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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 March 2020 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

R F Radford

Also Present

Councillor(s)

C R Slade and Mrs M E Squires

Present

Officers:

Kathryn Tebbey (Head of Legal (Monitoring Officer)), Eileen Paterson (Group Manager for Development), Alison Fish (Area Team Leader), Adrian Devereaux (Area Team Leader), John Millar (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

118 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford who was substituted by Cllr S Penny.

119 **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

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

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

121 **MINUTES OF THE PREVIOUS MEETING (00-02-43)**

Subject to an amendment to Minute 112 (c) to include **Extensions of existing dwellings and other ancillary development will be permitted provided they'**: after 'the proposal was not in accordance with Policies DM13 (a) and (c) of the Local Plan Part 3 (Development Plan Policies) and to include: **'Designs of new development must be of high quality, based upon and demonstrating the following principles'**: after and DM2 (a) and (e) of the Local Plan Part 3 (Development Plan Policies).

Minute 112 (d) 5th line of first paragraph remove page 154 and replace with paragraph 154.

The minutes of the meeting held on 12 February 2020 were approved as a correct record and signed by the Chairman.

122 CHAIRMAN'S ANNOUNCEMENTS (00-05-26)

The Chairman had the following announcements to make:

- She welcomed Eileen Paterson (new Group Manager for Development) to her first meeting of the committee.
- She informed the meeting that item 11 on the agenda, the implications report for land at NGR 302839 111143, Lloyd Maunder Road, Willand had been deferred.

123 DEFERRALS FROM THE PLANS LIST (00-06-38)

There were no deferrals from the Plans List.

124 THE PLANS LIST (00-06-50)

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 (***19/01862/FULL Change of use of farm buildings to mixed B1/B8 use and retention of external works – land and buildings at NGR 299326 114323, Bradford Farm, Uplowman***).

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the different aspects of the application, the site location plan the existing and proposed elevations which outlined the additional rooflights, windows and doors, the apiary unit plans and photographs from various aspects of the site, including views from the neighbouring property. He informed the meeting that the scheme made use of existing buildings and that additional discussions had taken place with the Environmental Protection Officer and the Highways Officer with regard to the access and the parking areas and no objections had been received from those parties.

Consideration was given to:

- The details of the unauthorised works, the detail of B1 use and how the usage could be monitored
- The height of the wall at the entrance and the visibility splay
- The surface of the driveway into the parking area and whether any additional drainage would be required
- Whether any of the new windows would be overlooking the neighbouring property
- The positioning of the portakabin/container
- Whether the application covered all the outstanding issues on the site
- The views of the objector with regard to whether the proposals were in line with Policy DM20 and whether the proposals were appropriate for a countryside location, the site was too large and would impact on the

neighbouring property, the previous application that the previous administration had been minded to refuse (before it was withdrawn) was smaller, there were outstanding enforcement issues on the site and the use of the portakabin/container for a bee-keeping group which would require visits at the weekend

- The views of the applicant's agent who provided clarification with regard to the windows and informed the meeting that the application sought a sustainable use for the buildings on the site. Policy DM11 guided such a proposal (conversion of rural buildings) and not Policy DM20 which was for new build in rural locations. He felt that there would be a limited impact on the neighbouring property and that the application was appropriate. He welcomed the proposed amendment to Condition 11 which would allow its use for agricultural purposes in addition to the uses ancillary to bee-keeping activities taking place on site.
- The views of the local Ward Members with regard to the impact of the proposal on the neighbouring property and whether there was a need for business use accommodation on the scale proposed in the rural location and that there was appropriate space on sites in Tiverton; the impact of the additional traffic movements in the area, issues with the access and the impact of this on the neighbouring property and whether parking could take place in the courtyard. The need for all noise issues to be addressed should the application be approved with the use of an acoustic fence and the replacement of the existing gravel track with a properly consolidated surface.
- Whether a site visit should take place for the new committee to consider all the issues raised.

It was therefore:

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

- The location, condition and proposal in relation to the portakabin/container
- The entrance and visibility from the public highway
- The surface of the entrance and the car park
- The relationship between the car park and the effect on the adjoining property in relation to noise and visual impact

(Proposed by Cllr D J Knowles and seconded by Cllr B G J Warren)

Notes:

- i) Cllrs E J Berry, Mrs F J Colthorpe, Mrs C P Daw, Mrs C A Collis, L J Cruwys, S J Clist, F W Letch, E G Luxton, D J Knowles and B G J Warren all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence with regard to the application;
- ii) Cllrs E J Berry and D J Knowles declared personal interests as the objector was known to them
- iii) Mr Blackmore spoke as the objector;

