West Devon Planning and Licensing Committee



West Devon Borough Council

Title:	Agenda		
Date:	Monday, 24th April, 2017		
Time:	10.00 am		
Venue:	Chamber - Kilworthy Park		
Full Members:	Chairman Cllr Sanders Vice Chairman Cllr Parker		
	Members:	Cllr Baldwin Cllr Cann OBE Cllr Hockridge Cllr Mott	Cllr Moyse Cllr Pearce Cllr Roberts Cllr Yelland
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 7 March 2017

PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).

If any, the Committee is recommended to pass the following resolution:-

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in Part I of Schedule 12(A) to the Act.

5. Determination of whether to revoke, suspend or refuse to 7 - 18 renew a Hackney Carriage and Private Hire driver licence

Open Committee:

6. Planning Performance Indicators 19 - 22

7. Planning Applications and 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: <u>http://westdevon.gov.uk/searchlanding</u>

(a)	4058/16/FUL	23 - 28
	Risdon Farm, Okehampton Installation of a 13.2kW ground mounted photovoltaic array	
8.	Planning Appeals Update	29 - 32

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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 **7th** day of **MARCH 2017** at **10.00am**

 Present:
 Cllr P R Sanders – Chairman Cllr G Parker – Vice-Chairman

 Cllr R E Baldwin
 Cllr W G Cann OBE

 Cllr L J G Hockridge
 Cllr C Mott

 Cllr D E Moyse
 Cllr T G Pearce

 Cllr A Roberts
 Cllr J Yelland

> COP Lead Development Management (PW) Solicitor (SN) Specialist Development Management (MJ & TF) Environmental Health Senior Specialist (JK) Specialist Democratic Services (KT)

DCC Highways (PT)

In attendance: Clirs J Evans, T F Leech, R Musgrave and J Sheldon

*P&L 58 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 disclosable pecuniary interest in application **0788/16/OPA:** Outline application for erection of 7 dwellings – Land adjacent to Station Road, Bere Ferrers by virtue of the applicant doing business with her husband. She left the room for the duration of the debate and vote on this item;

Cllrs L J G Hockridge and T G Pearce both declared a personal interest in application **0788/16/OPA:** Outline application for erection of 7 dwellings – Land adjacent to Station Road, Bere Ferrers by virtue of knowing the applicant. They both remained in the meeting and took part in the debate and vote thereon;

Cllr J Yelland declared a personal interest in application **3644/16/OPA**: Outline application with all matters reserved for the construction of three houses – land west of Willow Tree Close, Okehampton by virtue of being a member of the Town Council. She remained in the meeting and took part in the debate and vote thereon;

Cllr T G Pearce also declared a personal interest in all applications, by virtue of being a Member of the Devon Building Control Partnership. He remained in the meeting and took part in the debate and vote on each item.

*P&L 59 CONFIRMATION OF MINUTES

The Minutes of the Planning and Licensing Committee Meeting held on 7th February 2017 were confirmed and signed by the Chairman as a correct record.

*P&L 60 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**:

(a) Application No: 0788/16/OPA Ward: Bere Ferrers

Site Address: Land adj. to Station Road, Bere Ferrers

Outline application for erection of 7 dwellings

Speakers included: Objector – Mr Roger White: Supporter – Mr Ed Persse: Parish Council – Cllr Brian Lamb: Ward Member – Cllr Musgrave

RECOMMENDATION: That delegated authority be given to the Community of Practice Lead Development Management, in consultation with the Committee Chairman, to grant conditional planning permission subject to the signing of a section 106 Agreement

During discussion, Members noted that the application was within the AONB and outside the development boundary of the village. The differing views of the AONB and the Landscape Officer put Members in a difficult position. Several Members noted that the application did not meet any identified local need in terms of housing. Members were concerned that the proposal did not follow the linear development of the village. The emerging Neighbourhood Plan and Joint Local Plan were mentioned, although it was accepted that little weight could be given to either document at this stage. Concerns were also raised regarding highways issues and drainage on the site.

The proposal to conditionally approve the application was **PROPOSED**, **SECONDED** and on being put to the vote, unanimously declared **LOST**.

