

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 27th June, 2017								
Time:	11.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman Cllr Roberts</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Parker</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Yelland</td> </tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Cann OBE	Cllr Parker	Cllr Hockridge	Cllr Pearce	Cllr Mott	Cllr Yelland
Cllr Baldwin	Cllr Moyse								
Cllr Cann OBE	Cllr Parker								
Cllr Hockridge	Cllr Pearce								
Cllr Mott	Cllr Yelland								
Interests – Declaration and Restriction on Participation:	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.								
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185								

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 - 4

Meeting held on 30 May 2017

5. Planning Performance Indicators 5 - 10

6. Planning Applications and Enforcements 11 - 16

0957/17/HHO

Elderberry Cottage, The Parade, Milton Abbot

Householder application for an extension to side of dwelling

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

7. Planning Appeals Update 17 - 20

Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **30th** day of **MAY 2017** at **10.00am**

Present: Cllr P R Sanders – Chairman

Cllr L J G Hockridge	Cllr C Mott
Cllr G Parker	Cllr T G Pearce
Cllr A Roberts	Cllr J Yelland

COP Lead Development Management (PW)
Solicitor (SN)
Specialists Development Management (AHS, JG)
Specialist Democratic Services (KT)
Senior Specialist Affordable Housing (AR)
DCC Highways Officer (PT)
PCC Viability Officer (JM)

In attendance: Cllrs R F Cheadle, M B Davies and T F Leech

***DM&L 01 APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs R E Baldwin, W G Cann OBE and Cllr D E Moyses.

***DM&L 02 DECLARATION OF INTEREST**

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.

***DM&L 03 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 24th April 2017 were confirmed and signed by the Chairman as a correct record.

***DM&L 04 PLANNING PERFORMANCE INDICATORS**

The COP Lead Development Management presented the latest set of Performance Indicators and outlined the key information for Members consideration. In response to comments regarding reduction in income, he asked Members to note that alongside this was an increase in the number of applications received. Members were updated with the latest information in respect of enforcement cases and confirmed that they wanted to continue to see a distinction between the 'backlog' cases and the cases registered since March 2016.

***DM&L 05 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**:

(a) Application No: 4005/16/FUL Ward: Buckland Monachorum

Site Address: Land adjacent to Yelverton Business Park, Crapstone

Three business units, 960sqm Use B1(c) light industrial/ Use B2 general industrial/ Use B8 Storage and Distribution, together with associated access, parking and landscaping

Speakers included: Objector - Mr Michael Wood: Supporter – Mr Phil Greeno: Ward Member – Cllr Cheadle

RECOMMENDATION: Conditional Approval

The Case Officer responded to a number of questions of clarity following his presentation. Members discussed the Joint Local Plan and the Neighbourhood Plan, and the weight that should be given to these emerging documents. During discussion, Members considered the balance between the provision of employment land and the landscape impact. The officer recommendation of Conditional Approval was **PROPOSED, SECONDED** and on being put to the vote, unanimously declared **LOST**. An alternative proposal of Refusal of the application was then **PROPOSED, SECONDED** and on being put to the vote, unanimously declared **CARRIED**.

COMMITTEE DECISION: Refusal

Reasons:

The proposal would result in the development of new buildings, associated parking and access on an unallocated greenfield site, outside the settlement boundary in a sensitive rural environment within the Tamar Valley AONB on the edge of Dartmoor National Park. The location and scale of the development would be detrimental to the natural beauty and quiet enjoyment of the AONB and the Dartmoor National Park contrary to Policies SP5 and SP17 of the adopted West Devon Core Strategy; Policy NE10 of the West Devon development Policies DPD; Policies DEV24 and DVE 27 of the emerging Joint Local Plan; the policies within the emerging Buckland Monachorum Neighbourhood Plan and paragraph 115 of the NPPF.

(b) Application No: 4006/16/FUL Ward: Buckland Monachorum

Site Address: Land adjacent to Yelverton Business Park, Crapstone

Meeting hall (for Plymouth Brethren Christian Church) and associated access parking and landscaping

Speakers included: Objector – Mr Michael Wood: Supporter – Mr John Shephard: Ward Member – Cllr Cheadle

RECOMMENDATION: Conditional Approval

In introducing the application, the case officer advised that following representations received, the wording of Condition 11 should be amended as follows:

The proposed building shall only be used as a place of worship and religious instruction (including limited equipment storage for the Rapid Relief Team and for no other purpose including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

During discussion, Members raised similar concerns to those expressed during the discussion of the previous application, 4005/2016. Members queried whether the application should include a storage use classification. Members appreciated the work of the Rapid Relief Team but had to balance this against why the building had to be on a greenfield site within the AONB.

COMMITTEE DECISION: Refusal

Reasons:

The proposal represents unsustainable development by virtue of its location outside of the settlement boundary and scale which would be detrimental to the Natural Beauty and quiet enjoyment of the Tamar Valley AONB and Dartmoor National Park contrary to Policies SP5 and SP17 of the adopted West Devon Core Strategy; Policy NE10 of the West Devon development Policies DPD; Policies DEV24 and DVE 27 of the emerging Joint Local Plan; the policies within the emerging Buckland Monachorum Neighbourhood Plan and paragraph 115 of the NPPF.

