

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **14th** day of **MAY 2024** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present Cllr T Southcott – Chairman
Cllr U Mann – Vice-Chairman

| | |
|-------------------|----------------|
| Cllr A Cunningham | Cllr C Mott |
| Cllr M Ewings | Cllr M Renders |
| Cllr S Guthrie | Cllr P Vachon |
| Cllr N Jory | Cllr S Wakeham |

Other Members in attendance:

Cllrs Edmonds and Leech (MS Teams)

Officers in attendance:

Head of Development Management (PW)
Planning Case Officer (SS) via MS Teams
Principal Planning Officer (CS)
Senior Planning Officer, Heritage (GL)
Monitoring Officer (DF)
Senior Democratic Services Officer (KH)

***DM&L.57 APPOINTMENT OF VICE-CHAIRMAN**

In the absence of the Committee Chairman, nominations were sought for the appointment of a Vice-Chairman for the duration of this meeting and it was then:

RESOLVED

That Cllr U Mann be appointed Vice-Chairman for the duration of this Committee meeting.

***DM&L.58 APOLOGIES FOR ABSENCE**

There were apologies received from Cllrs Cheadle, Leech and Moody. Cllr Vachon substituted for Cllr Cheadle, Cllr Renders substituted for Cllr Leech and Cllr Ewings substituted for Cllr Moody.

***DM&L.59 DECLARATION OF INTEREST**

Cllr N Jory declared in relation to application 4004/22/FUL, that from 2002-2009 he was the bursar of Mount House School, which subsequently merged with Kelly College to form Mount Kelly. His three children had attended Mount House School and two had attended Kelly, however they had left the school many years ago. He had no further association with the College. He stated that, in regard to application 0107/22/OPA, which was inside his Ward, he would exercise his right to speak on the application and would withdraw from the Committee at that point.

Cllrs Renders stated that he had received an email from one of the Governors of Kelly College, as had others on the Committee responding to some points outlined in the committee report.

Cllr Mann declared a non-registerable interest in application 4004/22/FUL, in that her son attended Kelly College. Also, with her involvement with the Tavistock Neighbourhood Plan, talks had been had with the Applicant in regard to the development plan within Tavistock, green space designation and sports fields. She was not present at those talks. She also declared that in respect of Application 0107/22/OPA she had met with the current Neighbourhood Plan group in Lamerton purely to discuss the process of producing a Neighbourhood Plan.

Cllr Ewings declared an interest in application 0034/24/FUL due to her son-in-law's family owning the property mentioned in the report, known as Gatherly Farm, the land and the Grade Two Listed farmhouse. She confirmed she had no pecuniary or personal interest in the land or farm and remained in the meeting and took part in the debate and vote thereon.

***DM&L.60 URGENT BUSINESS**

There were no items of urgent business brought forward to this meeting for consideration.

***DM&L.61 CONFIRMATION OF MINUTES**

The Minutes from the Development Management and Licencing Committee meeting held on 16 April 2024 were agreed as a true and correct record.

***DM&L.62 STATEMENT FROM THE MONITORING OFFICER**

Prior to the applications being heard, the Monitoring Officer made a statement setting out the legal framework for the determination of planning applications so that members of the public who might not be familiar with how planning applications were to be determined, could understand the approach that the Committee needed to follow. The following points needed to be taken into account;

- Regard was to be had to development plan policies and other material considerations;
- Material considerations were those about development or use of land;
- Decisions were to be taken in accordance with the development plan unless other material considerations suggested otherwise.
- The Committee would need to establish whether a development proposal complied with the development plan read as a whole
- Where policies conflicted, the Committee had to undertake a balancing exercise involving the use of its planning judgement; and
- Development plan policies must be read sensibly; with words having their ordinary and natural meaning.

***DM&L.63 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the reports and presentations that had been prepared by the relevant Planning Officer on the following applications and considered the comments of the local town and parish

councils together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No. 4004/21/FUL Ward: Tavistock North

Site Address: Former Hazeldon Preparatory School, Parkwood Road, Tavistock PL19 0JS

Development: Refurbishment of Hazeldon House to form single dwelling (including demolition of non-listed structures), demolition of all other structures (including former classrooms blocks) on site, the erection of 10 open market dwellings, reinstatement of the original access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking, and boundary treatments.

