

WEST DEVON PLANNING & LICENSING COMMITTEE



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Planning & Licensing Committee** held on **Tuesday, 26th July, 2016 at 10.00 am** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Sanders
Vice Chairman Cllr Parker

Cllr Baldwin
Cllr Cann OBE
Cllr Mott
Cllr Pearce

Cllr Benson
Cllr Hockridge
Cllr Moyse
Cllr Yelland

In attendance:

Councillors:

Cllr Leech
Cllr Sellis

Cllr Sampson

Officers:

Sophie Hosking
Steve Mullineaux
Sue Nightingale

Executive Director
Group Manager Support Services
Solicitor

7. **Apologies for absence**

***P&L 07**

Apologies were received from Cllr A Roberts for whom Cllr J Yelland acted as substitute.

8. **Declarations of Interest**

***P&L 08**

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

Cllr J Yelland declared a personal interest in application 0436/16/COU: change of use from private garage (C3) to furniture shop (A1) – Kingswood, Castle Road, Okehampton, by virtue of being the local Ward Member who called the application to Committee and a Member of Okehampton Town Council. She remained in the meeting and took part in the debate and vote;

Cllr T G Pearce 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.

In accordance with the Committee Procedure Rules, Cllrs R E Baldwin and G Parker both advised that, since they were not in attendance at the last Committee meeting held on 28 June 2016, they would potentially take part in the debates on those applications that had been deferred to a site inspection at that meeting. However, both Members confirmed that they would abstain from the vote on each of these applications.

9. **Items Requiring Urgent Attention**

***P&L 09**

With the agreement of the Chairman, a Member wished to highlight that a Horse Drawn Carriage was currently operating in the Burrator area without a licence.

In reply, the Chairman urged the concerned Member to make Enforcement Officers aware that this was occurring.

10. **Confirmation of Minutes**

***P&L 10**

The Minutes of the Planning and Licensing Committee Meeting held on 28 June 2016 were confirmed and signed by the Chairman as a correct record.

11. **Planning Applications & Enforcement Reports**

***P&L 11**

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: 0958/16/FUL Ward: Buckland
Monachorum

**Site Address: Land West of Seaton Way, Crapstone,
Yelverton
PL20 7UZ**

Development of an 80kW solar photovoltaic installation, comprising of 307 solar photovoltaic panels with a rating of 260W each. Panels to be arranged in 7 rows of 22.24 metres long, with the top of the panels having a height of 2.46 metres above ground level. There will be a spacing of 9 metres between the rows and a deer fence enclosing the panels.

Speakers included: local Ward Member – Cllr R Cheadle (a brief statement read out on his behalf)

RECOMMENDATION: Conditional Approval

By way of an update following the site inspection, the Specialist (MJ) advised Members that a revised site location plan had been received and was presented to the Committee. Secondly, it was confirmed that the height of the fence would be no higher than two metres, which was considered satisfactory since the fence would not be immediately adjacent to solar panels.

In the ensuing debate, some Members expressed their support for the proposals, with reference being made to the fact that there were no windows overlooking the site.

COMMITTEE DECISION: Conditional Approval

(b) Application No: 0436/16/COU Ward: Okehampton
South

**Site Address: Kingswood, Castle Road, Okehampton
EX20 1HX**

(A1) Change of use from private garage (C3) to furniture shop

Speakers included: local Ward Member – Cllr Yelland

The Specialist (MJ) updated the Committee by advising that, since the site inspection, he had received comments back

from Strategic Planning colleagues confirming that the site was 'out of the town centre' and not on the 'edge of the town centre'. MJ also confirmed that, whilst there were units currently available for A1 usage within Okehampton town centre, these were not deemed to be suitable by the applicants for their business needs.

The Highways Authority Representative (PT) informed that he was particularly familiar with this site and was of the view that, whilst there may be moments of inconvenience on the highway, these would not be so significant to be deemed as resulting in having a severe impact. In reaching a balanced judgement, PT had concluded that he did not feel that there was a sustainable reason to raise an objection to these proposals on highways grounds.

In discussion, the following points were raised:-

- (a) PT confirmed that the impact on the local residential home and visitors to the Castle had been taken fully into consideration when making his highways recommendations;
- (b) In light of the comments of the participating local ward Member, it was agreed that the below sentence should be deleted from the case officer report and it therefore should not be taken into account by the Committee when determining this application:

"Furthermore, the applicant lives next door which means that the entire parking area in front of these two properties and a car port are all available to serve the two dwellings and the shop. Overall, this larger parking area is considered to allow the off street parking for a car for each property and a space for the shop."

- (c) Whilst wishing to support a local business, some Members did express their concerns in respect of the highways issue. As a consequence, a Member queried the appropriateness of initially granting a temporary (twelve month) approval before it was then reviewed again for a permanent decision. In reply, the Solicitor advised against this course of action and considered that it would be unfair on the applicants.

