

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **14th** day of **DECEMBER 2021** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present: Cllr J Yelland – Chairman
Cllr T Pearce –Vice Chairman (present for 0723/21/FUL and 3652/21/FUL only)

Cllr M Ewings	Cllr T Leech
Cllr C Mott	Cllr D Moyse
Cllr B Ratcliffe	Cllr M Renders
Cllr T Southcott	Cllr P Vachon

Head of Development Management (PW)
Planning Case Officers (BK, AHS and VC)
Monitoring Officer (DF)
Strategic Planning Manager – Joint Local Plan (JL)
Senior Specialist – Place Making (AR)
Specialist Strategic Planner (PB)
Highways Officer (PT)
Environmental Health Specialist (JW)
Democratic Services Officer (KH)

***DM&L.31 APOLOGIES FOR ABSENCE**

There were apologies for absence from Cllr J Spettigue for whom Cllr M Ewings was substituting.

***DM&L.32 DECLARATION OF INTEREST**

Cllrs T Pearce and B Ratcliffe declared a personal interest in all applications by virtue of being Members of the Devon Building Control Partnership. They remained in the meeting and took part in the debate and vote thereon.

Cllr Leech declared an interest in application 0352/21/FUL due to him having firm and settled views on the application and subsequently took no part in the debate or vote but did speak as Ward Member on the application.

Cllr Yelland declared an interest on behalf of the whole Committee due to them receiving correspondence from the applicant for the Plymouth Road applications. Cllr Ewings declared an interest due to having been lobbied for the last two years for the first two applications and both remained in the meeting and took part in the debate and vote thereon.

***DM&L.33 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.34 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 9th November 2021 were confirmed as a correct record.

***DM&L.35 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the report that had been prepared by the relevant Development Management Specialists on each of the following Applications 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:

(a) Application No: 0723/21/FUL Ward: Tavistock South West

Site Address: Land at Plymouth Road, Tavistock

Development: Hybrid application comprising full planning application for the erection of 44 residential dwellings, formation of access, associated public open space, landscaping and infrastructure, and outline planning application for 0.76ha of commercial land (use class E (g)) – formerly B1 with all matters reserved, except means of access.

Speakers who addressed the Committee on the Application were:

Objector: Mr C Beasley

Applicant: Mr G Hutton

Tavistock Town Council: Cllr P Ward

West Devon Borough Council Ward Member: Cllr A Bridgewater

RECOMMENDATION: Delegate approval to Head of Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation for the following:

Employment Land

Prior to occupation of 25% of the dwellings, provide an accessed and serviced employment site and to actively market it for a period of up to five years and in accordance with an agreed marketing strategy. The marketing strategy shall include appropriate site preparation works and landscape management plan.

Open Space/Accessible Natural Greenspace

To provide a policy compliant area of Accessible Natural Greenspace (“Open Space”). Based on the proposed development of 44 dwellings, this would amount to a minimum area of **2,244.63 sqm**.

The Open Space shall include an equipped area for play as shown on the submitted drawings.

The Open Space will be delivered and managed in accordance with an Open Space Specification, long-term management mechanism and completed before more than 75% Dwellings can be occupied. It shall be kept available for public use (free of charge) in perpetuity.

Biodiversity Net Gain

Not to commence development until a Compensatory Habitat Scheme* appropriate to secure 6.45 Biodiversity Units and 1.25 hedgerow units has been submitted to and approved in writing by the Council. The compensatory habitat secured by the scheme will be functional within 12 months of commencement of development and be managed for a minimum of 30 years.

*The Compensatory Habitat Scheme could involve financial contribution towards a specific scheme that can facilitate off-site habitat enhancement or any agreed local or national tariff scheme that secures off-site compensation.

Sports Facilities

The Development must pay a financial contribution towards improving sports facilities provision in the Tavistock area (or such other play and sports) projects as may be agreed between the Owner and the Council. Based on the proposed housing mix, this would result in a contribution of **£44,540** capital together with a commuted sum of **£51,999** towards the long-term maintenance costs of the improvements. (before index linking).

The contribution is payable prior to the Occupation of 50% of the Dwellings.

Allotments

The Development must pay a financial contribution towards the delivery of Allotments before more than 50% of the Dwellings have been occupied.

