

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 27 July 2022 at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
E J Berry, Mrs C Collis, L J Cruwys,  
Mrs C P Daw, J M Downes, B Holdman,  
D J Knowles, F W Letch and B G J Warren

### **Apologies**

#### **Councillor(s)**

S J Clist and Mrs F J Colthorpe

### **Also Present**

#### **Officer(s):**

Richard Marsh (Director of Place), Angharad Williams (Development Management Manager), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Maria De Leburne (Operations Manager for Legal and Monitoring), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), James Clements (Principal Planning Officer), Carole Oliphant (Member Services Officer) and Jessica Watts (Member Services Apprentice)

## **30 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.15)**

Apologies were received from Cllrs Mrs F J Colthorpe and S J Clist who was substituted by Cllr J Downes

## **31 PUBLIC QUESTION TIME (0.03.37)**

There were no questions from Members of the public present

## **32 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.03.52)**

Cllrs P J Heal, Mrs C P Daw, Mrs C Collis, L J Cruwys, J M Downes, B Holdman, F W Letch and B G J Warren all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 21/0222/MFUL as they had received correspondence from the applicant.

Cllrs P J Heal, Mrs C P Daw, J M Downes, B Holdman, F W Letch and B G J Warren all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 22/00687/HOUSE as they had received correspondence from objectors.

Cllrs L J Cruwys, Mrs C P Daw, B Holdman all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 22/00672/FULL as they had received correspondence from objectors.

Cllr J M Downes declared a personal interest for application 21/0222/MFUL as he lived near the application site.

### 33 **MINUTES OF THE PREVIOUS MEETING (0.04.08)**

The minutes of the meeting held on 13<sup>th</sup> July 2022 were agreed as a true record and duly **SIGNED** by the Chairman.

### 34 **CHAIRMAN'S ANNOUNCEMENTS (0.04.43)**

The Chairman reminded the Committee of a site visit arranged for 3<sup>rd</sup> August

### 35 **WITHDRAWALS FROM THE AGENDA (0.07.13)**

There were no withdrawals of items from the agenda

### 36 **THE PLANS LIST (0.07.18)**

The Committee considered the applications in the \*Plans List

Note: \*List previously circulated and attached to the minutes

- a) Application 21/00222/MFUL - Erection of a retail food store with associated parking, access, servicing and landscaping at Playing Field at NGR 284091 100385, Commercial Road, Lords Meadow Industrial Estate***

The Area Team Leader outlined the application by way of a presentation highlighting the site location plan, site plan, floor plans, elevations, landscape plan and photographs of the site.

The officer explained that Sport England had objected to the application and had referred it to the Secretary of State via the Planning Casework Unit, in accordance with the Town and Country Planning (Consultation)(England) Direction 2009. The Secretary of State had decided not to call in the application and was content that it should be determined by the local planning authority.

As policy CRE6 did not include provision for a food store it was advertised as a departure to the local plan, even though it was located within the settlement limits of the Town. There would be a financial contribution to result in an improvement to the playing pitch lost through the development. This would enable Crediton Rugby Club to purchase an alternative site and one had been identified at the Creedy Bridge development.

Consideration was given to:

- Crediton Rugby Club were content that the remaining pitches would be adequate until the new site was developed at Creedy Bridge
- Members concerns about the removal of the hedgerow
- Lidl's would maintain the site including the soft landscaping whilst they were in occupation

- Parking and electric vehicle charging points standards had been met with the development
- The applicant confirmed that the public toilet would have disabled access, that 40 new permanent jobs would be created, 25% of the stores power would be generated by solar panels and that the Rugby Club supported the application
- The views of the Town Council who stated that high quality planting was required and that it was a lost opportunity to plant additional trees. That they objected strongly against the hedgerow being removed and that the £87k provided in the S106 agreement towards improving air quality would not mitigate the extra traffic that the development would bring into the town
- The views of the Ward Member who stated that there was a view that the hedge was being removed so that the store could be seen and that more could be done to improve the area with green infrastructure. That the building design was not complementary to the street scene in Crediton. That the hedgerow should be retained, more trees planted and the colour of the building be amended to fit in with the local vernacular.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and signing of an S106 Agreement as recommended by the Development Management Manager subject to amendments to the following conditions;

Condition 14. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained and maintained.