- iv) Mr Firth (agent) spoke;
- v) The Chairman read a statement from Cllr N V Davey (Ward Member)
- vi) Cllr C R Slade and D J Knowles spoke as Ward Members;
- vii) The following late information was reported:

Could Members please note that there is a typo on page 34/35 of the officer's report. Instead of reading "*due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is **not** considered that the car park works adequately respect the character of the surrounding area, without harming the rural context*", the '**not**' should be omitted so the line reads as "*due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is considered that the car park works adequately respect the character of the surrounding area, without harming the rural context.*"

The applicant has requested an amendment to the wording of conditions 7 and 11 should planning permission be granted. It is requested that condition 7 allow a period of 5 months rather than 3 months to carry out the required works to the bee keeping storage building, to allow the works to take place in summer. The proposed amendment to condition 11 would allow its use for agricultural purposes in addition to the uses ancillary to bee-keeping activities taking place on site. It is proposed to change the wording as follows: *The bee keeping storage building hereby approved shall at all times be used for purposes ancillary to the bee keeping or agricultural activities taking place on site and shall not be used for any non-agricultural activity.*

b) No 2 on the Plans List (19/01840/FULL Erection of 3 dwellings and part demolition of garage to 1 Gaters Gardens to provide access – land at Gaters Orchard and 1 Gaters Gardens, Sandford).

The Area Team Leader reported a recent objection that had been received which was similar to objections highlighted within the report. He then outlined the contents of the report by way of presentation highlighting the site location plan, the proposed block plan for the 3 dwellings (some of which were outside the settlement limit), he emphasised the contours on the map which showed how the dwellings would be built on a slope. The plan also considered the nearby listed properties and the conservation area. The parking spaces were identified, some of which were below the standards outlined in policy DM8 and he explained the Highways Authority's concern with regard to the proposed access. Existing and proposed site sections were provided together with proposed elevations and floor plans for each dwelling and site sections which highlighted the road through to the houses and the position of the listed cottages along with photographs from various aspects of the site.

Consideration was given to:

- The size of access width and the number of parking spaces
- The finished materials for the dwellings

- The views of the applicant's agent with regard to the application being based on individual needs as it was about height, size and positive and negative space, there was a need to look at the landscape geomorphic and the need to design buildings for today. He outlined the finished materials for the building
- The Chairman read a statement from one of the Ward Members with regard to the process and discussions with officers leading up to the presentation of the application, that a possible site visit take place for members to consider local concerns including access, parking and surface water issues
- The views of the Ward Member present with regard to the history of development in Sandford, the need for a site visit so that members could consider the layout of the land. There was a need for the village to grow and the application would not impact on the listed buildings
- The impact of the proposals on the listed buildings and conservation area
- Possible overdevelopment of the site
- Parking issues and that the proposal did not comply with Policy DM8

It was therefore:

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 A Collis)

Notes:

- i) Cllr Mrs M E Squires made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as she had spoken with the applicant as Ward Member;
- ii) Mr Hargreaves (agent) spoke;
- iii) The Chairman read a statement on behalf of Cllr Miss E Wainwright (Ward Member);
- iv) Cllr Mrs M E Squires spoke as Ward Member.

125 MAJOR APPLICATIONS WITH NO DECISION (1-34-33)

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

It was **AGREED** that:

Application 20/00249/MOUT – North of Frog Lane, Bampton be brought before committee if the officer's recommendation was one of approval and if that was the case then a site visit should take place.

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

126 **APPEAL DECISIONS (1-35-48)**

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.

127 **APPLICATION 19/1608/HOUSE - ERECTION OF A SINGLE STOREY EXTENSION AND SEPARATE GARAGE/ANNEX/WORKSHOP ACCOMMODATION, TANGLEWOOD, DUKES ORCHARD, BRADNINCH (1-36-12)**

At the Planning Committee meeting on 12 February 2020, Members advised that they were minded to refuse the above application and invited an implications report for further consideration. The Committee therefore had before it a * report of the Head of Planning, Economy and Regeneration setting out the implications of refusal.

The Principal Planning Officer outlined the contents of the report by way of presentation, highlighting the site location plan, the existing and proposed elevations, the garage elevations and the floor plans with photographs from various aspects of the site.

Consideration was given to the proposed reasons for refusal within the report.

