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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 November 2021
at 2.15 pm

Present

Councillors

P J Heal (Chairman)
Mrs F J Colthorpe, G Barnell, E J Berry,
S J Clist, L J Cruwys, Mrs C P Daw,
R J Dolley, C J Eginton, F W Letch and
B G J Warren

Also Present

Councillor(s)

R J Chesterton, B Holdman, D J Knowles,
Mrs E J Lloyd, Mrs E J Slade,
Mrs M E Squires and L D Taylor

Present

Officers:

Richard Marsh (Director of Place), Angharad Williams (Interim Development Management Manager), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Maria De Leburne (Operations Manager Legal and Monitoring), Christie McCombe (Area Planning Officer), Myles Joyce (Consultant Development Management Officer), John Millar (Acting Area Team Leader), Daniel Rance (Principal Planning Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

111 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

112 **PUBLIC QUESTION TIME (00-04-23)**

1. Mr Elstone referring to number 1 on the agenda stated:

Question 1

The MDDC Adopted Masterplan SPD Document Section 1.7 Design Process States:

“MDDC will expect landowners and developers to follow the prescribed design process which is adopted as an integral part of this SPD”.

The words, stipulate, command, impose are all synonyms of the word prescribed, I am therefore at a total loss to understand why anyone could not understand then follow this very clear requirement.

Can it be fully explained why Redrow Homes were allowed to ignore the prescribed requirement at the UD &AP stage. This to consult with the Public and Stakeholders and hold a workshop in order to formulate the UD&AP proposals before progressing to the Reserved Matters Stage.

Question 2

Can it be fully explained why Redrow Homes were allowed to ignore the prescribed requirement at the UD &AP stage to engage with the Design Review Panel this to discuss and formulate the UD&AP proposals before progressing to the Reserved Matters Stage.

Question 3

Why were Redrow Homes allowed to arbitrarily create 6 new character areas without any form of consultation this with stakeholders or even Ward Councillors. In creating these artificial areas, they have totally destroyed the full intent and key principles of the Tiverton EUE Masterplan SPD Design Guide.

They have placed the highest density housing areas where it should be amongst if not the lowest in this phase of the development. They have placed the lowest density housing their show homes against the Spur Road which should be the highest. They have defeated the Centre to Edge, Key and Guiding Principle.

Question 4

What efforts did the MDDC Officers make to have Redrow Homes comply with the prescribed Planning Design Process. I understand that MDDC Officers attempted to get Redrow Homes to engage with the Design Review Panel before submitting the Reserved Matters Application, but they would not comply. Can this be confirmed.

Question 5

Why have the Planning Officers never flagged up to Planning Committee Members how critical the Design Review Panel were of being introduced late (too late) into the Design Process.

Also, how the Review Panel felt constrained in making recommendations as a result.

Question 6

Why were Redrow Homes allowed to fail to comply with their own UD&AP submission that said they would engage with the Design Review Panel before they submitted their Reserved Matters Application.

Question 7

Why did Redrow Homes fail totally to follow their own Community Engagement Policies as defined in Redrow 8 Placement Key Principles Document, Principle 1 Listen to Learn -Community Engagement.

2. Mr Langford referring to number 4 on the plans list stated:

The lengthy report has been produced when the officer and department are under pressure to clear applications. Perhaps as a result, there are basic errors of fact presented to you. They are of fundamental importance to your decision making today.

I have the following question, in three parts, on one aspect - the need for 24 hour attendance on site, for you to put to the planning officer:

- Why was the Economic Development officers' input, which was one of balance with stated doubts on the need for 24 hour attendance on site ("I am doubtful"), edited to an endorsement of the applications Functional Need statement? Why was the claim by the applicant of poor 4G connections preventing remote sensing not checked with the governments' OfCOM on-line site? It shows there are 4 different providers of good 4G services available. Interestingly the even more reliable option; the Ultrafast Fibre Optic cable connection in the lane running past the field gate was not in the application. There are therefore 5 different communication services for the remote sensing of all the hatching equipment, cameras for animal welfare as well as site security. Most neighbours use these services quite adequately. Why was no check made on the claim by the applicants that there were no available rented properties nearby? As at 1 November at least 7 three bedroomed houses within 4 miles, or 10 minutes travel; and over 10 similar houses at about 8 miles distance, or 20 minutes travel are advertised. These are available for the applicant, or the supposedly required agricultural worker, without incurring further permanent environmental and ecological construction damage to the open landscape of the AONB – a key consideration, especially in the week of COP26.

3. Patricia Parsons referring to number 2 on the plans list stated:

I have worked with the elderly over 40 years, prior to retirement we owned and managed a care home registered mainly for dementia sufferers, so I am aware of the problems of running a care home. Looking through the points on the report I notice the following:

Highways state that many parked cars on the highway leading to this area does cause concern and maybe restricting the width of the carriageway to a point an emergency vehicle would struggle to negotiate, also this is far short on MDDCs Policy DM5 and suggested prior more extensions there is a need to provide adequate parking for the existing use.

Health and safety made no recommendations but surely anyone using the mews is at risk due to the parking problems, no path between the homes means residents in wheelchairs using the road, which often has a parked car on the side making the carer and the wheelchair walk in the road, surely not an ideal situation for staff or residents.

99% of all highways parking in the mews is by staff and visitors, residents of the mews park either in garages, on allocated parking areas or outside our garages.

Policy DM8 applies a minimum of 1.7 parking spaces per dwelling. Ashdowne has 2, Pinnex Moore 0, this is to allow 60 residents and their visitors, 48 staff and numerous workmen etc. Although we do not expect them to provide anything like the amount recommended surely the mews should not be a car park for the care homes.

Please remember all the residents of the homes are either physically or mentally frail, can you imagine the problems encountered by the emergency services during an emergency, trying to evacuate 60 frail residents, with numerous demented residents, not understanding what was happening and fighting those trying to help, imagine the panic, getting frail people downstairs. In the event of an emergency vehicles and their backups, the mews is often blocked by parked cars, where will all these vehicles park with the turning bay full of staff and visitor cars.

Temporary permission for siting of a portacabin for an office was granted in 1997 and again in 2002, as far as we can see there seems to be no more permission asked for. Is this portacabin now a permanent structure, could you withdraw permission, re-installing 4 parking bays increasing the number of bays from 12 not as the report states to 16.

My question is why are thousands of pounds spent on Local Plans if planning is not being guided by them, please sort out the parking before you allow anymore extensions to what is an over developed area.

4. C D Roberts referring to number 2 on the plans list stated:

I note the recommendation is to grant this application subject to various conditions. Although I have read the proposed conditions, I am not a planner so please could you explain exactly what conditions mean?

In particular, why can the Construction Environmental Management Plan not be agreed before approval, given that it will have a significant effect on residential amenity, public safety and highways safety? By having this condition exercised after planning is granted it removes the oversight of this committee and the public.

5. Valerie Day again referring to no 2 on the plans list stated:

The proposed development will overbear the adjacent properties, providing visibility directly into their bedroom windows, save for the hedge between them. The hedge has been assessed as 'low quality. Why is it considered "low quality'? What contingency plans does the applicant have should the hedge die, or the quality deteriorates? This is particularly important given the likelihood of root disturbance during construction even with pile foundations and protection. Orkney Mews used to be a quiet cul-de-sac.

I accept that the home provides a vital service, but in the middle of an overdeveloped residential estate that is largely restricted to retired people, who are home all the time, is unfortunately not the right place to grow one. This area is already totally overdeveloped

If the hedge dies or deteriorates a 6-foot-high fence will not suffice, will the planning committee ensure a like for like replacement will be guaranteed?

6. R B Clarke referring to number 2 on the plans list stated:

The surrounding area already cannot cope with the volume of traffic that the care home attracts. We the residents of the Mews are worried about safety for themselves and the children who use it as a cut through from the high school to the estate. Notwithstanding the reducing effect that Covid-19 restrictions have had on visitors, some residents are placing traffic cones on their own property to prevent vehicles from crossing onto it and causing damage.

A visitor on a mobility scooter to one of the residents was forced into the road due to visitors of the home parked on the pavement, there are numerous people who live locally and who use mobility scooters, surely, they should not be put at risk in this way.

