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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 20 November 2019 at 2.15 pm

Present

Councillors

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

Also Present

Councillor(s)

R M Deed, R J Dolley, C J Eginton,
T G Hughes and J Wright

Present

Officers:

Maria Bailey (Interim Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Alison Fish (Area Team Leader) and Sally Gabriel (Member Services Manager)

75 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

76 PUBLIC QUESTION TIME

Mr Sauer referring to item 10, Silverdale, stated that I am the owner of the land next to Silverdale. To enable the development of the neighbourhood plan, Silverdale, the Parish Council made requests for land with potential for housing and I presume this included affordable housing. I was asked by the person co-ordinating the plan to send in details of land a Silverdale. This land was subsequently refused because I had sent in a scanned copy of the documents and it became too late. However, my question is how do Silverton Parish Council and Mid Devon District Council, who are both committed to providing affordable housing, intend to satisfy the requirement for affordable housing in Silverton which was identified by the housing needs assessment as significant and supported by 86% of the parishioners who responded to the Neighbourhood Plan request?

Mr Campbell stated in relation to item 10, Silverdale, If this proposed plan was approved it would be a major development where there is no development planned for within the adopted plan or the emerging plan. So why would it even be considered?

Mrs Campbell also referring to item 10 stated that I think you can see from the people behind me that have come from Silverton how strongly we feel about this. If members refuse the application as they were minded to do last month and the Mid Devon Local Plan is adopted between now and any potential appeal can you confirm which policies the appeal, would be determined against? It is my understanding that when the local plan is adopted that any potential appeal would be refused because the site is outside the settlement area.

Mr Berry referred to the development at Post Hill in item 9 and stated in principle I have nothing against the use and it would fit well in that location however, I am very concerned that Post Hill has a particular character and is visible for a long way heading east up Blundells Road to Post Hill with houses set well back from the road and a green corridor vista up to the tree top of Post Hill. From what I can see of the application houses 1 and 2 will stick out from a long way up Blundells Road and will be completely at odds with the local character that currently exists. I was minded to have a quick look at the design guides, specifically for this area, and I'll quote page 27, some of the natural features that inform the design guide include:

- a. Existing site boundaries
- b. Vistas towards the North from the North East; and
- c. A sensitive edge treatment between development landscape

Page 37, this is achieved by adhering to the structure imposed by the existing landscape considering the topographical constraints and upholding qualities and characteristics of the rich landscape setting to the east of the town.

Page 54, to this end the..... existing characteristics should be designed as a green boulevard the highest hierarchical new street typology. The buildings typology on the North side of the proposed green boulevard reflect the grandeur of a green boulevard whilst respecting the existing neighbourhood Post Hill properties. The existing mature trees are a valuable asset to the site, these are to be retained".

Therefore my question, bearing in mind the character of that particular location and the views coming up Blundells Road, the main artery out of Tiverton I would ask why the plan has put houses 1 and 2 right out on the highway where they will be completely visible in the landscape all the way up Blundells Road towards Post Hill? My question is why can't those houses be pushed just a little bit back further from the road so you will maintain that green vista boulevard feeling as you go up through the road? I've put together some slides which show the building line and which show that houses 1 and 2 are well ahead of the building line and with the visibility, you will be looking towards the top of the hill at two new houses. I'll leave that for the consideration of the committee but my question is can the design be changed to push houses 1 and 2 further back into the development, away from the road?

Peter Dumble stated he had 5 questions in relation to agenda item 8, Sampford Peverell:

Could planning officers confirm whether any prior consultation took place with the applicant before submission of the planning application (as would be normal)?

Could planning officers explain to the committee and to members of the public why this application, which is identical, to that refused by the planning committee in July and currently subject to an appeal has been allowed, when there are powers under section 70B of the Town and Country Planning Act to refuse to accept the application in these circumstances?

Could Planning officers confirm that they took legal advice in relation to making the decision to validate the application and if so, from whom was this advice received and when? And if not, why not?

Could planning officers confirm that the decision on this application will be referred to committee?

Conservation interests are a vital consideration in this new application. An invitation to visit and view from inside 44 Higher Town (Grade II listed farmhouse within the village conservation area) has been issued in a letter from the owners and which is available to view on-line as a comment to the planning application.

