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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 28 August 2019 at 2.15 pm

Present Councillors

Mrs F J Colthorpe (Chairman), S J Clist,
Mrs C Collis, L J Cruwys, Mrs C P Daw,
C J Eginton, D J Knowles, F W Letch,
E G Luxton, B A Moore and B G J Warren

**Apologies
Councillor(s)** E J Berry and R F Radford

**Also Present
Councillor(s)** R M Deed and R L Stanley

**Present
Officers:** Tina Maryan (Area Planning Officer),
Christie McCombe (Area Planning Officer),
Maria De Leburne (Solicitor) and Sally
Gabriel (Member Services Manager)

35 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs E J Berry and R F Radford who were substituted by Cllrs C J Eginton and B A Moore respectively.

36 **PUBLIC QUESTION TIME**

Cllr Simon Fouracres from Bampton Town Council referring to item 8 (Major Applications) questioned the process if an application was already at appeal and that another application for the same site had been submitted. If the appeal was determined how would that affect the more recent application on the same site?

The Area Planning officer stated that the application North of Frog Street, Bampton to which Cllr Fouracres referred was at appeal and the same application had been resubmitted, both would need to be dealt with separately. If the current application had not been decided before the appeal decision was issued, and the appeal was allowed, that would affect the Planning Officer's consideration of the current application as planning permission would have already been granted. At the present time the application was delegated for an officer decision, but the application would come before Planning Committee if the officer recommendation was to grant planning permission.

37 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-05-48)**

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

38 **MINUTES OF THE PREVIOUS MEETING (00-06-00)**

Subject to an amendment to Minute 31 (top of page 16) to remove the word 'She reiterated her objection....' and replacing it with 'Cllr Mrs Culpin reiterated the Parish Council's objection.....'. The minutes of the meeting held on 31 July 2019 were approved as a correct record and signed by the Chairman.

39 **CHAIRMAN'S ANNOUNCEMENTS (00-07-49)**

The Chairman had no announcements to make.

40 **DEFERRALS FROM THE PLANS LIST (00-07-52)**

The Chairman indicated that item 1 on the Plans List – application 19/01160/FULL had been deferred to allow for further information to be submitted by the applicant.

41 **THE PLANS LIST (00-08-00)**

(i) No 1 on the Plans List (***19/01160/FULL – Siting of an open fronted storage building – Unit 3, Carlu Close, Hitchcocks Business Park, Willand***)

This item had been deferred as indicated in the previous minute.

42 **MAJOR APPLICATIONS WITH NO DECISION (00-08-22)**

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

It was **AGREED** that:

Application 19/01344/MARM – land north of Belle Vue, Ashley Road, Uffculme remain delegated to the officer.

Application 19/01132/MFUL – 4 Barn Park, Crediton be brought before Committee only if the officer's recommendation was one of approval and if that were the case then a site visit take place.

Application 19/01167/MOUT – Land North of Frog Street, Bampton be brought before Committee only if the officer's recommendation was one of approval.

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

43 **APPEAL DECISIONS (00-12-34)**

The Committee **NOTED** that no appeals had been received since the last meeting.

44 **APPLICATION 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 (00-15-04)**

The Committee had before it a * report of the Head of Planning, Economy and Regeneration regarding the above application which had been deferred from the

previous meeting 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 would be best managed.

The Area Planning officer outlined the contents of the report referring to the issues raised at the previous meeting; informing those present that the scheme did not include a footpath but a tarmaced shared surface and that the drive would not be adopted by the Highway Authority but was being built to an adoptable standard up to the turning head to allow for access to the 5 dwellings. Discussions had taken place with the Waste Service with regard to waste collection. Waste Services had confirmed that if the access drive was built to an adoptable standard and was suitably insured with indemnity insurance, refuse vehicles would access the site. There would therefore be no need for bin storage within the site at the junction between the access drive and Mayfair. She highlighted by way of presentation a revised drawing supplied by the applicant which depicted the detail of the proposed access, the site layout plans and photographs from various aspects of the site.

Consideration was given to:

- The access road would only benefit the 5 dwellings on the site and there would be no thoroughfare onto the land beyond.
- The shared surface and whether there would be any road markings
- The documents available on 'Public Access'
- The response of the Lead Local Flood Authority
- Who would be responsible for the maintenance of the roadway
- The views of the applicant's agent with regard to reducing the capital works required and the carbon footprint of the site, the quality of the build and the work that had taken place with the local Highway Authority.