**Reason –** To ensure the development makes a positive contribution to the character and amenity of the area in accordance with DM1 of the Mid Devon Local Plan 2013 – 2033

Condition 16. The net sales area of the food store hereby approved shall be limited to 1256sqm, with no more than 80% (1005sqm) to be given over to the sale of convenience goods and no more than 20% (251sq m) to the sale of comparison goods. At no time shall more than 3500 individual lines of goods be sold from the premises.

**Reason:**

In order to minimise the impact of the proposed development on the vitality and viability of Crediton Town Centre, in accordance with policy DM15.

Condition 17. Notwithstanding the details as submitted, the retail unit (Class E(a)) hereby approved shall trade as a single retail unit and shall not be subdivided into separate smaller retail units.

**Reason:**

In order to minimise the impact of the proposed development on the vitality and viability of Crediton Town Centre, in accordance with policy DM15.

Condition 18. No goods shall be displayed for sale in the car parking or landscaped (hard and soft) areas or forecourt area as shown on the approved plan without the prior permission of the Local Planning Authority.

**Reason** – To manage the retail sales element of the development and protect the visual amenities of the site in accordance with Policy DM1 of the Mid Devon Local Plan 2013 – 2033

In addition delegated authority was given to the Development Management Manager in consultation with the Chairman and Vice Chairman to:

- Amend Condition 21 to ensure that the soft landscaping included reference to bee and butterfly friendly planting to encourage biodiversity
- To include Condition 22 being a materials condition to agree the final build materials in order that the vernacular setting of Cridton was maintained in the building

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

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

- i. Councillor Liz Brookes Hocking spoke on behalf of Cridton Town Council
- ii. The agents Suzannah Clemo & Chris Tookey spoke
- iii. The following late information was received and a verbal update was provided:

Late representations have been received which raise the matter of the percentage of convenience goods which could be sold from the food store based on the retail impact assessment. Therefore it is proposed that Condition 16 be amended to state:

16. The net sales area of the food store hereby approved shall be limited to 1256sqm, with no more than 80% (1005sqm) to be given over to the sale of convenience goods and no more than 20% (251sq m) to the sale of comparison goods. At no time shall more than 3500 individual lines of goods be sold from the premises.

**Reason:**

In order to minimise the impact of the proposed development on the vitality and viability of Cridton Town Centre, in accordance with policy DM15.

It is also considered that Condition 17 needs to be slightly amended to refer to Use Class E(a) as Class E includes a wider range of uses than does E(a). Therefore it is proposed to amend Condition 17 to refer to Class E(a) as follows:

17. Notwithstanding the details as submitted, the retail unit (Class E(a)) hereby approved shall trade as a single retail unit and shall not be subdivided into separate smaller retail units.

**Reason:**

In order to minimise the impact of the proposed development on the vitality and viability of Cridton Town Centre, in accordance with policy DM15.

***b) Application 22/00687/HOUSE - Retention of building for use as additional living accommodation at Old Parsonage Cottage, High Street, Hemyock.***

The Area Team Leader outlined the application by way of a presentation highlighting the site location plan, block plan, floor plan, elevations and photographs of the building.

The officer explained that there had been concerns raised about the size, character, amenity and use of the building.

He further explained that the application was for the retention of the building and that it was just above the size limit for permitted development. That officers did not feel that the impact of the building was in excess of normal domestic occupation in a residential area.