This invitation has been offered many times but it has been ignored. Equally, a properly constituted site visit has never taken place. This should involve the applicant, the parish council and a representative from objectors. It is about time this process was carried out transparently, fairly and correctly.

It really is very important that you at least see inside no 44 Higher Town to fully appreciate the harm to amenity that will be caused by the development. Could I therefore ask Councillors to insist this invitation is taken up?

Cllr Melville from Silverton Parish Council, referring to item 10, Silverdale, stated that the views of the parish Council and our lack of support for this application are well known and rehearsed previously. Today I want to bring a specific question for you. In the last few months Devon County Council Highways we have noticed have been inconsistent in their submissions which would involve vehicles entering the A396 from the side roads along this section. On one day it is deemed safe and on another it is unsafe only 4 days ago at 6.10pm in the evening, 3 cars collided on this very stretch on the A396 Tiverton Road where vehicles from this proposed development will be emerging if it's approved. One of the vehicles plunged 15 feet down into a field trapping the occupant, closing the road for several hours, requiring the air ambulance to be deployed, alight in Silverton and then convey the casualty who suffered head injuries. My question, will Councillors balance the advice they receive from Highways, with their own observations from their site visits, local knowledge and our live experiences as residents of Silverton because this stretch of road with its limited view junction is not suitable for a 20 property housing development.

Cllr Wright, Ward Member, addressed the committee on item 10 and stated that I could not attend the previous meeting but my views haven't significantly changed even with the implications report. I still think as the Ward Member the views against this development outweigh it but I do have 2 particular questions:

It's about the benefits and the tilted balance, they have to significantly and demonstrably outweigh the adverse impacts and I think we've heard a lot about the adverse impact of this to our community. My question is who do the Councillors on this committee feel is going to benefit from this development. We know that we have

got significant housing supply in the whole of Mid Devon, there's lots of properties for sale and quite a wide range of properties in our village so I would interested to know who the benefactors are?

The other one is a more technical one and I don't know enough about planning law to know whether it applies. I was trying to find out where tilted balance would apply through internet research and there seems to be an awful lot of case law which talks about this 5 year supply of land. I found one case, Green Lane Chertsey Developments Ltd vs SSHCLG, this is a 2019 case and it says 'further the court even went so far as to suggest that in light of the wording of paragraph 11 the tilted balance should have been treated as being engaged in a case unless there was positive evidence of a 5 year housing land supply so as to justify its disapplication'. So I do believe that at the end of the impact report it does talk about a 7 year housing supply? I just wondered if this case is applicable because we clearly have quite a large housing supply in Mid Devon.

Jenna Goldby also referring to item 10 on the agenda stated she wanted to ask a question regarding the 20 dwellings in Silverton. My question is regarding the traffic and the parking issues at that end of the village and I want to know what time and what day the surveys have been carried out on the traffic and the parking in that area. We have recently had some near miss accidents which I know have been reported on the Mid Devon Website and we've recently had an incident where a fire engine was unable to reach that end of the village. The parking issues are now actually starting to put people's lives in danger at that end. Development of 20 more houses is going to increase the parking and the traffic significantly in this area so my question is what days have the surveys been carried out and also will further consideration be put in place since the recent issue of the fire engine.

The Chairman indicated that answers to questions would be given when the items were debated.

Mr Dumble would receive a written response.

77 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

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

78 MINUTES OF THE PREVIOUS MEETING (00-20-03)

Subject to replacing the word 'not' with 'nor' in the resolution under Minute 70 (a), the minutes of the meeting held on 23 October were approved as a correct record and signed by the Chairman.

79 CHAIRMAN'S ANNOUNCEMENTS (00-21-18)

The Chairman welcomed Mrs Maria Bailey (Interim Group Manager for Development) to the meeting.

80 MEETING MANAGEMENT

The Chairman indicated that she intended to take Item 10 (Silverdale, Silverton) as the next item of business, this was **AGREED**.

81 **APPLICATION 18/02019/MOUT - OUTLINE FOR THE ERECTION OF UP TO 20 DWELLINGS AND ASSOCIATED ACCESS - LAND AT NGR 295508 103228 (SILVERDALE), SILVERTON (00-22-15)**

The Committee had before it * a report of the Head of Planning, Economy and Regeneration regarding the above application which at the Planning Committee meeting on 23rd October 2019, Members had advised that they were minded to refuse the above application and invited an implications report for further consideration.