It was then **PROPOSED**, **SECONDED** and on being put to the vote unanimously declared **CARRIED**, that the application be refused for the following reasons:

The proposed Urban form of development in the open countryside will lead to adverse harm to the visual appearance and the character of the of AONB and, as such does not comprise sustainable development which is contrary to policies NE10 of the adopted West Devon Lical Plan, policies SP1 and SP17 of the adopted West Devon Core Strategy and paragraphs 7, 8, 14, 17 and 115 of the NPPF and polices 1 2 & 3 of the emerging JLP

COMMITTEE DECISION: Refusal

(b) Application No: 3644/16/OPA Ward: Okehampton North

Site Address: Land west of Willow Tree Close, Okehampton

Outline application with all matters reserved for the construction of three houses

Speakers included: Supporter – Mr Steve Blakeman: Ward Member – Cllr T F Leech

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

(c) Application No: 3244/16/OPA Ward: Milton Ford

Site Address: Land adjacent to Ashton Court, Lamerton

Outline permission with some matters reserved for proposed erection of 5 dwellings and improvement to access

Speakers included: Parish Council – Cllr John Edgar: Ward Member – Cllr R E Baldwin

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

(d) Application No: 1535/16/FUL Ward: Tavistock South West

Site Address: The Poplars, Westbridge Industrial Estate, Tavistock, Devon PL198DE

Proposed development of 7 apartments

Speakers included: Supporter – Mr Mike Williamson: Ward Member – Cllr J Evans

RECOMMENDATION: Conditional Approval

During discussion, one Member stated that the proposal would help to improve the look of the site. However, Members stated their concerns in respect of residential use of the site, particularly as it would prevent growth of businesses and could jeopardise the employment use of the surrounding area. Previous appeal decisions were referred to by the Ward Member and during discussion. The proposal to conditionally approve the application was **PROPOSED**, **SECONDED** and on being put to the vote, declared **LOST**.

It was then **PROPOSED**, **SECONDED** and on being put to the vote declared **CARRIED**, that the application be refused for the following reasons, as outlined by a Planning Inspector in relation to a previous application on this site:

- 1. This is an inappropriate location for residential development given the position close to commercial uses and potential impacts upon living conditions at the proposed flats.
- 2. This proposal would reinforce an undesirable patter of development contrary to policy H28 of the Local Plan.
- 3. The proposal could also hamper the development as well as expansion of small businesses contrary to strategic policy 10 of the Core Strategy.
- 4. The proposal would not comply with the advice in the NPPF aimed at providing high quality homes as well as supporting businesses.

COMMITTEE DECISION: Refusal

(e) Application No: 2997/16/ADV Ward: Tavistock South West

Site Address: 142-152 Plymouth Road, Tavistock PL19 9DS

Advertisement consent for proposed totem (pylon)

RECOMMENDATION: Conditional Approval

During discussion Members were advised that advertisement consents were the subject of a different set of regulations and as such, only highway safety and visual impact could be considered. Members noted that there were already two totem signs in the vicinity, and were concerned about the cumulative impact of adding a third.

The proposal to conditionally approve the application was **PROPOSED**, **SECONDED** and on being put to the vote, unanimously declared **LOST**.

It was then **PROPOSED**, **SECONDED** and on being put to the vote unanimously declared **CARRIED**, that the application be refused for the following reasons:

Visual impact on the street scene, and cumulative impact of a further sign adding to the sense of clutter.

COMMITTEE DECISION: Refusal

*P&L 61 PLANNING APPEALS UPDATE

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

Members discussed an allowed appeal on the presented list, and were disappointed that the Inspector had come to a decision that was out of line with previous decisions. Members agreed that a letter should be directed to the Inspector, to register their concerns on this specific decision.

*P&L 62 PLANNING PERFORMANCE INDICATORS

The COP Lead Development Management presented the Performance Indicators and outlined the key information for Members consideration.

(The Meeting terminated at 1.30 pm)

Dated this

Chairman

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Agenda Item 5

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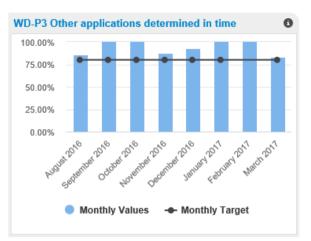
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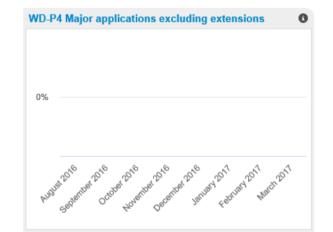
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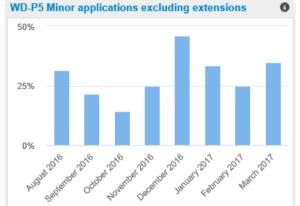
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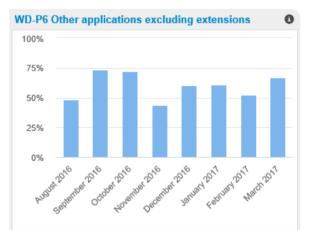