If the application is approved, what restrictions or actions can the committee or the applicant take to ensure, measurably, that the access and safety of the Mews residents is not made any worse than it currently is.

7. K L Parry referring to number 2 on the plans list stated:

The home currently has 12 available parking spaces for staff and visitors, and not 15 as stated in the parking plan. It appears that the applicant is counting 2 parking spaces on the turning head itself, which is unacceptable and a public highway others are underneath a temporary portacabin that has outstayed its agreed planning conditions by about 20 years, and a fenced area used for bin storage.

Can the applicant please explain how they arrived at this figure of 15 spaces?
The applicant has revised their plans to remove new planned bedrooms.

Although it should be noted that it would be possible to create additional bedrooms elsewhere within the property once extended, I do understand that you cannot use that alone as a grounds for refusal. However, they have used this as a justification to state that car parking is not a consideration under this new application as there is no increase in bed space. I would like to ask the planning committee to remember that more beds need more staff and more deliveries. The issue with the severe lack of parking has never been due to the care home residents themselves, rather visitors, staff and service vehicles combined

In addition to my earlier question about the number of spaces presently available being overstated, has the applicant considered removing the temporary portacabin office and fenced storage bin storage area from the carpark to restore some of the originally planned parking bays. Will the committee consider the overall increase in parking demand from staff, residents' families and friends and service vehicles?

8. B A Leach referring to number 2 on the plans list stated:

In the event that planning permission should be granted what/will restrictions be put in place to lessen the impact on the ageing local community in respect of their privacy and the access to their properties/parking?

9. C A Wood referring to number 2 on the plans list stated:

Staff already park in the road because there is limited space on the site. Visitors often park in the entrance itself, in the turning head (sometimes double parked) and on the pavement of the surrounding roads blocking access for large vehicles. I note that when Councillors and officers have visited the site for this application, they have parked in the turning head because there is nowhere else available, which forces the large trucks servicing the home to turn and drive over the pavement.

I have seen ambulances parking back on the street because they could not get into the site, which can delay vital care. I have seen vehicles loaded and unloaded in the middle of the public highway, as parked cars stop lorry drivers packing close to the homes. I pray they never need a fire appliance because at busy times they simply will not get close.

The highways authority states in their consultation that the number of spaces is not sufficient for the size of the care home. The current provision also falls far short of Mid Devon's own local policy plan DM5 which required 60 spaces.

What provision is the applicant making to ensure that emergency and delivery vehicles can access the home? What justification would create some limited additional parking space?

Would it be possible for a condition to be added that the temporary building in the carpark is removed as a condition of approval, as this would create some limited additional parking space?

10. John Dunlea referring to number 2 on the plans list stated:

If building works go ahead, where will all the building materials, equipment and working area be sited, and where will the construction plant and vehicles park? Will the normal staff and visitors be required to park away from the site to allow access, and if so, where will this be given the lack of parking space in the area? I am concerned that the Construction Environmental Management Plan requested by the conditions will be acceptable on paper but not actually be workable. There has been past building works at the care home, and this caused significant access issues to neighbouring properties despite past mitigations.

11. Mary Seaton referring to number 1 on the plans list stated:

1. Why are Redrow non-compliant with the procedures of a planning application? The design was not seen by the design committee until too far along the design process, the design recommendations were for a Centre to Edge plan and the long row of houses affecting existing residents was meant to be highest density along the green boulevard at right angles to the existing plan.

2. Why are Redrow not indicating any Green policies in this development? There is no sign of solar panels, space for heat pumps or indeed much in the way of electrical points for cars. Given that there will be an average of 1.5 cars per household the roads indicated are not wide enough to allow parking

3. Why are there no cycle paths?

4. Why should Redrow be allowed to use the farm gate entrance to the north side of Blundell's Road. They could access their sites via the new roundabout. They

should likewise not vandalise the existing hedge along the road to access the self-build homes which should open onto a service road to the north of them.

12. Jo Blackmore referring to number 4 on the plans list stated:

Could the committee ask the planning officer why the evidence provided by professionals such as the AONB and Economic Development officer have been discounted? The AONB objections concerning the siting of the dwelling, and damage to the area, have been disregarded and the Economic Development officer, whilst unable to come to a definite opinion, did not say there was an essential need for a worker to be on site as required by DM8?

13. Garth Whisker again referring to number 4 on the plans listed stated:

I wish to ask the following questions.

What is the committees view on the recent sighting of a mobile home, 3 weeks prior to today's meeting?

Does this demonstrate a complete disregard for any decision that the planning officer and committee might make today and would this constitute a flagrant breach of planning rules?

Could the committee ask the planning officer why in the case of such small wet land acreage with only 4 horses and a handful of chicken, in a sensitive landscape area, would there be any immediate need for a large 3 bedroom farm workers dwelling applied for on a 3 year temporary basis during which time an agricultural occupancy would need to be proven.

A small mobile caravan, adjacent to the already established workers rest room would seem more than adequate for this temporary purpose.

14. Freddie Parker referring to number 4 on the plans list stated:

Could the committee ask the planning officer if, without revealing detailed financial information provided by the applicant, he could give an indication of the percentages for income generation expected from horse rehabilitation, horse owner "treatment" and horse livery, in comparison to the chicken activity and hay production? i.e. the percentage of agriculture vs equine. Also does the applicant have planning permissions to run a human therapy business from the site or has the business model changed from that on her website and social media?

15. Julian Day referring to number 4 on the plans list stated:

Could the committee ask how the proposed dwelling is to be occupied, Condition 4 recommended by the Planning Officer stipulates that "the dwelling hereby approved shall be occupied only by a person solely working in relation to the agricultural use at Poacher's Rest and to any associated family members". As in para 11.5 the statement is made that the dwelling will be "for the applicant and her family" and therefore not for the agricultural worker. The applicant is a psychotherapist running a business called Integrated Trauma Solutions and does not nor ever has worked in agriculture.

16. Hannah Kearns referring to number 1 on the plans list stated:

Question 1

My first question follows sight of an email from Redrow Homes Senior Planning Manager to the MDDC Tiverton EUE Area Planning Officer dated 12th October 2021. In this email Redrow's Senior Planning Manager says the following:

"Whilst I appreciate it could be termed an "easy win" we are already going above and beyond by a reasonable quantum the requirements and as such have we not already met the request of Cllr Knowles. In theory we can provide more charging points but all these have significant viability for two reasons"

And also:

"The fact that to provide the electric charging points requires the electricity network to be enhanced with an oversized substation and increased forecast electricity demand to cater for the request".

Given the content of the email I'd like to ask for clarification of the following:

- What future proofing have Redrow Homes considered for the electrical infrastructure given that it already seems near to capacity given this response and the likelihood of future legislation driven by the climate emergency to which MDDC has signed up for?

N.B. Currently Redrow only propose 48 out of 164 plots for car electrical chargers.

Assuming that 7.2 KW charging points are installed for all of the 164 plots going forward, this equates to a further 835 KW at peak load over the 345 KW so far provisioned.

- What is the actual power output of the electric car chargers Redrow now intend to provide? Is it 3.2 KW or 7.2 KW? It should be noted many residents will likely upgrade to 20 KW or higher as current data shows.
- Given that Redrow Homes are installing gas boilers which will very likely need to be replaced by Air Heat Pumps in a relatively short period of time, substantial extra demand will be placed on the electricity network (assuming an extra 4.5 KW per house or 738 KW). Are Redrow Homes future proofing the central heating system radiator pipework by only installing 15 mm pipe as opposed to micro bore which will not work?

Question 2

Why have Redrow Homes been allowed to design and submit a housing project that is so grossly in non-compliance with the Tiverton EUE Masterplan SPD and Design Guide without any apparent substantive challenge?

17. Emma Way referring to item 1 on the agenda stated:

I feel passionately that this application as it currently stands is sub optimal and completely misses the essence of the 2016 EUE design plan which generally promised so much. Having spent my entire career in education working in the UK and abroad, a large part which has been outside I have come to recognise a fundamental truth. Buildings and their relationship with space have an immeasurable impact on the wellbeing and mental health of people. Respect and nurture the first and then hopefully the other will follow.

