

Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 31 July 2019 at 2.15 pm

Present Councillors

Mrs F J Colthorpe (Chairman), E J Berry,
Mrs C Collis, L J Cruwys, Mrs C P Daw,
D J Knowles, E G Luxton, R F Radford,
B G J Warren, J Cairney and J M Downes

Apologies Councillor(s)

S J Clist and F W Letch

Also Present Councillor(s)

Miss J Norton

Present Officers:

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Lucy Hodgson (Area Team Leader), Adrian Devereaux (Area Team Leader), Daniel Rance (Principal Planning Officer), Ian Sorenson, Ben Lucas (Forward Planning Officer), Ian Sorenson (Devon County Council, Highway Authority) and Sally Gabriel (Member Services Manager)

22 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from:

Cllr S J Clist to be substituted by Cllr J Cairney
Cllr F W Letch to be substituted by Cllr J M Downes.

23 PUBLIC QUESTION TIME (00-03-16)

Peter Dumble referring to item 10 (Higher Town, Sampford Peverell) on the agenda stated that two reports carried out by Highways experts, Mark Baker Consultants, have never been brought to Councillors' attention.

In both reports from February and May 2018, he advises that "The Council should refuse the planning application on a number of concerns regarding access". Concerning, the proposed crossing point on Turnpike near the canal bridge, Mark Baker states that:

“... there would be only 14m visibility to the north “This is severely deficient for a crossing located in a 30mph area where 43 metres is required”.

Since then, the independent highway review by Trace Design asked the applicant to redraw lines of visibility to a safer standard. If done this would reduce visibility to only 9m. It should be 43m.

The applicant has told planning officers that they have addressed all Trace Design’s points, but they have not changed visibility lines at this crossing point or justified why not.

Furthermore, the proposed new footpath on Turnpike is to be only 1.2m wide. The government guidance, “Inclusive Mobility”, says that 1.5m is the minimum. The Council must provide safe access for all including disabled users. This footpath and crossing do not. “Inclusive Mobility” has never been mentioned by the applicant, the Highway Authority or your officers.

Moving on to the north-east access, Mark Baker finds that

“... the cycleway onto Higher Town directs vulnerable users onto a section of shared surface with restricted widths, where vehicles are entering a built-up area”. Trace Design expressed concerns and have asked for visibility lines to be re-drawn and for road widths to be shown on plans. The applicant has not done this. If they were to do so, the plan would show ...

- that visibility to the south drops to 12m. It should be 43m.
- that only 4.2m road width is available where Trace Design want 4.8m.
- that where the Highway Authority wants 3.5m road width, only c.2.5m is available.

Officers say that the applicant has responded to Trace Design’s suggestions “where appropriate”. This is simply not true. Trace Design’s work shows the design is even more seriously sub-standard than you were told last July.

Officers have chosen not to put the Trace Design Review or Place Lands response to the review out to consultation. This is unfair. Councillors, it is not ‘unreasonable’ to refuse permission on grounds of road safety when a highways expert directly recommends that this is what you should do.

Let us not forget that Mark Baker’s advice matches the experience of those of you who visited the site during term-time last year. You saw the heavy traffic in the shared space outside the Primary School and parents with children struggling to cross Turnpike near the canal bridge.

In conclusion, Councillors, please stand firm on “Reason for Refusal 3”, but in doing so, please add that highway safety concerns also extend to the north-east access via Higher Town.

Hayley Keary referring to item 10 (Higher Town, Sampford Peverell) stated that - I live in one of the heritage houses, several feet below and a few feet away from SP2 ground level. The Conservation Officer tried to assess any impact on the heritage assets at the north-east. The Framework requires ‘clear and convincing justification’

of any harm to heritage assets. Page 106 of your pack shows that the Conservation Officer made a huge mistake. She believes that the access at the north-east is “less than 2m wide”. But the applicant’s detailed plans show that it is at least 18m wide and over 2.5m high. She bases her findings on an error of over 900%. Any access at the north-east will need to cut back into the field for at least 35m to reach ground level. She never once mentions this. She fails to mention this enormous cutting into an ancient Devon bank within 15 metres of the assets she is assessing. Her assessment cannot be ‘clear and convincing’ which is what the Framework requires. For this reason, it is not unreasonable to refuse permission.