Consideration was given to:

- National space standards did not apply to the building as it was not an independent dwelling but an ancillary building to the main dwelling
- As it was an ancillary building it could be permanently occupied
- That there was a proposed condition that as ancillary accommodation that no part could not be let or otherwise disposed of as a separate unit
- It was not felt that the building over shadowed the neighbouring property
- That the building could not be extended in the future without planning permission
- The views of the objector who stated that the main issues were the size of the building and the noise coming from it. He felt that the building was an over development of the site and if the property was sold in the future more noise may be heard from new occupants with children and teenagers
- The views of the Parish Council who stated that the building was not modest in size, it was located some distance from the main dwelling, it was over development and the application was retrospective. That the development had an adverse impact of the neighbours
- The views of the Ward Member who felt that the building did not represent the character, setting or design of the existing dwelling, it was over development of the property curtilage, there was a significant adverse impact of the living conditions of neighbouring properties and the design and location was not acceptable

**RESOLVED** that Members were minded to refuse the application, contrary to officer recommendations, and therefore the decision be deferred for the receipt of an implications report to consider reasons for refusal with regard to:

- Contrary with Policy S1 –The application did not support sustainable development
- Contrary with Policy S13 - The application did not support sustainable development
- Contrary with Policy DM1 – The application did not support the principal of sustainable development
- Contrary with Policy DM5 – The application would cause future parking issues

- Contrary to Policy DM11 – The application causes the living conditions of the neighbours to be significantly harmed

(Proposed by B Holdman and seconded by Cllr J M Downes)

Notes:

- i. Kevin Andrews spoke as the objector
- ii. Cllr P Doble spoke on behalf of Hemyock Parish Council
- iii. Cllr S J Clist provided a statement as Ward Member which was read out by the Chairman
- iv. Cllrs P J Heal, Mrs C P Daw and E J Berry requested that their vote against the decision be recorded
- v. Cllr B G J Warren indicated he would defend an appeal if required

***c) Application 22/00672/FULL - Formation of residential parking area and landscaping works at Development Site at NGR 295336 112490, St George's Court, Tiverton.***

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial image, site location plan, block plan, car park layout and photographs of the site.

The officer explained the land had been purchased separately and was not part of the original application. He explained that existing planting would be retained and additional landscaping had been proposed.

Consideration was given to:

- Members concerns that the application was retrospective and works had already commenced
- Members concerns that amenity areas were being lost to a car park
- The views of the Town Council who objected strongly to the retrospective application and that there was no justification for a further 10 car parking spaces, that the impact on the Memorial Hall had not been shown
- The views of the Ward Members who stated they objected to the application as it did not fit in with the area and there was no need for additional car parking as the site was in the Town Centre. That the neighbours of the site were being ignored that the developer was taking over the last bit of open space and car parking would cause fumes to enter adjacent basement properties

**RESOLVED** that Members were minded to refuse the application, contrary to officer recommendations, and therefore the decision be deferred for the receipt of an implications report to consider reasons for refusal with regard to:

- The application was detrimental to the visual enjoyment of views to the river
- It was over development on an already crowded site
- There were concerns regarding car fumes getting into neighbouring basement properties

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

Note:

- i. Cllr P Elstone spoke on behalf of Tiverton Town Council
- ii. Cllrs Mrs C P Daw and L J Cruwys spoke as Ward Members
- iii. Cllrs P J Heal and E J Berry requested that their vote against the decision be recorded
- iv. Cllrs L J Cruwys, Mrs C P Daw and B Holdman indicated they would defend an appeal if required

***d) Application 22/00062/FULL - Variation of condition 2 of planning permission 20/00146/FULL for the substitution of house type plans at Land at NGR 295241 122012, South of Elizabeth Penton Way, Bampton***

The Principal Planning Officer outlined the application by way of a presentation which highlighted an aerial image, the approved site layout, the proposed site layout, elevations, floor plans and photographs of the site.

Consideration was given to:

- Members views that the S106 deed of variation should be allocated for facilities for teenagers and young people

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 deed of variation as recommended by the Development Management Manager.

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

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

(The meeting ended at 5.45 pm)

**CHAIRMAN**