

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **19th** day of **April 2022** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

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

Cllr R Cheadle	
Cllr N Heyworth	Cllr C Mott
Cllr D Moyse	Cllr B Ratcliffe
Cllr T Southcott	Cllr P Vachon

Senior Specialist, Development Management (AHS)
Planning Case Officer (DJ)
Monitoring Officer (DF)
Devon County Highways Officer (PT)
Democratic Services Officer (KH)

***DM&L.38 APOLOGIES FOR ABSENCE**

There were apologies for absence from Cllr T Leech for whom Cllr R Cheadle was substituting. Apologies were also received from Cllr M Renders.

***DM&L.39 DECLARATION OF INTEREST**

Cllr Yelland declared an interest in application 1861/21/CAC as she was a Ward Member and also an Okehampton Town Councillor. In the interest of transparency, she declared that some Members of the Committee had received an email from the applicant and that this had been forwarded to the Planning Officer. Cllr Yelland remained in the meeting and took part in the debate and vote on this application.

Cllr Vachon declared that he knew two of the trustees of the Committee for application 1861/21/CAC and that they were supporters of a club for which he was the president, so he stated that he would not debate or vote on that application. He left the meeting when the application was discussed, debated and the vote took place.

Cllr Mott also declared an interest in application 1861/21/CAC as she was related to a trustee and she would therefore not take part in the debate or the vote on that application. She left the meeting when the application was discussed, debated and the vote took place.

Cllr Ratcliffe declared an interest in application 2927/21/FUL as he was the acting Chairman of the Exbourne Neighbourhood Plan Committee. The agent for this application was the Chairman of Exbourne Parish Council and Cllr Ratcliffe attended Parish Council meetings. He confirmed that he had not formed an opinion regarding this application and proceeded to remain in the meeting and take part in the debate and vote on the application.

***DM&L.40 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.41 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 1st March 2022 were confirmed as a correct record.

***DM&L.42 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: 1887/21/FUL Ward:Okehampton North

Site Address: "Land at Parcel 4B", East of Crediton Road, Okehampton

Development: New vehicular access from Crediton Road and associated footway.

RECOMMENDATION: Conditional Consent

Conditions:

1. Standard Time limit
2. Not to commence until such time as the RM for parcel 4b has been approved
3. Adherence to plans
4. Tree protection plan adherence
5. Drainage condition
6. Highways splay construction
7. Bird nesting season hedgerow removal timing
8. NE License
9. Adherence to the ecological mitigation report
10. Biodiversity enhancement to be achieved within the wider 4b parcel Reserved Matters proposal
11. Landscaping scheme

Speakers who addressed the Committee on the application were:

Supporter: Mr Daniel Allwood

West Devon Borough Council Ward Member: Cllr Tony Leech

Mr Allwood explained that a significant amount of time had been spent on developing proposals to minimise the impact of the development.

The proposal of the reduced speed limit would result in a safer environment and a reduction in the quantum of hedgerow loss from the northern access point in parcel 4b. A proposed single access point would result in significant engineering retaining structures which would be visually prominent particularly from the south.

Cllr Leech, as the Ward Member, had submitted a written representation, Cllr Leech voiced concerns around potential flooding on a site with a steep hill and said that attenuation of the water would need to be well designed.

During debate, the Planning Officer explained in response to Members' questions that the reduction in engineering works that would be required if the proposed secondary access was approved meant that there would be more usable space so the options for amenity and urban design would be improved. Also, while the reserved matters application for the layout was yet to be received, it was unlikely that approval of the secondary access would be integrated across the site and the SDP also limited the amount of affordable housing that could be clustered together.

Members referred to the site having been allocated in the Joint Local Plan and felt that the secondary access proposed would bring forward a better and more acceptable development. Accordingly, after discussion and debate it was proposed and seconded and

Resolved that: The Committee unanimously voted in favour of the Conditional Consent.

(b) Application No:2927/21/FUL Ward: Exbourne

Site Address: Land Adjacent to Hayfield Road, Road from Townsend Farm to Waterhouse Farm Lane, Exbourne

Development: Change of use of land and conversion of buildings to provide holiday accommodation.

RECOMMENDATION: Refusal

The site was poorly related to nearby settlements and was not served by a satisfactory and safe pedestrian connection that would discourage use of private vehicles. As such the location of the proposed holiday accommodation would rely heavily on car use and represented an unjustified and unsustainable intrusion into this Countryside location which would set an undesirable precedent. The proposed use, catering for equine holidays, was also likely give rise to further pressure for development on the site. As such the proposal failed to meet policy objectives and policies SPT1, SPT2, TTV1, TTV25, TTV26 and DEV15.