The Allotments Contribution will be calculated in accordance with the JLP evidence base. Based on the proposed housing mix, the contribution would be **£3,362.00** (before index linking).

Highways

The provision of a right turning lane at the junctions from the A386 to the site access entirely at the expense of the applicant, all as generally shown on the application drawings, particularly 19.05.135 2103 revision E.

The Development must pay a financial contribution of **£587.32** per residential unit (**£25,842.08**) towards the re-establishment of the Tavistock to Bere Alston railway line.

The Development must pay a financial contribution of **£5,000** towards the investigation, consideration and, if approved, the installation, together with all necessary signage and bollards an appropriate Traffic Regulation Order to prevent the driving of vehicles along the lane from Brook Lane to the A386 Plymouth Road as shown generally on the application drawings,

Education

The Development must pay a financial contribution of **£22,433.00** towards Special Education Needs (SEN) provision in accordance with the Devon County Council Education Infrastructure Plan (2016- 2033), and the Education Section 106 Infrastructure Approach (February 2020).

Primary Health Care

Secure a primary health care contribution to be made available to the NHS for works to increase capacity of doctors surgeries in the catchment area (Abbey and Tavyside).

The primary health care contribution will be calculated in accordance with the Devon Health Contributions Approach: GP Provision document. Based on 44 dwellings, this would amount to a contribution of **£22,400**.

Plymouth Sound and Estuaries European Marine Sites (EMS) Contribution

The Development must pay a financial contribution towards the Plymouth Sound and Estuaries European Marine Sites (EMS) Recreation Mitigation and Management Scheme.

The contribution will be calculated in accordance with the Plymouth and South West Devon JLP Developer Contributions Evidence Base. Based on the proposed housing mix, the contribution would be **£20,659.24** (before index linking).

The contribution is payable prior to the Occupation of any of the Dwellings.

Conditions (list not in full - detailed conditions at end of report)

Outline Conditions

1. Submission of reserved matters.
2. Reserved matters to be submitted within 3 years.
3. Commencement of development within 2 years following approval of last of the reserved matters.
4. Employment and Skills Plan – Submit prior to commencement.
5. Restrict Employment floorspace to use class E(g).
6. Main access to be constructed prior to other works commencing.
7. Main access kept free from obstruction.

8. Construction Management Plan.
9. Internal roads to be provided prior to occupation.
10. Waste audit statement.
11. Remediation strategy.
12. Verification Report.
13. Unexpected contamination.
14. Electric vehicle charging points.
15. Low carbon development in accordance with DEV32.
16. Fibre Optic Broadband
17. Surface Water drainage details
18. Construction Environmental Management Plan
19. Landscape Environmental Management Plan
20. Lighting Strategy
21. Submission of scheme to control hours of delivery and collections.

Full Conditions

22. Time limit – 3 years
23. Carry out development in accordance with approved plans and documents.
24. Landscaping - implement and maintain.
25. Employment and Skills Plan – Submit prior to commencement.
26. Materials – submission of samples
27. Main access to be constructed prior to other works commencing.
28. Main access kept free from obstruction.
29. Construction Management Plan.
30. Internal roads to be provided prior to occupation.
31. Waste audit statement.
32. Remediation strategy.
33. Verification Report
34. Unexpected contamination.
35. Electric vehicle charging points.
36. Fibre Optic Broadband
37. Surface Water drainage details
38. Construction Environmental Management Plan (including badger survey, and invasive species treatment)
39. Landscape Environmental Management Plan (include hedgehog passes)
40. Lighting Strategy

The Monitoring Officer added that the draft heads of terms for the Section 106 Agreement would include a claw-back provision so that should the employment land be sold for more than £1 a review mechanism would ensure the Council would receive at least 50% of the uplift in value for use for affordable housing.

The Monitoring Officer then reminded the Committee of the statutory framework within which the Application (and indeed, any application) was to be determined. Regard was to be had to the development plan and any material considerations, and the Application was to be determined in accordance with the development plan unless material considerations suggested

otherwise. He then explained the approach that the Committee should take in respect of applying the development plan to the Application and how development plan policies should be interpreted. The Monitoring Officer drew particular attention to Policy TTV17, which he felt had been misinterpreted in some representations on the Application. In concluding, the Monitoring Officer reminded Members that this was an allocated site for a mixed use of residential and employment. It also had been subject to a viability assessment by officers employed by the Council.