Heritage and Landscape Assessments from the applicant also completely fail to mention this cutting, as does the independent assessment by CEC. None of them looked at the plans that had been published well before their assessments were made. CEC worked from the Conservation Officer report with its serious error and they only used the applicant’s illustrative plan rather than detailed designs. All of the applicant’s assessments assume that there will be screening around the north-east edge of the site, but this is not part of the application. If there is screening, our house will be deprived of natural light. If there is no screening, we lose privacy. Land heights mean that people on what would then be a public space could stand two metres from windows into sitting rooms and bedrooms and look in. No fencing or shrubbery can retain both light and privacy. It is key to today’s decision to have an explanation of how Officers plan to resolve this. It cannot wait or be put off.

Despite not seeing accurate plans, CEC still conclude that ...

‘The sunken rural character of (Higher Town) should be preserved e.g. without introducing pavements, kerbs, or excessive signage’. But the plans you are asked to approve today

- cut into the bank
- open up the sunken lane
- add a large, raised paved-area
- mark it with eight bollards and two signs
- create a coloured road surface and
- add painted ‘Give Way’ and other road markings.

These do not “preserve the sunken rural character” of the road, Higher Town.

Please don’t let officers tell you that this can be resolved later. Any access at the north-east would have to be wide, high and long to make up the height difference from road to field.

It cannot be ‘unreasonable’ to refuse permission when the impact on this historic location has been so inadequately assessed. May I ask Councillors, that you please include ‘harmful impact on the character of Higher Town and its heritage assets’ in your reasons for refusal?

Roz Thomas referring to item 10 (Higher Town, Sampford Peverell) stated that - I have voiced several of my questions over the years, but would like to focus on the issue of Transport Safety today. Myself, my husband and 3 young children live on the section of Turnpike without any pavement, overlooked by the proposed development site. The busy road has been a concern for our family since moving to the property, and we have had several close calls whilst walking to and from the village to our house on the roadside, with high solid banks either side, cars and large farm vehicles travelling too fast, and sections with poor visibility. My eldest son

catches a bus to Uffculme High School each morning from Batten's Cross. On 26 February 2018, I wrote a letter of objection. I attached an email from the Devon County Council School Transport team. The team confirmed that it does not think it is safe for secondary age pupils to be picked up or dropped off in the main body of the village outside the Globe and left to walk to and from Turnpike. That is why they arranged a separate stop at Batten's Cross, at the top of this dangerous section of road. Officers and the Devon Local Highways Authority have never responded or commented on this point that I have made.

Being a physiotherapist, a mother who has used a pushchair, and having cared for my own father, who used a mobility scooter, I am acutely aware of the implications to people's lives when access is denied due to poor design of walkways.

This application proposes highway improvements along Turnpike, due to the subsequent increase in population at this end of the village. These involve the addition of a "sub-standard" crossing point, a 1.2m footpath that fails to meet the required width set out in "Inclusive Mobility", and safety railings at the canal bridge are to be removed. I was concerned to hear that Councillors chose not to visit or use the proposed new crossing point on their site visit yesterday. Its only when you experience it, you truly understand the risks, especially with young children. I trust you will bow to the experience of previous Councillors who did attempt the crossing last July. One described it as "nerve-wracking". Another asked – "Why do that on a blind bend?"