The Interim Group Manager for Development outlined the contents of the report by way of presentation highlighting the site location plan, the proposed access onto the site, the indicative site layout, the highways and access plan which identified the proposed footways and shared surfaces and provided photographs from various aspects of the site. She walked through the implications report highlighting the reasons for refusal that members had identified at the previous meeting:

The Local Plan Review is at an advanced stage and neither the adopted Local Plan nor the Local Plan Review allocate this site which lies outside of the settlement limits of Silvertown for housing development.

She explained that the policies within the existing Local Plan were out of date and not in accordance with the NPPF, therefore those policies had limited weight. Limited weight should also be given to the emerging Local Plan as it had not been adopted, therefore the tilted balance had to be applied.

The Council considers that it is able to demonstrate a 7.43 year housing land supply without the development site and there is no need for this further housing.

She explained that the authority did have a 7.43 year housing land supply but that the Local Plan policies were out of date, therefore the tilted balance had to be applied and that limited weight should be given to policies COR3, COR 17 and COR 18. She also outlined the housing need identified within the report.

The development would have an unacceptable visual impact.

She explained that the proposed development site was surrounded by modern development with the western site looking onto open countryside, the presence of the new dwellings would sit within the existing landscape and that it was not accepted that this would impact on the visual amenity.

Unacceptable harm would arise as a result of the proposed access arrangements and traffic generation arising from the development.

She explained that the Highway Authority were the expert consultees and that the Highway Authority did not agree that unacceptable harm would arise as a result of the proposed access arrangements and that the proposal was in accordance with the NPPF.

If granted the development would have an unacceptable cumulative impact with other housing granted in the village.

She explained that 20 additional dwellings in the village was only an increase of 2.2% in dwellings, this was not considered unacceptable.

Providing answers to questions posed in public question time, the Interim Group Manager for Development stated that she had answered the question of the housing need and affordable housing through her presentation, there was no development plans for the site, so therefore the tilted balance within the NPPF would be applied. The letter from the objectors had been distributed to the committee and any appeal would consider which policies to apply. If an appeal took place and the Local Plan had been adopted, then yes the new Local Plan policies would apply. If not then the existing policies would apply and these were out of date. The highway representations had been received from the Highway Authority who were the expert consultees for the application. With regard to the tilted balance within the NPPF, this had been explained.

Discussion took place regarding:

- Within the reasons for refusal at 3.1 of the report, there was no mention of COR17 or COR 18 within the existing Local Plan or policies S13 and S14 within the emerging Local Plan, it was felt that these policies had limited weight and should be included within the reasons for refusal.
- The site was not included in either the existing or emerging Local Plans and that 61 houses were for sale within the village and whether there was a need for the additional housing.
- People were being encouraged to walk or cycle to work, but there was no regular bus service in the village.
- The highway surveys that had taken place.
- The need to identify material planning considerations for any refusal.
- Road safety issues onto the Exeter road.

It was therefore

RESOLVED that the application be refused on the following grounds:

The development is for the erection of up to 20 dwellings outside the settlement limit boundaries of Silverton and represents a major residential proposal on a site for which there is no development planned for within either adopted or emerging policy and for which there is no current need as the Council can demonstrate a 7.43 year housing land supply without this site. The Local Planning Authority consider that the proposed unplanned development would have an unacceptable visual impact, would cause unacceptable harm as a result of the proposed access arrangements and traffic generation arising from the development and would have an unacceptable cumulative impact on Silverton when taking into account other housing granted in the village. When tested against Paragraph 11 of the National Planning Policy Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1, COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and policies COR17 and COR18 of the Mid

Devon Core Strategy (Local Plan Part 1) and policies S13 and S14 of the emerging Local Plan Review.

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

Notes:

- i) Cllr Mrs C P Daw declared a personal interest as she was a trustee of a horse sanctuary in the village of Silverton;
- ii) A proposal to approve the application was not supported;
- iii) Cllrs Mrs F J Colthorpe and D J Knowles requested that their vote against the decision be recorded;
- iv) Cllrs Mrs C A Collis, R F Radford and B G J Warren would represent the Council should the application be appealed;
- v) *Report previously circulated, copy attached to minutes.