The Head of Planning reiterated to Members that this was an allocated site and had been so for quite a long time. The site before the Committee was in line with allocation requirements, apart from the affordable housing aspect.

In discussion, Members spoke on:

- Loss of employment land from allocation in the JLP. Loss of businesses in Tavistock leading to Tavistock becoming a dormitory town.
- Concerns over lack of any affordable housing on this site.
- Concerns on the proposal to install gas heating were raised however the Head of Planning stated that planning policy did not insist on restraints currently.
- The drainage system and the construction materials for the retaining wall.

After discussion and debate it was proposed, seconded and

RESOLVED that the Application be refused on the grounds that the lack of affordable housing is contrary to Policy Dev8 of the Joint Local Plan.

(b) Application No: 3652/20/FUL Ward: Tavistock South West

Site Address: Land to the South of Plymouth Road, Tavistock

Development: READVERTISEMENT (Revised plans received and amended development description). Hybrid application comprising full planning application for erection of 44 residential dwellings, formation of accesses, associated public open space, landscaping and infrastructure; and outline planning application for extra care facility for up to 60 units with all matters received, except means of access.

Speakers who addressed the Committee on the Application were:

Objector: Mr C Beasley

Applicant – Mr G Hutton

Tavistock Town Council: Cllr P Ward

West Devon Borough Council Ward Member – Cllr A Bridgewater

RECOMMENDATION: Delegate approval to Head of Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation for the following:

Extra Care Land

Prior to occupation of 25% of the dwellings, provide an accessed and serviced extra care site and to transfer the land to an agreed provider for £1 to deliver an extra care scheme of up to 60 units. The provider shall be agreed with the council prior to works any commencing on site.

Open Space/Accessible Natural Greenspace

To provide a policy compliant area of Accessible Natural Greenspace ("Open Space"). Based on the proposed development of 44 dwellings, this would amount to a minimum area of **2,244.63 sqm**.

The Open Space shall include an equipped area for play as shown on the submitted drawings.

The Open Space will be delivered and managed in accordance with an Open Space Specification, long-term management mechanism and completed before more than 75% Dwellings can be occupied. It shall be kept available for public use (free of charge) in perpetuity.

Biodiversity Net Gain

Not to commence development until a Compensatory Habitat Scheme* appropriate to secure 6.45 Biodiversity Units and 1.25 hedgerow units has been submitted to and approved in writing by the Council. The compensatory habitat secured by the scheme will be functional within 12 months of commencement of development and be managed for a minimum of 30 years.

*The Compensatory Habitat Scheme could involve financial contribution towards a specific scheme that can facilitate off-site habitat enhancement or any agreed local or national tariff scheme that secures off-site compensation.

Sports Facilities

The Development must pay a financial contribution towards improving sports facilities provision in the Tavistock area (or such other play and sports) projects as may be agreed between the Owner and the Council. Based on the proposed housing mix, this would result in a contribution of **£44,540** capital together with a commuted sum of **£51,999** towards the long-term maintenance costs of the improvements. (before index linking).

The contribution is payable prior to the Occupation of 50% of the Dwellings.

Allotments

The Development must pay a financial contribution towards the delivery of Allotments before more than 50% of the Dwellings have been occupied.

The Allotments Contribution will be calculated in accordance with the JLP evidence base. Based on the proposed housing mix, the contribution would be **£3,362.00** (before index linking).

Highways

The provision of a right turning lane at the junctions from the A386 to the site access entirely at the expense of the applicant, all as generally shown on the application drawings, particularly 19.05.135 2103 revision E.

The Development must pay a financial contribution of **£587.32** per residential unit (**£25,842.08**) towards the re-establishment of the Tavistock to Bere Alston railway line.

The Development must pay a financial contribution of **£5,000** towards the investigation, consideration and, if approved, the installation, together with all necessary signage and bollards an appropriate Traffic Regulation Order to prevent the driving of vehicles along the lane from Brook Lane to the A386 Plymouth Road as shown generally on the application drawings,

Education

The Development must pay a financial contribution of **£22,433.00** towards Special Education Needs (SEN) provision in accordance with the Devon County Council Education Infrastructure Plan (2016- 2033), and the Education Section 106 Infrastructure Approach (February 2020).

