Mid Devon
DISTRICT COUNCIL

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All Members

Contact: **Andrew Seaman**
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30 March 2023

Dear Member,

Planning Committee – 5 April 2023

I am now able to enclose, for consideration at the next meeting of the **Planning Committee**, the minutes of the previous meeting. An error had occurred when attaching the minutes to the published item.

4 **MINUTES OF THE PREVIOUS MEETING** *(Pages 3 - 8)*

To consider whether to approve the minutes as a correct record of the meeting held on 15 March 2023.

Sincerely
Andrew Seaman
Member Services Manager

Available in other languages and formats on request
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 15 March 2023 at 2.15 pm

Present Councillors	P J Heal (Chairman) Mrs C Collis, Mrs F J Colthorpe, J M Downes, B Holdman, D J Knowles, F W Letch and B G J Warren
Apologies Councillor(s)	S J Clist, L J Cruwys and R F Radford
Also Present Councillor(s)	Mrs E J Lloyd
Present Officers:	Richard Marsh (Director of Place), Maria De Leiburne (District Solicitor and Monitoring Officer), Angharad Williams (Development Management Manager), Adrian Devereaux (Area Team Leader) and Sarah Lees (Member Services Officer)

119 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from:

- Cllr S Clist who was substituted by Cllr J Downes
- Cllr L J Cruwys (who was not able to attend the meeting in person by joined via Zoom)
- Cllr R F Radford

120 PUBLIC QUESTION TIME

Public questions were received from:

Elizabeth Dalton

22/02220/MFUL Land at NGR 283084 102432 (Fanny's Lane) Sandford Devon.

I wish to register my strong objection to the revised planning permission for the above site, on the following basis:-

Application for Removal or Variation of a Condition following Grant of Planning Permission submitted on behalf of Belfield Developments states incorrectly that the works have not been started but the site works have been in progress for many months: Why the discrepancy?

‘Following the late receipt of the External Levels Plan from the Civil Engineers, the following drawing amendments have been revised and substituted on the following drawings:
1445-P04 (Rev A)
1445-P201 (Rev A) *Section A-A behind No. 3 Creedy View* shows levels on site but does not include Plot 3 Creedy View ground level. Why was the difference in levels not shown?

1445-P202 (Rev A) *Section B -B behind between Nos 4 and 3 Creedy View* shows levels on site but not the adjacent dwellings. Why was the difference in levels not shown?

In the absence of the sections through the existing surrounding properties together with the adjoining new site the Committee cannot fully appreciate the extent of loss of amenity Bellfield’s construction has on the Creedy View residents. What effect will this omission have on the Committee’s decision?

The proximity of (Now) number 7 Weaver’s Way to Plot No. 2 Creedy View ensures that the garden of No. 2 CV will be completely overshadowed and dark. How can this be ameliorated?

1445-P203 (Rev A) *Section C - C behind* No. 1 Creedy View *shows* levels on site and not the adjacent dwellings – specifically does not show the level of No. 1 Creedy View’s garden that has had the ground cut away around two external edges of the garden, leaving No. 1’s garden with an unsupported sheer drop of several metres. Why has the original proposed supporting structure been omitted?

Plots 1 and 2 Creedy View have been substantially affected by the Weaver’s Way excavations that undermine the stability of their ground so what stabilisation works would the committee recommend?

1445-P204 (Rev A) Shows the fence line that now goes right up to the public right of way. Will these gardens be fenced to delineate the land ownership?

Dwg. No:32002 Rev.1 dated 13.06.22 Rev: F shows retaining walls removed and earth bank added, thereby creating instability of the garden of No. 1 Creedy View and the area supporting the communal LPG tank for Creedy View residents. Has the stability of the Garden and gas tank been assessed by a professional structural engineer?

32001-BPC-XX-XX-DR-C-0001 (Rev I) Engineer's drawing has a scale 1:200 and refers to sheets 1 - 3 and to the steep banking being to 'contractor's design' but only sheet 1 appears. Where are sheets 2-3 and have they been submitted to MDDC Planners? Does the contractor have sufficient professional expertise?

- Dwg No: PO3 refers to the Existing Public Right of Way path to remain unsurfaced and unaffected by the development - however an intention to raise the level of the footpath has been promulgated so that the developer can spread the spoil from his excavations. Although the Footpaths Officer has vetoed this proposal will it be monitored to ensure footpath integrity?

- Dwg No: PO3 also shows plot numbering from 1 – 13 as the site is entered. The revised proposal shows house numbering from 13 – 1 instead. Why was this necessary?
- Dwg No: PO4 shows banking along the southern edge of the building site but also where the soil is obviously proposed to be spread over the proposed public open space. Will this soil be spread out to ensure that there is no likelihood of slippage onto the houses below in Meadowside road?
- Are MDDC satisfied that Belfield have fully complied with Clause 15 of the Decision Notice, i.e.,
  the design of the attenuation ponds.
- Are there any cross-section drawings available through the Attenuation Pond from the Furlongs footpath and the houses in Meadowside that show the relationship between the pond and houses below? (Have MDDC planners assessed the risk of flooding to the houses should the existing soil give way and checked the design calculations for the pond?)?

