) to a wholesale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers (Use class B2 and B8). In response to concerns raised, a number of additional conditions were added as follows:

- Limit the amount of ethanol on the premises at any one time to 200 litres;
- No direct sales of ethanol alcohol to the public from the second floor;
- Use of the function room to cease as a function room on implementation of this permission; and
- No parcel collection from the premises.

COMMITTEE DECISION: Conditional Approval

Conditions:

Standard time limit

Adherence to plans

Use within building only

Retain parking

Hours of operation no longer than those applied for

Application No: 01182/2015 Ward: Hatherleigh

Site Address: Part of Glebelands, Hatherleigh

Outline application with all matters reserved for change of use of land and construction of live work accommodation

Speakers included: Ward Members Cllr P Kimber and Cllr J McInnes (Cllr Kimber declared a personal interest in this application as the applicant repaired his mothers car).

RECOMMENDATION: Refusal

In presenting this item to the Committee, the Case Officer advised that Members should consider the principle of this application. Members had a detailed discussion regarding current policy and emerging policy. Both Ward Members spoke strongly in favour of the application being conditionally approved.

COMMITTEE DECISION: Conditional Approval, subject to the satisfactory completion of a s106 and conditions, to be delegated to the Lead Specialist in consultation with the Chairman and Vice Chairman of the P&L Committee and the local Ward Members.

Reasons: The Committee had considered the application and felt that the addition of a residential unit would not prejudice the ongoing allocation for commercial use of the adjoining land.

Application No: 00987/2015 Ward: Okehampton North

Site Address: NGR SX 590990, Okehampton, EX20 3BD

Full application for erection of new agricultural livestock building and siting of a temporary agricultural workers dwelling

Speakers included: Supporter – Mr I Fewkes; Ward Member – Cllr A F Leech

RECOMMENDATION: Conditional Approval

During the Case Officer presentation, two further conditions were suggested and agreed as follows:

- 25m track to be in place prior to occupation of the temporary dwelling
- Colour of roof of the agricultural building to be agreed

COMMITTEE DECISION: Conditional Approval

Conditions:

Commencement within three years

Accord with plans

Agricultural use only

Agricultural building to be removed is use ceases

Agricultural buildings to be completed before the temporary dwelling is occupied

Agricultural workers dwelling to accord with the definitions and criteria of a caravan and be removed on or before three years from the date of this decision

Prior to installation of dwelling, details of rain water and sewage disposal to be agreed

Removal of PD rights – curtilage outbuildings

Agricultural Tie

(NOTE: Cllr W G Cann OBE requested that his vote to abstain on this application be formally recorded).

Application No: 00713/2015 Ward: Okehampton Hamlets

Site Address: Meldon Fields, Hameldown Road, Okehampton

Speakers included: Supporter – Mr A Graves; Ward Member – Cllr A F Leech

RECOMMENDATION: Conditional Approval

During discussion, officers advised that the application was subject to an updated s106 agreement and this should be included in the recommendation

COMMITTEE DECISION: Conditional Approval, subject to satisfactory completion of a s106 agreement, delegated to the Lead Specialist Development Management in consultation with the Chairman and Vice Chairman of P&L Committee and the local Ward Members.

Conditions:

Time limit

Accord with plans

Construction management plan

Foul water disposal plans

Adherence to and replanting landscaping plan

Ecology

Contamination

Remediation

Unexpected contamination

Surface Water Drainage

Details and materials of elevations, including windows, doors and guttering

Application No: 00583/2015 Ward: Bridestowe

**Site Address: Holly Berry, Thorndon Cross, Okehampton EX20
4NE**

Erection of kennel building and cattery buildings

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Site Inspection

***P&L 57 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals. The Lead Specialist Development Management responded to a number of questions regarding the presented list.

(The Meeting terminated at 12.50 pm)

Dated this

Chairman

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PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Sourton **Ward:** Bridestowe

Application No: 00583/2015

Agent/Applicant:

Exbourne Planning Services
Fenlea
Exbourne
Okehampton
Devon
EX20 3QS

Applicant:

Ms D Winther
Holly Berry
Thorndon Cross
Devon
EX20 4NE

Site Address: Holly Berry, Thorndon Cross, Okehampton, Devon, EX20 4NE

Development: Erection of kennel building and cattery buildings.

