

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 10 August 2022
at 2.15 pm

Present Councillors

E J Berry, S J Clist, L J Cruwys,
Mrs C P Daw, J M Downes, D J Knowles,
F W Letch, B A Moore, R F Radford and
B G J Warren

Apologies Councillor(s)

P J Heal, Mrs C Collis and B Holdman

Also Present Councillor(s)

G Barnell and D R Coren

Present Officers:

Maria De Leburne (Operations Manager for
Legal and Monitoring), Angharad Williams
(Development Management Manager),
Adrian Devereaux (Area Team Leader),
Jake Choules (Planning Officer), Andrew
Seaman (Member Services Manager),
Carole Oliphant (Member Services Officer)
and Jessica Rowe (Member Services
Apprentice)

37 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.50)

Apologies were received from:

- Cllr P J Heal who was substituted by Cllr B A Moore. The Vice Chairman chaired the meeting
- Cllr B Holdman who was substituted by Cllr J M Downes
- Cllr Mrs C Collis
- Cllr Mrs F J Colthorpe who was replaced on the Committee by Cllr R F Radford

38 PUBLIC QUESTION TIME (0.03.40)

There were no questions from Members of the public present

39 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.15)

Cllrs D J Knowles, S J Clist and F W Letch all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters for

applications 21/01998/FULL and 21/02001/LBC as they had received correspondence

Cllrs S J Clist and F W Letch made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters for application 21/01501/FULL as they had received correspondence

Cllr E J Berry made a personal declaration for applications 21/01998/FULL and 21/02001/LBC as he knew the applicant and Town Trust members

Cllr Mrs C P Daw made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters for Bell Cottage, Woodland Head, Yeoford EX17 5HF as she had knowledge of the enforcement case in her capacity as Cabinet Member for Continuous Improvement

Cllr S J Clist made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters for Bell Cottage, Woodland Head, Yeoford EX17 5HF as he had received correspondence

40 **MINUTES OF THE PREVIOUS MEETING (0.05.34)**

The minutes of the meeting held on 27th July 2022 were agreed as a true record and duly **SIGNED** by the Vice Chairman

41 **CHAIRMAN'S ANNOUNCEMENTS (0.06.47)**

The Vice Chairman reminded Members of the following:

- 15th August – Remote meeting with developers for Sampford Peverell application – 2pm
- 17th August – In person Informal Meeting at 10.00am in Phoenix Chambers
- 24th August – Special Planning Committee

He also informed the Committee of the passing of Francis Luxton the wife of the late Gerald Luxton who was a former member of the Committee

He introduced Andrew Seaman, the Member Services Manager to the Committee

42 **WITHDRAWALS FROM THE AGENDA (0.09.26)**

There were no withdrawals from the agenda

43 **ENFORCEMENT LIST (0.09.32)**

Consideration was given to the cases in the *Enforcement List.

Note: *List previously circulated and attached to the minutes

Arising thereon:

- a) ***Bell Cottage, Woodland Head, Yeoford EX17 5HF***

The Committee considered the report of the Development Management Manager.

There were no questions or considerations.

It was therefore **RESOLVED** that the District Solicitor and Monitoring Officer be given delegated authority to take all steps and action necessary to repair the damage to Bell Cottage, Woodland Head, Yeoford EX17 5HF and recover expenses incurred.

(Proposed by the Chairman)

44 **THE PLANS LIST (0.10.32)**

The Committee considered the applications in the *Plans List.

Note: *list previously circulated and attached to the minutes

- a) Application 21/01998/FULL - Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch***

The Planning Officer outlined the application by way of a presentation which highlighted the site location plan, existing ground floor access, the proposed scheme and photographs of the site.

The officer explained that the application had previously been brought to Committee and had been deferred to give time for the applicant to address concerns of neighbours. As a result a revised scheme had been submitted which had been welcomed by previous objectors and no letters of objection had been received.

Consideration was given to:

- The views of the Town Council who confirmed that neighbours had not objected to the revised scheme and that it had the backing of the Town Council

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager.

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

Reason for the decision: As set out in the report

Notes:

- Cllr Jim Porteous spoke on behalf of Bradninch Town Council

- b) Application 21/02001/LBC - Listed Building Consent for erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch***

The Planning Officer outlined the application by way of a presentation which highlighted the site location plan, existing ground floor access, the proposed scheme and photographs of the site.

The officer explained that the application had previously been brought to Committee and had been deferred to give time for the applicant to address concerns of neighbours. As a result a revised scheme had been submitted which had been welcomed by previous objectors and no representations had been received.

Consideration was given to:

- The views of the Town Council who confirmed that neighbours had not objected to the revised scheme and that it had the backing of the Town Council

It was therefore **RESOLVED** that listed building consent be granted subject to conditions as recommended by the Development Management Manager.

(Proposed by Cllr E J Berry and seconded by Cllr D J Knowles)

Reason for the decision: As set out in the report

Notes:

- Cllr Jim Porteous spoke on behalf of Bradninch Town Council

c) Application 21/01501/FULL - Demolition of existing school buildings, including adjacent detached classroom buildings and erection of 8 dwellings with garages at Former Primary School Site, Newton St Cyres, Devon

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial image, proposed block plan, sit plan, plot details, landscape strategy plan, access arrangements plan and photographs of the site.