1. Playgrounds should be a safe, calm environment which parents should easily access and not cause undue stress and anxiety. Why this playground is situated on a very busy road and why is it not adjacent to the housing north of Blundells road and are you really happy with this?
2. Mid Devon has specifically expressed its ambition to enhance cycling opportunities. Where are the cycling lanes on the plan? They should connect all areas and reach the new employment centre.
3. A key part of the EUE plan was to fully protect West Manley Lane yet it is evident that Redrow homes keep accessing this space in order to start construction.
4. Given the current COP26 conference renewable energy should be front and centre, despite this the developer keeps talking about project viability impacts even after being asked to provide extra car charging points. Why is this development choosing to use gas and why are solar panels not being installed from the outset on all the houses. As per my objection letter C J Fry have 90 attractive new homes in Tisbury all with air source heat pumps. I have seen them.
5. The 2016 EUE Design specified the use of vernacular stone to compliment the historical tile of the town and the beautiful rural setting. Where is this stone in this development? This would at the very least distinguish it from other Redrow developments. The applicant's plans do not in any way fulfil the MDDC DM1 Policy requirements
6. I feel really strongly about this one. The approach from the A361 looks really depressing when you look at it and imagine it on the paper. Someone exiting the link road from the new junction will be confronted by looming 3 storey buildings, their first impressions of Tiverton and how does this reference our historic market town?
7. Trees, I feel strongly about them too. New build developments nationwide have taken and are taking a massive toll on ancient priceless and treasured trees that support entire eco systems. I feel we need to be planting more particularly on the new junction on the Blundells Road. Housing density is gravely concerning as far as I can see from the current application there has been a total lack of respect of residents along the Blundells Road. Why does extreme high density housing back onto properties that were initially given to understand that there would be far fewer. Why are there only two bungalows on this current application and why are there not more fully accessible 3 bedroomed properties. The current call for houses goes way beyond bricks and mortar we've lived through two extraordinary years and if anything we should have learned the need to create environments for the future which foster positive mental health, protect biodiversity do you honestly feel that this proposal achieves all of the above. I sincerely hope that we will look back in 5, 10, 15 years and know that your decision today as our local representatives to

Council is nothing more than doing the best thing and please return to the original EUE Master plan because it was an inspiring vision for a better future.

18. Heather Bingham/Graham Conabeare referring to number 1 on the plans list stated:

I understand that the above planning application will be discussed at the meeting on Wednesday 3 November 2021. Unfortunately we are unable to attend but would appreciate if you could please ask the Chairperson to read out the following questions from us as owners of 'Sherwood', one of the ten existing properties in Blundell's Road which will be impacted by this proposed Redrow development:

1. Why, if MDDC 'expected' Redrow to deal sensitively with the residents of the existing ten properties in Blundell's Road, has this expectation not, from then on, appeared to play any part in planners' considerations?
2. Why have Redrow been repeatedly allowed to flout planning processes, eg from the consultation stage onwards to issues relating to site access, etc?
3. Why have we not been afforded the same consideration as other residents in the town previously in terms of the properties being built behind our bungalow? (We are referring to bungalows having to be built behind bungalows, rather than the 2-storey houses which were originally proposed by a developer in the past in another part of the town).
4. Why have MDDC agreed to working times on site being from 7.30am, when the accepted norm across the land is 8.00am? (Even with that so-called 7.30am start, work has been going on behind our property from 7.00am with its ancillary noise, vibration and disruption).

19. Amanda Keetly referring to item 5 on the agenda stated:

My question as you said is on reference to the Linscombe Farm application for 5 eco homes with lots of additions for bio diverse wildlife instead of 3 very large non eco homes with very little provision for wildlife and the second one, the 3 very large homes already has permission to be built. So my question is please can you highlight which policy would mean that this application which is reference 21 /00887/FULL, this eco-friendly nature regenerating community enhancing development is being recommended for refusal by MDDC?

113 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-44-32)**

Members were reminded of the need to make declarations where appropriate.

114 **MINUTES OF THE PREVIOUS MEETING (00-45-44)**

The minutes of the meeting held on 6 October 2021 were agreed as a true record and duly **SIGNED** by the Chairman.

115 **CHAIRMAN'S ANNOUNCEMENTS (00-46-09)**

The Chairman welcomed Richard Marsh (Director of Place) to the meeting.

116 DEFERRALS FROM THE PLANS LIST (00-46-58)

There were no deferrals from the Plans List.

117 THE PLANS LIST (00-47-15)

The Committee considered the applications on the *Plans List

Note: *List previously circulated and attached to the minutes

Applications dealt with without debate.

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

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

- a) Application 20/01764/TPO –application to reduce height and canopy spread on north side by 2m of 1 beech tree (T1) and fell 2 ash trees (T2 and T3) protected by Tree Preservation Order 80/00001/TPO – land at NGR 294817 112951 (South of 45 Derick Road) Patches Road, Tiverton** be approved subject to the conditions as set out in the report

(Proposed by the Chairman)

Reason for the decision: As set out in the report

Notes:

- b) Application 21/00454/MARM – Reserved Matters (appearance, landscaping, layout and scale) for 164 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following outline approval 14/00881/MOUT – land east of Tiverton, South of A361 and both north and south of Blundells Road, Uplowman Road, Tiverton)**

The Area Planning Officer provided responses to questions raised in public question time, covering the general issues as follows:

- With regard to non-compliance with the application process and more specifically why the Design Review Panel had not been involved at an earlier stage, the officers were unaware of any non-compliance to the statutory application process, the report of 28 July 2021 provided a reference to the NPPF that encouraged the Design Review Panel (DRP) process and the applicant was informed, she acknowledged that there was a delay in the DRP being involved but that the application had been considered by the DRP.
- With regard to the 'Centre to Edge' concept established in the Tiverton EUE Design Guide which made reference to a row of houses adjacent to the green boulevard – this were possibly those mentioned in figure 3.39 of the design guide that focused on the residential core or those highlighted within the

illustrative masterplan submitted at outline stage. The adopted masterplan set out a strategic vision for the EUE and was intended to be flexible. The masterplan submitted with the 2014 outline application was an illustrative framework plan setting out how the development might be achieved.

- With regard to the inclusion of green policies – this was referred to in the update sheet
- With regard to cycle paths, again she referred to the update sheet and confirmed that cycle paths were provided and had not been removed.
- With regard to the access via the farm gate entrance on the north side of Blundells Road, she would need to clarify this with the questioner as the access would currently be off the A361 junction for construction works.
- With regard to the self build dwellings being serviced from the north, the officer's report stated that the proposed scheme would not preclude this.
- With regard to electrical infrastructure and future legislation driven by climate change, the planning consent would be based on the current legislative framework. The provision of EV charging provisions was outlined in the report.
- With regard to the applicant dealing sensitively with residents – the meeting was advised that due consideration had been given to all the residents and that changes had been made to the proposals some of which had been highlighted by residents.
- With regard to the 10 existing properties north of Blundells Road and them not being afforded the same consideration as other residents in town, she was unaware of the specific application that was being highlighted.
- With regard to construction hours, this was highlighted within the update sheet.
- With regard to the consultation process and workshop – reference was made to this in the adopted masterplan
- With regard to the Design Review Panel - this had been answered previously
- With regard to the 6 character areas – this was referred to in the update sheet
- With regard to officers encouraging the Design Review panel process – this had been responded to previously
- With regard to why the officers had never flagged up to committee members how critical the Design Review Panel were of being introduced late into the process – officers had never hidden this fact.
- With regard to why Redrow were allowed to fail to comply with their own policies – the applicant would need to answer this.

The officer then outlined the reasons why the application had been deferred previously, she informed those present that a stakeholder meeting had taken place on 6 September and following this, revised drawings had been received, she also stated that a number of other drawings had been received and were available on the planning portal.

The officer then outlined the contents of the report by way of presentation highlighting the history of the site, the reduction in the number of dwellings from 166 to 164, the layout of the spine road, the site location plan, the illustrative framework plan from the masterplan, an aerial view of the site, the planning layout, the proposed changes to the layout of the dwellings behind the properties to the north of Blundells Road. She explained the location of the affordable dwellings, the provision made for play space, the increase in the number of electric charging points on the site, the crossing

points that had been put in place, the reduction in height of the apartment block, the introduction of 2 bungalows, the changes to the depth of the buffer and explained the density of the dwellings in that area. She also provided photographs from various aspects of the site.

