

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **26th** day of **FEBRUARY 2019** at **9.30am**

Present: Cllr P R Sanders – Chairman
Cllr A Roberts – Vice Chairman

Cllr R E Baldwin	Cllr W G Cann OBE
Cllr J Hockridge	Cllr C Mott
Cllr D E Moyse	Cllr G Parker
Cllr T G Pearce	Cllr J Yelland

Planning Senior Specialists (AHS, KC)
Planning Specialists (CS, BD, JH, NG)
Specialist Place Making (AW)
Specialist Place Making (PB)
DCC Highways Officer (PT)
Legal Advisor (PD)
Specialist Democratic Services (KT)

***DM&L 34 DECLARATION OF INTEREST**

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

Cllrs Mott, Sanders and Yelland all declared a personal interest in application **3441/17/OPA**: Outline application with some matters reserved for the construction of 23 dwellings, associated car parking, access and estate road, private amenity space and public open space - Proposed development site at SX573976, Folly Gate, by virtue of each knowing one of the objectors. They each remained in the room and took part in the debate and vote thereon;

Cllr Mott also declared a personal interest in application **1667/18/FUL**: Erection of 3no. cottages – Land rear of London Inn, 22 West Street, Okehampton, by virtue of a close family member owning a property that overlooked the application site. She remained in the room and took part in the debate and vote thereon;

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 the item.

***DM&L 35 URGENT BUSINESS**

The Chairman advised that application **3194/18/FUL**: Erection of two storey residential dwelling with associated parking – Axtown Lodge, Green Lane, Yelverton, had been withdrawn and therefore would not be presented to the Committee.

***DM&L 36 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 11 December 2018 were confirmed and signed by the Chairman as a correct record.

***DM&L 37 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

Prior to the applications being presented to the Committee, the Lead Officer advised that, in relation to all the applications being presented, the officer reports had been reviewed in light of the amended National Planning Policy Framework (NPPF) published on 19 February 2019. Any necessary updates to the reports in light of the 2019 NPPF would be given as verbal updates as part of each presentation, and the quoted references within the report to the NPPF should now read as 2019 NPPF.

The Committee then 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: 2701/18/FUL Ward: Drewsteignton

Site Address: Land North of A30 Junction, Whiddon Down

Development of new shop and ancillary café with supporting secondary areas consisting of storage, WCs, offices and kitchen space (resubmission of 1255/18/FUL)

Case Officer Update: References in the report to the NPPF should read as NPPF 2019

Speakers included: Objector – Mrs Catherine Gillard: Parish Council: Cllr Graham Hester: Supporter – Mr Jack Mann: local Ward Member – Cllr Ridgers

RECOMMENDATION: Conditional Approval

Members discussed in detail whether the proposal size was actually net or gross area for retail. There was a sense that the application was vague in terms of the specific areas within the site and their related sizes. Some Members were concerned that the proposal would not support the local economy and, potentially, could harm existing businesses in the area. There were further discussions relating to whether a condition seeking to restrict the goods for sale in terms of ensuring they were locally sourced was enforceable. In respect of comments that the application had changed, the Lead Officer confirmed that the application had not changed, but that the use of the word 'farm' had been removed as it was the view of officers that the term was misleading as there was no direct link from the proposal to a farm. Finally, Members raised concerns over the possibly detrimental impact on biodiversity.

COMMITTEE DECISION: Refusal

Reasons:

1. This proposal is for an unrestricted retail use on a site in open countryside unrelated to a settlement, or to an existing agricultural or horticultural business. By virtue of its size, location and range of goods it has the potential to harm existing villages by diversion of trade and the applicant has not demonstrated the absence of harm by means of a retail impact assessment. This is contrary to Policies DEV15, DEV16, TTV31, SPT6 and saved policy ED20 and the guidance of the NPPF.

2. In light of the failure of the proposal to satisfy the Local Planning Authority that there is an imperative reason of over-riding public interest as such it fails the first derogation test. Thus the proposal is contrary to policy DEV28 of the JLP, SP19 of the Core Strategy and the guidance of the NPPF 2019.

(b) Application No: 2780/18/ARM Ward: Tavistock South West

Site Address: Land adjacent to Callington Road, Tavistock

Application for approval of reserved matters for details of appearance, landscaping, layout and scale for residential development comprising 157no. dwellings with associated landscaping and drainage infrastructure following outline approval 00554/2013

Case Officer Update: References in the report to NPPF should read as NPPF 2019. SWW had now responded to consultation on the application and their response was 'no comments'; Natural England had previously provided comments. Further revisions to the scheme were minor and therefore not circulated for consultation. Four further letters of representation had been received raising issues such as lack of supporting infrastructure, historic characteristics, lack of right of way to Phase three of the development and the wider townscape and ecological matters such as the felling of trees.

