

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, 27th February, 2024** at **10.00 am** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Cheadle
Vice Chairman Cllr Southcott

Cllr Cunningham
Cllr Jory
Cllr Mott

Cllr Ewings (as Substitute)
Cllr Moody
Cllr Wakeham

In attendance:

Officers:
Principal Highways Development Management Officer
Assistant Director - Planning
Head of Development Management
Principal Planning Officer
Senior Democratic Services Support Officer
Senior Planning Officer

43. **Apologies for Absence**

***DM&L.43**

Apologies were received from Cllr T Leech, Cllr S Guthrie and U Mann. It was noted that Cllr M Ewings substituted for Cllr U Mann

44. **Declarations of Interest**

***DM&L.44**

There were no declarations of interests.

45. **Items Requiring Urgent Attention**

***DM&L.45**

There was no urgent business brought forward to this meeting

46. **Confirmation of Minutes**

***DM&L.46**

The Minutes from the Development Management and Licencing Committee meeting held on 12 December 2023 were agreed as a true and correct record. The minutes from the Licencing Sub Committee meeting held on 6 February 2024 were agreed as a true and correct record.

47. **Planning Applications**

***DM&L.47**

The Committee proceeded to consider the reports and presentations that had been prepared by the relevant Planning Officer on the following applications and also considered the comments of the Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No. 2215/22/FUL Ward: Bere Ferrers

Site Address: Land North of B3257, Bere Alston, Yelverton

Development: Readvertisement (revised plans & documents)

Erection of community convenience retail store (Co-op) access, vehicle parking & landscaping.

The Principal Planning Officer gave a presentation to the Members. He had clarification that the proposed opening times were 7am to 10pm, not 6am to 11pm as stated in the report.

An amended lighting plan had been supplied showing the impact of hedging to the site boundaries. This indicated that light would not spill into Highfield's garden and impact upon residential amenity in this way.

The reason for refusal was thus amended to delete the reference to light impact.

He referred to SPT6(3) in the Joint local Plan (JLP) which sets out that: For the Thriving Towns and Villages Policy Area:

- i. The town centres of the Main Towns – primarily main food/convenience shopping and other retail and services as appropriate to the role of the centre.
- ii. Retail and community centres of the smaller towns and larger villages – primarily to top-up food shopping and local services

Reference was also made to DEV16(3) which sets out that any proposal which would have a significant adverse impact on the vitality and viability of an existing centre would not be permitted.

Policy Dev16 (in the JLP) states that any development outside the settlement area that has a significant adverse impact on the

investment and vitality on and investment in an existing centre would not be acceptable.

Any permission granted would be for a convenience store and not specific to a Co-op store.

The council's retail consultant stated that no evidence has been shown that there is sufficient local expenditure to support both a larger Co-op store and the remaining stores in the centre.

The proposed store was significantly smaller than those in the nearby town of Tavistock and that questioned whether shoppers would change their shopping patterns and no longer rely on shopping outside the catchment should the application be approved.

Recommendation: Refusal

Key issues for Committee consideration:

Principle of development/sustainability, Retail considerations: sequential test and retail impact, impact upon natural environment, highways/access, sustainable location, neighbour amenity, impact upon historic environment, land contamination, biodiversity, drainage, low carbon development, crime and anti-social behaviour

The Principal Planner said in his view the edge of the settlement boundary would be the houses to the west of the proposed site.

A Member questioned if policy SPT1 and SPT2 could be met on this application by virtue of business growth and enabling a sustainable local community with a mix of local services along with a vibrant mixed-use centre. The Principal Planner responded by stating his concern was on the overall impact of the proposal on the centre of the village and the more specific retail shops in the centre such as the butchers.

Another Member commented that development was taking place in Bere Alston primarily for younger people and the allocated sites on the opposite side on the B3257 and they could walk to the store or call in on their way to work and asked if the bus route was altered would it make it a more viable site.

The Planning Officer indicated that the site was further away from the houses on the western side of the village and the concerns of the retail consultant was that the site on the eastern edge of the village would draw trade from the centre of the village, to the centres' detriment and potentially increase car use.

The Head of Development Management pointed out that although the two residential development sites mentioned were allocated in the Neighbourhood Plan they had yet to be approved.

Therefore, Members needed to focus of the application before them.

The Principal Planner stated if Members were minded to grant Permission, then delivery times and opening times could be conditioned.

Speakers included the agent, Parish Councillor and Ward Member

The applicant stated that he had lived in the area and was passionate about what was best for the village. The proposal would significantly reduce the need to travel to the nearest store located in Tavistock and would enhance the sustainability of Bere Alston. The current Co-op store was not fit for purpose and delivery lorries block the main street. The proposed site immediately abuts the current settlement boundary and cannot be seen from anywhere without seeing the existing adjacent buildings. He stated the Council's retail consultant based in Glamorgan had clearly not been to Bere Alston.

In response to a question from the committee he stated staff would catch the bus or walk to work at the proposed site. He commented on the poor disabled access at the current store in the village.

The Parish Councillor stated the proposal was well supported when it was presented at the Parish Council meeting. He said there was a regular bus service currently passing the site and that Stagecoach had confirmed that buses could drive into the site. He said the proposal from Devon Highways to move the 30 mph speed limit to Quarry Corner was welcomed. He voiced concern for the visibility of the pedestrian crossing, especially at night.

The Principal Planning Officer in reply to a Member questions confirmed the retail study for the council was a desk top study.