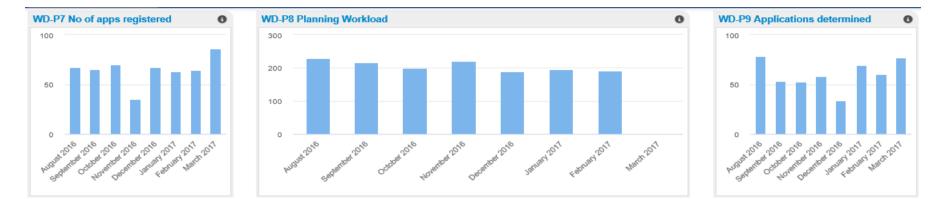






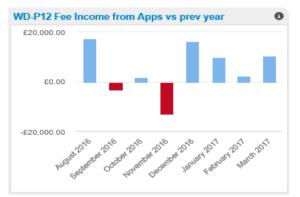


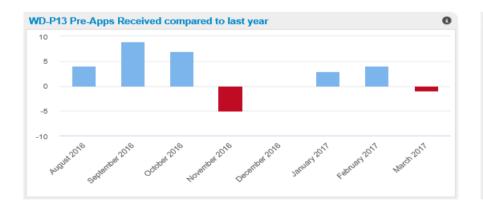




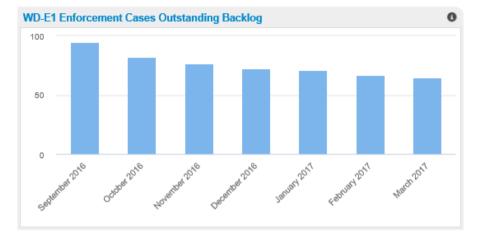


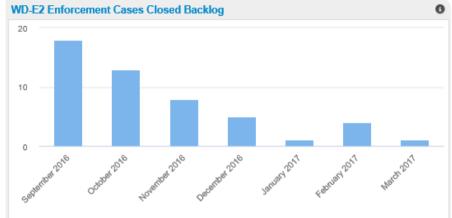






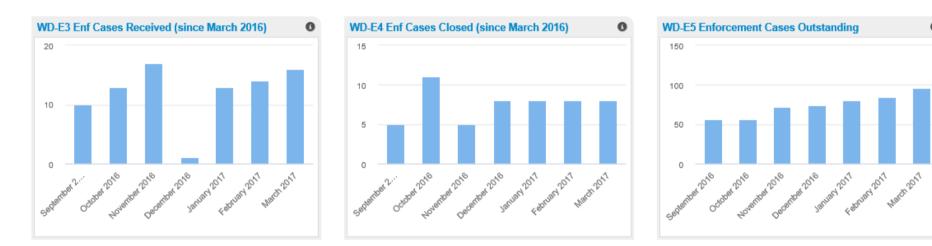






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For charts above: WD-W2PEC A are officer delegated decisions, WD-W2PEC 29 are appeals where member decision went against officer recommendation, WD-BV204a are all appeals allowed.

Any difference in these figures would be where decisions went to Committee and Members agreed with Officer recommendation.

WD-W2PEC A Appeals allowed - officer decision

1.5

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Agenda Item 7a

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Jacobstowe Ward: Exbourne

Application No: 4058/16/FUL

Agent/Applicant:

Miss Claire Harness Badger Farm, Willowpit Lane Hilton Derby DE65 5FN Applicant: Mr & Mrs Samuel Risdon Farm Okehampton EX20 3AJ

Site Address: Risdon Farm, Devon, Okehampton, EX20 3AJ

Development: Installation of a 13.2kW ground mounted photovoltaic array

Reason item is being put before Committee: The applicant is a member of this authority.



Recommendation: Conditional approval

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The additional planting shown on the approved plans shall be provided in the first available planting season following the Photo Voltaic panels hereby approved being installed. All elements of the approved Landscape Plan be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public amenity and local landscape character

4. When the land ceases to be used as a photovoltaic park for renewable power production or, at the end of the period of 25 years from the date of grid connection (such date to have been given to the Local Planning Authority within one month of grid connection), whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought onto the land in connection with the use shall be removed and the land restored to its previous state or as otherwise agreed, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommission works taking place. Such details shall include the time scale for decommissioning.

Should any of the individual solar panel(s) not commence exportation of electricity to the grid for a continuous period of 6 months from the date of first installation (such installation date having been notified in writing to the Local Planning Authority upon commencement of installation), or thereafter ceases to export electricity to the grid for a continuous period of 6 months, the solar panel(s) and the relevant associated infrastructure shall be removed from (that part of) the site and the land restored to its previous use all within three months from the cessation of that 6 months period, in accordance with a scheme of restoration that has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: The application has been assessed in accordance with the details submitted by the applicants, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

Key issues for consideration:

The main issues are the benefits of providing renewable energy and the visual impact of the proposal.

