

WEST DEVON DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE



Minutes of a meeting of the **West Devon Development Management and Licensing Committee** held on **Tuesday, 27th October, 2020** at **9.30 am** at the **Via Skype**

Present: **Councillors:**

Chairman Cllr Yelland
Vice Chairman Cllr Pearce

Cllr Cheadle
Cllr Hipsey
Cllr Moyse
Cllr Vachon

Cllr Crozier
Cllr Mott
Cllr Ratcliffe

In attendance:

Councillors:

Cllr Bolton
Cllr Daniel
Cllr Jory
Cllr Moody
Cllr Wood

Cllr Bridgewater
Cllr Edmonds
Cllr Leech
Cllr Southcott

Officers:

Head of Development Management
Senior Planning Specialist
Planning Case Officer

20. **Apologies for Absence**

*DM&L 20

Apologies were received from Cllr M Renders.

21. **Declarations of Interest**

*DM&L 21

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, also as

having received a letter from one of the objectors for application 0629/20/ARM. He remained in the meeting and took part in the debate and vote on the item; and

Cllr Yelland also declared a personal interest in application 1726/20/ARM by virtue of being a Member of Okehampton Town Council. For clarity, Cllr Yelland informed that she abstained from the vote on the application when it was brought to the Town Council meeting. In addition, Cllr Yelland declared a personal interest in application 0269/20/ARM by virtue of having received a letter from one of the objectors.

22. **Items Requiring Urgent Attention**

*DM&L 22

There was no urgent business brought forward to this meeting.

23. **Confirmation of Minutes**

*DM&L 23

The Minutes of the Development Management and Licensing Committee Meeting held on 29 September 2020 were confirmed as a correct record.

24. **Planning Applications**

*DM&L 24

The Committee proceeded to consider the applications 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: 1726/20/FUL Ward: Okehampton North**

Site Address: Land to East of Crediton Road, North of Kellands Lane, Okehampton

READVERTISEMENT (Revised Plans Uploaded) Approval of reserved matters.

Speakers included:

Supporter (Agent) – Ben Jobson

Local Ward Member- Cllr Tony Leech

RECOMMENDATION: Delegated Authority to Head of Development Management to approve the application, subject to completion of acceptable Deed of Variation to the S106 Agreement and resolution of the outstanding issues identified in the open space, sport and recreation and landscape Sections of this report. If the deed of variation is not completed or substantial progress is not made within 6 months of this resolution authority is granted to the Head of Development Management to refuse the application in consultation with the Chair of Committee and Ward Members.

During discussion, concern was raised about the play area being close to the link road. It was confirmed that there was a tree belt but also the play area would be set down slightly to prevent access to the road. Flood risk was also raised as a cause of concern and the officer assured Members that issues had been satisfactorily addressed.

The Highways Officer confirmed the speed limit would be 30mph and, in replying to a Member, stated that a 20mph would not be suitable as it formed the function of a link road and feeder road.

It was confirmed that the only change proposed to the Section 106 Agreement was the route of the link road.

COMMITTEE DECISION: Delegated Authority to Head of Development Management to approve with the following conditions:

1. Standard Reserved Matters time limit;
2. Adherence to plans including revised Flood Risk Assessment (FRA);
3. Render colours as submitted and biocide treatment unless otherwise agreed in writing by LPA;
4. Adherence to Tree and Hedge Protection plan contained in 0931-AMS-AE Sept 2020;
5. Trigger for landscape scheme implementation and replacement if necessary for 5 years;
6. Private Electric Vehicle Charging Points (EVCP) implementation in all units with on-plot parking;
7. 4 parking spaces provided and serviced with the below ground cabling and capacity infrastructure to provide 4 fast public charge points;
8. Prior to the occupation of the 110th dwelling to provide a management and operation plan to the LPA for the public fast charge EV points;
9. Bricks for facing on boundary wall shall be lbstock multi;
10. Notwithstanding the Permitted developer order, no additional windows in SW elevations on plots 220,216, 215 and 182;
11. SW windows of 215 to be obscure glazed to w/c and bathroom, 216 ground floor w/c to be obscure glazed; and
12. Details of a development specific 'Biodiversity Residents Pack' and a copy of this to be made available to each new resident upon first occupation.

(b) Application No: 0629/20/ARM Ward: Hatherleigh

Site Address: "Biddicombe" 31 Park Road, Hatherleigh, EX20 3JS

Approval of reserved matters following outline approval reference 1635/18/OPA

Speakers included:
Objector – Mr Kevin Watts
Agent – Mr Jamie Tingle

RECOMMENDATION: Approval with conditions:

1. Accord with plans;
2. Materials to be submitted and approved;
3. Permeable paving for access roads and driveways to be submitted;
4. Detailed design of the visibility splay;
5. The cladding to be applied to the dwelling shall be timber only;
6. No external light;
7. Construction management plan;
8. Unsuspected contamination; and
9. Details of proposed hedgerows and protection of planting gabion baskets and planting proposals for them.