Consideration was given to:

- The views of the objector highlighting his and others disappointment in the proposals for development on this site; the fact that the determination of the current application would leave a legacy for the rest of the site; the poor development design and density to the north of Blundells Road; his views on non-compliance with regard to the planning process and planning design, the lack of engagement with the general public and the expectations of the masterplan.
- The views of the applicant with regard to the stakeholder meeting that had taken place and the changes to the scheme that had been made following this meeting the fact that all the local residents had been written to and consulted and that the views received had been interpreted within the plans.
- The views of the Ward member in attendance who stated that the applicant had been listening and that the points that he had raised at the stakeholder meeting had been considered. He was unsure whether there were enough electric car charging points and would have liked to see the installation of heat pumps.

Discussion then took place regarding:

- Recent Government guidance with regard to climate change issues and whether additional conditions could be added to address this
- The viability of the scheme and the need to comply with the current framework and that the applicant had over-provided against policy requirements
- Concern with regard to the design, location and number of affordable dwellings and the mix of affordable dwellings
- Disabled access to the apartments
- The location of the new play space and the safety of users
- Pollution issues within the new play space
- Whether the road crossings would be in place prior to occupation of the dwellings
- Whether the affordable dwellings resembled the market housing
- Traffic calming measures put in place and highway advice
- The information within the update sheet
- Whether 2 bungalows were enough in this location
- Vernacular materials and whether this was compliant with the urban design
- The tandem parking proposed
- Whether the amendments proposed were enough to allow for the approval of the application and whether further negotiation should take place to consider the committee's ongoing concerns.

It was therefore:

RESOLVED that the decision on the application be deferred and that delegated authority be given to the Development Management Manager, in conjunction with Members of the Planning Committee to renegotiate with the developer with regard to

the appearance, scale, characteristics, design and density of the scheme and that a meeting take place with the committee, the Planning Officer and the developer to determine the key issues.

Reason – the issues raised previously had not been resolved or addressed.

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

Notes:

- i) Cllrs G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence from the objectors to the application;
- ii) Cllr B G J Warren made further declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as he had received additional letters as Chairman of the Scrutiny Committee;
- iii) Cllr C J Eginton made further declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as he had received additional letters as Chairman of the Standards Committee;
- iv) Mr Elstone spoke in objection to the application;
- v) Mr Cattermole spoke as the applicant;
- vi) Cllr D J Knowles spoke as one of the Ward Members;
- vii) The following late information was provided:

Revised Drawing:

EV Charging Layout.

Dwg No: POST-21-04-10 Rev G

Response: Revised drawing submitted to reflect a more even distribution across the development. 48 charging points identified: Fourteen (x14) north of Blundell's Road and thirty four (x34) south of Blundell's Road. Please refer to detailed response in Officer report (Para 9.1).

Consultee Comments:

Historic Environment team – 19 October 2021

Neither an objection nor support for Planning Application 21/00454/MARM:
A programme of archaeological work is currently on going within the area subject to this reserved matters application in accordance with an agreed written scheme of investigation and, as such, the Historic Environment Team has no comments to make on this current planning application.

Response: consultee comments noted. No further action required.

Historic Environment team – 21 October 2021

Neither an objection nor support for Planning Application 21/00454/MARM:
While the Historic Environment Team has informally approved the written scheme of investigation prepared by Cotswold Archaeology, and that archaeological works are underway on site, I am unaware that this document has been formally submitted to the Planning Authority to comply with

Condition 15 on the consent granted for the outline application 14/00881/MOUT.

I would be grateful if you could make the applicant aware of the outstanding requirement for the formal submission and approval of the agreed written scheme of investigation to comply with the above mentioned condition.

Response: The concerns raised are included as an Informative in the Officer Report. No further action required.

Tiverton Town Council – 19 October 2021

The earlier comments previously made by the council remain. Whilst it is appreciated that the developer has made some changes following our recommendations they are fairly minor and many issues have not been addressed. The report submitted by the Tiverton Civic Society which contained many valued points seems to have been mainly ignored. We therefore feel that the developer should revisit the comments and come up with a better amended plan taking those points in to consideration. There would seem to be little if no provision for electric charging points in the large affordable housing block. Can the developer explain the reason for this when we are being pushed towards electric vehicles?

Response: revised drawings including (but not restricted to) a revised playing layout, wider distribution of house types, introduction of new house types, enhanced consideration of the Blundell's Conservation Area, introduction of children's play space, change in height, scale and massing of apartment block 2, amended landscape and boundary enclosures, increased depth of landscape buffer south of Blundell's Road, enhanced EV charging provision and changes in the density and distribution of development are a number of changes introduced into the scheme following additional Member and stakeholder consultation. Officers advise that a comprehensive consideration of the overall design, scale and layout has been given.

As regards to EV charging provision the proposed scheme is providing a significant over provision, 32 in excess of policy requirements. Policy DM5 requires infrastructure for electric vehicles to be built into development without specifying its allocation to unit types.

Tiverton Civic Society – 21 October 2021

Most of our original objections remain, as well as our statement and question on Affordable housing submitted at the MDDC Planning Committee on July 28th. In particular, we emphasise the following points:

- The application remains non - compliant with the NPPF, para 132 relating to early discussion with the local community.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, section titled Proposed Development, para 9.1.

- The overall distribution of Affordable Housing remains highly unsatisfactory needing to be integrated with the provision of private housing to promote the creation of mixed and balanced communities. Affordable housing should be indistinguishable from market housing in terms of its visual appearance and its location within the development site and should contribute positively to the high-quality urban design of the scheme

Response: Please refer to detailed response in the Officer report 3rd Nov, para's 5.1 – 5.2.

- Whilst the applicants are correct in stating that the Mid Devon Local Plan Policy DM5 calculates that they are required to provide 16 or 17 electric charging points, and it is gratifying that they are providing 48, surely it would be more sensible with the surge in demand for electric cars and plug-in hybrids, and future developments in the Eastern Urban Extension all being required to provide EV charging points that it is not provided now.

Response: the application represents an over provision in policy terms. Please also refer to detailed response in the Officer report 3rd Nov, para 9.1.

- The proposed development is a standard design replicated in many parts of the country. The development of 'character areas' and 'heritage ranges' is no substitute for local distinctiveness. The development shows minimal appreciation of the local context.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 3.11.

Consultee Comments:

The objection letters submitted are available and can be read in full from the Mid Devon District Council Planning portal.

6 x letters of objection. The main points including:

- The linking road (north of Blundell's Road) towers over the garden fence to our property in Pool Anthony Drive. This is a violation of privacy with vehicles looking directly into our property. Without an appropriate barrier the increase in noise will be significant.

Response: an acoustic barrier has been constructed in accordance with Application No. 16/01759/FULL. The proposed apartment block (Units 148-156) will act as a visual and noise barrier between vehicles using the linking road and existing properties on Pool Anthony Drive. Officers can advise that vehicles using the linking road, will not be able to achieve direct views into properties on Pool Anthony Drive. The spur to the Left-in-left-out junction will serve vehicles travelling in a west bound direction; no direct views or head lights will be directed towards existing properties on to Pool Anthony Drive. The detailed landscape Plan (Dwg No. edp6162_d018g, Sheet 2 of 8) identifies a new hedge between apartment block 148-156 and the existing mature boundary on the northern edge of the application site, with 6 hedge species proposed. This will provide additional remediation.

- The car park (associated with Unit No.s 148-156) to the rear of properties in Pool Anthony Drive will, I imagine, also be built up, meaning people can look straight over our garden boundary into our property.

Response: Dwg No. Engineering Strategy 15255-hyd-xx-xx-dr-c-3501 Rev PO1 provides details of ground levels. The point of entry into the apartment car park will have limited impact on the privacy of existing properties where the hedgeline between the existing properties and the development site is at its weakest for providing a visual barrier.

- The application does not comply with the policy expectations relating to visitor parking provision. Visitor parking being poorly located.

Response: Parking provision complies with policy expectations (Dwg No. POST-21-04-10 G). Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 3.12.

- Tandem Parking spaces does not encourage householders to park on their driveways instead resulting in a higher insistence of on-street parking. Visitor spaces will be taken up by those not parking on their drive.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 3.12.