Reason for application being presented to the Committee: The application was referred to Committee by Councillors Mott and Hockridge



Recommendation: Conditional approval

Conditions

3 Year time limits

Accordance with plans

Details contained in management plan to be accorded with

Details contained in Noise Assessment Report to be accorded with

Access alterations to be provided prior to use commencing

Commercial use on 1No cattery as indicated only

Only kennel building as shown to be used for housing for dogs

External lighting to be agreed with LPA

Surface water and foul drainage details to be provided in accordance with submitted details

Key issues for consideration:

Proposed use in this location, impact on landscape and nearby occupiers, highways issues, environmental health and ecology

Site Description:

The site is to the north of the A3079 and is land to the west of 'Holly Berry', it currently comprises pasture land and is well screened by hedging to the road side.

The Proposal:

Erection of kennel building and 2No cattery buildings. The kennel is proposed to be a charity dog kennel for a maximum of 9 dogs and 1No charity cattery, it is proposed to erect a separate cattery in the rear garden area of Holly Berry.

Consultations:

- County Highways Authority:
No objection subject to the inclusion of condition
- Environmental Health Section:
We have reviewed the above application, and feel that the applicant has adequately demonstrated that noise will not be an issue; through good management practices, distance to nearest receiver, and the background noise levels.

As such we do not have comments to make on this application.

- Sourton Parish Council:
Council resolved to object to the application on the grounds of noise impact on the area, residents and existing businesses.
- Ecologist:
The ecology report advises that ecology impacts are limited subject to appropriate design and control of external lighting (i.e. to avoid light spillage onto hedgerows that have potential to be used by protected species).

If minded to approve the application please apply a condition along the following lines:

- Any external lighting shall reflect recommendations for avoiding light spillage (section 5 of Extended Phases 1 Habitat Survey, J G Ecological Services, May 2015) and should first be agreed in writing by the LPA.

- Natural England
No comments to make

Representations:

Representations from Residents

Comments have been received and cover the following planning related points:

- Commercial Kennels would impact on quality of life for residents through noise pollution
- Disturbance to adjacent bridleway
- Tourism businesses would be adversely impacted by kennels
- If animals are contained in soundproofed kennels, how will they be exercised?
- Highway safety issues
- Previous objectors should have been informed of current application
- Application should go before committee
- Site is not remote
- Cattery could be used as more kennels
- Water pollution issues
- Changes to access welcomed

Relevant Planning History

00010/2015 - Erection of charity kennels and cattery and formation of new vehicular access from public highway - Withdrawn

ANALYSIS

Principle of Development/Sustainability:

Policy NE10 states;

Development within the countryside outside settlement limits or not otherwise in accordance with policies or allocations in the Plan will not be permitted unless:

(i) It provides an overriding economic or community benefit and cannot be reasonably located within an existing settlement;

(ii) It does not cause unacceptable harm to the distinctive landscape character of the area and the important natural and made features that contribute to that character including views;

(iii) Where the development is not associated with agriculture the best and most versatile land is only developed if sufficient lower grade land is not available or that available lower grade land has an environmental value that outweighs agricultural considerations.

The application has been submitted with supporting information in respect of the need for the charity facilities. Due to the nature of the use, it would not be appropriate for the 2No cattery's and kennel to be located within a settlement. It is considered that the proposal does not result in unacceptable harm to the distinctive landscape character of the area. The area of agricultural land used is minimal and has been used as pasture land, it therefore does not result in the loss of the best or most versatile land.

Design/Landscape:

The proposed buildings are considered to not be disproportionately large and would not result in harm to the wider landscape character. The site is well screened, this with the modest height of the buildings, it is considered that the proposal does not harm the wider landscape and the design of the buildings is acceptable.