82 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

83 THE PLANS LIST (00-51-01)

The Committee considered the applications in the plans list *.

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

- a) No 1 on the Plans List ***(19/00718/MOUT – Outline for the erection of 26 dwellings – land at NGR 270904 112818 (The Barton), Belle Vue, Chawleigh).***

The Area Team Leader informed the meeting that the application had been considered at the previous meeting and it had been resolved to defer the application to allow officers to negotiate with the developer with a view to reducing the number of dwellings on the site to 20 in total. Officers had met with the applicant who did not wish to amend the number of dwellings sought and thereby wished the application to be determined on the basis of 26 dwellings.

He outlined the contents of the report by way of presentation identifying the site location plan, the access to the site and the indicative layout of the proposed dwellings and provided photographs from various aspects of the site. He highlighted the Highways Authority's updated view within the update sheet with regard to the number of dwellings being proposed for the shared highway surface. He explained the allocation of the site within the emerging Local Plan, the lack of objection from the Lead Local Flood Authority and the Highway Authority and the need for affordable housing in the village.

Further consideration was given to:

- The views of the applicant with regard to the allocation within the emerging Local Plan for a minimum of 20 dwellings on the site with 30% affordable housing, the lack of objection from consultees and that the internal layout of the site would be dealt with under reserved matters.
- The views of the Parish Council with regard to the number of dwellings proposed on the site and that 20 dwellings had been agreed with the Parish Council, however there had been no further dialogue with regard to the increase in the number of dwellings.
- The views of the Ward Member with regard to the increase in the number of dwellings on the site above the number within the allocation and whether this would set a precedent across the district.
- The proposed project within the parish for the public open space contribution.
- Any reserved matters application would deal with the detailed proposals.
- The allocation had outlined a minimum of 20 dwellings on the site.

It was therefore:

RESOLVED that the application be deferred to allow a site visit to take place by the Planning Working Group to consider:

- The impact of the traffic from the 6 additional dwellings
- The site access
- Possible road safety issues
- The impact of the development on the living conditions of neighbouring properties
- The impact of the development on heritage assets

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllr C J Eginton made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had been involved in discussions with the Parish Council, the applicant and objectors to the application;
- ii) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had received a letter from the agent
- iii) Mr Turner (Applicant) spoke;
- iv) The Chairman read a statement on behalf of the Chairman of Chawleigh Parish Council;
- v) Cllr C J Eginton spoke as Ward Member;
- vi) A proposal to grant permission was not supported;

- vii) The following late information was reported:

Highway Authority - 15th November 2019

The above application was deferred by the planning committee for a review of the development, and the applicant has requested that the Highway Authority clarify its position in relation to the quantum of Housing being proposed from a shared surface road. In the initial response the Highway Authority commented on the delivery of 28 dwellings, but referred to the Design guide numbers and the previously agreed figures with the Parish council. The applicant subsequently reduced these numbers to 26. The design guide recommends 25 from a straight Cul-de-sac and turning head and up to 50 for a crescent. The application combines a straight Cul-de-sac (the existing) with a crescent (proposed). The Highway Authority advised that the 25 figure was flexible. Therefore the Highway Authority would raise no objection to the provision of 26 units on top of the existing from a shared surface road given the combination of the two types and the minimal increase above the lower figure. This position is subject to the conditions previously recommended.

Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

- b) No 2 on the Plans *List (17/02020/MFUL – Erection of building comprising 44 retirement apartments with associated communal lounge, manager's officer, guest suite, rechargeable electric buggy store, car parking, substation and landscaping – Astra Printing and Crown Works site, Willand Road, Cullompton).*

The Area Team Leader outlined the contents of the report by way of presentation explaining the site location plan which highlighted that the site was outside of the conservation area, the site was currently covered with existing buildings and that there was a full demolition programme due to take place. She identified the surrounding houses and explained that the current access to the site would remain and that parking would be retained to the north of the site. She outlined the proposed floor plans for the development, the proposed elevations and photographs taken from various aspects of the site.

