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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 23 September 2020 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

E J Berry

Also Present

Councillor(s)

R J Dolley, Mrs M E Squires,
Ms E J Wainwright and A White

Present

Officers:

Eileen Paterson (Group Manager for Development), Maria De Leiburne (Legal Services Team Leader), Adrian Devereaux (Area Team Leader), Oliver Dorrell (Planning Officer), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

65 **APOLOGIES AND SUBSTITUTE MEMBERS (0.04.34)**

Cllr E J Berry gave apologies.

66 **PROTOCOL FOR VIRTUAL MEETINGS (0.04.41)**

The *Remote meeting protocol was **NOTED**.

Note: *Remote meeting protocol was previously circulated and attached to the minutes

67 **PUBLIC QUESTION TIME (0.05.17)**

There were no questions from members of the public present.

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

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

69 **MINUTES OF THE PREVIOUS MEETING (0.06.04)**

The Minutes of the meeting held on 9th September 2020 were agreed as a true record subject to the following inclusion of an additional consideration to Minute No 60:

- An additional condition to prevent construction traffic from using Siskin Chase

70 CHAIRMAN'S ANNOUNCEMENTS (0.08.17)

The Chairman reminded Members of the next Planning Committee meeting on 7th October 2020.

71 DEFERRALS FROM THE PLANS LIST (0.08.35)

There were no deferrals from the Plans list.

72 THE PLANS LIST (0.08.39)

The Committee considered the applications in the *Plans list.

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

- a) No 1 on the Plans List 19/01932/FULL - Retention of conversion and change of use of part of shop into 1 ground floor flat (Revised Scheme) at Preston House, Bow, Devon.**

The Area Team Leader outlined the contents of the report by way of a presentation which detailed the site location, existing floor plans and elevations.

The Area Team Leader had informed the Committee that a completed Unilateral Undertaking had been received from the applicant providing a financial contribution towards Air Quality Management in Crediton.

He explained that this planning application followed the refusal of planning application 18/00571/FULL in 2018 which was for the conversion and change of use of shop into 2 ground floor flats where the application submitted included car parking at the rear with a new vehicular access. This application was refused on the grounds that the proposed car parking facilities and means of access were considered unacceptable and the applicant was advised that this still remained the case.

He explained that the point of access into the site and the car parking area was formed by the current owner without the benefit of any consent/permission as issued by either the local planning and/or Highway Authority.

He informed Members that the Highways Authority had raised no objections to the revised plans as the development was next to a bus stop and within walking distance to local amenities. In addition the Conservation Officer had no objections to the development and planning officers considered the accommodation met required room size requirements.

In response to a question asked about the development being contrary to Policy DM5, which stated that sufficient vehicle parking and bicycle storage must be provided, the Area Team Leader explained that in this instance the development was deemed at sustainable due to the proximity of the Bus stop and that local amenities were within walking distance and the Highways Authority considered there to be enough on street parking available. He explained that although the development did

not comply with Policy DM5 planning officers felt that on balance the two additional flats would not cause harm to the environment.

Consideration was given to:

- The planning application being retrospective and the majority of the work had already been started
- The retention of the shop in the revised planning application
- The frequency of the bus service which the new occupants may use
- The lack of storage for bicycles in the current application
- The fire risks of the new units and what solutions would be available including fire escape windows and change of floor plans which would be a building control issue
- The views of the Parish Council who felt that the applicant had forged ahead with the alterations and had damaged neighbouring properties. The lack of amenity space. A request that the Planning Authority make as part of the planning conditions, a proviso that the applicant must put right damages and redo the ill-constructed, unstable, and insufficient works.
- The views of the Ward Member who felt that the site was overdeveloped and that the new occupants would have cars which would contribute to the traffic issues. He felt that the Highways Authority surveyed the traffic flows at the wrong time of day and their comments did not recognise the traffic congestion in the area. The amount of unauthorised development which had already been completed at the site and that the Council should have taken enforcement action to stop it.

It was therefore **RESOLVED** that: the application be deferred to allow Planning officers to negotiate with the applicant a reduction in the number of units being applied for.