The land rises to the north, with Ashbury Gold Course being sited to the north east. A public right way runs approximately 40 metres to the north of the proposed kennel, due to the screening on the site and the screening adjacent to the boundary with the public right of way, it is considered that the kennel building will not be overly prominent and does not harm the wider landscape.

Neighbour Amenity:

The proposed kennel is sited 45 metres to the north of the boundary with the site to the south, which adjoins the A3079, the nearest residential properties are sited approximately 50 metres to the south of Holly Berry. The proposed kennel has been designed so as to minimise potential noise and disturbance. These measures include the layout of the kennels so the dogs cannot see each other, the orientation of the building and its openings as well as the materials used to provide acoustic double glazing and insulated walls. On the basis of the details submitted, the Council's Environmental Health Officer has reviewed the application and detailed Noise Impact Assessment and has offered no objections to the proposals.

It is considered that the use will not have a harmful impact on local tourist businesses.

The proposed exercise area for the dogs is to be sited at the western end of the site, which is sufficiently far from residential properties.

Highways/Access:

The previous application proposed a new access to the A30749, which was unacceptable to the Highway Authority. This application proposes an improvement to the existing access to provide suitable sight lines, this is considered acceptable by Highways. It also provides a benefit of improving forward visibility for all traffic on the approach to a junction and busy lay-by. The Highways Officer concluded that the improvement to the access would suitable offset the modest increase in use at the access and the provision of the improved access can be secured by a condition.

Other Matters:

The surface water drainage is proposed to utilise soakaways and foul waste via a digester plant, these details are acceptable and will be conditioned to be provided. Planning applications are advertised in accordance with the requirements of The Town and Country Planning Act 1990 (as amended). It is considered that the proposal will not adversely affect the use of nearby rights of way and Bridleways.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP15 – Traffic Management

SP16 – Safer Communities

SP17 – Landscape Character

SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP24 – Sustainable Rural Communities

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Development in the Countryside

T9 – The Highway Network

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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SITE INSPECTION HELD ON THURSDAY, 17 MARCH 2016 -10.00 am

00583/2015 Erection of kennel building and cattery buildings – Holly Berry Thorndon Cross Okehampton Devon EX20 4NE

Present: Cllrs Sellis, Benson, Cann OBE, Hockridge (ward member), Mott (ward member), Moyse and Roberts

Apologies: Cllrs Baldwin, Parker and Pearce

Officers in Attendance:

Planning Community of Practice Lead (Pat Whymer (PW));

Planning Case Officer (Tom French (TF));

Environmental Health Specialist (James Kershaw));

Senior Case Manager (Kathy Hoare (KH)); and

DCC Highways Officer (Phil Townsend (PT)).

During the introductions, Cllrs Benson, Mott & Moyse each declared a personal interest by virtue of knowing one of the protesters personally.

The Members attended the site and the Highways Officers (PT) explained the alterations that were planned to improve visibility to the entrance of the site. With the aid of plans and photographs, the case officer (TF) outlined the application.

Cllr Hockridge explained the parish council's concerns regarding visibility.

The Environmental Health Specialist (JK) explained the noise report.

Members also viewed from the adjoining bridle path and the property opposite the site (Wayside) by permission of the owner.

The ward members shared concerns regarding noise and the spoiling of the local amenity to residents.

The Parish Council representative (SE) spoke at the end of the meeting to draw attention in regard to the relevance of the Neighbourhood Plan.

At this point, the Chairman formally concluded the site inspection.

(Meeting ended 11.15am).

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Agenda Item 6

Report to: **Planning and Licensing Committee**
Date: **29 March 2016**
Title: **REVIEW OF PLANNING SCHEME OF DELEGATION**
Portfolio Area: **Customer First - Cllr Moody**

Wards Affected: **All**

Relevant Scrutiny Committee: Overview and Scrutiny (Internal)
Committee

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: The Committee
recommendations will be
presented to the Council
meeting on 5 April 2016 for
approval.

