

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 7 September 2022 at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
E J Berry, S J Clist, L J Cruwys, B Holdman,  
D J Knowles, F W Letch, R F Radford,  
B G J Warren, C J Eginton and B A Moore

### **Apologies**

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

Mrs C Collis and Mrs C P Daw

### **Also Present**

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

J Buczkowski, D R Coren, R M Deed and  
R L Stanley

### **Present**

#### **Officers:**

Richard Marsh (Director of Place), 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), Helen Govier (Principal Planning Officer), Tina Maryan (Area Planning Officer), Andrew Seaman (Member Services Manager) and Carole Oliphant (Member Services Officer)

## **56 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.06)**

Apologies were received from Councillors Mrs C Collis and Mrs C P Daw who were substituted by Councillors C J Eginton and B A Moore.

## **57 PUBLIC QUESTION TIME (0.03.33)**

Paul Elstone a local resident referring to item 8 on the agenda asked:

Question 1:

The briefing note state that 3 Rivers have advised MDDC Officer that 3 Rivers own the full site having purchased from the owners in the entirety. That a section of the land immediately adjacent to the river as with possessory title.

Have MDDC Officers including solicitors carried out any due diligence on this statement?

Planning Law it is understood requires the applicant to either own the land or have permission from the rightful owner on which he wishes to build. It is strongly considered that the owners and who operate a commercial business very close to the Memorial Hall did not have either possessory title rights or adverse possession rights.

Possession title rights requiring the following criteria:

- Have possessed the land to the exclusion of anyone else
- Have shown an interest in the land by fencing it off and performing maintenance

The sellers did not meet either of these criteria, something that would have been clearly evident during any site visit.

There is good reason to believe the residents whose properties back onto this plot of land or the residents of Ham Place or the residents of Tiverton have a claim over this plot. This given the lands former use.

Question 2:

Why are 3 Rivers being given preferential treatment in planning terms compared to other developers and private applicants?

This when not submitting revised drawings for approval by Planning officers. Changes which are significant including material planning approval changes.

Drawings which formed the basis of the original planning application.

Provision of an access road to new parking spaces requiring the removal of a cycle store.

Very substantial changes to underground parking provision.

Major changes to retaining walls. Something used by the Cabinet Member for Finance to justify significant project overspends and yesterday's Cabinet meeting.

Question 3:

3 Rivers are using the justification that they have lost 8 parking spaces requiring these additional 10 parking spaces has the MDDC Planning officer carried out any due diligence on this claim.

Question 4:

Why are 3 Rivers stating they have lost 8 parking spaces when they have actually only lost 5? Seems a problem with the maths.

Even then there is a question why they have lost 2 spaces for provision for electric charging points.

Why can electric charging points be fitted on the walls in the Phoenix House multi storey car park and using standard parking bays yet 3 Rivers state they need long spaces reducing available spaces from 5 to 3

Question 5:

It is noted that 3 Rivers just 8 days ago submitted an application for a modification to the underground car park ventilation system. Condition 2.

Increasing ventilation they estimate from 30 to 80%.

Given the very close proximity of the Memorial Hall Social Club open space and the chimney effect of the retaining walls has the environmental and health impacts been considered.

Jamie Byrom a local resident stated:

I am Jamie Byrom of Sampford Peverell.

My questions concern Agenda Item 4, the Minutes of the meeting of 24 August.

I speak on behalf of all those who came here to put questions to this Committee on that day. Posing a question here is no small thing. People often need to go well beyond their comfort zones to do this. They do it with the sincere aim of drawing attention to something important that Members and officers may have failed to grasp from the mass of documents online. It is their one opportunity to show in person how paper proposals will affect their own lives, sometimes very deeply.

In asking my questions today, I mean no disrespect to the Member Services Officer who drafts the minutes and whose work is so important to this Committee.

My five questions are to all those Members present on 24 August. They address only some of my concerns about the minutes - what they say and what they do not say. I have passed a copy to the Chair so you can ask him to remind you of their wording when you reach Item 4 of your agenda today, should you wish.

Question 1 – In Public Question Time, the first questioner was Hayley Keary. She said barely one third of what she had hoped to say. Do the minutes accurately record this?

Question 2 – The Chair interrupted Miss Keary in mid-sentence, after she had been speaking for just under one minute. He stopped her just before she was going to quote an email from the officer. Do the minutes accurately record this?