- The application does not comply with the Tiverton EUE key design principle relating to the 'centre to edge' and 'garden village' principle.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.10, 3.18 and 3.19.

- The application does not comply with the Tiverton EUE key design principle relating to character areas; the application artificially creating 5 new character areas.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.10 and 3.21. Also the Officers report 3rd November paras 4.1 – 4.2.

- The application has created high density housing areas in locations that defeat the Tiverton EUE Design Guide expectations.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.9 and 3.10. Also the Officers report 3rd November paras 1.1 – 1.2.

- The applicant has totally removed all cycle lanes.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 2.7, 2.8 and 3.7.

- The applicant has created high density housing areas in locations that defeat the Tiverton EUE Design Guide expectations of sympathetic design to existing properties.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.9, 3.10, 3.16 and 3.17. Also the Officers report 3rd November para's 1.1 – 1.2, 2.1 – 2.5, 4.1 – 4.2 and 7.1.

- The applicant has not conformed to the Tiverton EUE Masterplan SPD or Design Guide Key Principles by not following the prescribed process (relating more specifically to the Urban Design and Architectural Principles document and Design Review Panel process); to the detriment in particular to existing residents.

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, section titled Proposed Development, para 1.9, 1.10, 3.2, 3.3, 10.2, 10.3 and section titled Reasons for Approval of permission.

- The applicant has totally removed all provision of on-road parking as detailed in the Tiverton EUE Masterplan SPD and Design Guide failing to encourage walking, cycling and public transport ahead of car use.

Response: Parking provision complies with policy expectations providing a majority of on-plot parking (Dwg No. POST-21-04-10 G). Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 2.3, 2.7, 3.1, 3.8, 3.12 with regard to the achievement of sustainable development and better places in which to live and work.

- The approach to Blundell's Road from the A361 should be fronted by 2 storey buildings with references in local stone, a wide boulevard with cycle lanes. Taller buildings should be nearer the centre.

Response: Hybrid application (14/00881/MOUT) established the width and detail of the A361 and Blundell's Road linking road. This application seeks to establish the form of development either side of the linking road. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 2.7 that sets out the principles of development, para 3.8 establishing a hierarchy of streets and para 3.21 for negotiated amendments to this part of the development.

- The EUE Design Guide references the creation of green boulevards, street trees and on secondary streets on-street parking.

Response: Applications 14/00881/MOUT and 21/00374/MARM relate to the development of the green boulevards. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 2.7 that sets out the principles of development, 3.22 for street trees and para 3.12 for parking provision and policy compliance.

- Page 53 of the EUE Design Guide describes the approach to the intersection between Blundell's road and the new boulevards as 'a distinctive and high quality urban plaza' with central open space. The proposal materially compromises what was originally intended.

Response: Page 53 of the EUE Design Guide is referring to the neighbourhood centre; a part of the EUE that does not form part of this application area and will be addressed through a future application.

- A children's playground has been sited bang next to a noisy, busy and possibly treacherous main road, the volume of which will only increase dramatically with the arrival of further housing in subsequent years. Play zones should be friendly, safe, accessible and integral to the livelihoods of young children.

Response: Please refer to detailed response in the Officer report to Planning Committee 3rd Nov para 6.1. Also the Officer report to Planning Committee 28th July 2021, para 3.7 and the Tiverton EUE Masterplan SPD that identifies as part of the phased development of the EUE, multi-functional community hubs.

- It is disappointing beyond belief that cycle lanes are not included in the main boulevard. Cycle lanes should connect all areas and reach the employment centre. Tiverton has some areas of cycle lanes but there needs to be a more consistent strategy.

Response: Applications 14/00881/MOUT and 21/00374/MARM relate to the development of the green boulevards. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para's 2.7 - 2.9 and 3.7.

- Why are solar panels and heat pumps not being installed as part of the development? Why is this development using gas overall for its energy?

Response: Please refer to detailed response in the Officer report to Planning Committee 28th July, para 3.27 referring to the fabric first approach. Also the Officer report for 3rd Nov, para 9.1.

- We need to create environments for the future which foster mental health, protect biodiversity, maximise sustainability, promote heritage value and consequently encourage strong communities that put welfare and community at the forefront.

Response: Please refer to the Officer report to Planning Committee 28th July that seeks to confirm the comprehensive approach to development, including recognition of future phases of development that will deliver community facilities in the form of a community centre and country park.

- The self-build homes (outside the application area, north of Blundell's Road) should have a service road from the rear.

Response: Please refer to the Officer report to Planning Committee 3rd Nov para 10.1

- There is a lack of provision for children to cross the main roads to the primary school.

Response: Devon County Council in approving the technical drawings for the linking road (north of Blundell's Road), the planning application for the primary school, the spine road (south of Blundell's Road) and Phase 2 traffic calming measures (Blundell's Road / Post Hill) will all address this issue.

- Two bungalows to the rear of existing properties south of Blundell's Road is not enough.

Response: Please refer to the Officer report to Planning Committee 3rd Nov para 7.1.

- The existing properties, south of Blundell's Road will lose their southern vistas. This is inequitable.

Response: the application site is an allocated site with outline planning consent. Please refer to the Officer report to Planning Committee 28th July, Para 3.16. Also the Officer report to Planning Committee 3rd Nov para's 2.1 – 2.5.

- Why have normal working hours been agreed with a 7.30 start; earlier than other sites?

Response: Condition 14 of application 14/00881/MOUT has not been discharged confirming hours of work.

Updated Reports

Two updated reports have been received – amended to reflect the updated Detailed Landscape Design referenced in the Officer's report at 'Applicant's Supporting Information'. The updated reports include the:

Habitat Assessment and Mitigation Plan
(211029_P1046_Habitat_Assessment_and_Mitigation_Plan – Finalv2
Dated November 2021); and

Landscape and Management Plan (edp6162_r005e, Dated November 2021)

Response: The updated Habitat Assessment and Mitigation Plan and Landscape and Management Plan do not have a material effect upon the measures and recommendations of the documents; simply for consistency that they reflect the latest landscape details.

Updated Reports

Two updated reports have been received – amended to reflect the updated Detailed Landscape Design referenced in the Officer's report at 'Applicant's Supporting Information'. The updated reports include the:

Habitat Assessment and Mitigation Plan
(211029_P1046_Habitat_Assessment_and_Mitigation_Plan – Finalv2
Dated November 2021); and

Landscape and Management Plan (edp6162_r005e, Dated November 2021)

Response: To reflect the updated reports the reference numbers within Condition 11 also require updating. The revised wording for Condition 11 is proposed as follows:

No development shall take place on the site except in accordance with the details set out within the submitted Landscape Management Plan (November 2021; edp6162_r005e) and Habitat Assessment and Mitigation Plan (November 2021; 211029_P1046_Habitat_Assessment_and_Mitigation_Plan - Finalv2). The recommendations in the Landscape Management Plan (June 2021) and Habitat Assessment and Mitigation Plan (March 2021) shall be adhered to throughout the construction period and the development shall be operated thereafter only in accordance with the management provisions set out within them.

c) Application 21/01458/FULL – Erection of single storey extension to care home – Ashdowne Care centre, Ashdowne House, Orkney Mews, Tiverton)

The Interim Area Team Leader outlined the application by way of a presentation highlighting the proposal along with a site location plan, block plan, an aerial image, existing and proposed elevations and floor plans, the proposed extension to the floorplan and roof plan and photographs from various aspects of the site.

He explained that there was historic concern with regard to parking in the area, however the proposal had not sought additional bed space and therefore did not require additional parking.