Site Description:

The site consists of an agricultural holding, which extends to approximately 205 acres and is primarily used for dairy and free range egg production. An educational facility is also within the farm holding.

The Proposal:

The development proposed is the installation of a 13.2kW Ground Mounted Photovoltaic array at Risdon Farm.

The array would consist of 50 photovoltaic panels (PV's).

The farm and associated buildings would utilise the electricity generated by the PV's. Electricity not used on site would be exported to the National Grid, providing a wider community benefit.

The PV's would be laid 2PV's high, portrait format in I row orientated east to west, facing south. The PV's are installed with a 20mm spacing between each module to allow for expansion.

The PV's are set at an angle of 30 degrees. This orientation and pitch maximizes the electricity generated by the PV's.

The front edge would be fixed 1m from ground level.

Taking into account the 30 degree angle at which the PV's are laid, and the 1m from ground level, the top edge of the PV's would be 2.64m above ground level

Connection to the grid would be via underground cabling. The total length of the proposed cable would be approximately 30m. The trenching for the cable would be approximately 0.3m 111 width, giving a total area of cable of 9m2

The total area covered by the PV's and associated infrastructure, would be 79.57m2.

Consultations:

- County Highways Authority: No highways implications
- Environmental Health Section: None received
- Jacobstowe with Exbourne Parish Council: The Parish Council objects to this application because they feel it represents industrialisation of agricultural land.
- Landscape Officer: No objection on visual impact grounds, recommend some additional planting in existing hedgerows to mitigate views from nearby viewpoints.

Representations:

None received

Relevant Planning History

None relevant to this proposal

ANALYSIS

Principle of Development/Sustainability:

There is a strong presumption within planning policy at the national level and the local level for the support of renewable energy schemes, in addition the National Planning Policy Framework is supportive of development which promotes the diversification of agricultural and other land-based rural businesses.

The Framework also specifies that even small scale installations can make a valuable contribution to the provision of renewable energy. The proposal will support the current farming electricity usage, with any additional electricity exported to the National Grid, which provides a wider community benefit.

Design/Landscape:

Views are limited into the site, and from low sensitivity receptors ('A' road users) and the proposed development would not result in significant harm. The closest public viewpoints would occur from the A3072 to the north. The council's Landscape Officer has recommended that enhancing the planting in the existing hedge to the east of the proposed array would limit the views across to the PV's. The applicant has confirmed that the additional planting is acceptable and this has been conditioned to be provided.

Neighbour Amenity:

The nearest unrelated residential property to the proposed array is approximately 740 metres to the north of the proposed array. It is therefore considered that the proposal will not result in harm to the living conditions of the occupiers of any residential properties.

Highways/Access:

There is access from the public highway to the proposed site, the construction period for the development will be minimal and there are no highway safety issues arising from the proposal.

Other Matters:

The application has been submitted with a desktop ecological survey which concludes that that there are no important bird areas, special areas of conservation and national nature reserves within a 2 km radius of the site. There is a Site of Special Scientific Interest (SSSi) 1.4km northwest of the application, it is considered that due to the distance from the site, the proposed PV's would not impact on this SSSI.

The proposed PV's do not result in additional surface water run-off and the site is large enough for the drainage to be accommodated onsite as is the current arrangement.

Conclusion:

This is, relatively speaking, an extremely small solar installation proposed in a discreet and well-chosen location where it will have a neutral impact on the landscape and the scheme offers social, economic and environmental benefit of its associated renewable energy production.

This application is therefore recommended for approval subject to appropriate conditions.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises (delete one list as applicable):

West Devon

2011 Core Strategy

- Proposals Map
- Settlement Maps
- 2005 Local Plan Review (as amended 2011)
- 2006 Reuse of Rural Buildings Supplementary Planning Document (SPD)
- 2007 Infrastructure and facilities to support new development Supplementary Planning Document (SPD)
- 2012 Affordable Housing Code of Practice
- 2013 South and South West of Tavistock Masterplan Supplementary Planning Document (SPD)
- 2013 Assessing the Impact of New Retail Development in West Devon Supplementary Planning Document (SPD)
- 2014 East of Okehampton Masterplan Supplementary Planning Document (SPD)

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations know, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).