Question 3 – Several interventions were needed before the Chair's misinterpretation of the constitution and its protocols was corrected. Do the minutes accurately record this?

Question 4 – Under section 48 of the minutes, ('Declarations of Interest'), is the text in the first paragraph an accurate record of declarations that were made over the Higher Town application? (22/00040/MARM).

Question 5 - More generally, with an eye to future practice, I note that the minutes helpfully try to give a verbatim record of questions raised in Public Question Time. In future, where a question is directed to an officer, please will you, out of respect for the public, require that the officer's specific reply to each specific question raised in Public Question Time must be clearly recorded as such in the minutes? Perhaps a table showing the officer's answer – or absence of answer - alongside each question would help? This will encourage a culture of officers giving direct answers to direct questions and, yes, it may also sharpen and shorten the questions raised by the public. If this cannot be decided here today, please move to such a system in the very near future.

Thank you. I look forward to observing how these questions are addressed when you discuss Agenda Item 4.

The Chairman advised that the questions would be addressed when the item was discussed.

#### **58 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.11.15)**

Members were reminded of the need to make declarations where appropriate

#### **59 MINUTES OF THE PREVIOUS MEETING (0.11.32)**

The following amendments were requested to the minutes of the meeting held on 28<sup>th</sup> August 2022:

Minute 47 Public Question Time.

(a) No mention is made in the minutes of the Chairman's statement in relation to restricting members of the public as to what they could say in their three minutes. There is also no mention of the advice from the Legal Officer and then later clarification when challenged.

(b) At 1 Hayley Keary - there is recorded in the printed minutes a detailed narrative allegedly made by her. This is not what she said as shown on the transcript of the recording I have received from a member of the public. The minute shows some of the content of what she said but it also contains more.

(c) Minute 48 Declaration of Interests Under Code of Conduct.

It is shown in the minute that under 22/00040/MARM Councillor Warren had made a declaration that I received correspondence from objectors. In fact I wrote, and the recording has the Legal Officer reading out my words that I declared receiving correspondence from applicant agent and objectors [28.56]. I was very specific about that as we had been sent correspondence and a map by the agent which was not put into the public domain and was used for a briefing by the applicants which I did not attend. I know that a number of the planning committee received the same email and attachment as I did but they are only shown as declaring correspondence from objectors BUT the recording just says received correspondence and in my view that covers them for receiving the email which I was deliberately more specific about.

For 22/000687/HOUSE Councillor Warren also made the same declaration as Councillors Heal and Letch so my name needs to be added there please.

(d) Minute 52a) The second paragraph at the top of page 12 of the bundle is correct as far as it goes but the point was raised that 71 further documents had been added since the meeting of 29 June 2022 and this is relevant if the indicated public complaint materialises.

(e) Under Consideration was given to: there is a list of bullet points which goes over the page onto 13. I would like to see added to that please - "Separate access for 3 self-build plots". This is a very relevant point for the future I can assure you.

These were **AGREED** and the amended minutes would be brought back to the next meeting for signature.

In response to public questions asked the Interim Monitoring Officer stated that the agreed amendments answered the questions asked and that the Director of Place would consider the request made in question 5.

#### 60 **CHAIRMAN'S ANNOUNCEMENTS (0.31.05)**

The Chairman had no announcements to make

#### 61 **WITHDRAWALS FROM THE AGENDA (0.31.32)**

There were no withdrawals from the agenda

#### 62 **THE PLANS LIST (0.31.41)**

The Committee considered the applications in the \*Plans List.

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

##### ***a) Application 22/00799/FULL - Change of use from chapel to single dwelling and parking opposite at Yeoford Gospel Hall, Yeoford, Devon.***

The Principal Planning Officer outlined the application by way of a presentation which highlighted an aerial image, site location plan, a copy of environment agency flood map, existing accommodation and floor plans, proposed floor plans and elevations and photographs of the site.

