

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **23rd** day of **JUNE 2015** at **10.00 am**.

Present:

Cllr D K A Sellis – Chairman	
Cllr M J R Benson – Vice-Chairman	
Cllr R E Baldwin	Cllr C W G Cann OBE
Cllr L J G Hockridge	Cllr C Mott
Cllr D E Moyse	Cllr G Parker
Cllr T G Pearce	Cllr A Roberts

Lead Specialist – Development Manager
Planning Officers
Solicitor
Member Services Manager

In attendance: Cllr J Evans, Cllr A F Leech, Cllr J B Moody, Cllr R F D Sampson, Cllr P R Sanders and Cllr J Sheldon

***P&L 6 DECLARATION OF INTEREST**

Cllr G Parker – Application 00233/2015 – Predetermination – Cllr Parker stated that he considered he had predetermined the application and therefore would speak as Ward Member and then leave the Chamber during the debate and vote.

***P&L 7 URGENT BUSINESS**

The Chairman advised that application 00054/2015 – Erection of a single wind turbine with a hub height of 40m and maximum blade tip height of 67m, formation of new vehicular access track and associated infrastructure – Land at NGR SX698988, Spreyton, Devon (page 7 to the agenda), had been deferred at the request of the applicant and would not be considered at this meeting.

***P&L 8 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 26 May 2015 (page 3 to the Agenda), were confirmed and signed by the Chairman as a correct record.

***P&L 9 PLANNING, LISTED BUILDING AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Lead Specialist – Development Manager 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:**

PLANNING APPLICATION REPORT

Case Officer: Alex Lawrey

Ward: Milton Ford

Ward Members: Cllr B Baldwin

Application No: 00452/2015

Agent/Applicant:

Rowan Edwards Ltd
21 Plymouth Road
Tavistock
Devon
PL19 8AU

Applicant:

Mr & Mrs D Bennett
1 Lutyens Fold
Milton Abbot
Devon
PL19 0NR

Site Address: Stables, Edgecumbe Road, Milton Abbot, Devon

Development: Retrospective permission for alterations to levels and retention of the building as built in association with part use for an internet sales business (93sqm) and part use for a barn/agricultural store (126sqm) together with the regarding and seeding of land around the existing building and removal of the field shelter

Reason item is being put before Committee

Cllr Baldwin commented that 'this new retrospective planning application meets some of the objections, at least in part and that there is both some support and continued opposition to the proposals. I am currently minded to 'call in' this application for determination by P&L Committee. It will provide the public with transparency regarding the process and reasons to grant/refuse'.

COMMITTEE DECISION: REFUSED for the following reasons (not listed in full):

1. Unsustainable location:

The application site was in open countryside, outside of settlement boundaries of Milton Abbot and could only be accessed via a narrow rural road. It was therefore not in compliance with Strategic Policy 1 Sustainable Development, and Strategic Policy 5 Spatial Strategy, both from the adopted Core Strategy, notably provisions for the protection of the landscape, and for restrictions on development in open countryside locations. The application was also contrary to the NPPF, and to policy T5 Public Transport, of the Local Plan Review.

2. Traffic and highways impacts:

The partial use of the site for internet sales and the distribution of garden equipment and chainsaws, as an ongoing business, had caused and would continue to cause increase in traffic movements to and from the site, including delivery vans and goods vehicles, and vehicles towing trailers. The road adjacent to the site, which was its only access point, was narrow and unsuitable for regular traffic movements of this sort as there were few passing bays, the carriageway was of inadequate width and there were no pavements or footways. It was therefore contrary to NPPF paragraph 32 as there was the potential for 'residual cumulative impacts' to be 'severe' and could compromise existing highway safety. The application was also contrary to Policy T9.

Key issues for consideration:

B1/B8 development in an open countryside location
Traffic and highways impacts
Impacts on landscape
Residential amenity

The Proposal:

This application was for retrospective permission for alterations to the levels of the site including engineering works to create a level platform for the construction of the main building and the introduction of a hardcore area for access and vehicular movements and parking. The second element of the application was for the retention of the building as built, which was contrary to an earlier planning permission as it was of a higher ridge height and larger footprint, and a third element was for a change of use for part of the building to have a use as an internet sales business (93sqm) and part use for a barn/agricultural store (126sqm). The application also included retrospective permission for the regrading and seeding of land around the existing building, and the removal of the field shelter in the field adjacent to the main building but within the red line designating the development area, as shown on the location plan. The application drawing MAB/DBS/APPR/PLAN/000003 indicated that the area currently occupied by the field shelter would be regraded and grass seed planted.

