

# WEST DEVON PLANNING & LICENSING COMMITTEE



West Devon  
Borough  
Council

## Minutes of a meeting of the **West Devon Planning & Licensing Committee** held on **Tuesday, 13th December, 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 Roberts

### **In attendance:**

Councillors:

Cllr Cheadle  
Cllr Sellis

Cllr Leech  
Cllr Yelland

Officers:

Sue Nightingale  
Patrick Whymer

Solicitor  
Lead Specialist DM

### 40. **Declarations of Interest**

#### **\*P&L 40**

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

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.

Cllr P R Sanders declared a personal interest in application 2173/16/FUL: Proposed two storey detached dwelling, demolition of

existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance – Bay Tree House, The Crescent, Crapstone by virtue of knowing the applicants. He remained in the meeting and took part in the debate and abstained from the vote.

Cllr P R Sanders and Cllr R E Baldwin both declared a personal interest in application 2022/16/OPA: Outline application (with some matters reserved) construction of up to 148 dwellings, including affordable and market housing, areas of open space and landscaping, a new vehicular access and associated site infrastructure – Land at 4722 7457 adjacent to New Launceston Road, Tavistock, by virtue of living relatively close to the application site, but neither being close enough to be significantly impacted by the proposal. They both remained in the meeting and took part in the debate and vote thereon.

41. **Confirmation of Minutes**

**\*P&L 41**

The Minutes of the Planning and Licensing Committee Meeting held on 15<sup>th</sup> November 2016 were confirmed and signed by the Chairman as a correct record.

42. **Planning, Listed Building, Tree Preservation Order and Enforcement Reports**

**\*P&L 42**

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: 2173/16/FUL Ward: Buckland Monachorum**

**Site Address: Bay Tree House, The Crescent, Crapstone PL20 7PS**

Proposed two storey detached dwelling, demolition of existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance

Speakers included: Supporter – Dr Watkins

**RECOMMENDATION:** Conditional Approval

Members had a detailed debate on this application and the original recommendation of Conditional Approval was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**.

Prior to voting on refusal of the application,, Members also debated whether their reasons should apply to the new plot, or both plots that would result from the proposal. An amendment to the recommendation to amend the word 'plots' to 'plot' was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**. As a result, the recommendation as shown below was **CARRIED**.

**COMMITTEE DECISION:** Refusal

Reasons:

1. By virtue of the cramped nature of the resultant plots, development of the site will be detrimental to the character and integrity of the section of The Crescent within which the site is located and therefore is contrary to Policy H28 (i) and (ii) of the Local Plan; and
2. The new development is incompatible with the character of the neighbouring properties by virtue of design and materials and therefore is contrary to Policy H39 of the Local Plan

**(b) Application No: 1579/16/VAR Ward: Milton Ford**

**Site Address: Lamber Hey, 12 Venn Hill, Milton Abbot, PL19 0NY**

Variation of condition No.2 (Approved Plans) of planning consent 01830/2011 to allow for minor material amendments

Speakers included: Supporter – Mr Mark Evans: Parish Council – Cllr Peter Hough

**RECOMMENDATION:** Conditional Approval

**COMMITTEE DECISION:** Defer for Site Visit

**(c) Application No: 2022/16/OPA Ward: Tavistock North**

**Site Address: Land at SX 4722 7457, adjacent to New Launceston Road, Tavistock**

Outline application (with some matters reserved) construction of up to 148 dwellings, including affordable and market housing, areas of open space and landscaping, a new vehicular access and associated site infrastructure

Speakers included: Objector – Mrs Allen: Supporter – Mr Elliot Jones: Town Council – Cllr Dr Ward: Ward Members – Cllrs J Moody and J Sheldon

**RECOMMENDATION:** Delegate to COP Lead Development Management in consultation with the Chairman of the Planning and Licensing Committee to approve subject to completion of a Section 106 legal agreement and to review with Chairman of the Planning and

Licensing Committee if not completed within three months of this Committee meeting date

During discussion on this application, a number of Members noted concerns in respect of Highways issues within Tavistock. A number of significant applications had already been granted approval and Members were concerned that the existing road infrastructure would not be sufficient for the resulting additional vehicles that would be generated by this major application. The Committee did not propose reasons for refusal on the basis of Highways, and a majority of Members voted in favour of this application.

**COMMITTEE DECISION:** Delegate to COP Lead Development Management in consultation with the Chairman of the Planning and Licensing Committee to approve subject to completion of a Section 106 legal agreement and to review with Chairman of the Planning and Licensing Committee if not completed within three months of this Committee meeting date

43. **Planning Appeals Update**

**\*P&L 43**

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

44. **Planning Performance Indicators**

**\*P&L 44**

The COP Lead Development Management presented the Performance Indicators and outlined the key information for Members consideration. He confirmed that the Appeals information was not presented correctly and this would be rectified the following month.

