

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **8th** day of **November 2022** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

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

Cllr N Heyworth

Cllr B Ratcliffe

Cllr T Leech

Cllr M Renders

Cllr C Mott

Cllr T Southcott

Cllr D Moyse

Cllr J Spettigue

Head of Development Management (JH)

Planning Officer (NG)

Monitoring Officer (DF)

Democratic Services Officer (KH)

***DM&L.21 APOLOGIES FOR ABSENCE**

No apologies were received

***DM&L.22 DECLARATION OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting. Cllr Yelland declared an interest in application 2844/22/FUL as she was related to the applicant and left the room when this item was discussed and voted on. In the interest of transparency she stated that she had received correspondence from both a supporter and an objector in regard to application 2603/22/FUL and had been forwarded to the Planning Officer in line with the Code of Conduct.

As the applicant of application 2603/22/FUL was West Devon Borough Council the Monitoring Officer granted the Committee Members a dispensation so as to allow them to determine this application.

***DM&L.23 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.24 CONFIRMATION OF MINUTES**

The minutes from the Development Management and Licensing Committee of 11 October were confirmed as a correct record. The minutes from the Licensing Sub-Committee from 23 August had a typo and a word was missed from one of the objectors' statements. The amended version was signed as a correct record.

***DM&L.25 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the report that had been prepared by the relevant Planning Officer on each of the following Applications and considered also the comments of the Town and Parish

Councils together with other representations received, which were summarised within the report.

(a) Application No: 2844/22/FUL

**Ward: Okehampton
South**

Site Address: 2, Crediton Road, Okehampton

Development: Alterations to roof structure & associated works

Recommendation: Conditional Approval

Conditions:

1. Standard time limit
2. Adhere to plans
3. Adhere to ecology Report
4. Installation of bat and bird box on completion of development
5. Details of fibre cement slates to be submitted and agreed in writing with LPA
6. Details of proposed Upvc windows to be submitted and agreed in writing by LPA

The Planning Officer took members through the report and stated That the key issues were:

- Visual impact on the setting of the conversation area (site within CA buffer-zone)
- The site is not Listed nor within the setting of a Listed Building
- Neighbour Amenity
- Design & Materials
- Environmental Hazards
- Ecology

Since the publishing of the officer's report the agent had submitted details of the colour and type of roofing tile and these were acceptable and in keeping with the conservation area, therefore condition 5 in the report was no longer required. In debate Members commented on the key issues identified by the Planning Officer and on the positives of bringing the building back into use.

Committee Decision: Conditional Approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Adherence to Ecology Report
4. Installation of bat and bird box on completion of development
5. Details of proposed Upvc windows to be submitted and agreed in writing by LPA

(b) Application No: 2603/22/FUL

Ward: Tavistock North

Site Address: West Devon Borough Council

Development: Erection of 3 flagpoles 8 meters high to replace Single 8 meter high flagpole

Recommendation: Conditional Approval

Conditions:

1. Time
2. Accordance with plans
3. Carbon reduction implementations

Speakers

Objector: Hilary Moule

Supporter: Chris Brook

In her introduction, the Planning Officer made a correction to the report stating that reference was made to a Neighbourhood Plan for Tavistock when in fact there was no adopted Neighbourhood Plan. There were also additional representations that had been received since the agenda had been published.

The new points raised were summarised as follows:

- Concerns remained that this application represented a waste of taxpayers money;
- The proposal was not considered to meet the aims of the Council regarding carbon reduction (particularly the use of fibreglass);
- Loss of the foliage mentioned by officers and residents that screened the proposal had died back over the past 6 months, however the site was still being described as not visible from the road or nearest dwellings;
- A number of Councillors had been contacted about concerns and did not respond;
- The report concluded that the impact on residents would not be significant but this was refuted by the objector who believed that the noise impact from apparatus associated with the flagpole would be 'considerable' for the nearest neighbouring residents.

During questions, the Planning Officer stated that the cost of the flagpoles was not a material planning reason.

The Objector stated that she lived 20 metres from the proposed site for the flagpoles. She noted that the wildlife report was missing from the officers published report. There were two species of owl and bats in the vicinity and this could have an effect on them.

She further stated that

- the amenity loss would be significant to her with noise and disturbance.

- There were two flagpoles in the town and a redundant one on the corner of Quant Park and asked why more were needed.
- The existing flagpole was currently buffered by trees, however the site of the proposed ones had no significant trees.
- The production of fibreglass was toxic and environmentally unfriendly.
- The 12 representations to oppose the application cited the inappropriate use of taxpayers money. No Officer or Councillor had questioned the finances used to prepare this planning application let alone its implementation.

The supporter explained about:

- The community and civic role of the Council.
- The issues around flying more than one flag on a flagpole.
- Having three flagpole would mean the council could represent its communities and make statements where appropriate.
- The constraints as to where to site the flagpoles.
- A rubber weight would be used at the top of the flagpole to stop the noise from the halyard.
- The existing flagpole would be removed.

A Member asked why it had not been brought before the Hub Committee, in the past Members are normally consulted. The Monitoring Officer said it was right for the Member to raise the question, but it was a matter to be dealt with elsewhere and outside of the Development Management & Licensing Committee.

In response to further questions, the supporter explained the choice of fibreglass poles was due to them being lighter and more slender than a wooden flagpole, giving an easier installation. He explained the constraints on site meant that the proposed position was the best compromise.

The Head of Development Management confirmed there was a report on the impact of the development on the trees and in the report no concerns were raised on the impact on wildlife.

In debate Members raised concerns over noise pollution. The Head of Development Management confirmed noise was a material planning consideration under DEV1 of the Joint Local Plan. The Monitoring Officer explained to Members that whilst noise nuisance was a matter of planning judgement there had to be sufficient evidence to back it up.

Committee Decision: Refusal

Reasons:

The proposal will have harmful effects and an unacceptable impact on the amenity of local residents by reason of noise disturbance and pollution arising from the apparatus associated with the flying of flags from the proposed flagpoles contrary to Policies DEV1 and DEV 2 (1) of the Joint Local Plan.

***DM&L.26 PLANNING APPEALS UPDATE**

The Head of Development Management, relayed to Members that application 1355/19/FUL, 10 Ford Street, Tavistock was upheld and consent was granted for 6 flats but costs were refused. The inspector had deemed the Committee had acted in a correct way.

The S106 on Application 0723/21/FUL for 44 residential dwellings and outline planning for commercial land at Plymouth Road, Tavistock had been delayed due to the landowner having passed away.

***DM&L.27 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Monitoring Officer explained to Members that once the Section 106 agreement in regard to Application 3652/20/FUL land at Plymouth Road, Tavistock has been finalised, there would be a briefing to Members of the DM&L Committee and Ward Members. There was a delay due to the death of the landowner and probate being issued. The Head of Development Management informed Members that there was a meeting with the applicant that day in regard to application 4004/21/FUL Former Hazeldon Preparatory School, Tavistock. The application would still be recommended for refusal.

(The Meeting terminated at 11.45 am)

Chairman