

WEST DEVON DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Development Management and Licensing Committee** held on **Tuesday, 12th October, 2021** at **10.00 am** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Yelland
Vice Chairman Cllr Pearce

Cllr Cheadle
Cllr Mott
Cllr Ratcliffe
Cllr Southcott

Cllr Leech
Cllr Moyse
Cllr Renders
Cllr Vachon

In attendance:

Officers:
Head of Development Management
Senior Specialist – Planning
Specialists – Planning
Solicitor
Highways Officer – Devon County Council
Senior Specialist – Place Making

16. **Apologies for Absence**

*DM&L.16

There were apologies received from Cllr S Hipsey for whom Cllr Cheadle substituted.

17. **Declarations of Interest**

*DM&L.17

Cllrs T Pearce and B Ratcliffe declared a personal interest in all applications by virtue of being Members of the Devon Building Control Partnership. They remained in the meeting and took part in the debate and vote thereon.

Cllr J Yelland declared an interest on behalf of all the Committee Members as they had all received correspondence from Baker Estates

and from a Lamerton Parish Councillor in regard to application 1766/21/OPA.

18. **Items Requiring Urgent Attention**

*DM&L.18

There was no urgent business brought forward to this Meeting.

19. **Confirmation of Minutes**

*DM&L.19

The Minutes of the Development Management and Licensing Committee Meeting held on 14^h September 2021 were confirmed as a correct record.

20. **Planning Applications**

*DM&L.20

The Committee proceeded to consider the application(s) that had been prepared by the Development Management Specialists and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED** that:

(a) Application No: 1324/21/FUL Ward: Okehampton North

**Site Address: St James Church of England Primary School,
Fort Road, Okehampton**

Development: New artificial turf pitch with fencing

Speakers included:

Objector – Glennon Chatting-Walters

Supporter –Michaela Myerscough

RECOMMENDATION: Refusal

- 1. The proposal would introduce a built form of development that due to its scale, height and proximity will result in a harmful impact on the character and appearance of the area. The proposed development is therefore contrary to Policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan.**
- 2. The proposed development by reason of loss of outlook, over dominance and loss of privacy will result in a form of development that is harmful to the amenity of neighbouring residents. As such the proposal would fail to comply with the requirements of Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.**

During discussion and debate Members raised concerns over the raised height of the pitch and the impact on the privacy of neighbouring properties.

The Solicitor advised the Committee that the reference to Policy DEV10 in the recommendation was an error and therefore was not being relied as support for the recommendation.

COMMITTEE DECISION: Refusal

(b) Application No. 1766/21/OPA Ward: Milton Ford

Site Address: "Land at Sx 445 766" Lamerton

Development: Outline application with some matters reserved for residential development of up to 20 dwellings, formation of new access and associated works.

Speakers included:

Objector- Mr Brian Pedder's statement was read out by the Democratic Services Officer, as he was unable to attend in person
Supporter – Richard Ayre
Lamerton Parish Council – Cllr Jess Evans
Ward Member – Cllr Neil Jory

RECOMMENDATION: Delegate approval to Head of Development Management, in conjunction with Chairman to conditionally grant outline planning permission, subject to a Section 106 legal obligation.

Conditions (list not in full)

1. Submission of reserved matters.
2. Reserved matters to be submitted within 3 years.
3. Commencement of development within 2 years following approval of last of the reserved matters.
4. Access to be constructed in accordance with approved plan.
5. Reserved matters to include replacement hedgerows and hedge bank at access points.
6. Main access to be constructed prior to other works commencing.
7. Construction Management Plan.
8. Estate roads condition.
9. Internal roads to be provided prior to occupation.
10. Waste audit statement.
11. Unexpected contamination.
12. Electric vehicle charging points.
13. Low carbon development in accordance with DEV32.
14. Open market housing mix.
15. Surface Water drainage details

16. Landscape and Ecological Management Plan (LEMP)
17. Construction and Environmental Management Plan (CEMP)
18. Adhere to the tree protection plan

Members raised the following points:

- concerns about the safety of pedestrians using an uncontrolled crossing point.
- Safety of the junction from Ducks Pool Lane onto the main road.
- Loss of hedge along the lane
- The development is outside of the built up area and in the open countryside

COMMITTEE DECISION: Refusal – TTV26 part 2 and not an exception site - TTV27.