I ask Councillors –

1. Do you think these proposed 'improvements' would make this route to and from the village safe enough for the Battens Cross school transport bus-stop be dropped by Devon County Council? (No one is actually proposing this, but if the application proceeds it could be suggested, as the new footway must be regarded as safe for all users).
2. Pedestrian access along this stretch of road MUST be safe and inclusive for all users. Would Councillors be happy to see pupils from homes on Turnpike and the new site walk to and from the Globe Inn using the new crossing point each school day?

If Councillors have any doubts about this, I urge you to refuse permission for this application with its unsafe highway arrangements.

Greeta Tucker referring to item 10 (Higher Town, Sampford Peverell) stated that the applicant wants to build a new main access road across the highest land in the site. This cannot be allowed. Policy SP2 says the highest ground on this site must be undeveloped. On Page 66 your officers say that the Inspector has advised that this site is sustainable. He cannot mean it is sustainable regardless of the SP2 conditions. If that were so he would for example have removed the limit set at 60 houses. Your officers use the Inspector's approval of the site to advise you that Reason for Refusal 2 is unsupportable. If the Inspector's words have that much force, then your officers should also be telling you that the main access cannot be built across the highest ground. SP2 clearly says the Green Infrastructure over the highest ground must be "undeveloped." That was what all Councillors were promised by officers when the allocation was added. Your existing policy COR2 says you must

“preserve and enhance” distinctive qualities in our landscape. Building a road across the crest of the highest land does not do this. Not one single assessment of the site ever mentions that the main access will run across the highest land. But before you vote, you need to know exactly what you are being asked to approve. You also need to know whether the Highways Authority approves. On page 68 of the pack, officers say that the applicant has included a new plan for this main entrance. It is now even wider than before. On page 128 of the pack is a list conditions for this application. You are being asked to approve these today. But those conditions tie the applicant to use the old drawings. Also, on page 84, the Highways Authority approves the old drawings. We have no written evidence that it approves the new ones.

So, Councillors ...

- you don't even know what plans you are being asked to approve today
- you don't know whether they have been approved by Highways
- but you do know that the latest plans and Highways' supposed approval have never gone to consultation

Councillors, will you agree with me that, with all these difficulties and failing to meet the sustainability conditions set in SP2, it is certainly not unreasonable to refuse permission and vote accordingly?

Leigh Menheneott referring to item 1 on the plans List (Mayfair, Tiverton) asked will the access lane to the site at 10 Mayfair be constructed with a tarmac pavement as suggested in the document A (06)08 A? Or is it to be more in line with A (01) 08 A? Why is there no clarity as to exactly what is proposed for this access road? Is the committee to vote on an application where details are not available to the public, or indeed to the members themselves? Can the officer confirm whether the applicant is responsible for the construction and maintenance of the access road or whether the owner of the lane will hold that responsibility? Or indeed, whether the buyers of the houses will have to meet the demands of the condition?

Mary Chesney referring to the Sampford Peverell application stated that I am a mobility scooter user to get to the local amenities and I have to have a large scooter because there is no pavement and the pavement on the other side of the road isn't wide enough for my scooter. I have two related questions:

The Government guidance document, “Inclusive Mobility”, recommends that there be ... “consultation, at an early stage, with local groups representing disabled people in the process of planning and implementing accessible buildings and other infrastructure”.

Q1. What local groups representing the disabled have been consulted about access, especially the proposed new, substandard 1.2m footway on Turnpike?

I can see no sign that the needs of people with disabilities have been properly assessed in any of the papers relating to this application.

Q2 - Is this Committee confident that it will be properly fulfilling its Public Sector Equality Duty if it approves this application and therefore should consider no approval.

Hon Alderman Mel Lucas in relation to the Sampford Peverell application stated that he had the great pleasure of representing Sampford Peverell both as parish Chairman and District Councillor for 28 years and in those 28 years I have never known any time such a wave on uncertain respect for the planning in front of you this afternoon. Something like over 250 people took the time and trouble to express their concerns about what you are about to discuss this afternoon.