Consideration was given to:

- The lack of a Section 106 agreement
- The views of the agent with regard to the local need for retirement accommodation in the town, the NPPF which outlined the need to provide retirement accommodation, the pedestrian crossing which was part of the application which would give access to the bus stop, the release of family homes in the town, employment opportunities and new homes on a brownfield site.
- The sensitive design which was thought to be in keeping with the surrounding area

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

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

Notes:

- i) Mr Bendinelli (Agent) spoke;
- ii) The following late information was provided:

Please note the following amendment:

- a) The description should read 43 apartments not 44 – this is the case also where reference is made in the report to 44 apartments, this should be 43
- b) The number of parking spaces is 41 not 39
- c) No update to the drainage information has been provided but given that the LLFA satisfied that an ‘overall improvement to the surface water drainage system is being proposed’ it is considered that this can be dealt with via condition
- d) The balancing summary on page 69 should be amended to delete ‘That benefit would be added to here by an off-site monetary contribution to affordable housing in the district’
- e) Local finance considerations on page 70 should be amended so that it reads ‘With the introduction of the Localism Act 2011, the receipt of New Homes Bonus is a material consideration in the determination of planning applications although it carries limited weight.’
- f) Condition 10 should be amended so that the last sentence reads, ‘The approved scheme shall be implemented in accordance with the agreed details’
- g) The reason for Grant of Consent should be amended so that it reads, ‘The proposal would provide 43 additional apartments, thereby contributing appreciatively towards the supply of housing in an accessible location which is well positioned, with good pedestrian access to local shops, services and public transport links. As such, the Council attach significant weight to this consideration in the overall balance.’

The proposed development would provide specialist accommodation for older people, for whom, according to the Planning Practice Guidance (PPG), the need to provide housing at a national level is ‘critical’. Evidence of a need for additional housing for older people in Cullompton has been presented by the applicant and the Council have no sound basis to challenge this. The Council is also mindful that the occupation of apartments would also free up a mix of housing for others. Therefore, the Council attribute significant weight to the benefits of providing housing to meet current and future demographic trends.

It is accepted by the Council that there is a significant need and policy requirement for the provision of affordable housing. However the applicant has been able to

successfully demonstrate that the scheme would be unviable with such contributions.

The Framework states that significant weight should be placed on the need to support economic growth. The construction of the proposed apartments would generate employment and the expenditure associated with the provision of 43 new units would benefit local shops and services.

In addition, paragraph 67 of the Framework also seeks to boost significantly the supply of housing. The Council places some weight on such considerations.

The Council have found no harm in respect of the effect of the proposed building on the Conservation Area, nor any material harm to views or the wellbeing of trees which contribute positively to the character of the Conservation Area that could not be mitigated through condition.

The benefits the development would bring, including housing for older people can reasonably be considered public benefits, and that these are substantial. The application proposal would accord with the development plan when taken as a whole. Accordingly, in the absence of any other harm, and taking into account all other matters raised, the application should be granted.

c) No 3 on the Plans *List (19/00794/FULL – Erection of dwelling and double garage, formation of vehicular access and associated renewable energy systems and landscaping – land at NGR 308470 112426 (Craddock Lodge), Craddock).*

The Area Team Leader outlined the contents of the report explaining that the proposed single dwelling was not within the settlement limit in the Local Plan, the site was also adjacent to the conservation area. She highlighted by way of presentation the existing and proposed site plan, floor plans, elevations and photographs from various aspects of the site which included the proposed access and highlighted neighbouring properties.

Consideration was given to:

- The views of the representative for the objectors with regard to the impact of the development on the neighbouring properties, the site was in the open countryside and there was a need to protect the countryside against development, he felt that the proposed visibility splay was inadequate, there would be an impact on the heritage assets and impact on wildlife and biodiversity.
- The views of the applicant who was very disappointed with the officers recommendation, he felt that the principle of development should be supported, the settlement limit was out of date and that the proposal would not cause any harm to the setting of the listed building, he felt that the proposal was infill, was of good design and would enhance the collective character of the houses in the area.

- The view of Uffculme Parish Council who felt that the proposal was an extensive building in the open countryside, there was no link to agriculture and was outside the settlement limit and not in the Local Plan.
- One of the Ward members stated that this was a proposed retirement home and the applicant was looking to downsize and the proposal was of good design.
- Caselaw with regard to the term 'isolated' infill and the fact that Craddock was not a settlement and that approval would be setting a precedent.