It was therefore:

RESOLVED that that application be refused for the following reasons:

1. The proposed garage/store/annexe by reason of its siting, layout, scale and mass, fails to respect or relate to the character, scale and setting of the existing dwelling and its surroundings. As such it would have a detrimental impact on the character and appearance of the locality due to its failure to demonstrate a clear understanding of the characteristics of the site, its wider context and the surrounding area. The proposal is therefore contrary to policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
2. The proposed garage/store/annexe by virtue of its height, bulk and close proximity to the boundary of the site would result in an overbearing and unneighbourly form of development that will have an unacceptably adverse effect on the residential amenity of the occupiers of 2 Dukes Orchard. As such, the proposal is contrary to policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

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

Notes:

- i) Cllr E J Berry declared a personal interest as the applicant was known to him;
- ii) The following late information was reported: The neighbouring occupier, Mrs Brown, had provided additional photographs of the site, and the relationship

with her property, 2 Dukes Orchard. These had been added to the public website;

iii) *Report previously circulated, copy attached to minutes.

128 APPLICATION 19/01156/FULL - INSTALLATION OF A 24MW RESERVE POWER PLANT WITH ASSOCIATED INFRASTRUCTURE - LAND AT NGR 302839 111143 LLOYD MAUNDER ROAD, WILLAND

As stated earlier in the meeting, the application had been deferred and would be considered at a future meeting of the committee.

(The meeting ended at 4.13 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 11th March 2020

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>19/01862/FULL - Change of use of farm buildings to mixed B1/A2/B8 use and retention of external works - Land and Buildings at NGR 299326 114323 Bradford Farm Uplowman.</p> <p>Could Members please note that there is a typo on page 34/35 of the officer's report. Instead of reading "<i>due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is not considered that the car park works adequately respect the character of the surrounding area, without harming the rural context</i>", the 'not' should be omitted so the line reads as "<i>due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is considered that the car park works adequately respect the character of the surrounding area, without harming the rural context.</i>"</p> <p>The applicant has requested an amendment to the wording of conditions 7 and 11 should planning permission be granted. It is requested that condition 7 allow a period of 5 months rather than 3 months to carry out the required works to the bee keeping storage building, to allow the works to take place in summer. The proposed amendment to condition 11 would allow its use for agricultural purposes in addition to the uses ancillary to bee-keeping activities taking place on site. It is proposed to change the wording as follows: <i>The bee keeping storage building hereby approved shall at all times be used for purposes ancillary to the bee keeping or agricultural activities taking place on site and shall not be used for any non-agricultural activity.</i></p>
2.	<p>19/01840/FULL - Erection of 3 dwellings and part demolition of garage to 1 Gaters Gardens to provide access - Land at Gaters Orchard and 1 Gaters Gardens Sandford Devon.</p>

AGENDA REPORTS	
	<p>19/01608/HOUSE - Erection of single storey extension and separate garage/annex/workshop accommodation - Tanglewood Dukes Orchard Bradninch.</p> <p>The neighbouring occupier, Mrs Brown, has provided additional photographs of the site, and the relationship with her property, 2 Dukes Orchard. These have been added to the public website</p>
	<p>19/01156/FULL - Installation of a 24MW Reserve Power Plant with associated infrastructure - Land at NGR 302839 111143 Lloyd Maunder Road Willand.</p> <p><u>Amended wording for condition 3:</u> <i>3. No development shall take place until a scheme to ensure that only fuel from renewable sources is used to power the approved development is submitted to, and approved in writing by, the LPA. The submitted scheme shall include, but shall not be limited to:</i> <i>a) measures to ensure that the power plant is only fuelled using bio-methane or other renewable sources;</i> <i>b) enrolment in the 'Renewable Energy Guarantees of Origin' Scheme (or such subsequent equivalent schemes);</i> <i>c) enrolment in the 'Green Gas Certification Scheme' (or such subsequent equivalent schemes);</i> <i>d) the recording mechanism for demonstrating the source and quantity of fuel used;</i></p>

e) mitigation measures to be deployed should non-renewable sources be utilised at any time, including the retrospective purchase of renewable units and the cessation of the use and operation of the facility until the mitigation measures agreed in writing by the LPA have been carried out in full to the satisfaction of the LPA; and
f) the provision of an annual monitoring report to be submitted to the LPA detailing compliance with a) – e) above.

The development shall be operated at all times only in accordance with the approved scheme for the lifetime of the development and the LPA will be afforded such reasonable opportunities to visit and monitor the development as it sees fit, notwithstanding the annual monitoring report.

Amendment to the officer report:

p.89 under **8) Conclusion** - 'The proposal is considered to be **unacceptable**, having regard to ' This should read, 'The proposal is considered to be **acceptable**, having regard to '

The decision has been taken to defer this item from Planning Committee this afternoon as we cannot locate the EIA screening opinion for this application. The item falls within schedule 2 of the EIA 2017 Regs and consequently needs to be 'screened' to see if a formal Environmental Statement is required and that resulting document placed in the public domain