I would now like to point you please members of the committee to page no 85 which is a report from Sampford Peverell Parish Council and 85/86/87 those three pages contain the concerns of the Parish Council and the people whom they represent. I sometimes wonder where democracy has gone because if you are taking into consideration those concerns that is not shown in any shape or form in this report. Once again the little people are going to be trampled on. They are going to be trampled on not that we don't want or need it at all, and I very much doubt that 60 extra homes within the village are needed, but we are being trampled on because we are concerned about the actual site. It is the site that is at fault, not the location of the village but the site within that village and those concerns have already been expressed this afternoon by other people prior to myself.

I have become very passionate about my village, exceptionally passionate about it, and about the people who live in there. That road at Turnpike is absolutely a death trap if you don't live there you don't know it. We who live there know it and no matter what Devon County Highways say that will always be the most dangerous part of that particular road. There are other sites, and we know where those other sites are within village. They have been put forward in the past and they have been rejected and I would again ask members of the committee go to page 85 paragraph 5. You will read there that a particular site was ruled out by Mid Devon Planners because of its proximity to the Grand Western Canal Country Park Conservation Area. If you have concerns there I would suggest you go to Crown Hill and really see where we went wrong because that was passed some few years ago.

The Chairman indicated that answers to any questions would be given during the debate on the item.

24 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-26-00)

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

25 MINUTES OF THE PREVIOUS MEETING (00-26-16)

The minutes of the meeting held on 3 July 2019 were approved as a correct record and signed by the Chairman.

26 CHAIRMAN'S ANNOUNCEMENTS (00-26-54)

The Chairman welcomed the new Principal Planning Officer (John Miller) to the meeting.

27 DEFERRALS FROM THE PLANS LIST (00-27-33)

There were no deferrals from the Plans List.

28 THE PLANS LIST (00-27-48)

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 3 on the Plans List (***19/00306/LBC – Listed Building Consent for the replacement of Upvc windows to timber windows on south elevation – Middle Weeke Farm, Morchard Bishop***) be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

b) No 1 on the Plans List (***19/00573/FULL – Variation of conditions 2, 3,5,6,7 and 8 of planning permission 17/00910/FULL to allow substitution plans – 10 Mayfair, Tiverton***).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location, the access to the site (which was not proposed to be adopted by the Highway Authority), the approved site plan and the proposed alterations to the scheme. She identified the land to the south, east and west of the site which would form Area B of the Tiverton Eastern Urban Extension and confirmed that there was no access to this land through Mayfair. Members viewed the access drive plan and the junction onto Mayfair, the proposed elevations of the dwellings and photographs from various aspects of the site. The officer confirmed that there was no proposal for a footpath alongside the access to the site.

Responding to questions posed in public question time, she confirmed that the access road would be tarmaced and would be a minimum of 4.1 metres wide. The applicant was responsible for the construction of the access road and the maintenance would be agreed by the landowner and the house owners, this was not a planning matter.

Consideration was given to:

- Possible issues with water run off affecting the bungalow on the access road and the views of the Lead Local Flood Authority
- The amendments to how sewage would be dealt with
- The access road being viewed as suitable for adoption by the Highway Authority but that it would remain a private road.
- The increase and reduction in some of the floor levels of the new dwellings
- How and why conditions could be varied
- The views of the objector with regard to the previous layout in the approved application and that pedestrian provision had been within the original plans.

Reference was made to the original conditions relating to occupation of the properties.

- The views of the applicant with regard to him purchasing the land with planning permission and the amendments that he wished to make to the site for bespoke houses of a better quality. The removal of the attenuation pond and how that would reduce the amount of soil to be removed from the site
- Whether the access road should have a footpath
- The location of any bin store and whether the refuse lorry would access a private road, even if it is was to an adopted standard
- The views of the representative from the Highway Authority with regard to the standard of the road surface and the acceptability of the design.