(Proposed by Cllr G Barnell and seconded by Cllr L J Cruwys)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllr S J Penny declared a personal interest as he knew and had lived in the area
- ii.) A statement was read out on behalf of Cllr T Vanstone who had submitted this on behalf of Bow Parish Council
- iii.) Cllr A White spoke as Ward Member

b) No 2 on the Plans List 19/01933/FULL - Retention of conversion of first floor flat into two flats at Preston House, Bow, Devon.

The Area Team Leader outlined the contents of the report by way of a presentation which detailed the site location, existing floor plans and elevations.

The Area Team Leader had informed the Committee that a completed Unilateral Undertaking had been received from the applicant providing a financial contribution towards Air Quality Management in Crediton.

He explained that this planning application followed the refusal of planning application 18/00571/FULL in 2018 which was for the conversion and change of use of shop into 2 ground floor flats where the application submitted included car parking at the rear with a new vehicular access. This application was refused on the grounds that the proposed car parking facilities and means of access were considered unacceptable and the applicant was advised that this still remained the case.

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Consideration was given to:

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- The frequency of the bus service which the new occupants may use
- The lack of storage for bicycles in the current application
- The fire risks of the new units and what solutions would be available including fire escape windows and change of floor plans which would be a building control issue
- The views of the Parish Council who felt that the applicant had forged ahead with the alterations and had damaged neighbouring properties. The lack of amenity space. A request that the Planning Authority make as part of the planning conditions, a proviso that the applicant must put right damages and redo the ill-constructed, unstable, and insufficient works.
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- i.) Cllr S J Penny declared a personal interest as he knew and had lived in the area
- ii.) A statement was read out on behalf of Cllr T Vanstone who had submitted this on behalf of Bow Parish Council
- iii.) Cllr A White spoke as Ward Member

73 APPEAL DECISIONS (1.00.23)

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.

74 APPLICATION 20/00622 - OUTLINE FOR THE ERECTION OF 1 DWELLING - 12 KABALE CLOSE, TIVERTON (1.00.54)

At the Planning Committee meeting on 9th September 2020 Members agreed that the application be deferred to allow a full committee site visit to take place.

The Planning officer confirmed that site visits had taken place on 18th September and Members had viewed the proposed development and access arrangements.

The Planning officer outlined the contents of the *report by way of presentation highlighting the location of the site 25 metres south of the A361. He identified the access to the development site and provided an indicative layout plan of how the site might be developed (with all matters reserved – therefore it was just the principle of development that members were being requested to consider) with parking to the front of the new dwelling in line with numbers 11 and 12 Kabale Close. Members again viewed photographs from various aspects of the site which showed the space for development, the proposed access and the demolition of the garage.

He explained that at the site visit Members had concerns with the access to the site and that it was contrary to Policy DM5. He informed Members that the Highways Authority had conducted a site specific appraisal and had no objections to the site access.

Consideration was given to:

- The views of the objector who was content to be satisfied with the resolution of the Committee
- The views of the Ward Member who questioned the suitability of the access and the impact on neighbouring properties
- Members views that the access was cramped and the negative impact on the neighbouring property with vehicles having to pass too closely
- That there was general support for the house but concerns with the access to it
- That the application was contrary to Policy DM5

It was therefore:

RESOLVED that:

Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal that of:

- a) Use of access to the site; and
- b) Impact on neighbouring properties

(Proposed by Cllr F W Letch and seconded by Cllr B G J Warren)

Reason for decision – as outlined above

Notes:

- i.) Mr Harman (Objector) provided a statement which was read out by Cllr R Dolley
- ii.) Cllr R Dolley spoke as Ward Member
- iii.) *report previously circulated and attached to the minutes