Recommendation: Refusal

Key issues for Committee consideration:

**Principle of Development/Connectivity, Housing mix, Heritage, Design; Trees; Landscape Character and Appearance
Affordable Housing, Loss of Playing Fields, Previously Developed Land, Residential Amenity, Highways,
Flood Risk and Drainage, Ecology and Biodiversity,
Energy Efficiency and Climate Change,
Planning Balance and Conclusion**

Case Officer Introduction:

The Planning Case Officer presented his report to the Committee. By way of an update to his report, the Officer stated that a letter had been received from the applicant dated 10 May 2024 challenging the planning judgement but in Officers' views, it did not raise any substantive issues. As part of his presentation, the Officer referred to the key issue being the sustainability of the location. In summary, the Officer informed the Committee that this application was a finely balanced one but recommended that the application be refused for the reasons set out in report.

A Member asked how the development could be deemed 'isolated' given it was on the A386. The Planning Case Officer said in the report that he referred to case law that had settled the approach to be followed to determine whether proposals were isolated from a settlement but that in policy terms this was a different question in to whether or not a site was well-connected in terms of access to services and facilities.

In response to a Member's question regarding the use of the parkland and whether it would be available for the public, the Conservation Officer stated it would be determined by a management company of a prospective developer connected to Hazeldon House.

Public Speakers:

Supporter – Mr Hollinshead

During his presentation, Mr Hollinshead stated that some of the policy decisions remained in dispute. The site sits within the gateway to the town of Tavistock. The scheme for 10 houses would ensure the preservation of Hazeldon House. Mount Kelly was an educational charity and risked being in breach of that status if any funding was to be used to restore the rapidly deteriorating listed building. The listing was applied for by West Devon Borough Council without prior warning or consultation.

Local Ward Member – Cllr U Mann

She stated that, when she had spoken to people around the town, the feedback was positive that they would like to live there.

Committee Debate:

In the ensuing debate, the Committee made particular reference to:

- Protecting the local area and improvements to Hazeldon House (although accepting that the proposal was not enabling development);
- The housing mix and size of the proposed housing;
- Economic benefits and sustainable economy, policies SPT 1 and SPT 2 were felt to be supporting the application.
- It was felt that the development would be a positive mark to the gateway to the town.
- Policy DEV23 protecting the landscape character was felt to be supportive of the development.
- Overlooking from the proposed Cottage; and
- Another Member felt that there was no economic gain to the site.

The Head of Development Management reminded Members that the application was contrary to the Development Plan policies that Members had adopted. He said that he had not heard anything to explain why Members thought the site was a sustainable location for development in policy terms. With respect to the use of the proceeds from the development, the officer reminded Members that there was a specific process for the assessment of enabling development, and this application had not followed that process.

In respect of the references to contribution made to the Town by the Applicant and the Applicant's financial position, the Monitoring Officer advised that personal circumstances of an applicant were not a material planning consideration. He also said that, having listened to the debate, he had heard Members choosing to be selective in their approach to development policies rather than reading the development plan policies as a whole.

The Planning Case Officer's recommendation for refusal was proposed and seconded. On the Chairman's casting vote, the Application was declared refused for the reasons set out in the Officer's report.

Committee Decision: Refusal

(b) Application No. 0107/22/OPA

Ward: Milton Ford

Site Address: Land north of Green Hill, Lamerton

Development: Outline application for proposed development of 19 dwellings with access and external works, with all matters reserved other than the access.

Recommendation: Conditional approval (subject to S106)

Key issues for Committee consideration:

Principle of Development/Affordable Housing and Policy TTV27, Landscape Character and Appearance; Trees Heritage, Highways, Residential Amenity, Flood Risk and Drainage, Ecology and Biodiversity, Energy Efficiency and Climate Change, Planning Obligations and Infrastructure, Planning Balance and Conclusion.