Addressing the questions raised during public question time, he provided the following responses:

- Concern with regard to compliance with Policy DM5, the response of the Highway Authority had been that as there were no additional beds proposed then there was no need for additional parking
- Concerns that the existing rooms could be converted into bed space – that was beyond the control of the LPA
- The location of the portacabin and that it's siting could no longer be enforced against
- The meaning of conditions; he explained what conditions could cover

- The Tree Officer had considered the quality of the hedgerow and that tree protection plans would be put in place
- The impact of the proposal, now that this was a single storey application, there would be little impact on local residents
- Access and safety and further parking concerns, the proposal would not increase the traffic in the area
- With regard to access for construction – this had previously been via Shakespeare Close and would be detailed in a Construction Management Plan, required by condition

Consideration was given to:

- The views of the objector with regard to the serious traffic situation during the previous extension, the size of the development and emergency vehicle access, parking provision for staff, the issues with the turning bay and that residents had tried to protect their properties; how the site had been developed over the last 20 years and that the site was becoming overdeveloped.
- The views of the agent with regard to the lack of concern by the Highway Authority, his client had considered the comments of concern, there would be no additional bed space and no extra parking spaces required.
- The views of the representative from Tiverton Town Council with regard to her knowledge of working in the care industry, the collective concerns of residents, overdevelopment of the site; concerns with regard to access and turning, the proposal would take away some of the existing parking on the site and the lack of rear access to the site
- The views of the Ward Members with regard to the impact of the proposal on neighbouring residents, whether the proposal conflicted with planning policies; parking issues in the area, whether the site had been overdeveloped and the need for an appropriate Construction/Environmental Management Plan; insufficient parking and the need to stop developing the site further.

Discussion took place regarding:

- Concerns with regard to parking provision
- The siting of the portacabin and if planning permission was granted whether the applicant would remove it?
- The extension details and whether existing rooms would be used for bed space
- Items (g) and (j) within Condition 3
- How the extension would be constructed with no access to the rear of the site
- The number of extensions
- Whether Policy DM5 did apply to the proposal
- Overdevelopment of the site
- The lack of control with regard to the number of beds

RESOLVED that Members were minded to refuse the application and therefore the decision be deferred for the receipt of an implications report to consider reasons for refusal with regard to over development of the site and that the application did not comply with Policy DM5

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

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence from the objectors to the application;
- (ii) Cllr Mrs C P Daw declared a personal interest as she had provided training to the care home in the past;
- (iii) Cllrs B G J Warren and R J Dolley made further declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as some of the objectors were known to them;
- (iv) Cllr Mrs F J Colthorpe made a further declaration in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as the site was within her previous county division;
- (v) Cllr L J Cruwys declared a personal interest as the objectors were known to him, his mother had been a patient and he used to be an ambulance driver;
- (vi) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- (vii) Mrs Jenner spoke as the objector
- (viii) Mr Archer spoke as agent
- (ix) Cllr Mrs Harrower spoke on behalf of Tiverton Town Council;
- (x) Cllrs B Holdman and Mrs E Slade spoke as Ward Members.

d) Application 21/00152/FULL Change of use from place of worship to residential dwelling together with external alterations– Gospel Hall, Peter Street, Bradninch)

The Interim Area Team Leader outlined the application by way of a presentation highlighting the site location, an aerial view of the site, existing and proposed front and rear elevations, the upper roof space and how it would be utilised, the views of the Conservation Officer who had no objection but had raised the issue of the paraphernalia on the roof and how that could be managed by condition, the proposed ground and top floor plans and photographs from various aspects in the area including the street scene.

Consideration was given to:

- The views of the objector with regard to inappropriate development in a conservation area, the current street scene of small cottages and terraces; the impact of the glass box on the roof and how visual that would be; strong objections from neighbouring properties with regard to the misuse of the roof, overdevelopment of the site and concern with regard to further development in the conservations area; parking in the area and that the property was unsuitable for a residential dwelling
- The views of the applicant who had previously converted a chapel, the fact that they had worked closely with the Conservation Officer on the project, the

need to preserve some of the original features of the building, the roof would be a private amenity space and not a party area

- The views of the Ward Member with regard to supporting the views of the objectors; the fact that the roof terrace was not appropriate and out of place, that the design was not in keeping with the built environment and there were parking issues in the area

Discussion took place regarding:

- If the building were to be demolished would the site become infill and then another dwelling be applied for
- The building would go into disrepair if not used
- Whether the building was out of place within the current street scene in its current form
- The garden roof could be a great innovation
- What other use would be suitable here and not require parking

RESOLVED that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager.

(Proposed by Cllr E J Berry and seconded by Cllr R J Dolley)

Reason for the decision: As set out in the report.

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence with regard to the application;
- (ii) Mr Andrews spoke in objection to the application;
- (iii) Mrs Schamroth spoke as applicant;
- (iv) Cllr L D Taylor spoke as Ward Member.

e) *Application 21/01079/FULL Change of use of land for the siting of a temporary worker's dwelling –(log cabin) for 3 years – land at NGR 316266 116080 (Poachers Rest – Clayhidon)*

The Consultant Development Management Officer outlined the application by way of a presentation highlighting the reason for the call in, the number of consultees, the concerns of development within the AONB, the views of the Economic Development Officer, the objections and support for the application, the previous scheme which had been refused, the detail of Policy DM8, whether there was an essential and functional need. He also highlighted recent appeal decisions which were relevant to the application and the criteria to be considered for a mobile unit, also the business plan for the proposal. He reported that he had considered the impact of the development on the AONB and considered drainage and highway/access issues.

Providing responses to questions posed in public question time:

- He informed the meeting that the Economic Development Officer had not stated that he was doubtful,
- Occupation of the site would assist business use
- He had not checked the 4G but had considered the availability of rented property in the locality and that all relevant information presented has been considered.
- With regard to the views of the AONB and Economic Development Officer, he had not discounted this information but had reached a different conclusion.
- The ratio of income generation was approximately 30:70 agriculture to equine
- Enforcement investigation on the site was live and that if the application was approved it would regularise the situation

He also referred to an amendment to Condition 4 with regard to the occupation of the dwelling.

Consideration was given to:

- The views of the Objector with regard to the harm that the development would have on the landscape, the economic development did not out way the harm, the views of the Economic Development Officer was not clear, the small number of livestock on the property, that there was no evidence of rehabilitation of horses and that the development would set a precedent on the AONB
- The views of the Parish Council with regard to the essential need for a full time worker to live on the site, the views of the Economic Development Officer was not clear, there were 16 properties available within 5 miles of the site and whether any of the evidence had been verified by an agricultural expert
- The views of the Ward Member with regard to the difference between a log cabin and a mobile home, the live enforcement cases, the different regulations in place for the AONB and whether the application was contrary to Policy DM8

Discussion took place regarding:

- What would happen after 3 years and how much weight should be given to the letters of support
- The log cabin was a serious investment for a temporary dwelling
- If horses were present then 24 hour care was needed
- The response of the Economic Development Officer and the representative of the AONB

RESOLVED that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager with an amendment to Condition 4 to state that: The occupation of the dwelling shall be limited to a person solely or mainly employed in connection with the operation of the agricultural or equestrian business at Poacher's Rest, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

Reason (same): In the interests of residential amenity, in accordance with policy DM1 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.

(Proposed by Cllr R J Dolley and seconded by Cllr E J Berry)

(Vote 5 for; 4 against)

Reason for the decision: As set out in the report.

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence with regard to the application;
- (ii) Cllr S J Clist made a further declaration in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as the Parish Councillors and objectors were known to him;
- (iii) Mr Carter spoke in objection to the application;
- (iv) Mrs Evans spoke on behalf of the Parish Council;
- (v) Cllr S J Clist spoke as Ward Member;
- (vi) The following late information was reported: Public Health withdraw their holding objection with regard to drainage now a package treatment plant is proposed.

f) Application 21/00887/FULL - Erection of 5 dwellings with associated works following demolition of existing agricultural building – land at NGR 278841 104538 (Linscombe Farm), New Buildings, Sandford

The Principal Planning Officer outlined the application by way of a presentation highlighting the site location plan, the history of the site with regard to the Class Q application for conversion that had been granted, the 3 dwellings approved as a fall back in 2019 and the current application. He identified the square meterage of floor space for each application and the case law deemed to be useful guidance. He felt that the proposed development was not considered to be appropriate or acceptable and that it was not betterment to the original scheme that had been granted permission.

The meeting viewed the aerial view of the application site, the block plan, proposed elevations, ground floor plans, an illustrative perspective of the site and photographs from various aspects of the site. The officer also explained that Class Q did have limits and that the proposal was over the Class Q limit.

Providing a response to a question posed in public question time with regard to policy, he stated that there was no specific policy but that there was a need to consider betterment.