Author: **Pat Whymer** Role: COP Lead Specialist –
Development Management

Kathryn Trant Senior Case Manager

Contact: **Email: pat.whymer@swdevon.gov.uk**
kathryn.trant@swdevon.gov.uk

RECOMMENDATION:

That the Planning and Licensing Committee RECOMMEND to Council that:-

- 1. the revised Planning Scheme of Delegation as presented at Appendix A of the report be adopted; and**
- 2. authority to make any minor amendments prior to adoption be delegated to the Community of Practice Lead Specialist Development Management, in consultation with the Chairman of the P&L Committee.**

1. Executive summary

- 1.1 The Council has adopted a Planning Scheme of Delegation which governs the way that decisions are made in respect of planning matters, and how and when applications can be referred to the Planning and Licensing Committee.
- 1.2 As a result of the Transformation Programme, officers now work across both West Devon Borough Council and South Hams District Council. As a consequence, this review has provided the opportunity for both councils to consider adopting a more aligned Planning Scheme of Delegation that will make working practices more efficient and robust.

2. Background

- 2.1 A revised Planning Scheme of Delegation was initially presented to the Planning and Licensing Committee held on 8 December 2015. At that meeting, following a lengthy debate, Members raised a number of concerns with the presented document and recommended that 'two Members of the Committee be authorised to work with two Members of South Hams District Council as a joint group to be tasked with reviewing the Planning Scheme of Delegation'.
- 2.2 At the full Council meeting held later that day, and bearing in mind the level of Member concerns expressed, the following resolution was then made (Minute CM 41 refers):
 1. *That a Working Group be established that has the remit of reviewing the draft Development Management Scheme of Delegation and that this review be undertaken as soon as is practically possible;*
 2. *That the merits of this review being undertaken jointly with South Hams District Council (SHDC) be recognised and SHDC therefore be asked to consider this request;*
 3. *That the Group comprises of two Members, who are also Members of the Planning and Licensing Committee, and be supported by officers as necessary;*
 4. *That the two Group Member appointments be agreed by the two Group Leaders; and*
 5. *That the findings of the Working Group be presented back, in the first instance, to a meeting of the Planning and Licensing Committee.*
- 2.3 During these meetings, Members had clearly set out their wish to be involved in future discussions in relation to the revised Planning Scheme of Delegation.

3. Outcomes/outputs

- 3.1 Following the resolution at Full Council on 8 December 2015, the Working Group was convened on 24 February 2016. The Group Leaders nominated Cllr Terry Pearce and Cllr Graham Parker to serve on the Working Group and both Members attended this meeting.
- 3.2 As a starting point, Members of the Group worked through the version of the Planning Scheme of Delegation that had been initially presented to the Planning and Licensing Committee and Council in December 2015 and raised their concerns where appropriate. Members also referred to the existing documents in use at both West Devon Borough Council and South Hams District Council. During discussion, a number of the concerns previously raised were addressed and amendments subsequently made.
- 3.3 As a result of the discussions held, a revised Planning Scheme of Delegation document was produced and supported by the Working Group. This revised version is now attached at Appendix A.

4. Options available and consideration of risk

- 4.1 The Planning Scheme of Delegation sets out the parameters for decision making in respect of planning matters. Currently, the two Councils have quite different schemes.
- 4.2 Whilst one option would be to continue with the existing schemes, a more closely aligned scheme would result in more efficient working and greater continuity for the Development Management service. In addition, the proposed amendments to the scheme should enable decisions to be made more swiftly and therefore improve customer service. An aligned scheme would also reduce the risk of error.

5. Proposed Way Forward

- 5.1 Following the support of the Working Group, a revised Planning Scheme of Delegation has now been produced. Members are requested to recommend that the Council approve the revised document.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council is required to have a Delegation Scheme setting out the roles and responsibilities of Council, its Committees and its officers. These are set out in Part 3 of the Council's Constitution.