Consultations:

- County Highways Authority
- Borough Engineer
- Countryside Officer WDBC
- Milton Abbot Grouped Parish Council

Representations: 16 letters of support and 13 letters of objection

SPEAKERS: Mrs D Bennett – Applicant
Cllr R Tucker – Milton Abbot Grouped Parish Council

Conclusion:

Members supported the views of the Ward Member in which he outlined there had been support and objection to the application, and some degree of anger. The Committee should look at the application rather than circumstances. This was a building outside the development boundary and should be for agricultural use. It was along a narrow lane that had no footpath. The Council would not be able to enforce against expansion of the business and whilst diversity was supported, location was important. The application in this location could not be supported as presented.

PLANNING APPLICATION REPORT

Case Officer: Alex Lawrey

Ward: Tavistock North

Ward Members: Cllrs N Jory, J B Moody and J Sheldon

Application No: 00398/2015

Agent/Applicant:

Mr B Gurney
Dove Cottage
Down House Farm
Mill Hill Lane
Tavistock
PL19 8NH

Applicant:

Mr B Gurney
Dove Cottage
Down House Farm
Mill Hill Lane
Tavistock
PL19 8NH

Site Address: Coach House, 3 Watts Road, Tavistock, PL19 8LF

Development: Removal of condition 2 of planning permission 7119/2005/TAV to allow the building to be used as a separate dwelling

Reason item is being put before Committee: The application was being called to Committee by Cllr Sanders as there was a condition on the existing structure which restricted it to Ancillary accommodation. The ancillary use was based on a set of drawings which clearly showed a fully fitted and equipped kitchen and a fully equipped and functional bathroom. The property was now a two bedroomed unit which was entirely self contained and could not reasonably be considered ancillary as it did not need to depend on another property for any services

COMMITTEE DECISION: REFUSAL for the following reasons:

Condition 2 of planning permission ref. 7119/2005/TAV maintained the historic link between Number 3 Watts Road and its' outbuilding and thereby contributed to the preservation of the special character and attractive appearance of the conservation area. Removing the condition was likely to lead to the sub-division of the garden with screen fencing which would visually sever the functional relationship between the main house and its' outbuilding and could act as a catalyst for applications for further developments of a similar nature that could make it more difficult for the Local Planning Authority to resist future pressure to subdivide outbuildings and gardens in the area, thereby eroding its' special character. As such, it was contrary to policies BE1, H28 of the West Devon Borough Council Local Plan Review 2005 as amended by the adopted Core Strategy 2011 and Strategic Policies 1 and 18 of the West Devon Borough Core Strategy 2011 and the advice contained within the National Planning Policy Framework.

Key issues for consideration:

- The impact of the proposed conversion upon the appearance of the property
- The impact of the proposed conversion upon the amenities of neighbouring residential property
- The adequacy of access arrangements and impact upon the highway network from the additional bedrooms
- Possible implications of allowing this type of development

The Proposal:

The planning permission granted in May 2005 allowed this building to be used as ancillary residential accommodation. That conversion had taken place. Floor plans submitted with the application showed entrance porch, living room and kitchen at ground floor level and two bedrooms and a bathroom at first floor level. A planning condition imposed at that time restricted the occupancy to purposes ancillary to the residential use of flat 2, 3 Watts Road. This application sought removal of condition 2 of 7119/2005/TAV, allowing the Coach House to be occupied independently of the flat.

Consultations:

Tavistock Town Council
Devon County Council Highways

Representations: 10 representations received

SPEAKERS: Mr DeWilde - Objector
Ms Sarah Heap – Supporter

Conclusion:

Members noted the additional information that had been circulated relating to this application. In discussion, Members felt that refusal of the numerous previous applications, supported by Planning Inspectors comments on three occasions, demonstrated a clear and consistent adherence to policy and left no option but to refuse the current application.

