

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held via Skype on **TUESDAY** the **24th** day of **NOVEMBER 2020** at **11.00am**

**Present:** Cllr J Yelland – Chairman  
Cllr T G Pearce – Vice Chairman

Cllr R Cheadle	Cllr P Crozier
Cllr S Hipse	Cllr C Mott
Cllr D E Moyse	Cllr B Ratcliffe
Cllr M Renders	Cllr P Vachon

Head of Development Management (PW)  
Planning Case Officer (OG)  
Monitoring Officer (DF)  
Democratic Services Manager (DW)  
Senior Case Officer, Democratic Services (AG)

**Other Members also in attendance and participating:**  
Cllr T Leech

**\*DM&L 28 APOLOGIES FOR ABSENCE**

There were no apologies forwarded to this Meeting.

**\*DM&L 29 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 and remained in the meeting and took part in the debate and vote thereon; and

Whilst not wishing to declare an interest, Cllr Yelland asked that it be put on the record that she did know the registered supporter for planning application 0321/20/OPA.

**\*DM&L 30 URGENT BUSINESS**

There was no urgent business brought forward to this Meeting

**\*DM&L 31 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 27 October 2020 were confirmed as a correct record, subject to the following amendment being made to minute DM&L 25 'Plymouth Road Report' that is outlined in red font below:

*'During questions it was confirmed that the 3 **working** day response from Members on planning applications was proposed to be extended to 5 **working** days.'*

**\*DM&L 32 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the application(s) that had been prepared by the Development Management Specialists and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED** that:

**(a) Application No: 0321/20/OPA                      Ward: Okehampton North**

**Site Address: Land at SX 571 979, North of Brandize Cottage, Folly Gate EX20 3AQ**

**Outline application with all matters reserved for 10 new houses (6 local needs housing market and 4 open market)**

Speakers included:

Supporter – Mrs Seale (statement read on her behalf);

Objector – Mr Henderson;

Parish Council Representative – Cllr Piddington; and

Local Ward Member – Cllr Leech;

**RECOMMENDATION:** Delegated Authority to the Head of Development Management to approve the application, subject to the completion of a Section 106 Agreement with the following Heads of Terms:

- 60% affordable housing, this scheme will provide for 6 open market discount houses for local people and restricted through a local connection clause. The tenure will be secured through legal agreement and provide at a 20% discount on the open market sale price;
- £21,771 towards village hall, sports and recreation. This will be spent on supporting the refurbishment of the Folly Gate Village Hall;
- £95,538 towards local education including primary school at Okehampton, St James C of E Primary School and Okehampton College as well as school transport;
- £5,000 towards a traffic regulation order for the imposition and installation of an extended 30 m.p.h. speed limit; and
- Access and maintenance of the onsite open space.

During discussion, the following points were raised:

- (a) In the event of the application being approved, a request was made for an officer to visit the site and undertaken an inspection of the mature oak trees that were located within close proximity to the application site;
- (b) Some Members expressed their concerns over the application that could be summarised as:

- There being extensive local opposition to the proposals and the local Parish Council was also not supportive of the application;
  - The lack of any social rented housing within the proposals was considered to be disappointing;
  - The proposals were felt to constitute an unsustainable form of development since Folly Gate did not have reasonable access to a vibrant mixed use centre that met the daily community needs for local services. In addition, the point was made that residents required the use of a motor vehicle in order to be able to access services;
  - There being no justification for double the number of houses being developed to that set out in the adopted Joint Local Plan for Folly Gate;
  - The application would comprise built development in an unbuilt area; and
  - The proposals would be contrary to Policies TTV 25 and TTV 27.
- (c) In contrast, another Member emphasised the need for affordable housing in the Borough and expressed the view that it was highly unlikely that, in the near future, any other similar schemes would be brought forward within the parish of Folly Gate.

**COMMITTEE DECISION:** That the planning application be refused, with delegated authority being given to the Head of Development Management, in consultation with the Committee Chairman, Committee Vice Chairman and Proposer (Cllr Mott), to finalise the reasons for the refusal.

### **DM&L 33 REVIEW OF STATEMENT OF LICENSING POLICY FOR 2021-2026**

The Committee considered a report that sought to recommend to the Council that the draft Licensing Policy be adopted.

In discussion, reference was made to:

- (a) the importance of supporting the local economy. In emphasising the need to support the local economy, a Member asked that the report author ensure that the Policy was sufficiently reflective of this importance;
- (b) the protection of vulnerable adults from harm. When questioned, the officer advised that, whilst it was not set out in the Licensing Act, the draft Policy included reference to the protection of vulnerable adults from harm. Members proceeded to state their support for this proposal;
- (c) the comments related to 'search on entry'. In citing some examples of the restrictions associated with 'search on entry' (e.g. for different religious faiths), a Member was of the view that this aspect of the Policy required greater explanation.

It was then **PROPOSED** and **SECONDED** and when put to the vote was **“RESOLVED** that the Committee:

1. has considered the draft Licensing Policy (as detailed at Appendix A of the presented agenda report) and responses received during the public consultation and asks that the Licensing Specialist review the reference in the draft Policy to ‘supporting the local economy’ and ‘search on entry’; and
2. **RECOMMEND** to Council that the draft Licensing Policy (as detailed at Appendix A of the presented agenda report) be adopted for the period from 7 January 2021 to 6 January 2026.”

**\*DM&L 34 SUMMARY OF NEW AND VARIATION APPLICATIONS RECEIVED FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES BETWEEN 1 OCTOBER 2019 TO 30 SEPTEMBER 2020**

Members were presented with a paper that provided them with a summary of the licences that had been issued between 1 October 2019 and 30 September 2020.

It was then **PROPOSED** and **SECONDED** and when put to the vote was **“RESOLVED** that the summary of licences issued between 1 October 2019 and 30 September 2020 be noted.”

**\*DM&L 35 PLANNING APPEALS UPDATE**

The Head of Development Management updated the Members on each of the outstanding planning appeals.

**\*DM&L 36 DEVELOPMENT MANAGEMENT ACTION PLAN**

In accordance with the Committee resolution that was approved at its last meeting (Minute DM&L 13 refers), a report was considered that presented a draft Development Management Action Plan for approval.

In discussion, the following points were raised:-

- (a) In response to some specific points, officers advised that a report was to be presented to the next Council meeting (to be held on 8 December 2020) that would seek to approve some revisions to the current Scheme of Delegation;
- (b) The importance of ongoing Development Management related Member Training provision throughout a four year Council administration was emphasised;
- (c) A Member was of the view that neighbouring ward Members should be part of the consultation process for major planning applications;
- (d) With regard to the monitoring of Section 106 Agreements, officers confirmed that this would be part of a Member Training Session that was to be held during early 2021. In addition, assurances were given that details related to Section 106 Agreements would also be published on the Council website.

It was then **PROPOSED** and **SECONDED** and when put to the vote was **“RESOLVED** that:

1. the Action Plan (as attached at Appendix A of the presented agenda report) be adopted; and
2. the Overview and Scrutiny Committee be asked to update its Work Programme in order to receive a progress update on the Action Plan within the next six months.”

**\*DM&L 37 VERBAL UPDATE ON PLYMOUTH ROAD**

The Council’s Monitoring Officer informed the Meeting that, whilst progress was being made, he was awaiting a detailed response from Devon County Council. Upon receipt of this response, it was his intention for an All Member Briefing to be convened that set out the Education and Transport contributions.

(The Meeting terminated at 2.40 pm)

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**Chairman**