Consideration was given to:

- The officer recommendation for refusal was due to insufficient evidence being provided by the applicant in relation to economic viability, protected species and biodiversity and flood risk mitigation
- The last significant flood event was in 1966
- The views of the applicant who stated that 80 residents were in support of the Chapel to a dwelling, there was no evidence of bats and that the flood risk was not significant based on past events
- The views of the Parish Council who stated that the Chapel opened in 1901 and was used until 2016, that there were enough community buildings in the village and that the Chapel was no longer required for the community. The Parish Council supported the conversion to a dwelling

- The views of the Ward Member who disputed the risk of flooding and asked that the application be approved so that the building could be saved for future generations

It was therefore **RESOLVED** that planning permission be granted and delegated authority be given to the Director of Place and/or Development Management Manager to consider a set of conditions with regard to:

- Protected species and biodiversity
- Flood risk management plan

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

**Reason for the decision:** The application broadly complied with policy DM1 and supporting evidence from the Parish Council and Ward Member confirmed that the Church had not been used since 2017. The village was well supported with community buildings and on that basis it was considered that Planning Permission be granted, subject to conditions. It was felt that the flood risk had been overstated.

Notes:

- Cllr P J Heal requested that his vote against the decision be recorded
- Cllr F W Letch made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as the property was in his County Ward and he had visited the site
- Cllr P J Heal made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence
- John Shelley spoke as the applicant
- Cllr Edna Beasley spoke on behalf of Yeoford Parish Council

***b) Application 22/01182/MARM - Reserved Matters for appearance, scale, layout and landscaping for the erection of 41 dwellings and formation of vehicular access following Outline permission 16/01707/MOUT at Land at NGR 295494 113719, (South Of Lea Road), Tiverton.***

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial images, illustrative outline plan, proposed layout, street scenes, cross sections, landscaping plan, parking plan, refuse plan, plot types and photographs of the site.

The officer explained that the developer had updated the number of electric vehicle charging points to provide one for each of the 42 units and that the 10 year landscape management plan had been updated.

Consideration was given to:

- That bird box sizes should be agreed with the RSPB
- A management company would be set up to take over the landscape management plan at the end of 10 years
- The original 12 affordable units had been removed from the plan by a variation to the S106 agreement which had been agreed by the Committee

- Schemes of under 50 units did not require the inclusion of designated play areas
- The stability of the site had been tested at outline stage
- The views of the agent who stated that a proactive approach had been used, the access point had been approved at outline, amendments had been made to the parking provisions and that there would be an electric vehicle charging point for every parking space
- The views of Tiverton Town Council who objected to the development as it distracted from the surrounding area, the 3 storey block of flats would dominate and that the offer of 42 electric vehicle charging points came with a caveat that there was enough electricity capacity

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager and an amendment to condition 3, 6 and 7 to read:

### Condition 3

The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Tree planting that should be carried out in accordance with best practice following British Standards:

- a. BS: 3882:2015 Specification for topsoil
- b. BS: 3998:2010 Tree work Recommendations
- c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f. BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations
- g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h. BS: 8545:2014 Trees: from nursery to independence in the landscape Recommendations
- i. BS: 8601:2013 Specification for subsoil and requirements for use

All proposed tree planting shall be subject to ongoing maintenance which shall be undertaken in full accordance with the submitted Maintenance and Management Plan (MHP 10 YEAR LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN, August 2022), unless any variation is first agreed in writing with the Local Planning Authority.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Prior to the expiry of 10 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

Reason:



To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

#### Condition 6

The proposed residential development shall be implemented in accordance with the details submitted for the provision of electric charging points for electric vehicles as shown on the Car and Cycle Parking Strategy Plan (Rev I), as required by Policies S1 and DM5. These facilities shall be provided prior to occupation of each relevant dwelling within the development.

#### Condition 7

Prior to the first occupation of each relevant dwelling hereby approved, bat and bird boxes shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved measures shall be retained indefinitely. This scheme shall be in accordance with the recommendations outlined within the Ecology Summary, reference 14612\_R01\_30th May 2022\_RR\_CW and produced by Tyler Grange which outlines the numbers and types of bird boxes/bat boxes to be integrated into the residential development. The ecology summary outlines the mitigation and enhancement measures which need to be carried out as part of the approved development.