Primary Health Care

Secure a primary health care contribution to be made available to the NHS for works to increase capacity of doctors surgeries in the catchment area (Abbey and Tavyside).

The primary health care contribution will be calculated in accordance with the Devon Health Contributions Approach: GP Provision document. Based on 44 dwellings, this would amount to a contribution of **£22,400**.

Plymouth Sound and Estuaries European Marine Sites (EMS) Contribution

The Development must pay a financial contribution towards the Plymouth Sound and Estuaries European Marine Sites (EMS) Recreation Mitigation and Management Scheme.

The contribution will be calculated in accordance with the Plymouth and South West Devon JLP Developer Contributions

Evidence Base. Based on the proposed housing mix, the contribution would be **£20,659.24** (before index linking).

The contribution is payable prior to the Occupation of any of the Dwellings.

Conditions (list not in full - detailed conditions at end of report)

Outline Conditions

1. Submission of reserved matters.
2. Reserved matters to be submitted within 3 years.
3. Commencement of development within 2 years following approval of last of the reserved matters.
4. Employment and Skills Plan – Submit prior to commencement.
5. Main access to be constructed prior to other works commencing.
6. Main access kept free from obstruction.
7. Construction Management Plan.
8. Internal roads to be provided prior to occupation.
9. Waste audit statement.
10. Remediation strategy.
11. Verification Report.
12. Unexpected contamination.
13. Electric vehicle charging points.
14. Low carbon development in accordance with DEV32.
15. Fibre Optic Broadband
16. Surface Water drainage details
17. Construction Environmental Management Plan
18. Landscape Environmental Management Plan
19. Lighting Strategy
20. Submission of scheme to control hours of delivery and collections.
21. Noise restriction on plant and machinery

Full Conditions

22. Time limit – 3 years
23. Carry out development in accordance with approved plans and documents.
24. Landscaping - implement and maintain.
25. Employment and Skills Plan – Submit prior to commencement.
26. Materials – submission of samples
27. Main access to be constructed prior to other works commencing.
28. Main access kept free from obstruction.
29. Construction Management Plan.
30. Internal roads to be provided prior to occupation.
31. Waste audit statement.
32. Remediation strategy.
33. Verification Report
34. Unexpected contamination.
35. Electric vehicle charging points.
36. Fibre Optic Broadband
37. Surface Water drainage details

38. Construction Environmental Management Plan (including badger survey, and invasive species treatment)
39. Landscape Environmental Management Plan (include hedgehog passes)
40. Lighting Strategy

During discussion Members spoke on:

- the need for the extra care units; whether they could be considered to be affordable housing; and sought clarification about who would occupy them. Reference was made to other schemes elsewhere in the Borough.
- the capacity of the extra care site to accommodate 60 units.
- the number of jobs that would be created.
- the visual impact on the Plymouth Road approach to Tavistock.
- parking arrangements for the extra care building. Potential impact on any on-street parking in the area.

In response to Members' questions:

- The Senior Specialist – Place Making explained: the need for such accommodation and the absence of suitable alternative sites; how the provision of the extra care units would generate “churn” within the housing stock; that the units would be social-rented units and the provider would be aimed at those on lower incomes; how the units would be allocated according to the Council’s allocation policy with 50% being available for people in Tavistock and 50% to people with a local connection to West Devon without age restriction on the units.
- The Planning Officer explained how the design strategy for outline proposal had evolved and how the more efficient use of the land had resulted in it being demonstrated that it was possible for the site to accommodate an extra care facility with up to to 60 units.
- The Monitoring Officer explained that it was a matter of planning judgement whether the shortfall in the provision of employment land overall was outweighed by the provision of the affordable housing in the form of extra care dwellings. He also explained that the Section106 Agreement would intrinsically link the development of the open market housing land to the extra care scheme.
- The Head of Planning explained that the provision of extra care meant that the building would be within Use Class C2 and a condition could be put in to limit the use to this.

After discussion and debate it was proposed, seconded and;

RESOLVED that: the Head of Development Management, in consultation with Chairman be authorised to grant planning permission subject to conditions, to include a further condition limiting the use of the extra care building to Use

Class C2, and subject to a Section 106 Agreement based on the draft heads of terms set out in the report.