Consideration was given to:

- The views of the applicant with regard to the need to address the climate emergency, the biodiversity gains of the scheme, the decrease in energy proposed, there would be more habitat for wildlife, that the proposal was betterment and that the development was sustainable.
- The views of the Ward Members with regard to the need to encourage development such as this, the biodiversity net gain which would be established, the need to encourage small scale development and the lack of current policy for being carbon neutral. The history of the site, the lack of objection from the Parish Council, what would happen to the site if it was not developed and the need to consider the sustainable development proposed.

Discussion took place regarding:

- The absence of a S106 agreement – which would be considered if the application was approved
- Whether the application was stretching the Class Q status
- Anyone could progress the tree planting
- Whether the proposal was an example for the future.

RESOLVED that planning permission be granted and that delegated authority be given to the Interim Development Management Manager to progress a set of conditions to include a S106 agreement.

Reason for approval - that this was suitable use of the land, it was an imaginative and eco-friendly development which should be encouraged.

(Proposed by Cllr L J Cruwys and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence with regard to the application;
- (ii) Ian Russell spoke as the applicant;
- (iii) Cllrs Mrs E Lloyd and Mrs M E Squires spoke as Ward Members;
- (iv) Cllr B G J Warren requested that his vote against the decision be recorded;
- (v) Cllr Mrs C P Daw requested that her abstention from voting be recorded.

118 MAJOR APPLICATIONS WITH NO DECISION

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

It was **AGREED** that: application 21/02014/MARM – land north of Putson Road Cottages, Blundells Road, Tiverton be brought before the Committee for determination and that a site visit take place.

Note: *list previously circulated and attached to the minutes.

119 PLANNING PERFORMANCE REPORT

The Committee had before it, and **NOTED**, a *report of the Interim Development Management Manager which outlined the performance aspects of the planning function.

The officer explained the statistics and informed the meetings that the planning team were doing very well, she highlighted the speed and quality of decision-making, the current staffing issues; the work of the enforcement and building control teams and that the authority was joint second in comparison to those other authorities in the south west.

Members recorded their congratulations for the work that was taking place.

Note: *Report previously circulated and attached to the minutes

(The meeting ended at 8.15 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 3rd November 2021

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>21/00454/MARM - Reserved Matters (appearance, landscaping, layout and scale) for 164 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT - Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton.</p> <p>Revised Drawing: EV Charging Layout. Dwg No: POST-21-04-10 Rev G Response: Revised drawing submitted to reflect a more even distribution across the development. 48 charging points identified: Fourteen (x14) north of Blundell's Road and thirty four (x34) south of Blundell's Road. Please refer to detailed response in Officer report (Para 9.1).</p> <p>Consultee Comments: Historic Environment team – 19 October 2021 Neither an objection nor support for Planning Application 21/00454/MARM: A programme of archaeological work is currently on going within the area subject to this reserved matters application in accordance with an agreed written scheme of investigation and, as such, the Historic Environment Team has no comments to make on this current planning application. Response: consultee comments noted. No further action required.</p> <p>Historic Environment team – 21 October 2021 Neither an objection nor support for Planning Application 21/00454/MARM: While the Historic Environment Team has informally approved the written scheme of investigation prepared by Cotswold Archaeology, and that archaeological works are underway on site, I am unaware that this document has been formally submitted to the Planning Authority to comply with Condition 15 on the consent granted for the outline application 14/00881/MOUT. I would be grateful if you could make the applicant aware of the outstanding requirement for the formal submission and approval of the agreed written scheme of investigation to comply with the above mentioned condition. Response: The concerns raised are included as an Informative in the Officer Report. No further action required.</p> <p>Tiverton Town Council – 19 October 2021 The earlier comments previously made by the council remain. Whilst it is appreciated that the developer has made some changes following our recommendations they are fairly minor and many issues have not been addressed. The report submitted by the Tiverton Civic Society which contained many valued points seems to have been mainly ignored. We therefore feel that the developer should revisit the comments and come up with a better amended plan taking those points in to consideration. There would seem to be little if no provision for electric charging points in the large affordable housing block. Can the developer explain the reason for this when we are being pushed towards electric vehicles? Response: revised drawings including (but not restricted to) a revised playing layout, wider distribution of house types, introduction of new house types, enhanced consideration of the Blundell's Conservation Area, introduction of children's play space, change in height, scale and massing of apartment block 2, amended landscape and boundary enclosures, increased depth of landscape buffer south of Blundell's Road, enhanced EV charging provision and changes in the density and distribution of development are a number of changes introduced into the scheme following additional Member and stakeholder consultation. Officers advise that a comprehensive</p>

consideration of the overall design, scale and layout has been given.

As regards to EV charging provision the proposed scheme is providing a significant over provision, 32 in excess of policy requirements. Policy DM5 requires infrastructure for electric vehicles to be built into development without specifying its allocation to unit types.

Tiverton Civic Society – 21 October 2021

Most of our original objections remain, as well as our statement and question on Affordable housing submitted at the MDDC Planning Committee on July 28th. In particular, we emphasise the following points:

- The application remains non - compliant with the NPPF, para 132 relating to early discussion with the local community.
Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, section titled Proposed Development, para 9.1.
- The overall distribution of Affordable Housing remains highly unsatisfactory needing to be integrated with the provision of private housing to promote the creation of mixed and balanced communities. Affordable housing should be indistinguishable from market housing in terms of its visual appearance and its location within the development site and should contribute positively to the high-quality urban design of the scheme
Response: Please refer to detailed response in the Officer report 3rd Nov, para's 5.1 – 5.2.
- Whilst the applicants are correct in stating that the Mid Devon Local Plan Policy DM5 calculates that they are required to provide 16 or 17 electric charging points, and it is gratifying that they are providing 48, surely it would be more sensible with the surge in demand for electric cars and plug-in hybrids, and future developments in the Eastern Urban Extension all being required to provide EV charging points that it is not provided now.
Response: the application represents an over provision in policy terms. Please also refer to detailed response in the Officer report 3rd Nov, para 9.1.
- The proposed development is a standard design replicated in many parts of the country. The development of 'character areas' and 'heritage ranges' is no substitute for local distinctiveness. The development shows minimal appreciation of the local context.
Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 3.11.

Consultee Comments:

The objection letters submitted are available and can be read in full from the Mid Devon District Council Planning portal.

6 x letters of objection. The main points including:

- The linking road (north of Blundell's Road) towers over the garden fence to our property in Pool Anthony Drive. This is a violation of privacy with vehicles looking directly into our property. Without an appropriate barrier the increase in noise will be significant.
Response: an acoustic barrier has been constructed in accordance with Application No. 16/01759/FULL. The proposed apartment block (Units 148-156) will act as a visual and noise barrier between vehicles using the linking road and existing

properties on Pool Anthony Drive. Officers can advise that vehicles using the linking road, will not be able to achieve direct views into properties on Pool Anthony Drive. The spur to the Left-in-left-out junction will serve vehicles travelling in a west bound direction; no direct views or head lights will be directed towards existing properties on to Pool Anthony Drive. The detailed landscape Plan (Dwg No. edp6162_d018g, Sheet 2 of 8) identifies a new hedge between apartment block 148-156 and the existing mature boundary on the northern edge of the application site, with 6 hedge species proposed. This will provide additional remediation.

- The car park (associated with Unit No.s 148-156) to the rear of properties in Pool Anthony Drive will, I imagine, also be built up, meaning people can look straight over our garden boundary into our property.
Response: Dwg No. Engineering Strategy 15255-hyd-xx-xx-dr-c-3501 Rev PO1 provides details of ground levels. The point of entry into the apartment car park will have limited impact on the privacy of existing properties where the hedgeline between the existing properties and the development site is at its weakest for providing a visual barrier.
- The application does not comply with the policy expectations relating to visitor parking provision. Visitor parking being poorly located.
Response: Parking provision complies with policy expectations (Dwg No. POST-21-04-10 G). Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 3.12.
- Tandem Parking spaces does not encourage householders to park on their driveways instead resulting in a higher insistence of on-street parking. Visitor spaces will be taken up by those not parking on their drive.
Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 3.12.
- The application does not comply with the Tiverton EUE key design principle relating to the 'centre to edge' and 'garden village' principle.
Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.10, 3.18 and 3.19.
- The application does not comply with the Tiverton EUE key design principle relating to character areas; the application artificially creating 5 new character areas.
Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.10 and 3.21. Also the Officers report 3rd November paras 4.1 – 4.2.
- The application has created high density housing areas in locations that defeat the Tiverton EUE Design Guide expectations.
Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.9 and 3.10. Also the Officers report 3rd November paras 1.1 – 1.2.
- The applicant has totally removed all cycle lanes.