(Proposed by the Chairman)

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

#### Notes:

- Cllrs B Holdman and L J Cruwys requested that their votes against the decision be recorded
- Cllr B G J Warren requested that his abstention from voting be recorded
- Cllr S J Clist declared a pecuniary interest as there was a family connection to the application. He left during the discussion of the item and did not take part in the vote
- Cllr B Holdman made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Ward Member and a member of Tiverton Town Council Planning Committee
- Cllr L J Cruwys made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Chairman of the Tiverton Town Council Planning Committee
- The agent Andrew Ross spoke
- Cllr Paul Elstone spoke on behalf of Tiverton Town Council
- The following late information was received:

02.09.2022

Following the submission of a 10 Year Landscape Maintenance and Management Plan by the applicant, the Council's Arboricultural Officer has confirmed that this is



acceptable. As such it is proposed to amend condition 3 so that the landscaping is maintained in accordance with this plan, so the condition would read as follows:

3. The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Tree planting that should be carried out in accordance with best practice following British Standards:

- a. BS: 3882:2015 Specification for topsoil
- b. BS: 3998:2010 Tree work Recommendations
- c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f. BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations
- g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h. BS: 8545:2014 Trees: from nursery to independence in the landscape Recommendations
- i. BS: 8601:2013 Specification for subsoil and requirements for use

All proposed tree planting shall be subject to ongoing maintenance which shall be undertaken in full accordance with the submitted Maintenance and Management Plan (MHP 10 YEAR LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN, August 2022), unless any variation is first agreed in writing with the Local Planning Authority.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Prior to the expiry of 10 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

Reason:

To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Following queries raised to the access and parking layout on site, a further response was sought from the Local Highway Authority. The response received from the Senior Highway Development Management Officer was as follows:

'I can confirm I have visited the site prior to me putting forward my comments.

I do not have any concerns over the visibility plays for the internal parking spaces.

The Access off the main road has been approved at the Outline Application on Drawing Number C151789-HYD-XX-XX-DR-TP-0103 Rev P2 and was assessed by predecessor, which I have no concerns.'

**c) Application 21/02448/FULL - Erection of a dwelling at Land at NGR 268209 111511, Eggesford Close, Eggesford.**

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial image, proposed site plan, proposed elevations, proposed floor plan and photographs of the site.

The officer explained that although space standards had been achieved there were concerns about the size of the property and comfortable living for future residents. Policy S14 prevented open market dwellings in open countryside and there were concerns about the size of the outside amenity area.

Consideration was given to:

- The views of the applicant who stated that 1 dwelling on a brown field site was sensible, the reasons for refusal were confusing and quality of life should have been applied to other developments on the site
- The views of the Ward Member who stated that this was a use of the brownfield site, development within the close had already been approved and that the property was totally sustainable.

It was therefore **RESOLVED** that planning permission be granted as applied for.

(Proposed by Cllr C Eginton and seconded by Cllr S J Clist)

**Reason for the decision:** The development was on a brown field site and was close to existing developments, it was sustainable and was the last in fill site on an existing development.

Notes:

- Cllr P J Heal requested that his vote against the decision be recorded
- Cllr C J Eginton made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as the applicant was known to him and he was the Ward Member
- Cllrs P J Heal, E J Berry, S J Clist, B A Moore, B Holdman, D J Knowles, F W Letch and B G J Warren all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Mr Churchill spoke as the applicant
- Cllr C J Eginton spoke as Ward Member

**d) Application 22/00481/MARM - Reserved matters for the erection of 190 dwellings together with associated infrastructure following outline approval 17/01170/MOUT at Land at NGR 302186 108607 , North of Rull Lane and to The West of Willand Road, Cullompton.**

The Area Planning Officer outlined the application by way of a presentation highlighting the site location plan, aerial image, adopted masterplan, landscaping scheme, street scenes, house types, visualisations, and photographs of the site and access points.

Consideration was given to:

- The development would provide an electric vehicle charging point for each unit
- The provision of solar panels for 50% of the units was due to the orientation of the remaining units
- The varied open spaces and layout of the development would provide dementia friendly street scenes
- Gypsy and Traveller sites would be considered in phase two
- Parking provision was above Local Plan policy standards
- Traffic calming measures in the Headweir Road had been secured in the S106 agreements
- The views of the agent who stated that this was a reserved matters application and it included the required number of affordable homes which would be indistinguishable to the rest of the development. The layout was in accordance with the master plan.