I strongly object to proposal to 'regularise' the now built site with retrospective planning permission rather than enforcing the originally approved permission.

The Chairman informed those present that the questions would be dealt with when the application was reached on the agenda.

121 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Members were reminded of the need to make declarations where appropriate.

122 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 1st March 2023 were **AGREED** as a true record and duly **SIGNED** by the Chairman.

123 **CHAIRMAN'S ANNOUNCEMENTS (00:09:00)**

The Chairman reminded the Committee that the next meeting would be held on 5th April 2023.

124 **WITHDRAWALS FROM THE AGENDA (00:10:00)**

The Chairman announced that application 22/00067/MFUL had been withdrawn from the agenda.

125 **THE PLANS LIST (00:10:00)**

The Committee considered the applications in the *Plans List.

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

a) 22/02220/MFUL - Variation of Condition 2 of Planning Permission 21/00276/MFUL - Erection of 13 dwellings to include associated landscaping, public open space and infrastructure - Substitution of agreed drawings to incorporate revised site drawings at Land at NGR 283084 102432 (Fanny's Lane), Sandford, Devon.

The Area Team Leader explained that the Legal Team had dealt with the matter of h the signing of a Deed of Variation for the S106 agreement therefore the Recommendation had been amended to read 'Grant permission subject to conditions'. In addition, the drawing number for the Landscaping scheme to be secured under condition 4 was now 2437 01 C (rather than B).

The officer outlined the application by way of a presentation which highlighted the site location plan, aerial views showing the access points, the affordable housing units, the surrounding residential properties, public open spaces, refuse and parking areas. The Committee were also shown images of the stepped access to the south, the drainage plans and terraced gardens.

The changes between the original planning application and the revised application were also summarised including changes to boundary treatments, gradient levels, which were designed to improve disability access, pedestrian access points and the provision of banks rather than retaining walls to the site area. Proposed changes also included a change to the use of certain materials such as render replacing stone, slates tiles proposed for the roofs, the provision of air source heat pumps and electric car charging points. The officer summarised the particular proposed changes to each plot where they existed.

In response to the public questions asked he stated that:

- The original application had been approved, implemented and development had started.
- The revised application had come about as a result of local concerns and an investigation hence the proposed changes to the stepped nature of the site and the change in materials.
- Professional officers had no concerns about the site levels and were content that hedgerows were being proposed to improve the appearance of boundary edges.
- Information had been provided only where there were proposed changes.
- Devon County Council had not raised any concerns regarding the Public Right of Way following confirmation that levels to the PROW remain unchanged.
- The spoil would be removed from the site.
- Drainage and flooding issues had been dealt with at the original application stage.

Consideration was given to:

- Materials had been chosen so as to be in keeping with the surrounding area.
- Concerns regarding giving permission originally based on a number of conditions (such as retention of the Right of Way and fitting in with the Conservation area) and now receiving a revised application with additional proposed changes to the stepped nature of the site, boundary treatments and materials used. What purpose had the original approval therefore served and what was the point of approving conditions if they could then be altered at a later stage? It was explained that applicants were within their rights under S73 to bring a revised application forwards and the proposed changes were acceptable from a planning policy point of view. The Government had set the planning laws and until they changed them, applicants were legally able to act in this way.

- Revised conditions addressed first floor window concerns.
- The applicant had listened to the concerns of the local residents during the investigation but had also had to reconsider the rising costs of materials hence the revised application.
- Conditions 4 and 5 ensured that any tree, shrub, hedge, plant or grassed area which died, was damaged or removed would be replaced to the satisfaction of the Local Planning Authority.
- Significant concerns from the owners of a neighbouring property concerning windows placements, the loss of privacy, the position of proposed patio doors, wall facades and what was felt to be insufficient hedge treatments to prevent noise and significant loss of amenity.
- Significant concerns from the local Parish Council who were keen to point out to the Committee that the revisions being sought were already in place. Concerns remained regarding the gradual terracing of the various garden plots being filled in with spoil from the rest of the site creating imposing banking above the public right of way. The overbearing nature of the development remained a chief concern despite negotiations with the developer. Additional conditions had been requested to address the height of the banking, the spoil to be taken off site, gabions used where appropriate and the concerns from the neighbouring property regarding loss of privacy and outlook.
- Concerns of the Ward Member regarding the proximity of properties seeming much closer than the stated 12 metres, the stability of the land, air quality, the safety of proposed pathways into Crediton and frustrations experienced by the existing planning process.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by the Chairman)

Reason for the decision: As set out in the report.

Notes:

- Cllrs Mrs C Collis, Mrs F J Colthorpe, J Downes, P J Heal, B Holdman, D J Knowles, F W Letch and B Warren made declarations in accordance with Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence regarding this application.
- Cllr F W Letch declared a personal interest as some of his brother in law's relatives lived in Fanny's Lane.
- Naomi Cooper spoke as an objector.
- Justin Denno spoke as the applicant.
- Cllr Brian Ffye spoke as Chairman of Sandford Parish Council.
- Cllr E Lloyd spoke as Ward Member.
- Cllrs J Downes, B Holdman, D J Knowles, F W Letch and B Warren requested that their abstention from voting be recorded.

(The meeting ended at 3.48 pm) **CHAIRMAN**

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