(c) Application No: 4059/16/VAR Ward: Okehampton North

Site Address: Land North of Crediton Road, Okehampton

Variation of conditions 3 (approved plans) and 21 (to allow phase 1 to start from joint school access and provision of roundabout as part of phase 2) following grant of planning consent 01089/2013

Speakers included: Supporter – Mr Robin Upton; Ward Member (on behalf of fellow Ward Members) – Cllr Leech

RECOMMENDATION: Delegate to COP Lead Development Management in consultation with the Chairman of Development Management and Licensing Committee to grant permission subject to completion of s106 agreement which ties this amended decision to the obligations of the original approval

COMMITTEE DECISION: Delegate to COP Lead Development Management in consultation with the Chairman of Development Management and Licensing Committee to grant permission subject to completion of s106 agreement which ties this amended decision to the obligations of the original approval

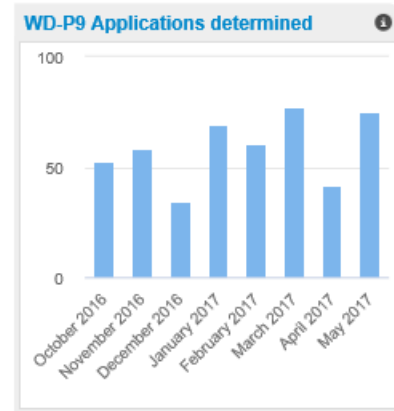
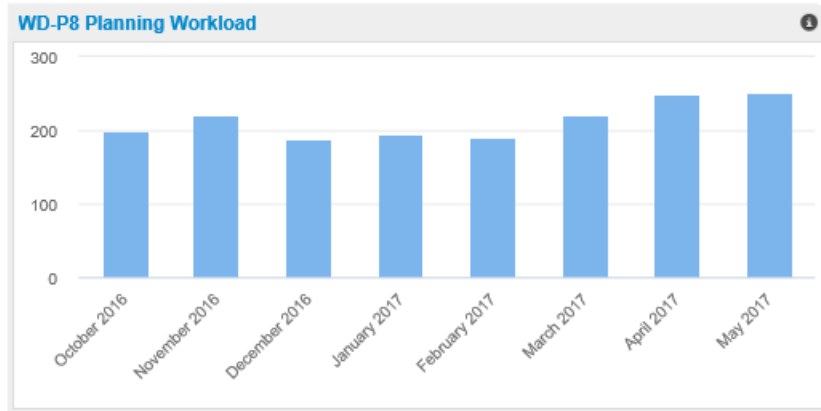
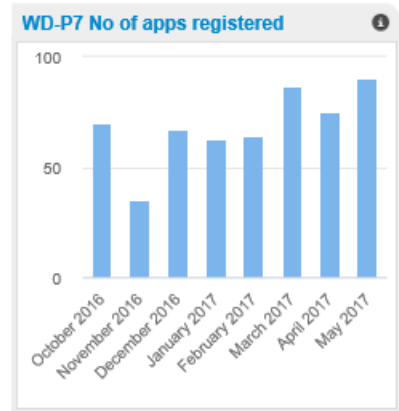
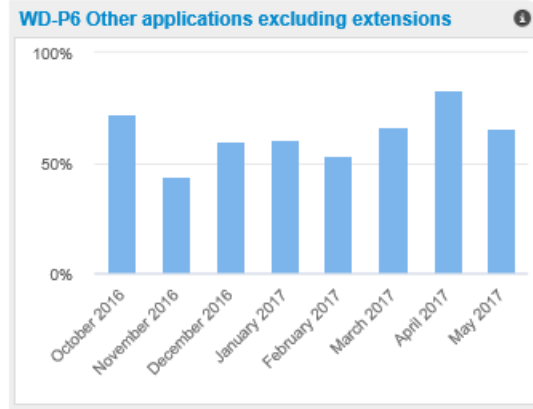
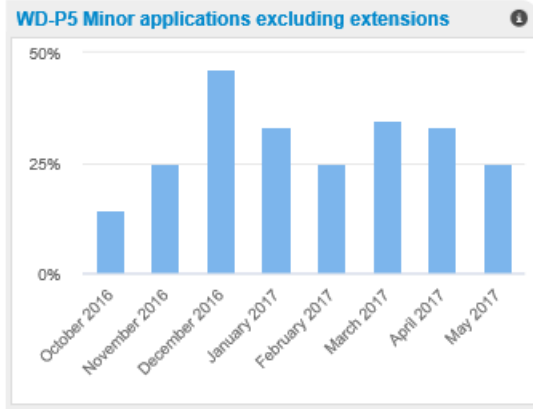
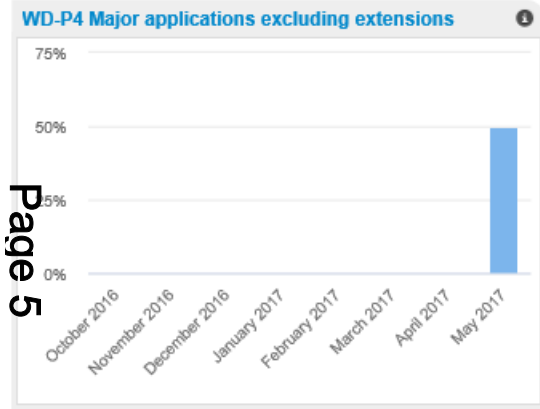
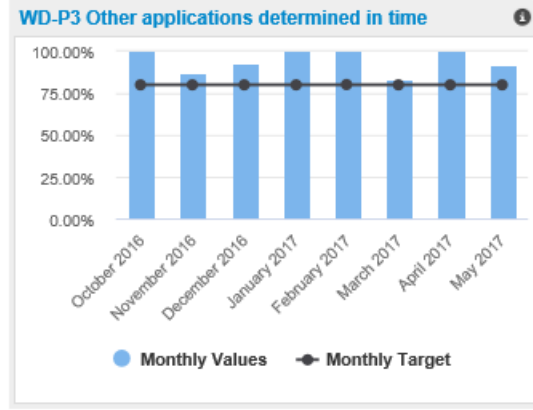
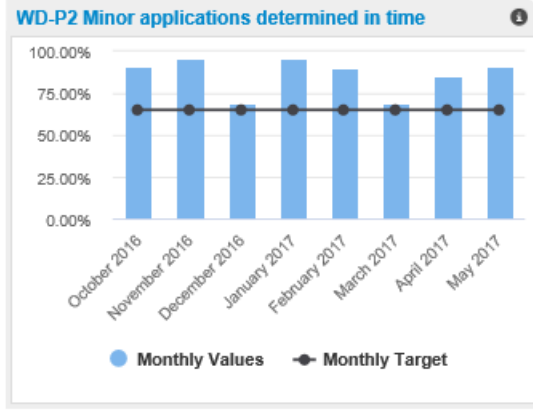
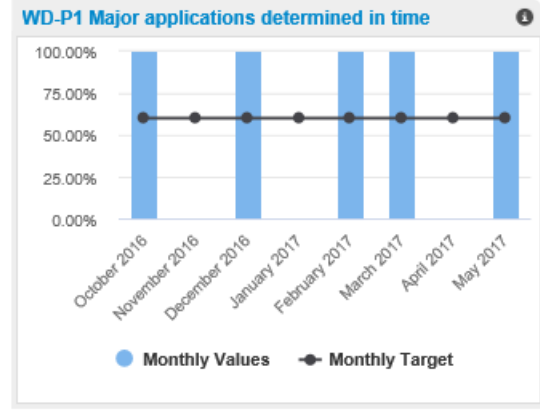
***DM&L 06 PLANNING APPEALS UPDATE**