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager and an amendment to conditions 2 and 4 to read:

1. Condition 2 -The pedestrian access onto Rull Lane shown on drawing number 02-PHL-101 Rev E shall be provided and be open for use in accordance with a timescale to be agreed in writing with the Local Planning Authority before first occupation of any dwelling. Once provided, such pedestrian access shall be permanently kept open and maintained for such use at all times.
2. Condition 4 - No development shall take place until tree and hedge protection measures/fencing have been provided on site and in respect of any off-site compounds to protect all retained trees and hedges, in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan 05740.TPP.AMS Rev B. The approved measures/fencing shall be kept in place for the duration of the construction period and the development shall proceed only in accordance with the approved details.

(Proposed by Cllr B A Moore and seconded by Cllr F W Letch)

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

Note:

- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was Chairman of Willand Parish Council
- Cllr S J Clist made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence
- Cllr E J Berry made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Ward and County Member
- Joanne Halton spoke as the Agent
- The following late information was received:

02.09.2022

1. Paragraph 6.10 of the committee report refers to minor corrections being made to the Tree Protection Plan that had not been made at the time of writing the report. The corrected Tree Protection Plan has now been received and is considered to be satisfactory. The Tree Officer has confirmed that he is happy with the submitted Arboricultural Method Statement where fully followed. It is therefore recommended that condition 4 be amended as follows:

No development shall take place until tree and hedge protection measures/fencing have been provided on site and in respect of any off-site compounds to protect all retained trees and hedges, in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan 05740.TPP.AMS Rev B. The approved measures/fencing shall be kept in place for the duration of the construction period and the development shall proceed only in accordance with the approved details.

2. The applicant has requested that condition 2 of the recommended conditions be amended as it is not practical or safe for this pedestrian access to be open while the adjacent houses are being constructed. It is therefore recommended that the condition be amended to require a timescale for opening the pedestrian access to be agreed in writing before first occupation of any dwelling.

Recommended revised condition:

The pedestrian access onto Rull Lane shown on drawing number 02-PHL-101 Rev E shall be provided and be open for use in accordance with a timescale to be agreed in writing with the Local Planning Authority before first occupation of any dwelling. Once provided, such pedestrian access shall be permanently kept open and maintained for such use at all times.

**63 APPLICATION 22/00672/FULL - Development Site at NGR 295336 112490 St George's Court, Tiverton, Devon - Formation of residential parking area and landscaping works (3.31.11)**

At the Planning Committee on 27<sup>th</sup> July 2022, Members advised that they were minded to refuse the above application and invited an \*implications report for further consideration.

The Area Team Leader provided the following responses to questions asked at public question time:

- It had been confirmed by the Legal department that the application site was wholly owned by the applicant. Notwithstanding this, an applicant did not have to own the land to apply for planning permission
- The statement related to the original planning application and not the application before Committee today
- There was a loss of 8 parking spaces and the proposal was for 10 parking spaces
- 3 parking spaces had been lost due to size of the retaining wall required and 3 electric vehicle charging spaces had been made available. The electric vehicle charging spaces were larger than normal parking spaces

- The statement was not relevant to the application in front of Committee today but any modifications to the original application would be brought to Committee for determination

Consideration was given to:

- The Interim Monitoring Officer explained that the Committee had dealt with retrospective applications historically and that this application should be dealt with in accordance with normal determinations

It was therefore **RESOLVED** that the Committee would not determine the application

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

It was further **RESOLVED** that Committee had made a decision not to determine this application and we will take no further part in it.

(Proposed by Cllr B A Moore and seconded by Cllr S J Clist)

**Reason for the decision:** No decision was made

Notes:

- \*Implications report previously circulated and attached to the minutes
- Cllrs B G J Warren, S J Clist, F W Letch, B Holdman and L J Cruwys requested that their votes in support of the initial decision be recorded
- Cllrs B A Moore, P J Heal, E J Berry and C J Eginton requested that their votes against the initial decision be recorded
- Cllrs D J Knowles and R F Radford had left the meeting before the commencement of the item and did not take part in the vote
- Cllrs B G J Warren and S J Clist made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors
- Cllr C J Eginton made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had attended a Cabinet meeting relating to loans to the applicant but had abstained on the vote
- Cllr B A Moore made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Cabinet Member responsible for the applicant
- Cllr B Holdman made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was a member of Tiverton Town Council Planning Committee
- Cllr L J Cruwys made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Ward Member, and Chairman of Tiverton Town Council Planning Committee and had received correspondence
- Cllr P J Heal made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence

## 64 MAJOR APPLICATIONS WITH NO DECISION (4.55.12)

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

The Committee agreed that the applications remained delegated.