The Ward Member said the proposal would give people job opportunities. It is a growing village and adequate services need to be in place. She stated an average family would save an average of £5.64 per week with not travelling to Tavistock to do their weekly shop. It would ease congestion and promote walking. The new bus stop that would be put in would help people visiting family and friends at the other end of the village. A hand delivered survey of the village revealed 66% wanted the new Co-op.

In debate a Member commented that Highways would look for a sum of £5k for investigation of the moving of the speed limit further out along the B3257, however this was subject to the approval of the County Councils democratic process. Therefore, there was no guarantee should the application be approved, that the speed limit would be moved.

The Principal Planning Officer stated the current footway was in line with guidance for the current speed limit.

The Highways Officer said should the 30mph speed limit be extended it would come with street lighting along the road.

However, the store would have overspill of lighting should the speed limit not be moved.

A member said they were balancing policy whilst being mindful that the Bere peninsula was an isolated area.

Another Member said that when voting the committee needed to reflect on how there could be potential damage to the core of the village if the life of the village is drawn away.

The Head of Planning reminded the Committee it was a balanced decision that wouldn't be easy and to bear in mind the JLP policies that were relevant. If smaller shops in the village were to close because of the creation of a store on the proposed site then that would be contrary to planning policies.

After the debate, Members were asked to vote on the Planning Officer's recommendation.

The vote went against the recommendation of refusal and the Head of Planning asked the Committee to make another proposal. A Member made the recommendation to approve the application subject to a suitable LVIA Assessment.

The Head of Planning stated that an LVIA had already been submitted, which was why there was a reason for refusal based on the impact of the development proposal on the National Landscape (Tamar Valley AONB)

The Head of Planning made a recommendation to the Committee that they defer the decision as there would need to be consideration of a S106 agreement which could look to secure obligations on the use and goods in relation to the proposed store and to secure restrictions on the use of the existing store within the centre of the village. In addition, the conditions needed further consideration and discussion with the applicant. There may be more carbon reductions measures that could be put forward.

A Member asked that consideration was also given to the National Landscape and to the lighting. Another Member suggested native, semi-mature specimens for landscaping.

The Assistant Director for Planning suggested that the application is brought back to Committee as a refusal but with measures in place that were appropriate should the application be approved.

**Committee Decision: Deferred–
the application to be brought back to
committee as a refusal but with
conditions in place should the Committee
wish to approve.**

**(b) Application No. 3349/23/FUL Ward : Bere Ferrers
Site Address: Five Acres, Woolacombe Road, Bere Alston**

**Development: Demolition of two agricultural outbuildings
& erection of new dwelling**

Recommendation: Refusal

Key issues: Location, principle of development, housing need, design, scale and massing, drainage, highways, biodiversity, low carbon

The Senior Planning Officer gave a presentation to the Committee. The poor pedestrian connectivity to the village centre was seen as an issue. As was the current over provision of 3-bedroom property in Bere Alston.

The applicant had not submitted enough evidence to comply with planning policy DEV32 with regard to low carbon.

A Member asked why an application with insufficient detail was brought to Committee. The Senior Planner responded by saying it is difficult to invalidate an application if the applicant has submitted the required information. It could be seen as partly determining the application at the validation stage. As the application was being recommended for refusal for other reasons, it would not have been fair to the applicant to seek further information on carbon measures, when the outcome would have been a recommendation for refusal.

The application was called in by a Ward Member for issues of scale and siting. The application did go through pre application planning advice and unfortunately the applicant was misdirected to apply a policy that wasn't relevant to this application.

Speakers included the agent, Parish Councillor and Ward Member

The agent stated that the applicants lived on the site in a two-bedroomed bungalow with their father and two children. In pre-application it was stated that it may be plausible to propose a modest single dwelling in or part of the same footprint as the existing agricultural buildings and to use the existing access onto the road. One of the reasons for refusal was that the site was not well connected to the village, although in the Neighbourhood Plan the proposed site was adjacent to and opposite two allocated sites at Woolacombe Road providing for a proposed 20 and 30 dwellings.

The Parish Councillor outlined the proposed development sites in the Neighbourhood Plan on a slide so that the Committee could see how close they were to the application site. He stated that Woolacombe Road was one of the quietest roads in the village. He stated that recently there were 60 applications for the two 3-bedroom properties advertised in the village, which outlined the need for 3-bedroom properties.

The Ward Member stated the application would be for an infill between two bungalows. It would be on a brown field site.

The Senior Planning Officer stated the proposal was for an independent 3-bedroom open market dwelling. When considering policy DEV8 the Senior Planner Officer stated smaller properties are required.

Committee Decision: Refusal

48. **Planning Appeals Update**

***DM&L.48**

The Head of Planning took Members through the appeal on Collaven Manor, Sourton for an oak framed gym and annex outbuilding within the setting of a Listed Building. It was refused for being a harm on the setting of a Listed Building. The appeal was dismissed.

A householder application for the Old Rectory at Bratton Clovelly for a garage and loft to a 2-storey assisted dwelling went to appeal due to non-determination. The Officer wrote a report which recommended refusal. The appeal was dismissed. The Old Mill site, Okehampton, had an application to demolish some derelict buildings on the site. The chimney is listed and the buildings were within the curtilage of the listed chimney. Within the application the buildings were described as A,B,C & D. The inspector concluded a spilt decision. The Inspector allowed for demolition of building D but not for buildings A,B & C. He felt that building D was in a bad structural state.

49. **Update on Undetermined Major Applications**

***DM&L.49**

The Chairman stated that the application on Hazledon was due to come to that Committee meeting, however the applicant wanted to provide more information so asked for more time.

The Meeting concluded at 12.50 pm

Signed by:

Chairman