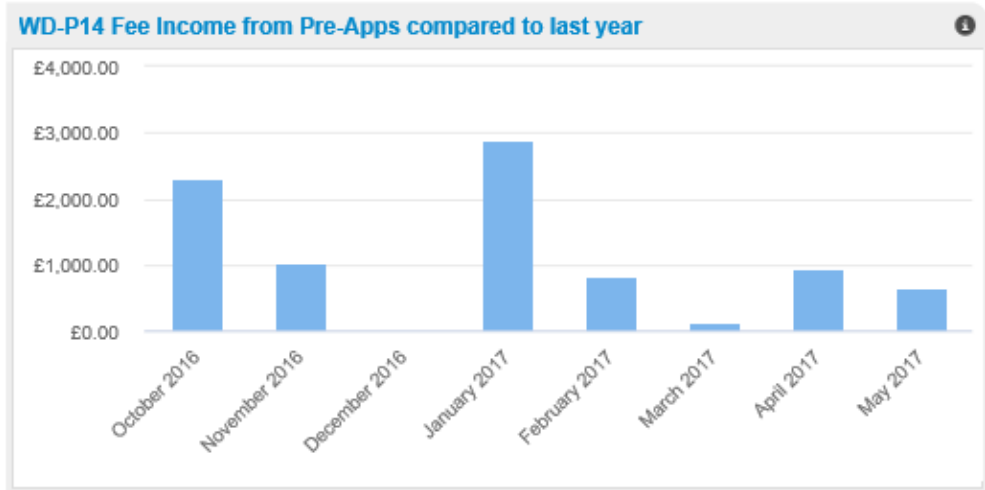
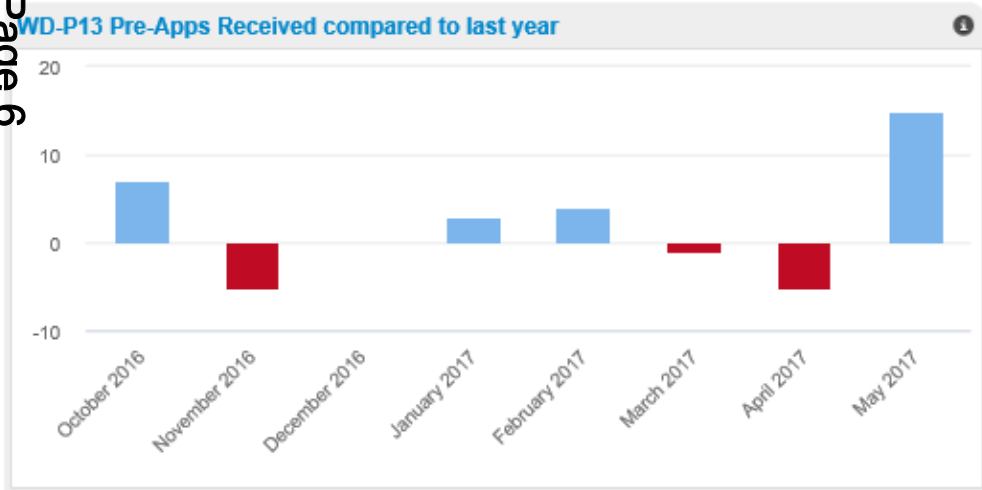
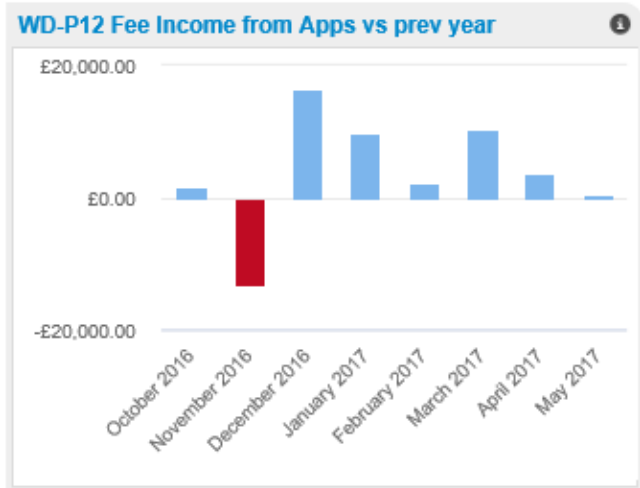
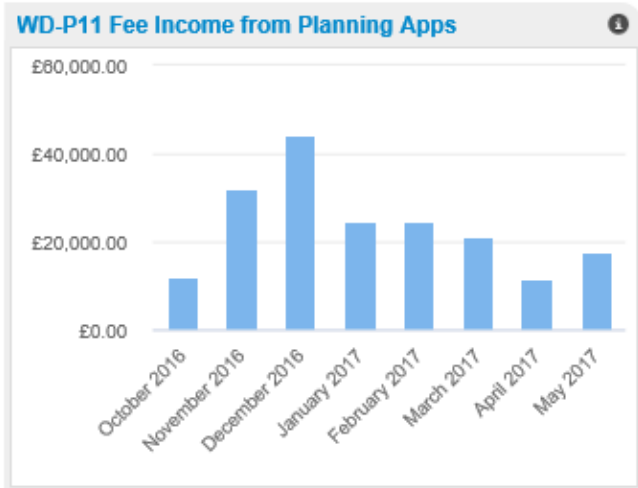
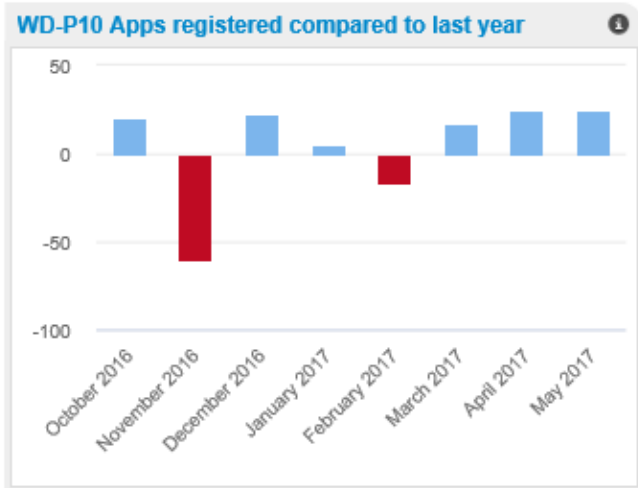
The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