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

65 **APPEAL DECISIONS (4.56.43)**

The Committee had before it, and **NOTED**, a \*list of appeal decisions.

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

(The meeting ended at 7.10 pm)

**CHAIRMAN**

# Minute Annex

## PLANNING COMMITTEE AGENDA - 7th September 2022

### Applications of a non-delegated nature

### UPDATES

THE PLANS LIST	
1.	22/00799/FULL - Change of use from chapel to single dwelling and parking opposite - Yeoford Gospel Hall Yeoford Devon.
2.	<p>22/01182/MARM - Reserved Matters for appearance, scale, layout and landscaping for the erection of 41 dwellings and formation of vehicular access following Outline permission 16/01707/MOUT - Land at NGR 295494 113719 (South Of Lea Road) Tiverton.</p> <p>02.09.2022 Following the submission of a 10 Year Landscape Maintenance and Management Plan by the applicant, the Council's Arboricultural Officer has confirmed that this is acceptable. As such it is proposed to amend condition 3 so that the landscaping is maintained in accordance with this plan, so the condition would read as follows:</p> <p>3. The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Tree planting that should be carried out in accordance with best practice following British Standards:</p> <ul style="list-style-type: none"> <li>a. BS: 3882:2015 Specification for topsoil</li> <li>b. BS: 3998:2010 Tree work Recommendations</li> <li>c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs</li> <li>d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)</li> <li>e. BS: 4043:1989 Recommendations for Transplanting root-balled trees</li> <li>f. BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations</li> <li>g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).</li> <li>h. BS: 8545:2014 Trees: from nursery to independence in the landscape Recommendations</li> <li>i. BS: 8601:2013 Specification for subsoil and requirements for use</li> </ul> <p>All proposed tree planting shall be subject to ongoing maintenance which shall be undertaken in full accordance with the submitted Maintenance and Management Plan (MHP 10 YEAR LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN, August 2022), unless any variation is first agreed in writing with the Local Planning Authority.</p> <p>Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Prior to the expiry of 10 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.</p> <p>Reason:</p> <p>To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</p>



	<p>Following queries raised to the access and parking layout on site, a further response was sought from the Local Highway Authority. The response received from the Senior Highway Development Management Officer was as follows:</p> <p><i>'I can confirm I have visited the site prior to me putting forward my comments.</i></p> <p><i>I do not have any concerns over the visibility plays for the internal parking spaces.</i></p> <p><i>The Access off the main road has been approved at the Outline Application on Drawing Number C151789-HYD-XX-XX-DR-TP-0103 Rev P2 and was assessed by predecessor, which I have no concerns.'</i></p>
3.	21/02448/FULL - Erection of a dwelling - Land at NGR 268209 111511 Eggesford Close Eggesford.
4.	<p>22/00481/MARM - Reserved matters for the erection of 190 dwellings together with associated infrastructure following outline approval 17/01170/MOUT - Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Cullompton.</p> <p>02.09.2022</p> <p>1. Paragraph 6.10 of the committee report refers to minor corrections being made to the Tree Protection Plan that had not been made at the time of writing the report. The corrected Tree Protection Plan has now been received and is considered to be satisfactory. The Tree Officer has confirmed that he is happy with the submitted Arboricultural Method Statement where fully followed. It is therefore recommended that condition 4 be amended as follows:</p> <p><i>No development shall take place until tree and hedge protection measures/fencing have been provided on site and in respect of any off-site compounds to protect all retained trees and hedges, in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan 05740.TPP.AMS Rev B. The approved measures/fencing shall be kept in place for the duration of the construction period and the development shall proceed only in accordance with the approved details.</i></p> <p>2. The applicant has requested that condition 2 of the recommended conditions be amended as it is not practical or safe for this pedestrian access to be open while the adjacent houses are being constructed. It is therefore recommended that the condition be amended to require a timescale for opening the pedestrian access to be agreed in writing before first occupation of any dwelling.</p> <p>Recommended revised condition:</p> <p><i>The pedestrian access onto Rull Lane shown on drawing number 02-PHL-101 Rev E shall be provided and be open for use in accordance with a timescale to be agreed in writing with the Local Planning Authority before first occupation of any dwelling. Once provided, such pedestrian access shall be permanently kept open and maintained for such use at all times.</i></p>

## AGENDA REPORTS

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