75 **APPLICATION 17/00348/MOUT - RESIDENTIAL DEVELOPMENT OF UP TO 257 DWELLINGS AND UP TO 5 GYPSY AND TRAVELLER PITCHES: 8.6 HECTARES OF LAND MADE AVAILABLE TO FACILITATE THE RELOCATION OF CREDITON RUGBY CLUB; UP TO 1.1 HECTARES OF LAND SAFEGUARDED FOR THE DELIVERY OF A PRIMARY SCHOOL; ACCESS ARRANGEMENTS FROM B3072 (EXHIBITION WAY); PEDESTRIAN AND CYCLE ACCESS ON TO POUNDS HILL/STONEWALL CROSS JUNCTION, OLD TIVERTON ROAD AND PEDLERSPOOL LANE; LANDSCAPING AND AREA OF PUBLIC OPEN SPACE; AND OTHER ASSOCIATED INFRASTRUCTURE AND ENGINEERING OPERATIONS - LAND AT NGR 284185 101165 (CREEDY BRIDGE) CREDITON (1.35.16)**

The Committee had before it a * report of the Head of Planning, Economy and Regeneration considering recent material considerations to the above planning application in order for Members to confirm whether the resolution made by Members of the Planning Committee on the 19th September 2018, which was for planning permission to be granted subject the prior signing of a S106 agreement, remained the same. In addition to this, to consider revisions to the wording of two of the Heads

of Terms of the S106 agreement and the associated S106 implications from these proposed revisions.

The Area Team Leader provided an overview of the site by way of a presentation and explained the reasons for the report.

He explained that with the adoption of the Local Plan the site at Pedlerspool off Exhibition Road was now an allocated site under Policy CRE5 which added weight to the proposal and that the S106 contributions were subject to a viability appraisal.

He informed Members that they needed to consider an objection recently received from the Devon Gardens Trust on the 30th April 2020 noting that the Council did not consult the Devon Gardens Trust on the above application as is required for a statutory consultee given that the application affects the setting of Shobrooke Park and Creedy Park, both of which are historic designed landscapes of national importance.

In response to the objection received the officer explained that during the consultation process Members did consider the views of Sandford Parish Council, Upton Hellions Parish Meeting and Historic England. Consideration had been given to the heritage assets and Historic England had raised no objections to the proposals.

With regard to Heads of Terms 2 relating to the provision of 5 pitches for the Gypsy and Traveller community. The Area Team Leader explained that further to ongoing discussions with the applicant, the proposed change to the wording within the Heads of Terms was to finalise the trigger points for delivery and mechanisms to ensure delivery either provided by a registered provider or for the applicant to provide to the Council for a nominal fee of £1 to provide a site with fully laid out pitches for use by Gypsy and Traveller Community.

With regard to Heads of Terms 4 relating to the safeguarding of a site for Crediton Rugby Football Club, the officer explained that further to ongoing discussions with the applicant and the Rugby Club, in order to safeguard the site for the rugby club relocation, a timeframe of 10 years following the commencement of development on site had been agreed to. This was in order to allow for the rugby club to work on an application to obtain outline planning permission for residential development on their current site, which would allow for the finances to purchase the site at Pedlerspool for a fixed recreation land value and to submit an application for a new clubhouse and playing facilities. Therefore the revisions to the wording for this Head of Term, including correction to the fact that the price of the land allocated for the relocation of the rugby club site would not be fixed, were considered to be acceptable as this inclusion takes into account the legal advice received over the interpretation of policy.

Consideration was given to:

- The adoption of the Local Plan and that this was now an allocated site
- The percentage of affordable housing proposed
- Safeguarding of the Primary School and that Devon County Council were party to the S106 agreement
- Traffic assessments previously completed

- The views of the agent who stated that the S106 contributions included over £2 million in financial contributions, affordable housing provision; sites for the rugby club, school and gypsy and travellers pitches; improvements to highway and the rights of way network; open space; and importantly, delivery of one of the Council's allocations in its recently adopted Local Plan.
- The views of the Ward Member who had concerns about the revised timeframes for the Rugby Club
- The views of the Ward Member with regard to Sports England conditions and the highways contribution to a cycleway to Upton Hellions

RESOLVED:

- a) That the previous resolution to approve subject to the signing of a s106 agreement with amendments as previously agreed be reaffirmed and the planning application determined on this basis, including the revisions to the s106 agreement as set out in paragraph 3.1 be agreed and a S106 agreement be entered into in line with the proposed revisions; and
- b) That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with Chairman and Vice Chairman of the Planning Committee and local Ward Members to allow minor changes to wording of planning conditions as reported within the committee report to allow for a phased approach to development across the site be confirmed