(The Meeting terminated at 1.40 pm)

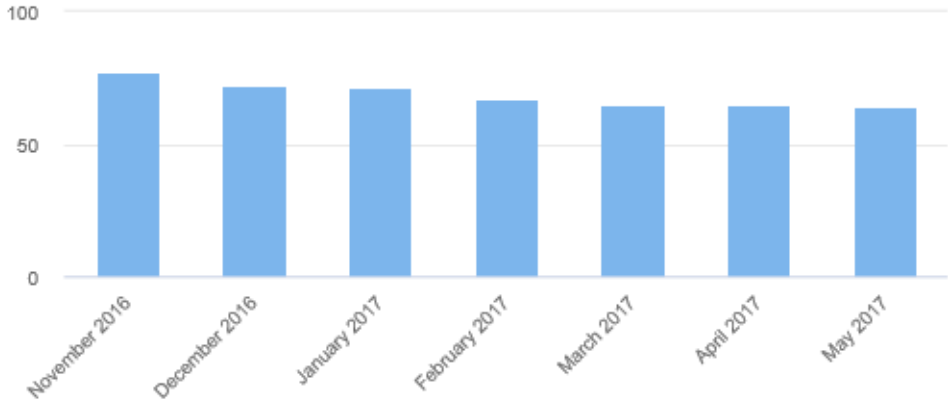
Dated this

Chairman

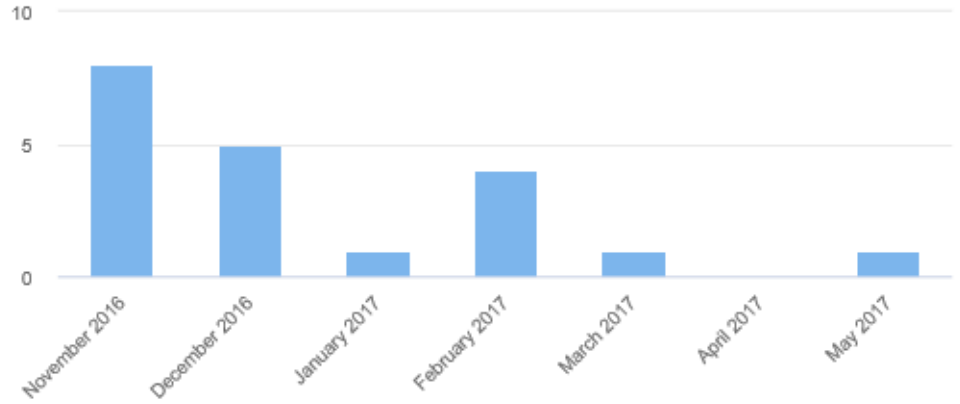




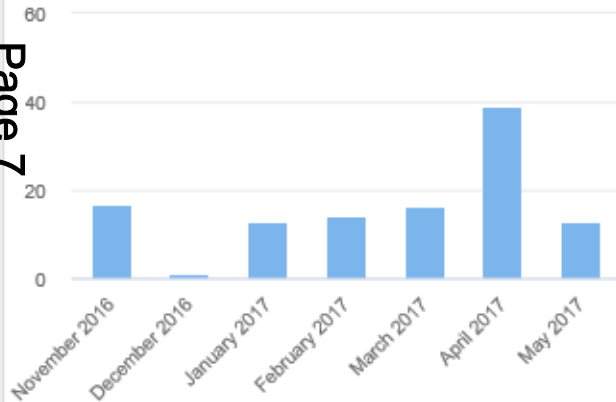
WD-E1 Enforcement Cases Outstanding Backlog