RESOLVED that planning permission be refused as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C P Daw)

Notes:

- i) Cllr F W Letch declared a personal interest as one of the objectors was known to him;
- ii) Cllrs S J Clist made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters he had received emails and phone calls with regard to the application;
- iii) Cllr L J Cruwys made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had spoken to the objectors;
- iv) Mr Dent spoke in objection to the application;
- v) Mr Marchmont (applicant) spoke;
- vi) Cllr Kingdom spoke on behalf of Uffculme Parish Council;
- vii) Cllr T G Hughes spoke as Ward Member;
- viii) Cllrs E J Berry and Mrs C A Collis requested that their vote against the decision be recorded;
- ix) Cllr E J Berry left the meeting at this point.
- x) The following late information was reported:

The reason for refusal on page 87 should be amended as follows:

1. National and local planning policy states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances to justify an approval. The Local Planning Authority consider the proposals, do not offer a truly outstanding or innovative

architectural design, or reflect the highest standards in architecture and result in harm from the development in respect to the local distinctiveness and character of the area, setting of designated heritage assets including Craddock Conservation Area and immediate listed building. The proposal is considered to represent an unsuitable and unsustainable development that harms these material considerations, and fails to meet the required economic, environmental and social objectives. On this basis the proposals are considered to be contrary to the following development Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM14 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) and the relevant National Planning Policy Framework.

d) No 4 on the Plans *List (19/00210/MFUL – Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping – 36 Post Hill, Tiverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the inclusion of the site within the Tiverton Eastern Urban Extension, associated Tiverton EUE Masterplan and Design Guide and the sites proximity to the development at Braid Park (under construction). She highlighted an aerial photograph of the site, the existing properties, the established building line, the proposed site plan and preferred vehicular access connecting to Braid Park and beyond. She also highlighted the junction of the preferred route with Post Hill and the relationship of plots 1 and 2 with Post Hill properties. She explained that the redundant buildings would be removed and there was a tree removal plan for the site. She also explained the vacant building credit in relation to affordable housing provision, the planting plan for the development and highlighted the elevations for plot 1 which was to be a landmark building designed to turn the corner and plot 2 which did sit forward but did pick up the building line with the existing dwellings in Fairway. Members were also provided photographs from various aspects of the site. The officer also stated that answers to questions posed in public question time had been covered in her presentation.

Consideration was given to:

- The number of trees to be removed and the general tidying up of the site
- The access to the site and possible visibility issues when turning right onto Post Hill
- The number of parking spaces available in the parking court and their association to the dwellings
- The location, height and size for the units on plots 1 and 2
- The traffic calming in the area
- The views of the agent who referred to the road, cycle and footpaths link through the site into the wider Eastern Urban Extension, the extant planning permission for a care home on the site, that the site was proposed to be developed to a high quality and would deliver a link to the Eastern Urban Extension. Plots 1 and 2 were thought to be good urban design and had been proposed in line with the Design Guide.

- Whether plots 1 and 2 should be set back further into the site

RESOLVED that the application be deferred to allow for further discussions between officers and the developer to take place with regard to the siting of plots 1 and 2 and to consider specifically the height of plot 2.

(Proposed by Cllr L J Cruwys and seconded by Cllr Mrs C P Daw)

Notes:

- i) Cllr B G J Warren and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had been contacted by an objector;
- ii) Mr Frost (Agent) spoke;
- iii) The following late information was reported:

Proposed condition:

Condition 18

The occupation of any dwelling in any agreed phase of the development shall not take place until a minimum of two (2) electric vehicle charging points have been installed into two properties. The properties to receive the charging points shall be identified, for approval in writing, by the Local Planning Authority.

REASON: In the interests of proper planning in compliance with Policy DM8 of the Local Plan Part 3.

The report for 36 Post Hill makes reference (Page 105, para 3) to 'a separating distance of some 25m between No. 26 Mayfair and Unit 1'. Unfortunately this measurement did not take into account the carriageway and pavement of Post Hill road itself. The sentence in the report should read:

'...a separating distance of some 37m between No. 26 Mayfair and Unit 1'.

The 37m distance takes into account 20.5m (approx.) from the rear elevation of No. 26 Mayfair to edge of carriageway, 5m set back from edge of pavement for Unit 1 and approximately 11.5m for Post Hill carriageway, pavement and verge.