It was therefore:

RESOLVED that: the application be deferred to allow for further discussions to take place with the applicant with regard to the footway, the bin store and its location and how refuse collection could be best managed.

(Proposed by Cllr L J Cruwys and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllrs E J Berry and D J Knowles made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they knew some of the residents;
- ii) Mr Menheneott spoke in objection to the application;
- iii) Mr Milton (Applicant) spoke;
- iv) Cllr D J Knowles spoke as Ward Member;
- v) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- vi) Cllr J Cairney and J M Downes requested that their abstention from voting be recorded;
- vii) The following late information was provided: 2 additional letters have been received raising the following concerns:
 - Information submitted is complex and difficult to understand; MDDC website not kept as up-to-date as it might be;
 - Doubt over the adoption of the road and where waste bins will be collected from;
 - Pedestrians need a pavement for safety and to encourage walking
 - Removal of the footpath

Page 9, line 8 of the officers report is incorrect. No pavement is being proposed alongside the private access road. This is to be a shared surface area with a minimum width of 4m (mostly 4.5m). The Highway Authority accept that this access arrangement could serve the potentially 9 dwellings.

c) No 2 on the Plans List (19/00075/MFUL – **Erection of an agricultural educational/training facility to include demolition of farm buildings erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office sites, formation of an access track and overspill car park – Land and buildings at NGR 286791 113761 (Kelly Farm) Nomansland**).

The Area Team Leader provided an update to the report which provided clarity in respect of the required visibility splay at the entrance, the findings of the dusk and dawn bat surveys which had been carried out in July, the screening to the north boundary and the low lighting plan. He then outlined the contents of the report by way of presentation highlighting the location of the site, the existing and proposed plans, he explained the different barn uses, the proposed elevations, the materials to be used, the surface water drainage proposals, the hedge replacement scheme to the rear of the passing places, the access plan which highlighted the visibility splay and photographs from various aspects of the site.

Consideration was given to:

- The views of the agent for the application with regard to the community facility in the countryside, the applicant's experience with regard to residential care, the kind of care that would be provided, the independence of some of the residents and the proposed travel plan
- The suitability of the location for the scheme and the rural aspects of life that would be taught.

It was therefore:

RESOLVED that: planning permission be granted subject to conditions and informative notes as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr B G J Warren and seconded by Cllr E J Berry)

Notes:

- i) Cllrs E J Berry, Mrs F J Colthorpe and R F Radford declared personal interests as Devon County Councillors;
- ii) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as the application was in her ward and it had been discussed at the Parish Council.
- iii) Mr Stokes (Agent) spoke;
- iv) The following late information was reported:
 1. In light of the condition recommended by the Local Highway Authority with respect to the required visibility splay at the entrance, the applicant has submitted plan drawing no. 3681.PL.092 Rev B which shows the required visibility splay being met. The Local Highway Authority has viewed

this plan and has confirmed that it is acceptable and should be conditional of any consent.

(This would be covered by recommended conditions 2 and 3 within the officer report).

2. The finding of the dusk and dawn bat surveys carried out in July have been provided which found no re-entry of bats on the dawn and a single emergence from a common pipistrelle during the dusk survey from the stables, western apex of the lower roof gable end. Therefore it is concluded that any new development proposals are unlikely to have anything more than a low impact on commuting, foraging and roosting bats.

The main mitigation / compensation / enhancement would be to maintain the north boundary trees to screen from the development, and to implement a low lighting plan to include:

- The design must use only the minimum number of lights required;
- Lights are to be fitted with UV filters or lack UV elements when manufactured to lower the range of wildlife species affected by lighting;
- Warm White (>3000K) LED lamps, which reduce upward light pollution, must be used where possible;
- Lights to be hooded;
- Bollard lights must be used to retain darkness above, be triggered by human movement and installed with a timer to turn off after a short amount of time;
- If/where security lights are required, these will be triggered by human movement, and be fitted with a timer adjusted to the minimum amount of 'lit time';
- Movement sensors to be carefully installed and aimed to illuminate only the immediate area required by using a sharp downward angle;
- A baffle, shield or hood must be used to avoid illuminating at a wider angle to reduce light spill beyond target areas; and
- No upward lighting to be used, especially at and above eaves height to avoid any possible roosting features.