Case Officer introduction:

The Planning Case Officer presented his report to the Committee. By way of an update to his report, the Officer stated a letter had been received from an objector but, in Officers' views, it did not raise any substantive issues that had not already been addressed in the report.

The officer also verbally updated the recommendation to remain as published but with the inclusion of an additional condition requiring the submission of existing and proposed site levels, and proposed finished floor levels, as part of the reserved matters.

In questions, it was confirmed that land retained for biodiversity net gain must be maintained for a minimum period of 30 years; this would be secured by S106 obligation where it was noted that the land in question was outside of the red-lined boundary for the development. The Housing Officer clarified more information on affordable housing would be provided in the S106 agreement, such as the type, tenure, size and nomination and allocation process.

It was clarified that if Committee voted to accept the Planning Case Officers' recommendation, then permission could not be granted until the necessary S106 legal agreement had been completed to the satisfaction of officers under legal advice. The Heads of Terms for the S106 legal agreement were explained.

Public Speakers:

Objector – Mr Elkington

In his presentation, Mr Elkington voiced his concern for the scale and mix of houses in the proposed development. He felt there was conflict with policies S09, SPT 2.4 and 2.5, TTV25, TTV27 and DEV8. Lamerton's Neighbourhood Plan was published in 2022 and was valid for 5 years. In his opinion, there was a huge disparity between need and what was proposed. There was no evidence for self-builds and market value homes.

Supporter – Mr Edgar

In his presentation, Mr Edgar stated that he was a past Chairman of Lamerton Parish Council and co-creator of the Lamerton Neighbourhood Plan which reached approval by West Devon Officers to Regulation 15 in 2020. It supported the development in Green Hill. Affordable homes were needed for the sustainability of the school, village hall, church and playing field. The Parish Council's objection to the development was not unanimous.

Lamerton Parish Council – Cllr Deeks

In his presentation, Cllr Deeks stated that the application did not meet proven local need. He said that, if approved, the development would add 13 more three and four bedroom homes to the village. He claimed it was a challenging site with serious drainage problems. He said it was not compliant with Policy TTV27.

Local Ward Member: Cllr Jory

Cllr Jory stated that there were conflicting views on the size and scale of the proposed development. People recognised the need to provide affordable housing within the village. He was mindful that the Parish Council and a number of residents had objected to the development. As an exception site it was imperative that the proposal met policy TTV27.

Committee Debate:

In the ensuing debate, the Committee made particular reference to:

- A Member expressed their concerns over the viability of the proposed development. It was confirmed by officers that the viability case has been independently assessed by an external consultant. It was also confirmed that the delivery of affordable housing would be controlled by legal agreement and could not be automatically set aside should the viability of the development change in the future.
- Another Member could see the divide within the village but felt that it was a good development to support because it was meeting identified housing needs.
- Two self-build plots would be 20% below market value.
- Local government guidelines would be used when allocating affordable housing.

The Planning Case Officer's recommendation was proposed and seconded. On the vote, it was resolved to grant planning permission in accordance with the recommendation of the published agenda report and subject to inclusion of the additional levels condition set out by the officer in his introduction.

Committee Decision: Conditional Consent

(c) Application Number: 0034/24/FUL Ward: Tamarside

Site Address: Land at SX 373 834, Lifton

Development: READVERTISEMENT (additional/revised information received) Construction & operation of water abstraction & pumping facility with associated access arrangements, landscaping planting & other ancillary works.

Recommendation: Conditional Approval

Key Issues

Principle of development – landscape character – Biodiversity and Biodiversity Net Gain – Environmental impacts – Trees – Scheme Benefits - Planning balance and conclusions.

Case Officer introduction:

The Officer updated the Committee of two late letters of representation received. Neither raised any new material issues to the determination of the application. The officer also asked that Proposed Conditions 9 & 10 in the agenda report be amended to delete the wording 'pre-commencement conditions'.