Speakers included: Objector – Mr Paul Richardson: Supporter – Mr Ian Jewson: Local Ward Members – Cllr Evans and Cllr Parker

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Details of facing and roof materials
4. Details of eaves and verges
5. Retaining walls final finish details
6. Details of canopies, porches and chimneys
7. Zone of Influence mitigation
8. Details of parking court lighting
9. Details of rear/security gates
10. Electric vehicle charging points

(c) Application No: 3441/17/OPA Ward: Okehampton North

Site Address: Proposed development site at SX 573 976, Folly Gate

Outline application with some matters reserved for the construction of 23 dwellings, associated car parking, access and estate road, private amenity space and public open space

Case Officer Update: Condition 2 - Delete items v) x) xi)

After Condition 2 add new condition: "Accompanying any submission of reserved matters shall be full details of the provision of broadband ducting. Reason: To enable future connectivity and in the interests of amenity."

Condition 4 – Amend to include revised plan "Proposed Highway Layout 100 Rev A" and replace with "07014 105 Proposed Site Access"

Condition 7 – Add plan reference to read: "No works or development shall take place until a scheme for the protection of the retained trees as detailed on the Tree Constraints Plan 17.104/TCP Rev A has been agreed in writing with the Local Planning Authority."

Condition 10 – Amend to remove "Prior to commencement of development" and alter to: "Accompanying any application for reserved matters, the applicant shall submit for approval ..."

Condition 18 – delete as not necessary, other legal requirements secure the same outcome.

Condition 22 – reference to condition numbers would need amending to reflect above changes.

References in the report to NPPF should read as NPPF 2019.

Speakers included: Parish Council – Cllr David Sykes: Local Ward Members – Cllr Leech

RECOMMENDATION: Conditional Approval

During discussion, Members stated that in their view the application site was not sustainable, as the facilities in the village were limited. There were concerns over the viability of the scheme, and how approving this site might impact on the brownfield sites in the village which would be better sites for development. Finally, Members felt approval of this site was premature in light of the pending adoption of the Joint Local Plan.

COMMITTEE DECISION: Refusal

Reasons:

1. The proposed development, by reason of the number of new dwellings, both alone and in combination with other extant consents, would result in a scale of development too great for the village which has limited facilities yet the scheme is unable to make the required contributions to infrastructure. As such the proposal is contrary to the emerging Plymouth and South West Devon Joint Local Plan policies SPT1: Delivering Sustainable Development, DEL1: Approach to Development Delivery and Viability, Planning Obligations and the Community Infrastructure Levy, TTV1: Prioritising Growth Through a Hierarchy of Sustainable Settlements, DEV32:

Meeting the community infrastructure needs of new homes and the guidance of the National Planning Policy Framework.

2. The proposed development intrudes into the open countryside and infills between two distinctive built areas of the village detrimentally altering its character. As such the proposal is contrary to West Devon Borough Council Local Plan Review (2005) policy NE10: Development in the Countryside, and the emerging Plymouth and South West Devon Joint Local Plan policies TTV31: Development in the Countryside and TTV1: Prioritising Growth Through a Hierarchy of Sustainable Settlements and the guidance of the National Planning Policy Framework 2019.

(d) Application No: 1667/18/FUL Ward: Okehampton North

Site Address: Land rear of London Inn, 22 West Street, Okehampton

Erection of 3no. cottages

Case Officer Update: References in the report to the NPPF should read as NPPF 2019.

Speakers included: Supporter – Mr Ed Persse: local Ward Member – Cllr Leech

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Archaeology recording (PTC – date agreed 07/02/19)
4. Natural slates
5. Stonework
6. Compliance with submitted surface water drainage scheme
7. Property level flood risk assessment and evacuation plan prior to occupation
8. Parking to be made available prior to occupation and retained

(e) Application No: 1738/18/HHO Ward: Tavistock North

Site Address: The Leaze, 7 Kilworthy Hill, Tavistock

Householder application for erection of wooden trellis and pergola

Case Officer Update: References in the report to NPPF should read as NPPF 2019.

Speakers included: Objector – Mr Roger Eveleigh: Supporter – Mrs Jane Flatman: local Ward Member – Cllr Moody

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

Conditions:

Standard time limit

Adherence to plans

Timber materials to be left to weather naturally or any alternative colour finish to be agreed, prior to installation, by Local Planning Authority.

***DM&L 38 PLANNING APPEALS UPDATE**

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

(The Meeting terminated at 3.50pm)

Chairman