(c) Application No. 1355/19/FUL Ward: Tavistock North

Site Address: 10 Ford Street, Tavistock, Devon

**Development: READVERTISEMENT (Revised plans received)
Erection of 6 flats, 1 cottage and associated car parking
(resubmission of 2147/17/FUL)**

Speakers included:

Objector – Mrs Pauline Sawyer

Supporter – Kate Price

RECOMMENDATION: Remains as per the September report recommendation –Delegate to the Head of DM to conditionally Approve subject to satisfactory completed S106 legal agreement

The Solicitor explained the application was brought back to Committee due to an error at the previous committee meeting. When previously asked if there were any other windows serving the two rooms which had windows on the western ground floor elevation of number 9 Ford Street, the answer was yes, however this was incorrect, there are not. The report was brought back to consider with the new material information and whether it would change the opinion of the Committee.

During debate Members raised the following points:

- Concerns for right to light to number 9 Ford Street
- Concerns a party wall is being created, however the Head of Development Management confirmed that it is a party wall as it was the wall between numbers 9 and 10. The fact that number 10 has been demolished did not stop it being a party wall. Any works done to the wall is subject to the Party Wall Act 1996.

- The Head of Development Management explained that the owner of what was number 10 could without planning permission build a 2 metre high wall on the boundary, or park a vehicle, and block the windows completely.

Committee Decision: Refused – Detrimental impact on the amenity of the occupiers of number 9 Ford Street, due to the loss of light to the windows serving the wet room and dining room. It is contrary to Policy Dev 1 of the Joint Local Plan.

(d) Application No. 3581/21/VPO Ward: Okehampton North

Site Address: Parcels 3, 4a and 4b, land Crediton Road, Okehampton

Development: Application for modification of Section 106 agreement on 2731/15/OPA

Speakers included:

Supporter: Mr David Matthews

RECOMMENDATION: Agree variation as proposed

Members raised the following points during debate:

- Concerns on delivery of affordable housing being left until the end of the development and being built in one area.
- Concerns of properties being sold off at a later date.
- Under delivering on affordable housing
- Wording to be a maximum of 80% with final figure to be agreed with the Head of Planning.

The Solicitor suggested that the Committee might want to consider if it was in agreement firstly with the variation to remove the trigger prohibiting the commencement of Parcel 4a before 85% of the dwellings on parcel 4a are occupied. Secondly to ensure the level of open market properties occupied on Parcel 4a is restricted until affordable housing is provided on Parcel 4b and what trigger points members were comfortable with.

Committee Decision

Variation of the completed S106 agreement which accompanies approval 2731/15/OPA in order to remove the obligations which require 85% of the Open Market Units in Phase 3 to have been completed prior to the commencement of development on Phase 4a and insert provisions prohibiting a proportion of the market units on

Parcel 4a being occupied until 100% of the Affordable Houses on parcel 4b have been transferred to the registered provider. The proportion shall be negotiated and the proportion of market units that can be occupied on parcel 4a shall not exceed 80%.

(e) Application No. 1391/21/ARM Ward: Okehampton North

**Site Address: Parcel 4a, West of Crediton Road, Okehampton
Development: READVERTISEMENT (Revised plans received)**

Speakers included:

Supporter: Mr David Matthews

RECOMMENDATION: Delegation to Head of Development Management to Grant conditional consent subject to the completion of the associated Deed of Variation (providing no new material considerations are raised prior to the current consultation end date of 30th September).

Conditions/Reasons for refusal (list not in full)

1. Time limit for RM reflecting outline time limit
2. Adherence to plans (including Landscaping plan and planting strategy)
3. rear garden gates locking mechanism
4. noise mitigation compliance
5. removal of PD/lighting/windows re biodiversity
6. EVCP prior to plot occupation
7. Trigger for pedestrian access to Parcel 3 prior to first occupation
8. distribution of resident biodiversity pack on occupation
9. adherence to ecological mitigation measures

Members raised the following points

- Visibility at the crossing point
- Concerns over speed limits . The Highways Officer confirmed that the speed limit had been brought down to 40mph and cannot be brought down to 30mph as it did not meet the criteria for 30mph.
- Concerns of possible disposal of grass cuttings from gardens into neighbouring field. The Planning Officer confirmed the area next to the field was enclosed and was in the ownership of the management company.
- Percentage of houses with solar panels.
- Electric car charging points.
- Concerns over speed limits. The Highways Officer confirmed that a Traffic Regulation Order has been applied for to reduce the speed limit down to 40mph but cannot be brought down to 30mph as it did not meet the County Council criteria for 30mph.

COMMITTEE DECISION: Delegated to Head of Development Management to Grant Conditional Consent subject to the completion of the associated Deed of Variation.

21. **Planning Appeals Update**

*DM&L.21

The Head of Development Management updated the Members on the decided planning appeals.

22. **Update on Undetermined Major Applications**

*DM&L.22

The Head of Development Management updated the Members on each of the undetermined Major applications.

The Meeting concluded at 3.30 pm

Signed by:

Chairman