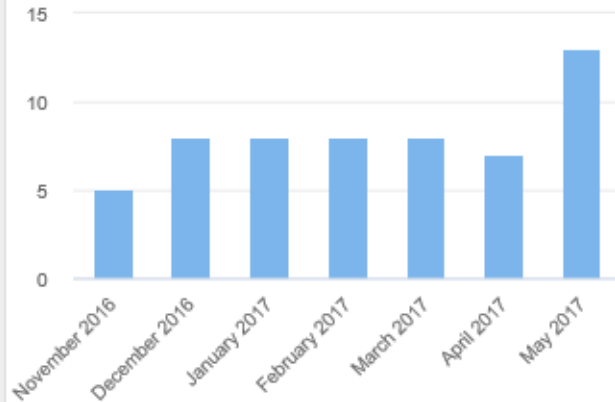
WD-E2 Enforcement Cases Closed Backlog



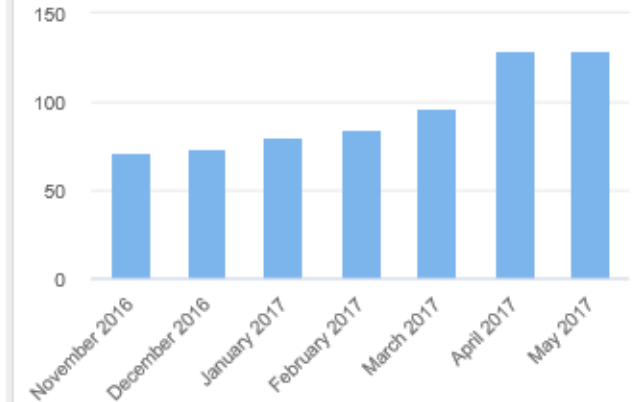
WD-E3 Enf Cases Received (since March 2016)

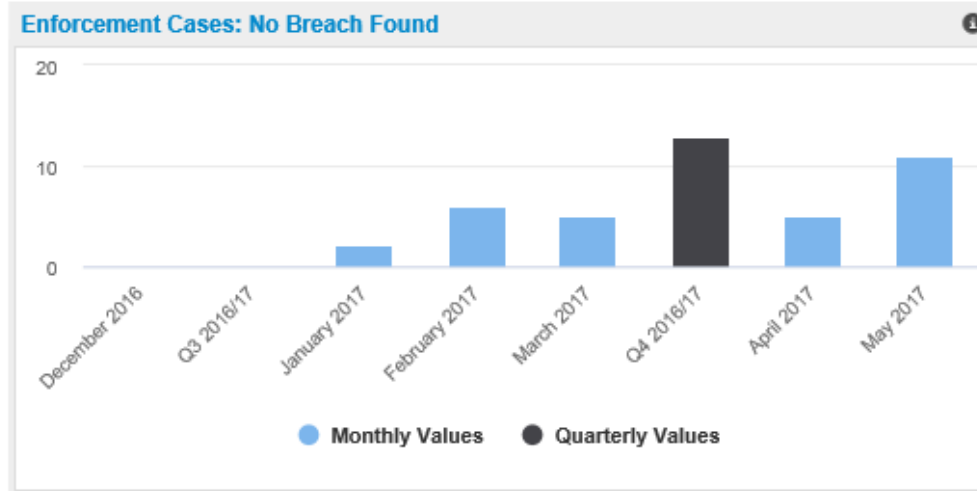
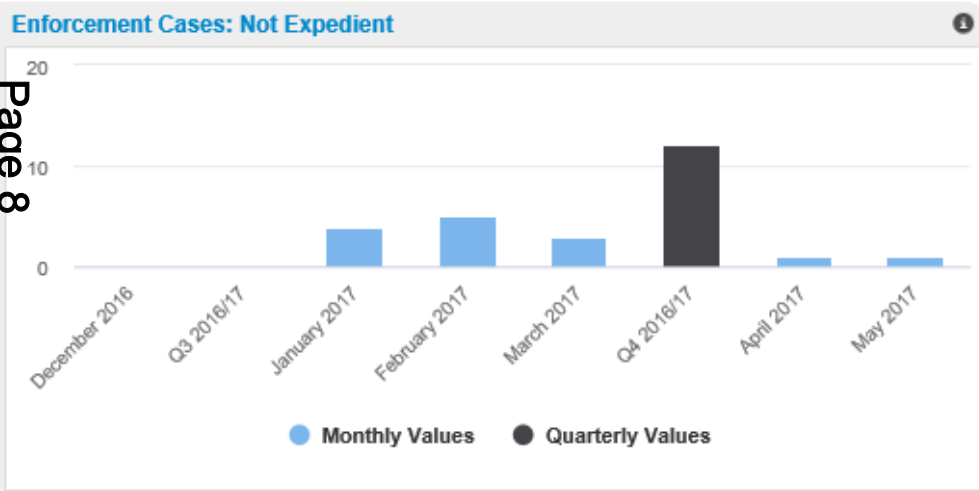
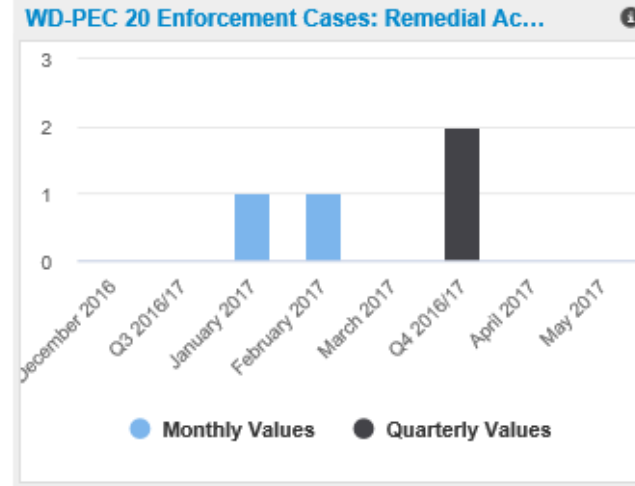
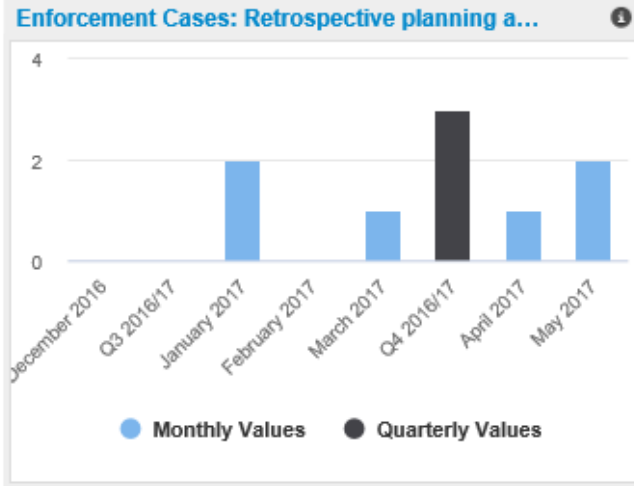
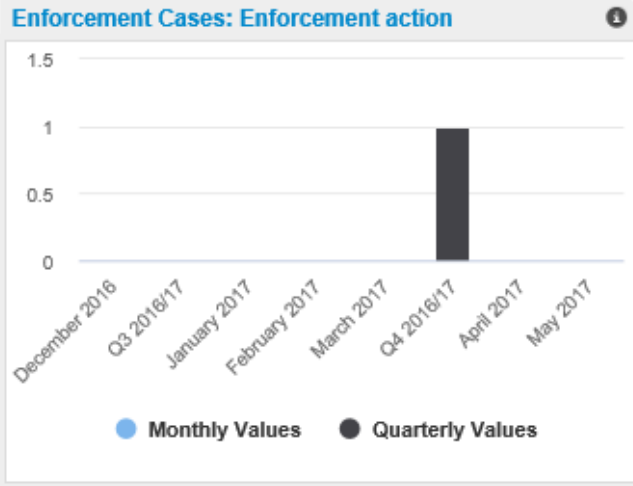