- e) No 5 on the Plans *List (19/00924/HOUSE – Erection of an extension and alterations to roof to include first floor accommodation and former window – 7 Rackenford Road, Tiverton).*

The Interim Group Manager for Development outlined the contents of the report by way of presentation highlighting the existing and proposed plans, the existing and proposed roof plans, proposed floor plans and elevations and photographs from various aspects of the site. She informed the meeting of the history of the site and that the application before them was much smaller than originally received and that the proposal was virtually within the limits of Permitted Development Rights

Consideration was given to:

- Whether there were all bungalows in the area of the proposal
- The dormer was no higher than the ridge
- The views of the objector who had concerns of overlooking into the principle rooms of another property, the scale and impact of the proposal and whether obscure windows could be added to the dormer.
- The views of the local Ward members with regard to the impact on No 9 Rackenford Road, there was no lack of housing in the area but there was a shortage of bungalows and whether the garage would be lost
- What would be allowed under Permitted Development Rights

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

(Proposed by Cllr F W Letch and seconded by Cllr C P Daw)

Notes:

- i) Mr Lavery spoke in objection to the application;
- ii) Cllrs R J Dolley and E G Luxton spoke as Ward Members;
- iii) Cllrs E G Luxton and B G J Warren requested that their vote against the decision be recorded.

84 **MAJOR APPLICATIONS WITH NO DECISION (3-29-00)**

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

It was **AGREED** that:

Application 19/01839/MOUT (Colebrook Lane, Cullompton) be brought before committee for determination

Application 19/01836/MOUT (Higher Town, Sampford Peverell) be brought before committee for determination

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

85 **APPEAL DECISIONS(3-30-45)**

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.

86 **PLANNING PERFORMANCE 2019/20 - QUARTER 2 (3-32-54)**

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 2 2019.

The Interim Group Manager for Development outlined the contents of the report stating that targets were being met with some areas outperforming the targets. There had been a backlog of applications that required decisions but this was being dealt with.

Consideration was given to the enforcement statistics and questions raised with regard to whether any monies had had to be repaid due to being determined beyond the 26 week period allowed and how many appeals there had been for non determination in the statutory time and if they were related to the applications for return of fees. The Interim Group Manager for Development stated that she did not have that information to hand but would find out and report back to the committee.

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

(The meeting ended at 6.15 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 20th November 2019

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>19/00718/MOUT - Outline for the erection of 26 dwellings - Land at NGR 270904 112818(The Barton) Belle Vue Chawleigh.</p> <p>Highway Authority 15th November 2019</p> <p>The above application was deferred by the planning committee for a review of the development, and the applicant has requested that the Highway Authority clarify its position in relation to the quantum of Housing being proposed from a shared surface road. In the initial response the Highway Authority commented on the delivery of 28 dwellings, but referred to the Design guide numbers and the previously agreed figures with the Parish council. The applicant subsequently reduced these numbers to 26. The design guide recommends 25 from a straight Cul-de-sac and turning head and up to 50 for a crescent. The application combines a straight Cul-de-sac (the existing) with a crescent (proposed). The Highway Authority advised that the 25 figure was flexible. Therefore the Highway Authority would raise no objection to the provision of 26 units on top of the existing from a shared surface road given the combination of the two types and the minimal increase above the lower figure. This position is subject to the conditions previously recommended.</p> <p>Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT</p>
2.	<p>17/02020/MFUL - Erection of building comprising 44 retirement apartments with associated communal lounge, manager's office, guest suite, rechargeable electric buggy store, car parking, sub-station, and landscaping - Astra Printing and Crown Works Site Willand Road Cullompton.</p> <p>Please note the following amendment:</p> <ul style="list-style-type: none"> A) The description should read 43 apartments not 44 – this is the case also where reference is made in the report to 44 apartments, this should be 43 B) The number of parking spaces is 41 not 39 C) No update to the drainage information has been provided but given that the LLFA satisfied that an 'overall improvement to the surface water drainage system is being proposed' it is considered that this can be dealt with via condition D) The balancing summary on page 69 should be amended to delete 'That benefit would be added to here by an off-site monetary contribution to affordable housing in the district' E) Local finance considerations on page 70 should be amended so that it reads 'With the introduction of the Localism Act 2011, the receipt of New Homes Bonus is a material consideration in the determination of planning applications although it carries limited weight.' F) Condition 10 should be amended so that the last sentence reads, 'The approved scheme shall be implemented in accordance with the agreed details' G) The reason for Grant of Consent should be amended so that it reads, 'The proposal would provide 43 additional apartments, thereby contributing appreciatively towards the supply of housing in an accessible location which is well positioned, with good pedestrian <p>access to local shops, services and public transport links. As such, the Council attach significant weight to this consideration in the overall balance.</p> <p>The proposed development would provide specialist accommodation for older people, for whom, according to the Planning Practice Guidance (PPG), the need to provide housing at a</p>