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval (NB. by
virtue of a Chairman's Casting
Vote)

(c) Application No: 1008/16/VAR Ward: Okehampton North

Site Address: Land off Crediton Road, Hillside Drive, Okehampton, EX20 1UN

Variation of condition 2 (Approved Plans) of planning consent 01324/2014 to allow for a minor amendment

Speakers included: Objector – Mrs M Marshall and local Ward Member – Cllr Leech

The Specialist (TF) provided an update to the Committee following the site inspection. In so doing, he advised that amended plans had now been received and he emphasised that the application was only considering the proposal to raise up Plot 3. In addition, TF was of the view that the (already constructed) retaining walls were relatively minor and, in their own right, would not necessitate planning permission. Furthermore, a proposed condition had been included whereby there should be no removal of the Devon hedgebank on the southern boundary. However, if the hedgebank had already been damaged, then this would be a matter to be investigated by enforcement colleagues.

In the subsequent debate, reference was made to:-

- (i) the impact on overlooking. Some concerns were noted whereby an increase in dwelling height of 0.7 metres would result in higher window heights that would then have a knock-on effect in respect of overlooking from neighbouring properties;
- (ii) the long running planning history on this site. When considering that this was a contentious application when it was initially approved, some Members expressed their deep frustrations that this amendment was now being presented to the Committee;
- (iii) a proposal to defer the application. In light of the unresolved on-site enforcement issues and the Landscape Officer still having to consider the matter of the hedgebank, a motion was **PROPOSED** and **SECONDED** to defer the application. In speaking against this motion, other Members were of the view that the enforcement issues should be considered in isolation and the risk of non-determination was also highlighted. When put to the vote, the motion was declared **LOST**.

RECOMMENDATION: Conditional Approval delegated to the COP Lead Development Management, in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee, subject to deed of variation of the Section 106 Agreement.

COMMITTEE DECISION: Conditional Approval delegated to the COP Lead Development Management, in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee, subject to deed of variation of the Section 106 Agreement.

In recognition of the considerable enforcement related concerns that had been raised during the debate on this application, the Chairman asked that officers follow up on these concerns outside of the meeting and keep Committee Members updated accordingly.

As a further request following the site inspection, a Member also made a formal request whereby better signage be erected on major new development sites.

12. **Planning Appeals Update**

***P&L 12**

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

The Chairman informed that officers had agreed that the enforcement appeals would be more clearly designated in future update reports.

As a general point, the Committee wished to put on record its gratitude for the number of appeals that were being dismissed and welcomed the fact that the Planning Inspector was in agreement with the Council in most instances.

13. **Affordable Housing Obligation**

***P&L 13**

A report was presented that sought (following a Court of Appeal decision) to complete the previously agreed Section 106 Agreements without affordable housing or affordable housing contributions, in line with re-imposed Government guidance.

It was then **RESOLVED:**

1. That Section 106 Agreements on small scale residential development (as defined at the recent Special Council meeting held on 28 June 2016 (Minute CM 21a ii refers) previously considered by the Planning and Licensing Committee be completed without the

requirement for affordable housing or an affordable housing contribution; and

2. That, in cases where the Section 106 Agreement for a small scale residential development only related to the provision of affordable housing or a financial contribution to affordable housing, the applications be approved without the need for a Section 106 Agreement.

14. **Planning Peer Challenge Action Plan 2016/17**

P&L 14

The Committee was presented with a report that outlined the Action Plan that had been developed to implement the recommendations contained within the report arising from the Planning Improvement Peer Challenge visit conducted between 18 and 20 April 2016.

In discussion, the following points were raised:

- (a) A Member was of the view that the content of the Peer Challenge report did not reflect the tone of the wash-up presentation given by the team on 20 April 2016. As a consequence, the Member questioned how many amendments had been made by Council officers to the draft report prior to its publication. In response, the Executive Director (SH) informed that the draft report was only checked for points of accuracy and two minor amendments were subsequently made by officers. SH proceeded to give further assurances that nothing substantially had been changed to the draft report that had been received by the team;
- (b) The Committee asked that the Action Plan term 'from cradle to grave' (page 79 of the presented agenda report refers) be amended to read 'from start to finish';
- (c) In welcoming the action to review the Committee site visit protocol, it was noted that the COP Lead Development Management was intending to present a report to a future Committee meeting for further consideration;
- (d) Members also welcomed the specific action relating to engaging with town and parish councils on expectations around support for neighbourhood plans;
- (e) It was **PROPOSED** and **SECONDED** that an additional (two-fold) action should be added to the plan as below:-

'That the Political Structures Working Group be tasked with giving consideration to:

- *changing the name of the Planning and Licensing Committee to the 'Development Management Committee'; and*
- *establishing a separate stand-alone Licensing Committee.*

with the Working Group recommendations being presented to the Council for determination, with any subsequent changes coming into effect from the Annual Council meeting in May 2017.'

When put to the vote, this addition was declared **CARRIED**.

- (f) Members were supportive of the proposal for relevant planning performance indicators to be presented to the Committee and recognised that this would require Council approval of a minor change to the Committee Terms of Reference.

It was then **RESOLVED** that the:

1. content of the Planning Peer Challenge report (as outlined at Appendix 2 of the presented agenda report) be noted;
2. content of the Action Plan 2016/17 being implemented to improve performance within the wider Planning function (as outlined at Appendix 3 of the presented agenda report) be endorsed, subject to inclusion of the amendments highlighted in the minutes above; and
3. Committee receive on a monthly basis key performance data relevant to the Action Plan and the Council be **RECOMMENDED** to update the Committee Terms of Reference to reflect this additional responsibility.

The Meeting concluded at 11.55 am

Signed by:

Chairman