The Planning Officer introduced the report and provided Members with an update following a letter of representation stating that there were some inaccuracies within the report. During their introduction, the Planning Officer:

- confirmed that the reference to the Conservation Area in the planning report should have been south and west and not east;
- included a series of views from Jubilee Walk which she identified as having been a previous concern;
- added to the summary of representations including:
 - addressing the viability of the hedgerow when it became incorporated into the curtilage of a residential development and suggested that a condition should be imposed regarding the management of the hedgerow;
 - considering parking provision and whether it would be sufficient if the dwellings were used as four bedrooms and concluded that it would;
 - explaining why it was not the Council's usual practice of naming the construction company in reports;
- accepted that she had mixed up Hatherleigh Town Council's comments on outline with those on reserved matters approval and clarified exactly what the Town Council's comments were on the proposal being considered;
- advised the Committee on the proposed changes in height of the dwellings since the original submission on the application, in particular for Plot 1. She said that the footprint was now the same for both plots, and the original footprint for plot 1 had been smaller, but the height of plot 1 originally had been 8 meters from ground level, because of its steeper pitched roof. Therefore both plot heights had been reduced from the original submission. The revised plot 1 height was 7.1 meters from ground level;

- clarified that the hedge had recently been trimmed and so the hedge height had been reduced in recent weeks;
- clarified that the visibility splay would be considered more fully in presentation.

COMMITTEE DECISION: Approval subject to conditions above with the addition of a condition to ensure the current hedgerow is kept to a specified height within a detailed management plan.

Also additional conditions for a parking plan and for installing electric charging points. The wording to be confirmed by the Head of Development Management with consultation with the Chairman & Vice-Chairman of the Development Management & Licensing Committee.

25. **Plymouth Road (Planning Application 3614/18/OPA) Report**

DM&L25

Cllr Jory introduced the report and explained that concerns had been raised following the decision to grant outline planning permission at Plymouth Road Tavistock (Application Ref: 3654/18/OPA). As a result, he had commissioned a review and that a report be brought forward of findings by one of the Council's Senior Legal Specialists.

Cllr Mott, as Lead Member for the Environment, introduced the Council's Senior Legal Specialist who took Members through his findings. Before doing so, he advised the Committee that, following receipt of a solicitor's letter from a third party concerning the report, he would be asking the Committee at the end of his introduction to resolve to exclude the press and public so that he could give the Committee legal advice.

Planning permission for 250 dwellings and 2 hectares of commercial B1 use was granted in June 2020 subject to conditions. In particular, condition 37 had required the parties with an interest to the land to enter into a planning agreement prior to the start of the development. The decision was taken under delegated powers by officers.

Concerns had since been raised as to the Council's Scheme of Delegation to Officer and the deliverability of the Employment land and proposed Section 106 contributions to education.

The officers advised that his review recommendations were grouped under four headings:

- Giving Members more information about planning applications;
- Ensuring that decisions on planning applications are taken on a sound basis;
- Making the Council's decision-making arrangements clearer and more accountable; and
- Encouraging proactive and constructive working with the Town and Parish Council's on planning applications

At the conclusion of the Senior Legal Specialist's introduction it was **PROPOSED** and **SECONDED** (and when put to the vote declared **CARRIED**) that:

To enable the Committee to receive legal advice, it was "**RESOLVED** that, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved."

Following receipt of the legal advice and once Members had been given the opportunity to ask questions on this advice, it was then **PROPOSED** and **SECONDED** (and when put to the vote declared **CARRIED**) that the public and press be re-admitted to the meeting.

The Senior Legal Specialist then explained that, in light of the legal advice that he had just given, a revised set of recommendations were to be tabled.

These were that the Committee:

- notes the findings and conclusions of the Review of the process followed in connection with Planning Application 3614/08/OPA – Land at SX482425 Plymouth Road, Tavistock;
- does not make a decision at this time in respect of the recommendations in paragraph 5.3 of Appendix B to this report other than to agree to receive a further report at the Committee's next meeting.
- agrees the recommendations made by the Review and which are set out in paragraphs 5.1, 5.2, 5.4 -5.19 of Appendix B to this report.
- asks the Head of Planning to prepare an action plan to implement the recommendations of paragraphs 5.1, 5.2, 5.4-5.19 of Appendix B to this report for approval by the Committee at its next meeting.
- A progress report would be taken to Overview & Scrutiny Committee in six months' time.

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. Member training was discussed and it was confirmed that all Members were invited to all training sessions on offer which included training on the planning process.

The revised recommendations were proposed and seconded and, when put to the vote, it was subsequently "**RESOLVED** that the Committee:

1. notes the findings and conclusions of the Review of the process followed in connection with Planning Application 3614/18/OPA – Land at SX482725 Plymouth Road Tavistock (as set out at Appendix A of the presented agenda report);

2. does not make a decision at this time in respect of the recommendations set out in paragraph 5.3 of Appendix B to this report other than to agree to receive a further report at the next meeting of the Development Management and Licensing Committee;
3. agrees the recommendations made by the Review and which are set out in paragraphs 5.1, 5.2, 5.4 -5.19 of Appendix B to the presented agenda report;
4. asks the Head of Development Management to prepare an action plan to implement the recommendations in paragraphs 5.1, 5.2, 5.4 -5.19 of Appendix B to the presented agenda report for approval by the Committee at its next meeting; and
5. notes the intention to bring forward a progress review of the planning improvement action plan to a future meeting of the Overview and Scrutiny Committee in six months' time."

26. **Planning Performance Indicators**

*DM&L26

The Head of Development Management took Members through the latest Planning Performance Indicators. It was stated that pre-applications were being dealt with more efficiently as one officer was dedicated to dealing with them on a full-time basis.

27. **Planning Appeals Update**

*DM&L27

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

The Meeting concluded at 3.00 pm

Signed by:

Chairman