The officer explained there was a Tree Protection Order in place on the site.

He explained that a section 106 agreement had to be drafted and as a result of an independent financial viability assessment this would result in contributions of £125,000.

He explained that there was local desire to see a provision of a road crossing from the section 106 contribution but that the Highways Authority had confirmed that the development was acceptable without one. The comments from the Highways Authority showed that the CIL 122 tests had not been met and therefore section 106 contributions could not be diverted to provide an additional crossing as it was not necessary to make the development acceptable in planning terms.

Consideration was given to:

- The contribution towards affordable housing would be allocated to provide such in the local community
- Members views that there was already a road crossing in close proximity to the site
- The parking allocation was in excess of the parking standards
- Waste collection points were included within the Landscaping Strategy Plan
- The views of the Parish Council who felt that the road was dangerous and that an island crossing should be provided for safety. That the Parish Council would like to see the section 106 contributions spent on a road crossing
- The officers confirmation that because the CIL 122 tests had not been met in relation to a crossing, due to Highways Authority comments, that diverting monies to provide one would be illegal
- The views of the Ward Member who stated that the crossing was a priority, that he felt the application did not comply with policies S1, DM1 or DM3. That the development without a crossing put children in danger and that the Highways Authority had got it wrong in the past. That the section 106 agreement should be renegotiated so that a crossing island was provided. He also made reference to the hedge being reinstated and this being conditioned
- That there would be less use of the road from 8 properties than when it was a primary school
- The officers confirmation that the application showed the reinstatement of the hedge

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

(Proposed by Cllr B A Moore and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- Cllr J D Downes requested that his vote against the decision be recorded
- Cllrs S J Clist, L J Cruwys and B G J Warren requested that their abstention from voting be recorded
- Cllr Jim Enright spoke on behalf of Newton St Cyres Parish Council
- Cllr Graeme Barnell spoke as Ward Member
- The following late information was received:

8th August 22

One additional letter was received from a direct neighbour Mr B. Dunn who commented as follows:

I would appreciate it if the previous comments I made on this application are still considered by the committee (see earlier comments on plans). In addition, I have some minor comments on this latest version. First, we respect the tree officers opinion that planned remedial works on the protected tree are within acceptable levels. We request a further visit to the site by the officer after the remedial works have been completed to confirm that the work carried out does not exceed that

proposed. The site development plan seems thorough and appropriate, bar the following issues:

1. We request a stronger stipulation is made about access to the site via Sand down Lane. In a number of places in the document this reads "Sand Down Lane is not planned to be used for any site deliveries or removals from site". Given the unsuitability of Sand Down Lane for any kind of site access for reasons previously argued, we request this is amended to read "Sand Down Lane will not be used for deliveries or removals from site" or "Sand Down lane will not be used for deliveries or removals from site, except with express permission from the local parish council".

2. We note that the site development plan makes a number of sensible recommendations re dust control:

- "In addition to the above: The Principal Contractor and site workers will use the best practicable means to control dust in accordance with Section 79 Environmental Protection Act 1990 and noise in accordance with Section 60 Control of Pollution Act 1974."

- "Dust suppression control measures will be planned and implemented to prevent off site dust nuisance"

- "Stop dust getting into the air. Use 'on-tool' extraction systems on tools and equipment likely to create construction dust. (Local exhaust ventilation). Dust produced during the construction process will, where required, to be controlled by water, either spray mist injected into the compressed airstream or sprayed directly onto the worked area."

- "Any dust generating activities will be avoided during very dry ground and windy conditions where water spray suppression is not able to suppress the spread of dust: Any dust generating activities will be avoided during very dry ground and windy conditions where water spray suppression is not able to suppress the spread of dust"

- "Loads that have the potential for the uncontrolled spread of dust in and out of site will be covered:"

Many of these have been recently violated in the past two weeks, when contractors were removing earth from the site. On a hot windy day during the recent heat wave they filled three skips with soil via digger (25th July), making no mitigations to prevent dust covering the garden of our property (Coniston). This meant our garden, kids paddling pool, washing and trampoline were coated with dust and took a number of hours to clean. My wife took a few photos after the clean-up had largely finished. We had to relocate a BBQ to the front garden, as back garden was not useable. When we raised this the next day, the contractors then did use a water sprayer for the remainder of the work, but this should be something that is routinely done, not only when reminded to do so by local residents after detrimental impact on their property.

3. We request that adjoining properties are given advance notice of days when there will be particular disruption, so we can plan accordingly (particularly Coniston).

45 **MAJOR APPLICATIONS WITH NO DECISION (1.22.36)**

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

The Committee agreed that:

- Application 22/01098/MOUT Land and Buildings North of Blundells Road (Newbury Metals Ltd & Horsden Garage) Tiverton EX16 4DE to be determined by Committee and a full Committee site visit take place

- Application 22/01375/MFUL Land at NGR 277371 93228 East of Church Lane, Cheriton Bishop be determined by Committee and a full Committee site visit take place

Note: *list previously circulated and attached to the minutes

(The meeting ended at 3.41 pm)

CHAIRMAN