	<p>national level is 'critical'. Evidence of a need for additional housing for older people in Cullompton has been presented by the applicant and the Council have no sound basis to challenge this. The Council is also mindful that the occupation of apartments would also free up a mix of housing for others. Therefore, the Council attribute significant weight to the benefits of providing housing to meet current and future demographic trends.</p> <p>It is accepted by the Council that there is a significant need and policy requirement for the provision of affordable housing. However the applicant has been able to successfully demonstrate that the scheme would be unviable with such contributions</p> <p>The Framework states that significant weight should be placed on the need to support economic growth. The construction of the proposed apartments would generate employment and the expenditure associated with the provision of 43 new units would benefit local shops and services.</p> <p>In addition, paragraph 67 of the Framework also seeks to boost significantly the supply of housing. The Council places some weight on such considerations.</p> <p>The Council have found no harm in respect of the effect of the proposed building on the Conservation Area, nor any material harm to views or the wellbeing of trees which contribute positively to the character of the Conservation Area that could not be mitigated through condition.</p> <p>The benefits the development would bring, including housing for older people can reasonably be considered public benefits, and that these are substantial. The application proposal would accord with the development plan when taken as a whole. Accordingly, in the absence of any other harm, and taking into account all other matters raised, the application should be granted.</p> <p>The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.'</p>
3.	<p>19/00794/FULL - Erection of dwelling and double garage; formation of vehicular access and associated renewable energy systems and landscaping - Land at NGR 308470 112426 (Craddock Lodge) Craddock Devon.</p> <p>The reason for refusal on page 87 should be amended as follows:</p> <p>1. National and local planning policy states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances to justify an approval. The Local Planning Authority consider the proposals, <u>do</u> not offer a truly outstanding or innovative architectural design, or reflect the highest standards in architecture and <u>result in</u> harm from the development in respect to the local distinctiveness and character of the area,</p>

	<p>setting of designated heritage assets including Craddock Conservation Area and immediate listed building in the village. The proposal is considered to represent an unsuitable and unsustainable development that harms these material considerations, and fails to meet the required economic, environmental and social objectives. On this basis the proposals are considered to be contrary to the following development Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM14 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) and the relevant National Planning Policy Framework.</p>
4.	<p>19/00210/MFUL - Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping - 36 Post Hill Tiverton Devon.</p> <p>Proposed condition: Condition 18 The occupation of any dwelling in any agreed phase of the development shall not take place until a minimum of two (2) electric vehicle charging points have been installed into two properties. The properties to receive the charging points shall be identified, for approval in writing, by the Local Planning Authority. REASON: In the interests of proper planning in compliance with Policy DM8 of the Local Plan Part 3.</p> <p>The report for 36 Post Hill makes reference (Page 105, para 3) to 'a separating distance of some 25m between No. 26 Mayfair and Unit 1'. Unfortunately this measurement did not take into account the carriageway and pavement of Post Hill road itself. The sentence in the report should read: '...a separating distance of some 37m between No. 26 Mayfair and Unit 1'. The 37m distance takes into account 20.5m (approx.) from the rear elevation of No. 26 Mayfair to edge of carriageway, 5m set back from edge of pavement for Unit 1 and approximately 11.5m for Post Hill carriageway, pavement and verge.</p>
5.	<p>19/00924/HOUSE - Erection of extension and alterations to roof to include first floor accommodation and dormer window - 7 Rackenford Road Tiverton Devon.</p>

AGENDA REPORTS	
	<p>18/02019/MOUT – Outline for the erection of up to 20 dwellings and associated access – Silverdale, Silverton, Devon</p>

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