Speakers who addressed the Committee on the Application were:

Supporter: Mr Stephen Blakeman
West Devon Borough Council Ward Member: Cllr Barry Ratcliffe

Mr Blakeman stated that the application was submitted in August 2021 and two Planning Officers had previously been given responsibility. Both had been in support of the application but a change of view was given as it was 300 metres from the village and this distance was deemed to be unsustainable in a rural location.

Cllr Ratcliffe confirmed that he had called this application to Committee due to the varying interpretation of the Joint Local Plan. He stated that he found the statements of both the agent and the Officer informative and looked forward to the debate and hearing Members thoughts on the application.

During debate, a Member voiced concerns over the current wooden stable, with the requirements from building regulations it would become a significantly different structure.

It was also raised by Officers that a condition attached to the planning permission for the existing field shelter, granted in 2002 (Ref:3345/2002/OKE) states that 'permission shall enure for the benefits of the applicant only and shall not enure for the benefit of the land' Questions were raised over whether the existing building was unauthorised as the land appears to have changed ownership.

After discussion and debate it was proposed and seconded and

Resolved that: The application was refused for the reasons set out in the Officer report.

(c) Application No. 1861/21/CAC WARD: Okehampton South

Site Address: The Old Mill, Mill Road, Okehampton

**Development: READVERTISEMENT (Revised plans received)
Conservation area consent for demolition of redundant stone
warehouse buildings**

Recommendation: Conditional Approval

Conditions:

1. Time limit for implementation
2. Approved drawings and documents including CEMP
3. Works to accord with WSI for building recording and archaeological watching brief
4. Works to accord with Ecological Impact Assessment
5. No works to commence until bat licence provided
6. No works to commence until compensatory bat roost provided
7. No works to commence until leat safeguarding details agreed
8. Recycling/salvage of stone strategy

9. No lighting unless agreed
10. Unexpected contamination

Additional Informatives:

1. LBC required for any works to listed Chimney
2. A Flood Risk Activities permit from the EA is required.
3. Works within the highway require separate consent

Having called the application to Committee, West Devon Borough Council Ward Member Cllr Yelland clarified that she did not have anything to add to the reasons given for her decision to refer the application to Committee and would reserve her right to speak in debate.

The Senior Specialist, Development Management confirmed that no dangerous building notice had been served on this site. As a rule, such a notice was only served when absolutely required. Devon Building Control officers representatives had identified that they were dangerous structures and that remedial work needed to be carried out by either demolition or shoring up. As there was an application before the Committee to potentially rectify the issue, to serve a notice. The bat licence had been served by Natural England since the report was written, therefore condition 5 would need to be altered to say work would need to be carried out in accordance with the licence.

The Council's Conservation Officer was asked to comment on the objection from Historic England. In doing so, he explained that the building was regarded as a non-designated heritage asset, but that it had been recognised that demolition would be inevitable at some point. He referred to paragraph 204 of the National Planning Policy Framework which encourages local planning authorities not to allow demolition without securing an adequate replacement. This was echoed in the Council's own Supplementary Planning Document. The crux of the objection was therefore the absence of a replacement scheme. He shared Historic England's concern. The objection was not one of principle, but the absence of plans for what is to replace it and a timeframe for delivery.

In response to Member questions the Senior Specialist, Development Management responded that:

There were no formal applications or pre-applications in for a replacement building.

There was no landscaping condition but Members could add a condition requiring a landscaping strategy to be submitted and approved to avoid the site being left vacant and untidy.

In regard to a question over soil contamination she confirmed that the Environmental Health service were consulted on the application and explained how if any contamination were to be found how this might relate to any landscaping strategy.

In regard to the lack of a replacment building, she drew Members attention to the concerns raised by Natural England.

During debate, Members voiced concerns about the absence of any application to show what was to replace the building and gave great weight to the objection from Historic England and to the guidance in the National Planning Policy Framework.

A proposal to to approve the application in accordance with the recommendation in the Officer's report on being seconded and put to the meeting was declared LOST. It was then proposed, seconded and

RESOLVED that: the application be refused for the reason that it is considered in the absence of suitable replacement proposals, that the development would cause significant harm to the character and appearance of the Conservation Area and to the setting of Listed Buildings. As such the development is contrary to Policy DEV 21 of the Joint Local Plan, the Supplementary Planning Document of the Joint Local Plan and paragraphs 196 and 199-207 of the NPPF.

***DM&L.43 PLANNING APPEALS UPDATE**

The Senior Specialist, Development Management updated the Members on the recently determined planning appeals.

***DM&L.44 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Senior Specialist, Development Management took Members through the undetermined Major applications. The Monitoring Officer gave an update on the progress on the Plymouth Road application.

(The Meeting terminated at 12.55pm)

Chairman