		<p>In addition to the Delegation Scheme set out in the Constitution, the Council has previously agreed further detail in relation to how the Council decides its Development Management and Planning Enforcement functions, and it is this delegation which Members are being requested to review.</p> <p>The full Council must make the final decision on the scheme to be adopted.</p>
Financial	Y	There are no direct financial implications but the revised scheme will deliver efficiencies in both officer and member time
Risk	Y	These are addressed in the body of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	These are considered within the application process
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	

Supporting Information

Appendices:

1: Revised Scheme of Delegation

Background Papers:

Planning and Licensing Committee Report and Minutes – 8 December 2015

Council Report and Minutes – 8 December 2015

Scheme of Delegation

West Devon Borough Council - Planning Delegation Scheme

Definitions:

- **CoP Lead: Community of Practice Lead Specialist Development Management**
- **In writing: shall include email and be supported by planning reasons**
- **P&L Committee: Planning & Licensing Committee at West Devon Borough Council**
- **Working days: days which are not weekends or bank holidays**
- **Planning Application: full, outline and reserved matters only**
- **Representation: means representations from any source excluding internal consultees**
- **Immediate family: parent, spouse, child, sibling (including 'step' and 'adopted')**

General Planning Delegation to Officers

1. Subject to paragraph 2 below, the CoP Lead has delegated authority for all functions assigned to the P & L Committee under the Town and Country Planning Acts, Orders, and Regulations (as set out in Part 3 of the Council's Constitution and as amended from time to time) except those:
 - Planning Applications
 - Listed Building Consents
 - Advertisement Consents
 - TPO final confirmations (excluding emergency TPOs), and
 - Works to TPO trees

Which:

- relate to the Council's own land
- is an application submitted by a Councillor (or an immediate family member), (including Councillor as agent or professional advisor) or an Officer (or an immediate family member)

Or which in the opinion of the CoP Lead:

- are of sub-regional or district-wide significance
- ought to be determined by the P&L Committee

2. In the case of planning, listed building, advertisement applications and TPO applications and confirmations, where any written representations are received, including those from a Parish or Town Council, which are contrary to the CoP Lead's recommendations and where the representations are considered material and relevant planning issues.

the CoP Lead shall have delegated authority to determine these only where:

- agreement to issuing a delegated decision has been sought in writing from the Ward Member(s) and,
- no written request (supported by material planning reasons) to call the application to Committee has been received from the Ward Member(s) within the notification period. The notification period is defined as three working days, unless a Ward Member requests an extension of time (of up to 48 hours, and giving good reason for doing so), which commences when the Ward Member has received the request that a delegated decision be made.

Ward Members

- Ward Members can call to Committee, with material planning reasons,
 - any Planning Applications
 - Listed Building Consents
 - Advertisement Consents
 - TPO final confirmations (excluding emergency TPOs), and
 - Works to TPO trees

with no contrary comment, by notifying the CoP Lead prior to the expiry of the public consultation period

- For the avoidance of doubt all Members in a multi-Member ward shall be notified /consulted by the CoP Lead
- Unless a Ward Member requests an extension of time of up to 48 hours for a response, s/he must advise the CoP Lead of his/her views within three working days of receiving the notification.
- In the absence of a Ward Member consultation response within the permitted time frames, the CoP Lead shall determine the matter in accordance with the officer recommendation, without the Member's views.

- Where a Ward Member is unavailable for consultation (for whatever reason e.g. holiday, DPI or other interest) then s/he should nominate an alternative member to carry out this role and notify Member Services accordingly in writing

Action on decisions of the P&L Committee

- Where the Committee **approves** an application, the CoP Lead will issue the Approval Notice including such conditions as are reasonably required to give effect to the Committee's decision
- Where the Committee **refuses** an application which the CoP Lead recommended should be approved, it shall give the reasons for the decision but the CoP Lead shall determine the precise wording of the reasons for refusal

Delegation in respect of Enforcement Action

The CoP Lead has delegated authority to:

- decide that no breach has been found
- decide that it is not expedient to take enforcement action (in accordance with the Council's Enforcement Policy), unless notified by the Ward Member otherwise
- invite regularising Planning Applications where appropriate
- carry out all enforcement action (including but not limited to) issuing and serving Planning Contravention Notices, Untidy Site Notices, Stop Notices, Breach of Condition Notices and Building Preservation Notices, providing the relevant Ward Members are notified prior to such notices being issued or served
- issue Enforcement Notices in respect of which Ward Member(s) have been notified in writing allowing 3 working days (with an extension of up to 48 hours to be granted if requested with good reason) for Members to request, in writing supported by material planning reasons, that the proposed action is brought to the P&L Committee for decision and no such request has been received
- take Prosecutions and Injunctions in respect of which Ward Member(s) have been notified in writing allowing 3 working days (with an extension of up to 48 hours to be granted if requested with good reason) for Members to request, in writing supported by material planning reasons, that the proposed action is brought to the P&L Committee for decision and no such request has been received
 - SAVE that the Monitoring Officer has delegated authority to take a Prosecution or Injunction where the Council's position would be compromised if action is not taken urgently

The CoP Lead may refer complex matters to the Committee at his/her discretion, or where there are relevant budgetary implications.

Section 106 Agreements

The CoP Lead may:

- authorise the execution of a section 106 agreement where required in advance of the grant of planning permission
- in consultation with the Ward Member(s), vary the terms of a section 106 agreement (or take such other action as necessary) to secure the objectives of the Committee which agreed the 106 agreement

West Devon Borough Council **Agenda Item 7**
PLANNING AND LICENSING COMMITTEE 29-Mar-16

Appeals Update from 16-Feb-16 to 17-Mar-16

Ward Buckland Monachorum

APPLICATION NUMBER : **00684/2015** APP/Q1153/D/15/3138044
APPELLANT NAME: Mr G Jones
PROPOSAL : Householder application for complete renewal of roof from existing 30 degree pitch to 40 degree pitch, raising of wall plate height by 350mm, and two storey extension to east end of the rear of the property
LOCATION : Broad Oak Farm Sowton Road Yelverton Devon PL20 6DB
APPEAL STATUS :
APPEAL START DATE: 13-November-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 18-February-2016

Ward Exbourne

APPLICATION NUMBER : **00579/2015** APP/Q1153/W/15/3136228
APPELLANT NAME: Mrs Kath Farrant
PROPOSAL : Outline application with all matters reserved for 10 dwellings.
LOCATION : Land To The Rear Of Copper Beeches Exbourne Okehampton Devon EX20 3SH
APPEAL STATUS :
APPEAL START DATE: 16-December-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 25-February-2016

Ward Lydford

APPLICATION NUMBER : **00875/2015** APP/Q1153/W/15/3136708
APPELLANT NAME: Mr & Mrs Charles Middler
PROPOSAL : Full application for erection of dwelling.
LOCATION : Land North Of Bolts House Lydford Okehampton Devon EX20 4BE
APPEAL STATUS :
APPEAL START DATE: 17-December-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 24-February-2016

Ward Okehampton North

APPLICATION NUMBER : **01194/2014** APP/Q1153/D/15/3128799
APPELLANT NAME: Mrs A Murphy
PROPOSAL : Householder application for retention of fence measuring 2.6 metres.
LOCATION : 7 Kellands Lane Okehampton Devon EX20 1FQ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 12-November-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 17-February-2016

Ward Okehampton West

APPLICATION NUMBER : **00977/2014** APP/Q1153/W /15/3134854
APPELLANT NAME: Mrs A Y Martin-Fleming-129 Station Road , Okehampton , Devo
PROPOSAL : Retrospective application to retain a yurt for holiday use, change of use of ancillary building and surrounding area to holiday use, construction of decking and associated works.
LOCATION : 129 Station Road Okehampton Devon EX20 1EH
APPEAL STATUS : Appeal decided
APPEAL START DATE: 23-September-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 02-March-2016

Ward Tavistock North

APPLICATION NUMBER : **02675/2012** APP/Q1153/W/15/3134745
APPELLANT NAME: Harold Moore & Son (Builders) Ltd
PROPOSAL : Erection of 2 dwellings and associated works.
LOCATION : Land Adjacent To St Claire Glanville Road Tavistock Devon

APPEAL STATUS : Appeal decided
APPEAL START DATE: 16-December-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 11-March-2016