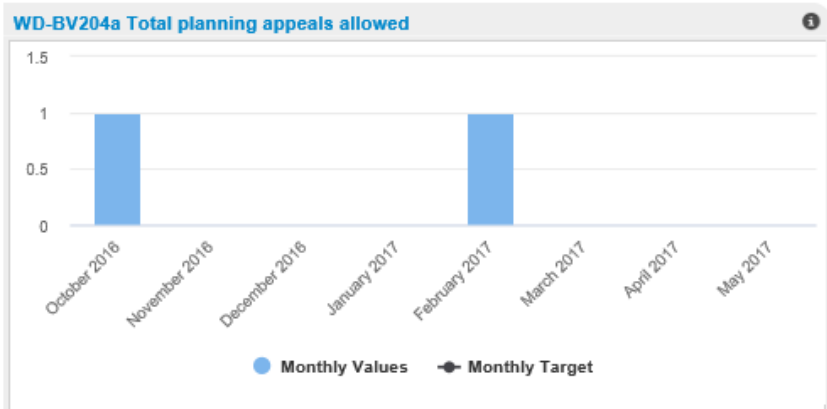
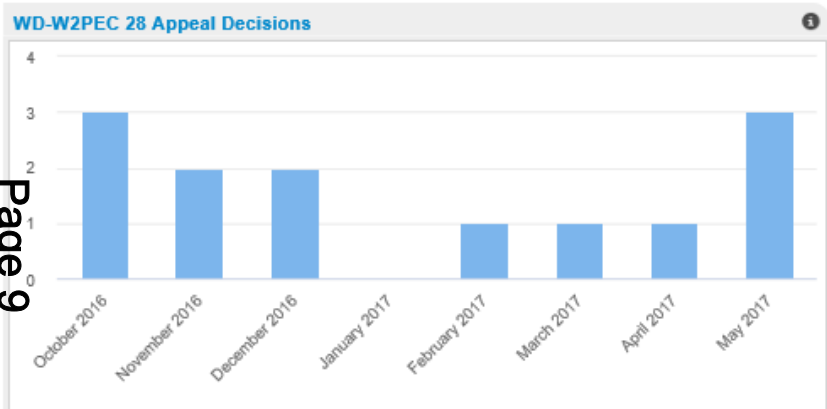
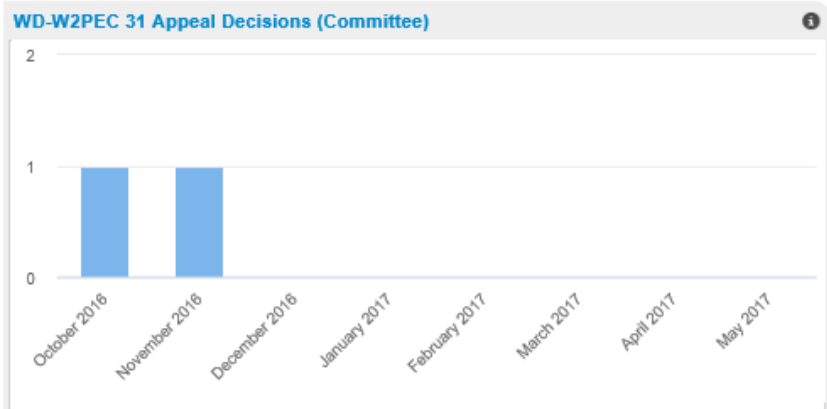
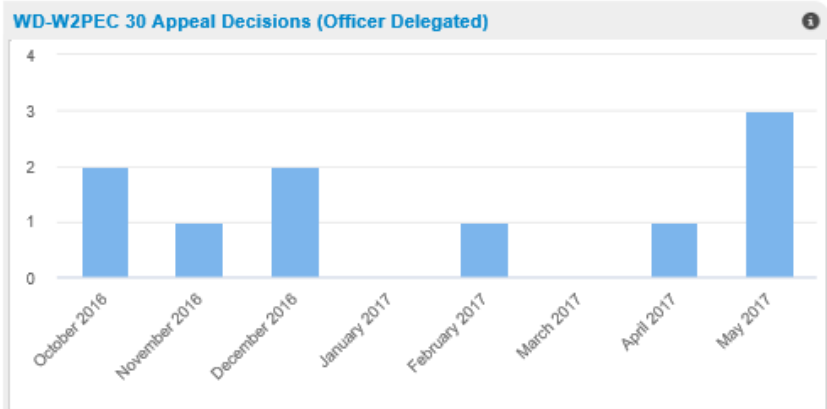
WD-E4 Enf Cases Closed (since March 2016)



