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All Members

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Date 10th November 2020

Dear Member

Special Planning Committee– 13th November 2020

I am now able to enclose, for consideration at the next meeting of the **Planning Committee**, the following reports that were unavailable when the agenda was printed.

To add to your agenda for the meeting on 13th November 2020

5 **MINUTES OF THE PREVIOUS MEETING** (*Pages 3 - 10*)

Members to consider whether to approve the minutes as a correct record of the meeting held on 4 November 2020 (to follow)

Yours sincerely

Carole Oliphant
Member Services Officer

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 4 November 2020 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, E J Berry, Mrs C P Daw,
L J Cruwys, S J Clist, F W Letch,
D J Knowles, R F Radford and
B G J Warren

Apologies

Councillor(s)

S J Penny

Also Present

Councillor(s)

R J Dolley

Present

Officers:

Eileen Paterson (Group Manager for Development), Adrian Devereaux (Area Team Leader), John Millar (Principal Planning Officer), Sally Gabriel (Member Services Manager), Oliver Dorrell (Planning Officer), Philip Langdon (Solicitor) and Carole Oliphant (Member Services Officer)

85 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.46)**

Apologies were received from Cllr S J Penny

86 **REMOTE MEETINGS PROTOCOL (0.04.01)**

The Committee had before it, and **NOTED**, the *Remoted Meetings Protocol.

Note: *Remote Meetings Protocol previously circulated and attached to the minutes

87 **PUBLIC QUESTION TIME (0.04.34)**

There were no members of the public present.

88 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.05.19)**

Members were reminded of the need to declare any interests when appropriate.

89 **MINUTES OF THE PREVIOUS MEETING (0.05.31)**

The Minutes of the meeting held on 7th October 2020 were agreed as a true record.

90 **CHAIRMAN'S ANNOUNCEMENTS (0.06.32)**

The Chairman had no announcements to make.

91 **DEFERRALS FROM THE PLANS LIST (0.06.59)**

There were no deferrals from the Plans List.

92 **THE PLANS LIST (0.07.05)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

a) 20/00858/FULL - Erection of 9 dwellings with associated car parking and access at Mid Devon District Council, Park Road Nursery, Park Road.

The Principal Planning Officer outlined the contents of the report by way of a presentation which detailed the site location plan, proposed block plan, bin/bike store, proposed site elevations, unit elevations, floor plans and photographs of the site and existing access.

He explained that the site was the former park nursery site which was now redundant with various out buildings and was sited within the conservation area.

He explained that local residents had expressed concerns with regard to highways safety and parking but the proposals included the required amount of parking and the Highways Authority had raised no objections. He detailed the tree protection measures in the application and confirmed that Tiverton Town Council had raised an objection due to over development of the site.

Consideration was given to:

- The importance of Condition 6 regarding foul and surface water drainage
- That each property had been provided with 2 parking spaces under the proposals
- That it was a previous Cabinet decision to dispose of the site with planning permission
- The tree plan included the periphery of the site
- Any speed restrictions on Park Road were the responsibility of the Highways Authority and could not be imposed by the Planning Authority
- Potential contamination on the site
- The site fell below the unit threshold for developer contributions towards open spaces and affordable housing
- The site was not in an Air Quality Management area
- That any planning permission awarded would remain with the land and was not personal to the applicant

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Reason for the Decision – as set out in the report

Note: Cllrs G Barnell, S J Clist and D J Knowles declared personal interests as they had been on the previous Cabinet which had made the decision to dispose of the site with planning permission

b) 20/00964/FULL - Conversion of existing common room and communal areas to flat with garden and parking and construction of new vehicular access at Common Room, Brewin Road, Tiverton.

The Principal Planning Officer outlined the contents of the report by way of a presentation which detailed the site location plan, existing plan, existing garden area, proposed floor plan and photographs of the existing layout and current parking arrangements on Brewin Road.