(This would be covered by recommended conditions 7 and 8)

29 MAJOR APPLICATIONS WITH NO DECISION (1-54-25)

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

It was **AGREED** that:

Application 19/00928/MFUL – Hitchcocks Business Park, Uffculme be brought before committee for determination and that a site visit take place.

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

30 **APPEAL DECISIONS (1-56-00)**

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.

31 **APPLICATION 17/01359/MOUT - OUTLINE FOR THE ERECTION OF 60 DWELLINGS AND CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO HIGHWAY TO THE WEST OF THE SITE - LAND AND BUILDINGS AT NGR 302469 114078, HIGHER TOWN, SAMPFORD PEVERELL (1-57-30)**

The Committee had before it an implications report of the Head of Planning, Economy and Regeneration regarding the above application; Members at a previous meeting were minded to refuse planning permission but a final decision was deferred pending consideration of this implications report.

The Principal Planning Officer outlined the contents of the report informing Members of the detail of the original application and the changes that had been made over the course of the application discussions which had seen a reduction in the number of dwellings to 60 the relocation of the access, the application was broadly in line with Policy SP2 which was being considered as part of the Local Plan Review. He also informed the meeting of the findings of the inspector following the Local Plan Review hearings in November 2018, the use and findings of the highway experts who had been commissioned by the various parties, the concerns of the objectors with regard to landscape visual impact, the various accesses to the site and highways issues. He outlined the traffic calming measures suggested along with vehicle access arrangements and the proposed highway improvements at Sampford Bridge, the footpath and cycle way onto Turnpike and identified the visibility splays and pedestrian access south of Battens Cross. Members also viewed photographs from various aspects of the site and their attention was drawn to Paragraph 11 of the National Planning Policy Framework.

Consideration was given to:

- The amount of affordable housing suggested for the site
- The width of pavements at Turnpike
- The Local Plan Review and the weight to be given to the plan prior to it being adopted, the link to J27 and the A361 and the views of the inspector
- The cycleway route onto the highway
- The location of the 30 mph signage and the proposed relocation of this
- The results of the full safety audit
- The contributions within the S106 towards education
- The views of the objectors with regard to the misleading information that was being provided, the movement of the 30 mph sign, the width of the road on the north east access, the assessment of the application based on illustrative plans, the houses on the green infrastructure, the screening referred to in the landscape assessment and the views of the objectors highway expert who had recommended refusal.
- The views of the Parish Council who had agreed with the reasons for refusal indicated by the committee in July 2018; there was no objection to development within the village but it needed to be in the right place, and there

was a need for 10/12 affordable homes for the village. She reiterated her objection with regard to visual impact, highway safety, the lack of pedestrian access at Turnpike and the poor visibility at that location also the impact on the listed buildings

- The view of the Ward Members with regard to whether there was a need for 60 houses when only 10/12 affordable dwellings were required, whether there was an urgent need for development on the site, the location of the proposed development, the increase in traffic in the area, highway safety and the impact on the school, the impact of the development on the sunken lane and on the natural habitat and whether any decision should be delayed until the Local Plan had been adopted.
- Main modifications to the Local Plan and the unlinking of Policy SP2 from J27 and therefore whether the housing was necessary
- The location of the site on the edge of the village
- Further highway safety issues, with narrow pavements and a high wall which would impact on pedestrians
- Responses from the Highway Authority
- Paragraph 11 of the National Planning Policy Framework

RESOLVED that the application be refused on the following grounds:

1. The proposed outline application for 60 dwellings on this prominent site will have a significant adverse visual impact on the surrounding landscape character and appearance.
2. The site is not considered to be a sustainable location for this scale of housing development due to poor pedestrian access. 60 dwellings would be a significant increase in the population of the village, which has little employment and which would result in an unsustainable pattern of car-based commuting.
3. The introduction of the substandard pedestrian footway at Sampford Peverell and the associated crossing points are considered to be unacceptable and unsafe. The introduction of 60 dwellings on this site will create a substantial increase in the numbers of cars which will need to access Sampford Peverell.