WD-E5 Enforcement Cases Outstanding







For charts above: WD-W2PEC A are officer delegated decisions, WD-W2PEC 29 are appeals where member decision went against officer recommendation, WD-BV204a are all appeals allowed.

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Jenny Draper

Parish: Milton Abbot **Ward:** Milton Ford

Application No: 0957/17/HHO

Agent/Applicant:

Mr Graeme Barclay
14 Moorland View
Princetown
Yelverton
PL20 6QZ

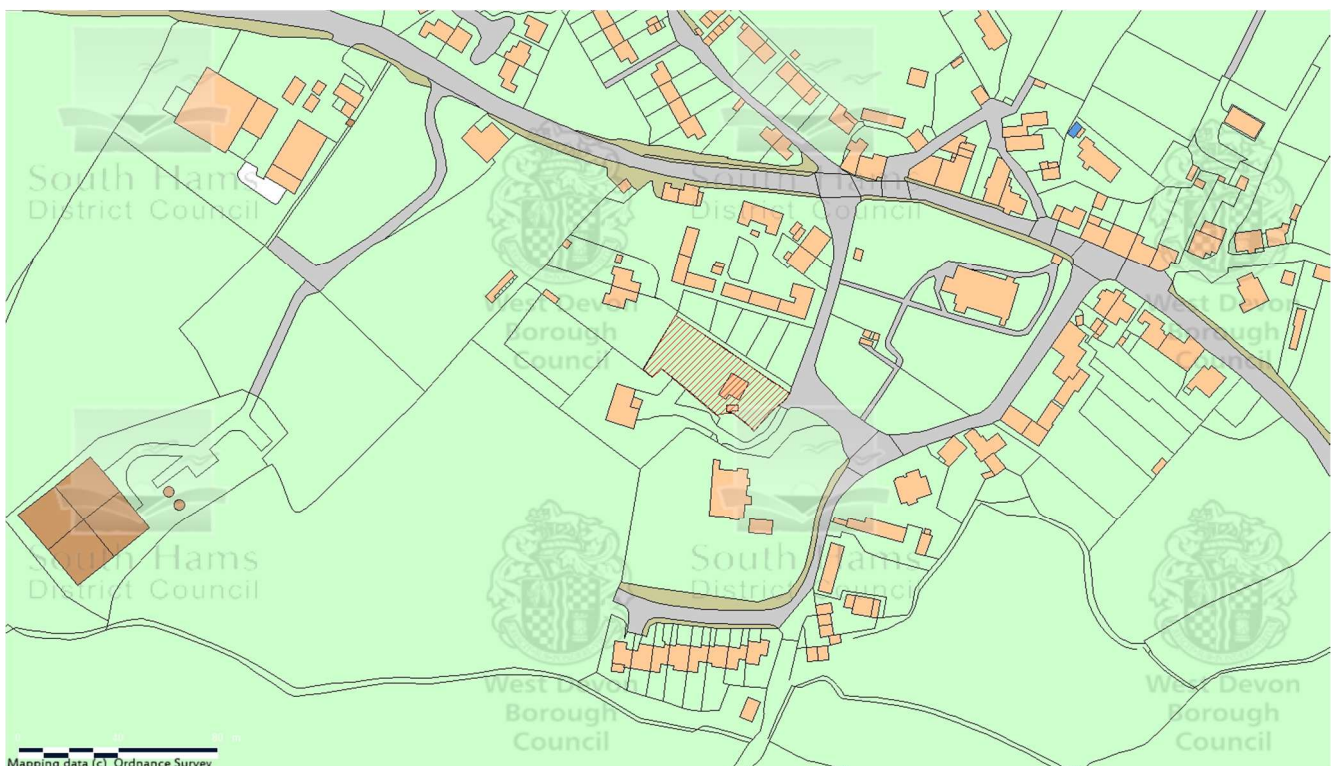
Applicant:

Mrs J Savage
Elderberry Cottage
The Parade
Devon
PL19 0NZ

Site Address: Elderberry Cottage, The Parade, Milton Abbot, PL19 0NZ

Development: Householder application for an extension to side of dwelling

Reason item is being put before Committee: The applicant is a staff member of this authority.



Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accordance to plans
3. Materials to match existing
4. Door and window constructed of wood
5. Schedule of materials

Key issues for consideration:

Impact on neighbouring properties

Visual impact

Impact on the Conservation Area

Site Description:

Elderberry Cottage is a detached cottage in the heart of the village of Milton Abbot and the Milton Abbot Conservation Area. It sits adjacent to the Listed Building known as the Old Vicarage lying to the south and the terrace of listed cottages to the north.

The dwelling is a mixture of natural stone and painted render elevations under a slate roof with gardens all around the property but with the major part of the gardens to the rear.

The neighbouring properties are set at oblique angles and overlooking does not appear to be an issue.

The Proposal:

Extension of the existing main roof slope to create a study in the new roof void with a new kitchen on the ground floor and a link to an existing outbuilding which will be utilised to create a utility area. The increase in habitable area is approximately 30 square metres. The materials to be used will match the existing cottage which is natural stone, painted render and timber windows and doors.

Consultations:

- County Highways Authority: No highways implications
- Environmental Health Section: None received
- Milton Abbot Parish Council: The Parish Council supports this application

Representations:

None received

Relevant Planning History

None relevant to this proposal

Analysis:

The cottage at present requires general refurbishment to bring it up to the standards of modern day living and the proposed extension is to allow for an enlarged kitchen and utility area with a study in the new roof void above.

The proposed layout involves an extension to the western side of the dwelling. The existing kitchen will be retained as a central circulation space and the existing lean-to extension will be removed. The new kitchen/breakfast room will have glazing and French doors to give improved access to the garden and improve natural light.

The extension will be visible but slate to match the existing roof will be used and all windows and doors will be in timber.

Following consultation with the Conservation Officer, a new scheme has been put forward to conserve the existing outbuilding and revised plans have been submitted that now shows a stone link to the outbuilding which will be utilised to create a utility room.

The use of these matching materials will enhance the dwelling and the surrounding Conservation Area whilst allowing the old cottage to be brought up to modern standards.

Neighbour Amenity:

The nearest unrelated residential properties to the proposed development are approximately 25m and 30m away and the dwellings are at oblique angles with very little overlooking ability. There is only the addition of one upper floor window in the study on the southern roof slope and it is therefore considered that the proposal will not result in harm to the living conditions of the occupiers of any residential properties.

Heritage:

The large imposing dwelling to the south and slightly lower than the application site is the 'Old Rectory' and it is a Grade II Listed Building. Due to the oblique angle of the position of the two dwellings and the trees and bushes that are between the two, the extensions to Elderberry Cottage will have little or no impact on the Listed Building or its occupants.

The use of matching materials, including natural stone will enhance the Conservation Area. The Grade II Listed terrace of cottages to the north will not be harmed by this development as the extensions are to the south of the site.

Drainage:

The dwelling has an existing combined sewer that takes both foul and surface water drainage.

Highways/Access:

Highways have no objection to this application.

Conclusion:

This recommendation has been made with consideration of the neighbouring amenity, visual impact and impact on the Conservation Area. Overall the development will enhance the living conditions of the occupiers whilst having little or no impact on the neighbours or surrounding area.

Therefore the application is recommended for approval subject to appropriate conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
 SP17 – Landscape Character

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces
 BE13 – Landscaping and Boundary Treatment

Joint Local Plan

SPT 1 – Delivering Sustainable Development
 DEV20 - Place shaping and the quality of the built environment
 DEV24 - Landscape character

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.

Proposed conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

4. The doors, windows and frames to be used on the development shall be constructed of wood, either stained or painted, and installed in accordance with the approved drawings and retained as such unless amendments have been agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

5. A schedule of works for the alteration and repair of the outbuilding shall be submitted and agreed in writing by the Local Planning Authority prior to that part of works commencing.

Reason: To ensure the conservation and preservation of the outbuilding, which is within the Conservation Area.

This page is intentionally left blank

West Devon Borough Council **Agenda Item 7**
DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 27-Jun-17

Appeals Update from 12-May-17 to 9-Jun-17

Ward Buckland Monachorum

APPLICATION NUMBER : **2173/16/FUL** APP/Q1153/W/17/3172114
APPELLANT NAME: Dr & Mrs Watkins
PROPOSAL : 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
LOCATION : Bay Tree House, The Crescent, Crapstone, PL20 7PS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-May-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Hatherleigh

APPLICATION NUMBER : **2606/16/HHO** APP/Q1153/W/17/3169460
APPELLANT NAME: Mr R Cobb
PROPOSAL : Householder application for proposed extension and alterations
LOCATION : Millers Cottage, Buddle Lane, Hatherleigh, Okehampton, EX20 3HX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-May-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Tavistock North

APPLICATION NUMBER : **0723/16/HHO** APP/Q1153/D/17/3170667
APPELLANT NAME: Mr and Mrs Clark
PROPOSAL : Householder application for extensions to existing dwelling
LOCATION : 21 Chapel Street, Tavistock, PL19 8DX
APPEAL STATUS : Appeal decided
APPEAL START DATE: 27-March-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 17-May-2017

This page is intentionally left blank

West Devon Borough Council
DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 27-Jun-17
Appeal Hearings/Public Inquiry from 25-May-17

Ward Tavistock North

APPLICATION NUMBER : **3089/15/CLE** APP/Q1153/X/17/3167854
APPELLANT NAME: Mr B Gurney
PROPOSAL : Certificate of lawfulness - existing use of former outbuilding/coach house to an independent dwelling
LOCATION : 3 Watts Road Tavistock Devon PL19 8LF
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 15-March-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 11-July-2017
LOCATION OF HEARING/INQ: Kilworthy Park, Drake Road, Tavistock

APPEAL DECISION:
APPEAL DECISION DATE:

This page is intentionally left blank