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

(Proposed by Cllr D J Knowles and seconded by Cllr L J Cruwys)

Notes:

- i) Cllr D J Knowles declared a personal interest as some of the objectors were known to him;
- ii) Cllrs S J Clist, Mrs C A Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, C J Eginton, D J Knowles, F W Letch, E G Luxton, BN A Moore and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor in dealing with Planning matters as they had received correspondence regarding the application.
- iii) Mr Eastland (Agent) spoke;
- iv) Cllr D J Knowles spoke as Ward Member;
- v) The following late information was reported:

27 Aug 2019. Revised drawing. A(01)08B Access Drive.

Updating drawing No. A(01)08A to annotate the granite cobble 1.2m wide rumble strip and soft verge on eastern side of the private drive.

21 Aug 2019. DCC Highway Authority.

The Highway Authority accept shared surface roads constructed in tarmac. The key feature is the block paving/setts at the entrance where the footway ceases, demarking a change in situation. This can be ramped or flush. Steeperton Close Okehampton, St Giles in the Wood Torridge, Newland View Bideford and Hollands Park Phase 1 Exeter are examples of shared surface roads with tarmac roads. (Photos available).

The safety of shared use areas came under scrutiny last year when the Government suspended their use. They have since confirmed that shared use cul-de-sacs are still a viable design and that it is only town centre flush shared surfaces which present a problem for disabled users, particularly sight impaired users.

I trust that this demonstrates the use of such roads county wide are an acceptable form of development.

14 August 2019. MDDC Operations (Refuse).

As long as (*the road*) is at an adoptable standard and there is a waiver in place then we would have no issues, however a risk assessment would have to be undertaken prior to first collection to ensure we can get access / egress safely.

13 August 2019. Objection

It is apparent that there are certain design elements that define a shared surface. We are yet to see a detailed plan for the design of the access road which incorporates any design elements. To date, the drawings do not suggest that it is a shared space and that pedestrians have any kind of priority over cars.

Evidence suggests the jury is out on shared spaces. If it is not obvious to all that it is shared space, then it is not shared space. It is irresponsible of Devon Highways not to apply scrutiny to the design elements of this road.

Surely the road would be safer and more straightforward if the addition of a pavement for pedestrian use was included.

This change to the conditions should not go to committee until the plan for the access road has been clearly posted on the portal, including a detailed description of the surfaces and materials to be used in its construction. Also it is still very unclear as to whether there is to be any kind of road marking at the junction with the main part of Mayfair to show who has priority. At the moment, construction traffic often proceeds onto the main highway as though it has priority over vehicles bearing right around the crescent.

- (vi) *Report previous circulated, copy attached to signed minutes.

(The meeting ended at 3.15 pm)

CHAIRMAN

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Minute Annex

PLANNING COMMITTEE AGENDA - 28th August 2019

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	19/01160/FULL - Siting of an open fronted storage building - Mid Devon District Council Unit 3 Carlu Close

AGENDA REPORTS	
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> <p>27 Aug 2019. Revised drawing. A(01)08B Access Drive.</p> <p>Updating drawing No. A(01)08A to annotate the granite cobble 1.2m wide rumble strip and soft verge on eastern side of the private drive.</p> <p>21 Aug 2019. DCC Highway Authority.</p> <p>The Highway Authority accept shared surface roads constructed in tarmac. The key feature is the block paving/setts at the entrance where the footway ceases, demarking a change in situation. This can be ramped or flush. Steeperton Close Okehampton, St Giles in the Wood Torridge, Newland View Bideford and Hollands Park Phase 1 Exeter are examples of shared surface roads with tarmac roads. (Photos available).</p> <p>The safety of shared use areas came under scrutiny last year when the Government suspended their use . They have since confirmed that shared use cul-de-sacs are still a viable design and that it is only town centre flush shared surfaces which present a problem for disabled users, particularly sight impaired users.</p> <p>I trust that this demonstrates the use of such roads county wide are an acceptable form of development.</p> <p>14 August 2019. MDDC Operations (Refuse).</p> <p>As long as (<i>the road</i>) is at an adoptable standard and there is a waiver in place then we would have no issues, however a risk assessment would have to be undertaken prior to first collection to ensure we can get access / egress safely.</p> <p>13 August 2019. Objection</p> <p>It is apparent that there are certain design elements that define a shared surface. We are yet to see a detailed plan for the design of the access road which incorporates any design elements. To date, the drawings do not suggest that it is a shared space and that pedestrians have any kind of priority over cars.</p> <p>Evidence suggests the jury is out on shared spaces. If it is not obvious to all that it is shared space, then it is not shared space. It is irresponsible of Devon Highways not to apply scrutiny to the design elements of this road. Surely the road would be safer and more straightforward if the addition of a pavement for pedestrian use was included.</p> <p>This change to the conditions should not go to committee until the plan for the access road has been clearly posted on the portal, including a detailed description of the surfaces and materials to be used in its construction. Also it is still very unclear as to whether there is to be any kind of road marking at the junction with the main part of mayfair to show who has priority. At the</p>

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