(Proposed by Cllr B G J Warren and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllr R F Radford declared a personal interest as his brother and a friend lived at Battens Cross;
- ii) Cllr E J Berry declared a personal interest as he had a friend in the village;
- iii) Cllrs E J Berry, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, D J Knowles, E G Luxton, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning matters as they had received correspondence regarding the application;
- iv) Mr Byrom spoke in objection to the application;

- v) Cllr Mrs H Culpin (Sampford Parish Council) spoke;
- vi) Cllrs Miss J Norton and Mrs C A Collis spoke as Ward Members;
- vii) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- viii) Cllrs J Cairney and J M Downes requested that their abstention from voting be recorded;
- ix) In the case of an appeal, Cllrs C A Collis, R F Radford and B G J Warren would represent the Council.
- x) *Report previously circulated, copy attached to minutes.

32 MOORHAYES COMMUNITY CENTRE, TIVERTON - S106 REVISIONS ARISING FROM PROPOSED TRANSFER OF OWNERSHIP (99/02780/FULL) (3-14-51)

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding the above application.

The Group Manager for Development outlined the contents of the report stating that following the decision of the Cabinet on 4th April 2019 to dispose of Moorhayes Community Centre in Tiverton to the Moorhayes Community Association, there was a need to make amendments to the original S106 agreement to reflect the change of ownership and to secure obligations in order to safeguard continued community use once the ownership changed.

RESOLVED that the revisions to the S106 agreement as set out in paragraph 2.2 be agreed and that a supplemental S106 agreement be entered into.

(Proposed by the Chairman)

Notes:

- i) Cllr D J Knowles declared a personal interest as a member of Moorhayes Community Centre Committee;
- ii) *Report previously circulated, copy attached to minutes.

33 SCHEME OF DELEGATION AND THE CONSIDERATION OF ENFORCEMENT CASES (3-18-03)

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding suggested changes to the Scheme of Delegation.

The Group Manager for Development outlined the contents of the report stating that members were being asked to consider whether the scheme of delegation should be amended to allow the consideration of enforcement cases (except in specific circumstances) under delegated powers rather than referring them to committee.

He outlined the recent enforcement cases which had been considered by the Planning Committee, all the resolutions of the committee were in accordance with the officer recommendation. It was felt that enforcement issues could be dealt with in a timely manner without having to wait for the committee to meet. He also outlined the Local Enforcement Plan for Mid Devon which had been adopted in April 2018.

RECOMMENDED to Council: that the scheme of delegation be amended in relation to planning enforcement to read as follows:

'PLANNING SERVICES

Scheme of Delegation to the Head of Planning, Economy and Regeneration

To exercise all powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, the Localism Act and the Growth and Infrastructure Act (unless expressly delegated to another officer) except where:-

In the case of Formal enforcement action:

1. In the opinion of the Head of Planning, Economy and Regeneration, or the Group Manager for Development, the proposed enforcement action raises matters of significant public interest and /or significant cost to the Council for which there is no budget and/or would prevent a person from residing or continuing to reside on land within the district;
2. The action relates to land in which the Council, a Member or an Officer has an interest;
3. The action is the issue of an enforcement notice, stop notice, temporary stop notice or legal proceedings, in which case the notice or proceedings will be issued by the Group Manager for Legal Services or a solicitor employed by the Council, in consultation with the Head of Planning Economy and Regeneration or the Group Manager for Development.

(Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information).'

(Proposed by Cllr E J Berry and seconded by Councillor L J Cruwys)

Note: *Report previously circulated, copy attached to minutes.

34 **PLANNING PERFORMANCE AGAINST TARGETS QUARTER ONE 1st APRIL-30th JUNE 2019 (3-23-30)**

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration regarding information on the performance of aspects of the planning function of the Council for Quarter 1 2019.

The Group Manager for Development outlined the contents of the report acknowledging the reduced performance within the service in the first quarter of the year and informing Members of the mitigation that was taking place to address the heavy caseloads of the officers. He informed the meeting that the 2 year performance target was being met.

Consideration was given to the temporary measures that had been put in place to allow officers time to write reports, recruitment and retention of staff.

Note: *Report previously circulated, copy attached to minutes.

(The meeting ended at 10.05 am)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 31st July 2019

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>19/00573/FULL - Variation of conditions 2, 3, 5, 6, 7 and 8 of planning permission 17/00910/FULL to allow substitution of plans - 10 Mayfair Tiverton Devon.</p> <ul style="list-style-type: none"> 2 additional letters have been received raising the following concerns: <p>Information submitted is complex and difficult to understand; MDDC website not kept as up-to-date as it might be; Doubt over the adoption of the road and where waste bins will be collected from; Pedestrians need a pavement for safety and to encourage walking Removal of the footpath</p> Page 9, line 8 of the officers report is incorrect. No pavement is being proposed alongside the private access road. This is to be a shared surface area with a minimum width of 4m (mostly 4.5m). The Highway Authority accept that this access arrangement could serve the potentially 9 dwellings.
2.	<p>19/00075/MFUL - Erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park - Land and Buildings at NGR 286791 113761 (Kelly Farm) Nomansland Devon.</p> <p>1. In light of the condition recommended by the Local Highway Authority with respect to the required visibility splay at the entrance, the applicant has submitted plan drawing no. 3681.PL.092 Rev B which shows the required visibility splay being met. The Local Highway Authority has viewed this plan and has confirmed that it is acceptable and should be conditional of any consent.</p> <p>(This would be covered by recommended conditions 2 and 3 within the officer report).</p> <p>2. The finding of the dusk and dawn bat surveys carried out in July have been provided which found no re-entry of bats on the dawn and a single emergence from a common pipistrelle during the dusk survey from the stables, western apex of the lower roof gable end. Therefore it is concluded that any new development proposals are unlikely to have anything more than a low impact on commuting, foraging and roosting bats.</p> <p>The main mitigation / compensation / enhancement would be to maintain the north boundary trees to screen from the development, and to implement a low lighting plan to include:</p> <ul style="list-style-type: none"> The design must use only the minimum number of lights required; Lights are to be fitted with UV filters or lack UV elements when manufactured to lower the range of wildlife species affected by lighting; Warm White (>3000K) LED lamps, which reduce upward light pollution, must be used where possible; Lights to be hooded; Bollard lights must be used to retain darkness above, be triggered by human movement and installed with a timer to turn off after a short amount of time; If/where security lights are required, these will be triggered by human movement,

	<p>and be fitted with a timer adjusted to the minimum amount of 'lit time';</p> <ul style="list-style-type: none"> • Movement sensors to be carefully installed and aimed to illuminate only the immediate area required by using a sharp downward angle; • A baffle, shield or hood must be used to avoid illuminating at a wider angle to reduce light spill beyond target areas; and • No upward lighting to be used, especially at and above eaves height to avoid any possible roosting features. <p>(This would be covered by recommended conditions 7 and 8)</p>
3.	19/00306/LBC - Listed Building Consent for the replacement of upvc windows to timber windows on South elevation - Middle Weeke Farm Morchard Bishop Crediton.

AGENDA REPORTS

1.	17/01359/MOUT - Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site - Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell.
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