Condition 9:

Notwithstanding the submitted details prior to the commencement of development, no works shall commence on site outside of the Proposed Construction Corridor/Working Area and Proposed Access Road as defined by drawing 20034028-STN-02-RW-D-L-00001 P03 until a revised Landscape Strategy Plan has been submitted to and agreed to and agreed in writing by the Local Planning Authority. The revised Landscape Strategy Plan shall include revised waxcap turf translocation and grassland management. In any event, the revised Landscape Strategy Plan shall be submitted to and agreed in writing by the Local Planning Authority no later than 6 months from the start of any works on site. The development shall therefore be carried out in accordance with the approved Landscape Strategy Plan. The reason being; In the interest of the protection of a regionally important habitat and in accordance with JLP Policy DEV26. For the avoidance of doubt, a condition is considered necessary to ensure protection of the waxcap Grassland Rare/Important Species habitat area which could otherwise be adversely affected by the terrestrial element of the development.

The applicant is the water undertaker, with a duty to ensure that the public have safe drinking water. In the context of a climate emergency they need to adapt to change and better manage water supply for the area. This would not normally be an area of development.

Condition 10

Prior to the commencement of any development within the Waxcap Grassland Rare/Important Species Area, as defined by drawing 20034028-STN-02-RW-D-L-00001 P03, hereby approved, and notwithstanding the details of the submitted Landscape and Ecological Management Plan Project Ref: 330202118 Rev: 1 Date: February 2024, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The revised LEMP shall include details of the waxcap grassland monitoring and reporting. In any event, the revised LEMP shall be submitted to and agreed in writing by the Local Planning Authority no later than 6 months from the start of any works on site. The development shall thereafter be carried out in accordance with the approved LEMP. The reason being: In order to protect and enhance biodiversity, including protected species and to ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with DEV23, DEV26 and DEV28 of the Joint Local Plan. For the avoidance of doubt, a condition is considered necessary to ensure the appropriate protection of the Waxcap Grassland Rare/Important Species habitat area, which could otherwise be adversely affected by the terrestrial element of the development.

The Case Officer presented their report to Committee. The Applicant was the water undertaker with a statutory duty to ensure that the public had safe drinking water. In the context of a climate emergency they needed to adapt to change and better manage water supply for the area. This would not normally be an area of development other than that reasonably necessary for the purposes of agriculture, however the particular circumstances of the case were considered to provide 'exceptional' circumstances when considering the JLP as a whole.

Public Speakers:

Objector – Mr Perry

In his presentation Mr Perry stated that there had been 100 spills into the River Tamar in the last year. He felt that the abstraction area was too high up the river.

In response to a Member question he confirmed the sewerage spills were coming from a mile up river, at Launceston. He felt that the River Lyd was a better option, with water coming straight off of Dartmoor.

Supporter – Mr Shenton (South West Water (SWW))

In his presentation, he said that SWW had been working closely with the Environment Agency (EA) to ensure the location was the best for this operation. This was critical regional infrastructure.

During questions he confirmed that there was sufficient water to abstract. There would be a 28-day commissioning licence from the EA to monitor the effectiveness of the water system. He responded to a question into regard of the life of a building such as the one being proposed. He said it would be around 100 years with refurbishment required every 20 years.

Lifton Parish Council – Mr Measey

Mr Measey stated that the parish council had voted unanimously in support of the application.

Local Ward Member – Cllr Edmonds

In his presentation, Cllr Edmonds felt it important for the Committee to focus on the application before them for the infrastructure development and not SWW policy and performance in other areas of operation.

Committee Debate:

A Member stated they were happy to hear of the recommended condition to compensate and manage the watercourse habitat.

The Head of Development Management said that it was not possible to impose a condition to ask for the removal of the building once it was past its life span.

The Planning Case Officer's recommendation was proposed and seconded. On the vote, it was resolved to grant planning permission in accordance with the case officer recommendation and subject to inclusion of the amended Conditions 9 and 10.

Committee Decision: Conditional Consent

***DM&L.63 PLANNING APPEALS UPDATE**

The Head of Development Management took the Committee through one of the planning appeal case listed in the published agenda papers and Members proceeded to note the content of the update.

***DM&L.64 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Committee received an update from the Head of Development Management on the Undetermined Major Planning Applications that were listed in the published agenda papers and proceeded to note the contents of the update given.

(The Meeting ended at 3.30pm)

Chairman