

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **28th** day of **February 2023** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present: Cllr J Yelland – Chairman

Cllr R Cheadle
Cllr N Heyworth
Cllr T Leech
Cllr C Mott

Cllr D Moyse
Cllr M Renders
Cllr T Southcott
Cllr J Spettigue

Head of Development Management (JH)
Planning Officer (NG)
Monitoring Officer and Head of Legal Practice (DF)
Democratic Services Officer (KH)

***DM&L.42 APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs T Pearce and B Ratcliffe, with Cllr R Cheadle substituting for Cllr Pearce.

***DM&L.43 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. In so doing, Cllr Mott declared an interest in planning application 4034/22/HHO (minute DM&L.46 below refers) by virtue of being the Council's appointed Member representative on the Cornwall and West Devon Mining Landscape World Heritage Site Partnership and remained in the meeting during consideration of this application.

***DM&L.44 URGENT BUSINESS**

Whilst there was no urgent business brought forward to this meeting, the Chairman reminded the Committee the next Development Management & Licensing Committee was scheduled to be held on 18 April 2023.

***DM&L.45 CONFIRMATION OF MINUTES**

The minutes from the Committee meeting held on 24 January 2023 were approved as a true and correct record.

***DM&L.46 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 the following application and considered also the comments of the Parish Council together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No. 4034/22/HHO Ward: Bere Ferrers

Site Address: Pump Cottage, Bere Ferrers

Development: Householder application for proposed detached garage

Recommendation: Refusal

Key issues for consideration: Design, scale and massing, the impact on non-designated heritage asset and setting, impact on the Cornwall and West Devon World Heritage Site, Tamar Valley Area of Outstanding Natural Beauty

Speakers included:

Supporter: Mr H Thornton

Bere Ferrers Parish Councillor: Cllr P Crozier

Local Ward Member: Cllr A Blackman

During questions of the speakers, it was clarified that, should Members wish to propose Conditional Application of the planning application, then they would need to demonstrate how the identified harm would be mitigated. It was confirmed that no weight should be given to the previous Structure, as there was just a concrete slab in situ. It was questioned if trellis work inside the hedge would help to mitigate the harm.

In debate, it was clarified that the Bere Peninsula Neighbourhood Plan stated that new development should avoid harming the unique assets of the area. Also, there was also no carbon reduction measures proposed in the planning application as stated as being required on new development within the Neighbourhood Plan.

It was raised by a Member that, on the site visit, the Committee had observed several sheds in close proximity to the application site that appeared to have no relevance to the heritage assets outlined in the Officer's published agenda report. In reply, the Head of Development Management said that the decision made on those garages may have been poor decisions in the past, however with the current adopted policies and, in particular, the World Heritage site status, it is important to measure the decision against them. The Officer also explained that it would be hard to condition against further development on this site, as it was an application for a garage and so it would not be possible to remove permitted development rights.

Committee Decision: Refusal

Reasons:

1. The proposed garage does not meet the minimum internal dimensions for domestic garaging as set out within paragraph 8.5 of DEV29 of the Plymouth & South West Devon Joint Local Plan (2014- 2034) The small size of the proposed garage is substandard resulting in a building that is not fit for purpose. If approved, it will increase pressure for additional garage buildings within the site, further compromising available space within the site for on-site parking and turning and exacerbating the negative visual impact that a proliferation of small garden buildings would have within the Public Realm of the Area of Outstanding Natural Beauty (AONB) and World Heritage Site (WHS) protected Heritage Landscape. As such the proposal is contrary to policy DEV29 Plymouth & South West Devon Joint Local Plan (2014- 2034);
2. The proposal introduces a new domestic feature on the approach to the settlement, which due to its siting, size and scale will detract from the setting of the host dwelling and other non-designated heritage assets within this linear hamlet. The proposal fails to conserve or enhance the outstanding universal value of the World Heritage Site (WHS) and is considered to cause less than substantial harm to the authenticity of the Outstanding Universal Value of the Site. The proposal is solely for private benefit and provides no mitigation to ameliorate the extent of harm to the WHS Public Realm. The proposal is therefore considered contrary to DEV20, DEV21, DEV 22 and DEV23, DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies P3, P6, C2 and C9 of The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 and paragraphs 176, 200 and 202 of the National Planning Policy Framework; and
3. The application has failed to include a Heritage Statement proportionate to the asset's importance as required by The Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document 2017 and paragraph 194 of the National Planning Policy Framework. As a result, the full impacts of the design scheme and the proposal cannot be ascertained and therefore adequately considered against Policy DEV21 in the Plymouth & South West Devon Joint Local Plan (2014- 2034).

***DM&L.47 PLANNING APPEALS UPDATE**

The Head of Development Management updated Members on the appeal on Higher Wilminstone Milking Parlour, near Tavistock. The application had been refused on four reasons. The location had been the main reason that the Inspector had given for dismissing the appeal, as there were no local facilities and people would be reliant on the motor car.

***DM&L.48 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Head of Development Management updated Members on two applications that were raised at Committee. She confirmed that the meeting had taken place with Sports England on the application on Hazeldene Preparatory School, Tavistock. Also, that a meeting had taken place with the architect in regard to potential amendments to the design of the proposed houses.

The Monitoring Officer confirmed that the application on Plymouth Road was awaiting land ownership issues to be dealt with in regard to probate.

(The Meeting ended at 11.00 am)

Chairman