45. **Proposed changes to the Constitution in respect of Planning and Licensing Committee**

**P&L 45**

Consideration was given to a report that set out the recommendations of the Political Structures Working Group which had met following a request from the Planning and Licensing Committee at its meeting on 26 July 2016 (Minute P&L14 refers). The recommendations suggested changes to the current Constitution in the way that the Planning and Licensing Committee functioned.

It was then **RESOLVED:**

That Council be **RECOMMENDED** that the West Devon Borough Council Constitution be amended as set out below to reflect the recommendations of the Political Structures Working Group, and to take effect from the Annual Council meeting in May 2017:

1. That West Devon Borough Council continue to have a Planning and Licensing Committee of ten members who will determine both planning and licensing applications;
2. That the Constitution be amended to allow for a sub-committee of five Members (drawn from the ten appointed Planning and Licensing Committee Members) to be convened to determine taxi driver licence applications and other miscellaneous licences, in addition to the current existing sub-committee of three Members that was convened to determine alcohol and gambling licences; and
3. That the Planning and Licensing Committee be renamed with effect from the Annual Council meeting in May 2017, to the 'Development Management and Licensing Committee'.

46. **Review of the Site Inspection Protocol**

**P&L 46**

Consideration was given to a report that recommended to Council that the current site inspection protocol be amended as set out in presented Appendix A.

It was then **RESOLVED**:

That Council be **RECOMMENDED** to adopt the revised Site Inspection Protocol as presented at Appendix A to these minutes; and Authority to make minor amendments be delegated to the COP Lead Development Management, in consultation with the Chairman and Vice Chairman of Planning and Licensing Committee.

The Meeting concluded at 1.35 pm

**Signed by:**

**Chairman**

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**Purpose:**

The purpose of site visits is to enable Members to view particular aspects of an application in context. No decision is reached on site and there is no debate as to outcome at the site meeting.

**Attendees:**

In addition to the Council's officers and advisors (eg. County Highways), those who are entitled to attend and take part and who make up the Site Inspection Panel are:

- a. All Planning and Licensing Committee Members, including nominated substitutes for the Committee meeting, and
- b. The WDBC Member(s) representing the Ward in which the site is located
- c. A representative of the relevant Parish/Town Council

The Panel are able to ask questions of clarity but should not discuss or debate the application.

**The applicant/agent will be informed of the site inspection arrangements including this protocol. They may attend the site meeting but not participate, however, they will be expected to 'peg out' the proposed development, to include a demonstration of height where appropriate**

**At the discretion of the Chairman, the applicant or agent may be allowed to answer questions of clarity.** Specific requests to view the proposal from a particular place (e.g. objector's home) may be accommodated at the Chairman's discretion.

**Procedure on Site:**

1. The site inspection will be chaired by the Chairman (or in his absence, the Vice Chairman) who will formally open the site inspection with introductions and then invite the Planning Officer to describe the application
2. The Planning Officer then describes the proposal and relevant site specific considerations, and guides the Members to appropriate vantage points which may be within and/or outside the site
3. The Chairman will invite questions from Members to seek clarification but not opinion from the Planning Officer and advisors. At the Chairman's discretion, and in exceptional circumstances, questions may be asked of the applicant/agent or one of the representatives of the Parish/Town Council
4. Any questions that the Case Officer is unable to answer will be listed and a full response given by the Case Officer at the Committee meeting the following week
5. Chairman formally closes the meeting

**To request a site inspection:**

The Scheme of Delegation sets out the circumstances when a Member can call an application to Committee. At that point, if the Member feels a site inspection should take place, the request should be made in writing to COP Lead Development Management giving material planning reasons

At the P&L Briefing meeting held the week prior to the publication of the agenda, which is attended by the Chairman, Vice Chairman, COP Lead Development Management and Senior Case Manager (Strategy & Commissioning), the Chairman and Vice Chairman will discuss with the COP Lead Development Management which applications should be referred for site inspection. The final decision on applications to be referred for site inspection will be delegated to the COP Lead Development Management in consultation with the Chairman and material planning reasons given for his decisions

The site inspection itinerary will be prepared by the Senior Case Manager (Strategy & Commissioning) and circulated one week prior to the site inspections taking place. The itinerary will be included as part of the committee agenda

The site inspection will take place on the Thursday prior to the Committee date, and Members will receive their agenda papers prior to the site inspection taking place





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