(c) Application No. 2828/21/FUL Ward: Tavistock North

Site Address: 1 and 2 Spring Hill, Tavistock

Development: READVERTISEMENT (Updated Heritage Statement) Demolition of existing building providing 9 units of temporary accommodation for homeless persons only. Erection of new building which includes the partial reuse of exiting materials to provide 11 units of temporary accommodation for homeless persons, families, young people entering the care system and those with additional support needs.

Speakers who addressed the Committee on the Application were:
Applicant – Mrs I Blake
West Devon Borough Council Ward Member – Cllr J Moody
(statement read out by the Democratic Services Officer)

RECOMMENDATION: Delegate to Head of Development Management Practice to approve conditionally subject to the completion of an acceptable Section 106 legal agreement securing the following:

1 – Tamar Valley European Marine Site monetary contribution

Conditions headings:

1. Standard 3 year time limit
2. Adherence to plans list
3. Occupancy condition for temporary affordable accommodation to reflect application title.
4. CEMP condition
5. Unexpected contaminated land
6. Surface water condition (to combined sewer at a set flow)
7. Landscaping including planting, railings and walling
8. Securing parking
9. Secure the cycle storage
10. Parking space to have Electric vehicle charging point (EVCP)
11. Parking management scheme
12. EPSL (European Protected Species) licence demonstration
13. Biodiversity mitigation secured
14. Avoidance of works during nesting season
15. Demolish and rebuild condition linking the 2 stages
16. Slate details
17. Stonework details
18. Window details
19. Eaves details
20. Gutter details
21. Historic Building recording works
22. Obscure glaze bathroom windows
23. Secure DEV32 construction and scheme
24. Scheme for a site related employment and skills plan

The Monitoring Officer confirmed that although the Council owned the application site, Members of the Committee did not under the current Code of Conduct have a disclosable pecuniary interest, nor Other Registrable Interest or a Non-registrable Interest to declare, so Members were free to take part in the meeting, unless they were to say they were pre-determined and had a closed mind.

The Planning Officer gave one update which was a late letter of representation - An objection of demolition of the building and to renovate the existing building.

During discussion, Members spoke on:

- The duration of residents' occupation, which officers confirmed would be on a short-term basis.
- The options explored by the Applicant and whether it was possible for the building to be re-purposed or refurbished to avoid it being demolished. Members noted however, that neither option would deliver the number of units or the improvement in the quality of the units that would become available for homeless people for which there was a significant need.
- Security of the residents and the use of a keypad and the redesign of the inside so that the original community area was taken away.

After discussion and debate it was proposed, seconded and

RESOLVED that: the Head of Development Management, in consultation be authorised to grant planning permission subject to conditions and to the completion of a Section106 Agreement based on the draft heads of terms set out in the report.

(d) Application No. 0352/21/FUL Ward: Okehampton North

Site Address: The Barton, Inwardleigh

Development: Provision of field based slurry store to serve established dairy farm.

Speakers who addressed the Committee on the Application were:

Objector: Mr N Warhurst

Supporter: Ms A Burden

West Devon Borough Council Ward Member: Cllr T Leech

RECOMMENDATION: Conditional Approval

1. Time limit
2. Accordance with plans
3. Use of slurry store is limited to 6 months of the year and in accordance with agents details

4. Use in accordance with SCAIL (Simple Calculation of Atmospheric Impact Limits) report and design and access statement.
5. Lighting details

In answer to a question from a Member who was concerned about the close proximity to a camp site, the Applicant confirmed that the store would be secured by a 1.8 chain link fence.

After discussion and debate it was proposed, seconded and

RESOLVED that: the Application be approved subject to the conditions set out in the Report.

***DM&L.36 PLANNING APPEALS UPDATE**

The Head of Development Management updated the Members on the recently determined planning appeals. In so doing, he made particular reference to: Alder Farm Lewdown which was allowed on appeal. As a service bus passed the site the Inspector deemed that not all occupiers would rely on the car so considered it acceptable.

RESOLVED that the report be noted.

***DM&L.37 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Head of Planning took Members through the undetermined Major applications.

(The Meeting terminated at 4.15pm)

Chairman