(Proposed by the Chairman)

Reasons for decision – as outlined above

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, Mrs C P Daw, L J Cruwys, S J Clist, F W Letch, D J Knowles, S J Penny, 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 from objectors
- ii.) Cllrs Mrs M E Squires and Ms E Wainwright spoke as Ward Members
- iii.) Cllr F W Letch requested that his vote against the decision be recorded
- iv.) Cllr G Barnell requested that his abstention from the vote be recorded
- v.) *report previously circulated and attached to the minutes
- vi.) The following late information was provided via the update sheet:

Correction in Paragraph 3.3 (Page 71 of report)

Through discussions with the applicant and Crediton Rugby Club, the price for the Rugby Club site is not to be fixed but will be agreed at the time of transfer based on an open market valuation.

Update Sheet

(The meeting ended at 4.54 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 23rd September 2020

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>19/01932/FULL - Retention of conversion and change of use of part of shop into 1 ground floor flat (Revised Scheme) - Preston House Bow Devon.</p> <p>A completed Unilateral Undertaking has been received for this application, with signed deed received and financial contribution towards Air Quality Mitigation in Crediton paid</p>
2.	<p>19/01933/FULL - Retention of conversion of first floor flat into two flats - Preston House Bow Devon.</p> <p>A completed Unilateral Undertaking has been received for this application, with signed deed received and financial contribution towards Air Quality Mitigation in Crediton paid</p>

AGENDA REPORTS	
1.	<p>17/00348/MOUT - Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations - Land at NGR 284185 101165 (Creedy Bridge) Crediton Devon</p> <p>Proposed amended wording for Heads of Term no.2 (Pages 71 and 72 of report) to refer to both Gypsy and Travellers rather than Travellers. The new wording for the Head of Term would be as follows:</p> <p>2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community or (if approved by the Council pursuant to the approved scheme) provision of a site with equivalent capacity off-site (or the expansion of an existing Gypsy and Traveller Site) and the following provisions regards delivery and operation:</p> <ul style="list-style-type: none"> • The Owners are not to occupy more than 43% of the Dwellings until a Gypsy and Traveller Pitches Scheme has been approved by the Council. The Gypsy and Traveller Pitches Scheme will set out <ul style="list-style-type: none"> i) The location of the Gypsy and Traveller Pitches Site which is 5 pitches and whether they are off-site, on-site or an off site extension (to an existing AHP) site. ii) The specification for the Gypsy and Traveller Pitch Works including for each Serviced Pitch providing and building an Amenity Building, a Hardstanding Area sufficient to accommodate, a large trailer, a, touring caravan and parking spaces for two vehicles (2.4m x 4.8m) with the balance of the pitch seeded to grass • In deciding whether to approve a Gypsy and Traveller Pitches Scheme which has off-site Gypsy and Traveller Pitches Site, or an extension of an existing Gypsy and Traveller Pitches Site the Council has regard to Policy DM7 • Before the occupation 75% of the development the owner has to complete the Gypsy and Traveller Pitch works to the Gypsy and Traveller Pitches Site and in the case of an on-site or off-site Gypsy and Traveller Pitches Site to transfer the Gypsy and Traveller Pitches Site to an affordable housing provider or the

	<p>Council for sale price of a £1. There is a fall-back position that if the Council refuses to take the site after completion the developer can develop the rest of the dwellings.</p> <ul style="list-style-type: none"> • The owners covenant not to use the Gypsy and Traveller Pitches Site other than for a site for Travellers and Gypsies, to maintain the site once completed and not to sell it other than for £1. <p>Correction in Paragraph 3.3 (Page 71 of report)</p> <p>Through discussions with the applicant and Crediton Rugby Club, the price for the Rugby Club site is not to be fixed but will be agreed at the time of transfer based on an open market valuation.</p>
2.	20/00622/OUT - Outline for the erection of 1 dwelling – 12 Kabale Close Tiverton Devon EX16 5QB