

# West Devon Planning & Licensing Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>								
<b>Date:</b>	<b>Tuesday, 29th March, 2016</b>								
<b>Time:</b>	<b>10.00 am</b>								
<b>Venue:</b>	<b>Chamber - Kilworthy Park</b>								
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Sellis</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr M J R Benson</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Baldwin</td> <td>Moyse</td> </tr> <tr> <td>Cann</td> <td>Parker</td> </tr> <tr> <td>Cllr J Hockridge</td> <td>Pearce</td> </tr> <tr> <td>Mott</td> <td>Roberts</td> </tr> </table>	Baldwin	Moyse	Cann	Parker	Cllr J Hockridge	Pearce	Mott	Roberts
Baldwin	Moyse								
Cann	Parker								
Cllr J Hockridge	Pearce								
Mott	Roberts								
<b>Substitutes:</b>	Councillors:								
<b>Interests – Declaration and Restriction on Participation:</b>	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.								
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk								

**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**

**1 - 6**

Meeting held on 1 March 2016

**5. Planning Applications and Enforcement Reports**

**(a) 00583/2015 - HOLLY BERRY, THORNDON CROSS, OKEHAMPTON**

**7 - 14**

Erection of kennel building and cattery buildings

**6. Planning Scheme of Delegation**

Report to follow

**7. Planning Appeals Update**

**15 - 16**

**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.

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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 **1<sup>st</sup>** 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

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**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

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**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 away 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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**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

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**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

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**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

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**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

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**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

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**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

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