He explained that the property was a redundant common room area and that whilst the proposed new flat was small it did comply with the minimum size standards for a 1 bedroomed property. He explained a concern had been raised by a local resident with regard to the proximity of the proposed turning area to their flat and explained to Members that there was a degree of separation from the area and the flat concerned.

In response to Members questions the Planning Officer confirmed that current occupiers of the flats had been consulted and had requested that the proposed parking spaces were not allocated but were on a first come first served basis.

Consideration was given to:

- That screening from the parking area would not be practical
- The parking area would only be available for residents or visitors of the flats and signage stating this would be provided
- The views of the Ward Member who stated that the development would provide much needed housing in the area and that although the development would cause noise and disruption, he felt the residents would be able to cope with the short term inconvenience

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Reason for the Decision – as set out in the report

Note: Cllr R Dolley spoke as Ward Member

c) 19/01932/FULL - Retention of change of use of shop into 1 ground floor flat (Revised Scheme) at Preston House, Bow, Devon.

The Area Team Leader reminded Members of the application (considered at a previous meeting) by way of a presentation and stated that following a resolution by the Committee, officers had sought to obtain a reduction in the number of units

applied for. He confirmed that the applicant had amended the plans and that the application before the Committee had been amended to remove the shop and increase the ground floor flat size. This had reduced the number of total units on the development from 5 to 4 flats.

The officer explained that Bow Parish Council had objected and stated that the amended application had not gone far enough and that the total number of units on the site should be no more than 2.

The officer reminded Members that the applicant had originally applied for a parking area to the rear of the property which had been refused by the Highways Authority on grounds of visibility and width of access.

He stated that the shop would be refurbished under the revised scheme and included frosting to the lower part of the windows which would afford some privacy for occupants of the flat.

In response to Members questions regarding refused applications in 2018, the Area Team Leader confirmed that the 2018 applications were for a separate dwelling at the rear of the property and the conversion of the shop, neither of which were in front of the Committee at this time.

Members then questioned the car parking arrangements for the units and the officer confirmed that the Highways Authority had stated that the development would not cause significant issues due to the fact that there was a regular bus service directly outside the property. He confirmed that if Members were minded to refuse the application on the lack of parking provision then it was unlikely to be supported by the Highways Authority.

Consideration was given to:

- The upkeep of the rear amenity area would be the responsibility of the applicant
- The alleged damage to neighbouring buildings for works already completed was a civil issue and not within the scope of the Local Planning Authority to demand rectification
- The condition which required the rear parking area to be returned to its original state and the entrance be blocked to vehicular access through bollards and planters
- Condition 3 had been amended to include the provision of bike storage in the amenity area
- The views of the Parish Council which highlighted the exiting parking issues at the site and that any consent should include a condition that the rear amenity area be returned to its former state and parking area removed

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration subject to:

- Condition 6 being strengthened and the wording agreed with the Chairman and Vice Chairman of the Planning Committee

(Proposed by the Chairman)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllrs G Barnell and S J Clist requested that their vote against the decision be recorded
- ii.) Cllr B G J Warren requested that his abstention from voting be recorded
- iii.) The Chairman read out a statement provided by Bow Parish Council

d) 19/01933/FULL - Retention of conversion of first floor flat into two flats at Preston House, Bow, Devon.

The Area Team Leader reminded Members of the application (considered at a previous meeting) by way of a presentation and stated that following a resolution by the Committee officers had sought to obtain a reduction in the number of units applied for. He confirmed that the applicant had amended the plans for the shop and that the application before the Committee was to approve the conversion of an existing four bedroomed flat into two, two bedroomed flats. He confirmed that the applicant had already started these works so the application was retrospective.

The officer stated that Bow Parish Council had objected and stated that the amended application had not gone far enough and that the total number of units on the site should be no more than 2.

The officer reminded Members that the applicant had originally applied for a parking area to the rear of the property which had been refused by the Highways Authority on grounds of visibility and width of access.

In response to Members questions regarding refused applications in 2018, the Area Team Leader confirmed that the 2018 applications were for a separate dwelling at the rear of the property and the conversion of the shop, neither of which were in front of the Committee at this time.