	<p>Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para’s 2.7, 2.8 and 3.7.</p> <ul style="list-style-type: none"> • The applicant has created high density housing areas in locations that defeat the Tiverton EUE Design Guide expectations of sympathetic design to existing properties. Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para’s 3.9, 3.10, 3.16 and 3.17. Also the Officers report 3rd November para’s 1.1 – 1.2, 2.1 – 2.5, 4.1 – 4.2 and 7.1. • The applicant has not conformed to the Tiverton EUE Masterplan SPD or Design Guide Key Principles by not following the prescribed process (relating more specifically to the Urban Design and Architectural Principles document and Design Review Panel process); to the detriment in particular to existing residents. Response: Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, section titled Proposed Development, para 1.9, 1.10, 3.2, 3.3, 10.2, 10.3 and section titled Reasons for Approval of permission. • The applicant has totally removed all provision of on-road parking as detailed in the Tiverton EUE Masterplan SPD and Design Guide failing to encourage walking, cycling and public transport ahead of car use. Response: Parking provision complies with policy expectations providing a majority of on-plot parking (Dwg No. POST-21-04-10 G). Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 2.3, 2.7, 3.1, 3.8, 3.12 with regard to the achievement of sustainable development and better places in which to live and work. • The approach to Blundell’s Road from the A361 should be fronted by 2 storey buildings with references in local stone, a wide boulevard with cycle lanes. Taller buildings should be nearer the centre. Response: Hybrid application (14/00881/MOUT) established the width and detail of the A361 and Blundell’s Road linking road. This application seeks to establish the form of development either side of the linking road. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 2.7 that sets out the principles of development, para 3.8 establishing a hierarchy of streets and para 3.21 for negotiated amendments to this part of the development. • The EUE Design Guide references the creation of green boulevards, street trees and on secondary streets on-street parking. Response: Applications 14/00881/MOUT and 21/00374/MARM relate to the development of the green boulevards. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 2.7 that sets out the principles of development, 3.22 for street trees and para 3.12 for parking provision and policy compliance. • Page 53 of the EUE Design Guide describes the approach to the intersection between Blundell's road and the new boulevards as 'a distinctive and high quality urban plaza' with central open space. The proposal materially compromises what was originally intended.
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	<p>Response: Page 53 of the EUE Design Guide is referring to the neighbourhood centre; a part of the EUE that does not form part of this application area and will be addressed through a future application.</p> <ul style="list-style-type: none"> • A children's playground has been sited bang next to a noisy, busy and possibly treacherous main road, the volume of which will only increase dramatically with the arrival of further housing in subsequent years. Play zones should be friendly, safe, accessible and integral to the livelihoods of young children. <p>Response: Please refer to detailed response in the Officer report to Planning Committee 3rd Nov para 6.1. Also the Officer report to Planning Committee 28th July 2021, para 3.7 and the Tiverton EUE Masterplan SPD that identifies as part of the phased development of the EUE, multi-functional community hubs.</p> <ul style="list-style-type: none"> • It is disappointing beyond belief that cycle lanes are not included in the main boulevard. Cycle lanes should connect all areas and reach the employment centre. Tiverton has some areas of cycle lanes but there needs to be a more consistent strategy. <p>Response: Applications 14/00881/MOUT and 21/00374/MARM relate to the development of the green boulevards. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para's 2.7 - 2.9 and 3.7.</p> <ul style="list-style-type: none"> • Why are solar panels and heat pumps not being installed as part of the development? Why is this development using gas overall for its energy? <p>Response: Please refer to detailed response in the Officer report to Planning Committee 28th July, para 3.27 referring to the fabric first approach. Also the Officer report for 3rd Nov, para 9.1.</p> <ul style="list-style-type: none"> • We need to create environments for the future which foster mental health, protect biodiversity, maximise sustainability, promote heritage value and consequently encourage strong communities that put welfare and community at the forefront. <p>Response: Please refer to the Officer report to Planning Committee 28th July that seeks to confirm the comprehensive approach to development, including recognition of future phases of development that will deliver community facilities in the form of a community centre and country park.</p> <ul style="list-style-type: none"> • The self-build homes (outside the application area, north of Blundell's Road) should have a service road from the rear. <p>Response: Please refer to the Officer report to Planning Committee 3rd Nov para 10.1</p> <ul style="list-style-type: none"> • There is a lack of provision for children to cross the main roads to the primary school. <p>Response: Devon County Council in approving the technical drawings for the linking road (north of Blundell's Road), the planning application for the primary school, the spine road (south of Blundell's Road) and Phase 2 traffic calming measures (Blundell's Road / Post Hill) will all address this issue.</p> <ul style="list-style-type: none"> • Two bungalows to the rear of existing properties south of Blundell's Road is not enough. <p>Response: Please refer to the Officer report to Planning Committee 3rd Nov para</p>
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7.1.

- The existing properties, south of Blundell's Road will lose their southern vistas. This is inequitable.
Response: the application site is an allocated site with outline planning consent. Please refer to the Officer report to Planning Committee 28th July, Para 3.16. Also the Officer report to Planning Committee 3rd Nov para's 2.1 – 2.5.
- Why have normal working hours been agreed with a 7.30 start; earlier than other sites?

Response: Condition 14 of application 14/00881/MOUT has not been discharged confirming hours of work.

Updated Reports

Two updated reports have been received – amended to reflect the updated Detailed Landscape Design referenced in the Officer's report at 'Applicant's Supporting Information'. The updated reports include the:

Habitat Assessment and Mitigation Plan

(211029_P1046_Habitat_Assessment_and_Mitigation_Plan – Finalv2 Dated November 2021); and

Landscape and Management Plan (edp6162_r005e, Dated November 2021)

Response: The updated Habitat Assessment and Mitigation Plan and Landscape and Management Plan do not have a material effect upon the measures and recommendations of the documents; simply for consistency that they reflect the latest landscape details.

Updated Reports

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Habitat Assessment and Mitigation Plan

(211029_P1046_Habitat_Assessment_and_Mitigation_Plan – Finalv2 Dated November 2021); and

Landscape and Management Plan (edp6162_r005e, Dated November 2021)

Response: To reflect the updated reports the reference numbers within Condition 11 also require updating. The revised wording for Condition 11 is proposed as follows:

No development shall take place on the site except in accordance with the details set out within the submitted Landscape Management Plan (November 2021; edp6162_r005e) and Habitat Assessment and Mitigation Plan (November 2021;

	211029_P1046_Habitat_Assessment_and_Mitigation_Plan - Finalv2). The recommendations in the Landscape Management Plan (June 2021) and Habitat Assessment and Mitigation Plan (March 2021) shall be adhered to throughout the construction period and the development shall be operated thereafter only in accordance with the management provisions set out within them.
2.	20/01458/FULL - Erection of single storey extension to Care Home - Ashdowne Care Centre Ashdowne House Orkney Mews.
3.	21/00152/FULL - Change of use from place of worship to residential dwelling together with external alterations - Gospel Hall Peter Street Bradninch.
4.	21/01079/FULL - Change of use of land for the siting of a temporary worker's dwelling (log cabin) for three years (Revised Scheme) - Land at NGR 316266 116080 (Poachers Rest) Clayhidon Devon. Public Health withdraw their holding objection with regard to drainage now a package treatment plant is proposed
5.	21/00887/FULL - Erection of 5 dwellings with associated works following demolition of existing agricultural building - Land at NGR 278841 104538 (Linscombe Farm) New Buildings Sandford.
6.	21/01764/TPO - Application to reduce height by 3m and canopy spread on north side by 2m of 1 beech tree (T1) and fell 2 ash trees (T2 and T3) protected by Tree Preservation Order 80/00001/TPO - Land at NGR 294817 112951 (South Of 45 Derick Road) Patches Road.

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