PLANNING APPLICATION REPORT

Case Officer: Ben Dancer

Ward: Tavistock South West

Ward Member: Cllrs J Evans and G Parker

Application No: 00233/2015

Agent/Applicant:

Rogers and Jones Architects
3 The Crescent
Plymouth
Devon
PL1 3AB

Applicant:

Southern Properties
4 Culvers Meadow
Launceston
Cornwall
PL15 8RR

Site Address: Land adjacent to Brook Farm, Brook Lane, Tavistock, Devon

Development: Outline planning application for the development of 23 dwellings comprising of 15 open market and 8 affordable/local needs units with associated access road, parking and external works

Reason item is being put before Committee

Cllr Alison Clish–Green: If you are likely to recommend granting conditional approval, I would like to call it in to the Planning and Licensing Committee with a suggestion that they have a site visit.

COMMITTEE DECISION: REFUSED for the following reasons:

1. The proposed development within the open countryside would by reason of its location away from key supporting infrastructure, such as safe pedestrian links to the town, and services result in a greater reliance upon private motor vehicles. The proposal is therefore not considered to be in accordance with the presumption in favour of sustainable development as contained within the National Planning Policy Framework (NPPF). The proposal is considered to be contrary to the guidance contained within The Framework, Core Strategy 2006-2026 Policies SP1, SP5, SP8, SP14, SP20 and Local Plan (Amended) 2011 policies H31, T2 and T5.
2. The proposal by reason of the likely volume of traffic and pedestrian flows to be generated would result in harm to all the users of the adjacent highway (Brook Lane) that is considered to be of a substandard nature in terms of width and alignment to cater for these additional flows. The proposed development is therefore considered contrary to the guidance contained in The Framework, Core Strategy 2006-2026 Policy SP20 and Local Plan (Amended) 2011 policies T2, T5 and T9.

Key issues for consideration:

- Principle of residential development of this site
- Adequacy of access arrangements and impact upon the local highway network
- Design & liveability of the proposed new houses
- Impact upon the amenities of neighbouring property
- Impact upon the landscape of the AONB

Financial Implications (Potential New Homes Bonus for major applications):

It was estimated that this development had the potential to attract New Homes Bonus of **£24,889** per annum, payable for a period of 6 years. Members were advised that this was provided on an information basis only and was not a material planning consideration in the determination of this application.

The Proposal:

Outline planning permission was sought for 23 dwellings (in its' amended form 15 open market, and 8 affordable units). Layout and scale were to be determined at outline stage, leaving appearance and landscaping to be reserved matters.

The layout plans showed a cul-de-sac arrangement with two branches. The main one, road 'A', extended from the entrance curving northwards, behind the exiting frontage houses, terminating in a turning head and parking court. A spur off it, road 'B', led to another turning head in the south west corner. The proposed houses were arranged around the road: with 11 large detached in the southern part and six pairs of semis (12 houses) of which 8 would be affordable/local needs and 15 open market. The affordable housing would be delivered by Spectrum Housing Association, the preferred partner, a Registered Social Landlord (RSL).

Consultations:

Natural England
County Highways Authority
County Education (Strategic Planning Children's Services)
Police Architectural Liaison Officer (PALO)
WDBC Environmental Health Section
WDBC Housing Officer
WDBC Landscape Officer
WDBC Drainage Officer
WDBC Countryside & Special Projects Officer
Tavistock Town Council

Representations: 22 letters of representation, all objecting to the application

SPEAKER: Mr C Miller - Objector
Mr E Persse – Agent

Conclusion:

Members had a number of concerns related to this site and as they were being asked to approve layout of the site they noted that there was no onsite provision for play areas and open space. There was also no guarantee that affordable housing numbers would not later change for reasons of viability. Members were also concerned at the location and felt the site constituted unsustainable development as it did not promote use of transport other than by motor car. In addition, there were concerns about the safety of the highway, particularly with families and small children in mind as it would not be safe or practical to walk to amenities.

***P&L 10 PLANNING APPEALS UPDATE**

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

(The Meeting terminated at 12.35 pm)

Dated this

Chairman