West Devon Borough Council Core Strategy 2011

- SP1 Sustainable Development
- SP3 Renewable Energy
- SP17 Landscape Character
- SP24 Sustainable Rural Communities

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

- NE10 Protection of the Countryside and Other Open Spaces
- BE13 Landscaping and Boundary Treatment
- PS9 Transmission and Distribution of Electricity

Joint Local Plan

- SPT 1 Delivering Sustainable Development
- SPT 11 Strategic Approach to the Natural Environment
- TTV31 Development in the Countryside
- DEV 15 Supporting the rural economy
- DEV20 Place shaping and the quality of the built environment

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DEV24 - Landscape character

DEV35 – Renewable and low carbon energy

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.

West Devon Borough CouncilAgenda Item 8 PLANNING AND LICENSING COMMITTEE 25-Apr-17

Appeals Update from 17-Feb-17 to 6-Apr-17

Ward Exbourne

APPLICATION NUMBER: APPELLANT NAME: PROPOSAL: LOCATION : **APPEAL STATUS :** APPEAL START DATE:

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER: APPELLANT NAME: **PROPOSAL**: LOCATION : **APPEAL STATUS :** APPEAL START DATE:

APPEAL DECISION:

APPEAL DECISION DATE: **APPLICATION NUMBER: APPELLANT NAME: PROPOSAL**:

LOCATION : **APPEAL STATUS :** APPEAL START DATE:

APPEAL DECISION:

APPEAL DECISION DATE:

Ward **Okehampton North**

APPLICATION NUMBER: APPELLANT NAME: PROPOSAL:

LOCATION :

APPEAL STATUS: APPEAL START DATE: APPEAL DECISION: APPEAL DECISION DATE:

Tavistock North Ward

APPLICATION NUMBER: APPELLANT NAME: **PROPOSAL**: LOCATION : **APPEAL STATUS:** APPEAL START DATE:

APPEAL DECISION:

APPEAL DECISION DATE: **APPLICATION NUMBER: APPELLANT NAME: PROPOSAL**:

LOCATION :

0336/16/FUL

Mr J Carvil Proposed rural workers live/work unit of accommodation. Meadow View Farm, Exbourne, Devon, EX20 3SH Appeal Lodged 24-March-2017

0348/16/FUL

Mr J Carvil Proposed livestock barn Meadow View Farm, Exbourne, Devon, EX20 3SH Appeal Lodged 24-March-2017

3100/16/FUL

Mr C Brady Hybrid application comprising: Full application for a replacement garage, new vehicular access and driveway to garden and orchard with ancillary works to improve sightlines including moving retaining wall. Outline application with some matters reserved for 3no. dwellinas Former Garden & Orchard Opposite Downes Tenements, North Road, Exbourne Appeal Lodged 24-March-2017

APP/Q1153/16/3154578

APP/Q1153/W/16/3165187

Linden Homes South West Outline planning permission with some matters reserved for erection of a single bungalow and single garage. Creation of ample amenity space Unused green space on Southern edge of Newcombe Close, Okehampton, Devon, EX20 1UG

22-September-2016 **Dismissed** (Refusal) 10-March-2017

0543/16/OPA

0723/16/HHO

Mr and Mrs M Clark Householder application for extensions to existing dwelling 21 Chapel Street, Tavistock, Devon, PL19 8DX Appeal Lodged 27-March-2017

3089/15/CLE

Mr B Gurney Certificate of lawfulness - existing use of former outbuilding/coach house to an independent dwelling 3 Watts Road, Tavistock Devon, PL19 8LF Page 29

APP/Q1153/D/17/3170667

APP/Q1153/X/17/3167854

APP/Q1153/W/16/3159609

APP/Q1153/W/16/3159610

Appeal Lodged 15-March-2017

APPEAL DECISION: APPEAL DECISION DATE:

West Devon Borough Council PLANNING AND LICENSING COMMITTEE 25-Apr-17

Appeal Hearings/Public Inquiry from 17-Feb-17

Ward Tavistock North

APPLICATION NUMBER : APPELLANT NAME:	3089/15/CLE Mr B Gurney	APP/Q1153/X/17/3167854		
PROPOSAL :	,	isting use of former outbuilding/coach house to an		
THOI OSAL .	independent dwelling			
LOCATION :	3 Watts Road, Tavistock, De	von, PL19 8LF		
APPEAL STATUS :	Appeal Lodged			
APPEAL START DATE:	15-March-2017			
TYPE OF APPEAL	Informal hearing			
DATE OF APPEAL HEARING OR INQUIRY: 11-July-2017 LOCATION OF HEARING/INQ:				

APPEAL DECISION:

APPEAL DECISION DATE:

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