Members then questioned the car parking arrangements for the units and the officer confirmed that the Highways Authority had stated that the development would not cause significant issues due to the fact that there was a regular bus service directly outside the property. He confirmed that if Members were minded to refuse the application on the lack of parking provision then it was unlikely to be supported by the Highways Authority.

Consideration was given to:

- The upkeep of the rear amenity area would be the responsibility of the applicant
- The alleged damage to neighbouring buildings for works already completed was a civil issue and not within the scope of the Local Planning Authority to demand rectification
- The condition which required the rear parking area to be returned to its original state and the entrance be blocked to vehicular access through bollards and planters

- Condition 3 had been amended to include the provision of bike storage in the amenity area
- The views of the Parish Council which highlighted the exiting parking issues at the site and that any consent should include a condition that the rear amenity area be returned to its former state and parking area removed

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration subject to:

- Condition 5 being strengthened and the wording agreed with the Chairman and Vice Chairman of the Planning Committee

(Proposed by the Chairman)

(Vote: 3 For, 3 Against, 4 Abstain – Chairman’s casting vote)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllrs G Barnell and S J Clist requested that their vote against the decision be recorded
- ii.) Cllr B G J Warren requested that his abstention from voting be recorded
- iii.) The Chairman read out a statement provided by Bow Parish Council

93 **MAJOR APPLICATIONS WITH NO DECISION (2.20.06)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

The Group Manager for Development stated that application 20/01452/MOUT – cricket facility at Horn Road, Kentisbeare would be brought before the committee for determination alongside the application for the relief road in Cullompton.

Note: *List previously circulated; copy attached to the minutes

94 **APPEAL DECISIONS (02.31.15)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to minutes.

95 **APPLICATION 20/00622/OUT 12 KABLE CLOSE, TIVERTON (OUTLINE FOR THE ERECTION OF 1 DWELLING) (2.31.40)**

At the Planning Committee on 9th September 2020, members deferred consideration of the application in order that a site visit could be conducted. The site visit took place on 18th September 2020.

At the Planning Committee on 23rd September members resolved that they were minded to refuse the application and requested an implications report setting out suggested reasons for refusal and associated implications. The Committee therefore had before it an *implications report of the Head of Planning, Economy and Regeneration setting out the implications of refusal.

The Planning Officer reminded members of the application by way of a presentation which detailed the site location, indicative layout plan and photographs showing the existing garages.

The officer confirmed that the Highways Authority had visited the site and had raised no objections and were unlikely to support refusal on highways grounds.

Further consideration was given to:

- The wording of reason for refusal (a) did not need to include reference to an increase in traffic
- That the access was not of adequate width for the development
- The implications of the construction development which would result in unacceptable levels of disturbance to neighbouring properties

It was therefore **RESOLVED** that: the application be refused on the following grounds:

- A) The use of the access driveway to serve the proposed dwelling would, by reason of its inadequate width and awkward alignment with the public highway, be unsuitable for the proposed use, contrary to policies DM1 of the Mid Devon District Council Local Plan 2013-2033 and advice contained in the National Planning Policy Framework, in particular paragraphs 108(b) and 127(f).
- B) The proposed access to the site would result in an unacceptable level of disturbance for the occupiers of the nearby residential properties, contrary to Policy DM1 of the Mid Devon District Council Local Plan 2013-2033 and advice contained in the National Planning Policy Framework, in particular paragraph 127(f).

(Proposed by Cllr B G J Warren and seconded by Cllr F W Letch)

Reason for the Decision – as detailed above

Notes:

- i.) Cllrs E J Berry, Mrs F J Colthorpe, G Barnell, Mrs C P Daw, S J Clist, F W Letch, D J Knowles and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters from local residents
- ii.) Following the meeting the proposer and seconder confirmed that they would defend the decision at appeal if necessary
- iii.) *implications report previously circulated and attached to the minutes

(The meeting ended at 5.09 pm)

CHAIRMAN