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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 1 April 2015 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
M D Binks, J M Downes, A V G Griffiths,
Mrs L J Holloway, D J Knowles, M A Lucas,
E G Luxton, R F Radford, J D Squire,
Mrs M E Squires (Vice Chairman),
R L Stanley and K D Wilson

Apologies

Councillors

Mrs H Bainbridge, Mrs D L Brandon and
P J Heal

Also Present

Councillors

N V Davey, M R Lee and Mrs J Rendle

Present

Officers:

Jenny Clifford (Head of Planning and
Regeneration), Alison Fish (Area Planning
Officer), Simon Trafford (Area Planning
Officer), John Clarke (Planning Enforcement
Officer), Sally Gabriel (Principal Member
Services Officer) and Ian Sorenson

174 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs D L Brandon to be substituted by Cllr M A Lucas.

Apologies were received from Cllrs Mrs H Bainbridge and P J Heal.

175 **PUBLIC QUESTION TIME (00-03-31)**

Dr Whittlesey referring to Item 5 (Chettiscombe Estate) on the agenda stated:

- Do you recall that in the AIDPD Inspector's report of 2010, (3.48) he forecast that the adverse planning impact would fall on "flood risk, visual amenity and the wildlife and ancient hedgerows in West Manley Lane" We have come full circle.
- You are aware of the numerous references to the national importance of the SSSI including input from Natural England, Tidcombe Lane Fen Society, Devon Wildlife Trust, Are you, like them, in agreement with all the measures that must be employed to protect not only the SSSI but also the Ailsa Brook and do you share our concern that even *within* this outline application the nature of these mitigating measures is not clear?

- Although they have withdrawn their objection on technical grounds, do you agree with Natural England along with Tidcombe Lane Fen Society written statements that the complete safety of the water supply to the SSSI can only be achieved by not allowing development south of the lane?
- Within this application, are the structures and long-term management of sewerage, flooding and foul water measures sufficiently outlined to be reliable?
- Are you conversant with the Devon Wildlife Consultancy's Hedgerow assessments of 2009 and 2013 and their classification of the entire length of hedge bank as **important** under the Hedgerow Regulations 1997, and that it currently serves as a wildlife connectivity corridor and safe environment for small mammal species and birds, some of which are conservation concern listed and are you in agreement with MDDC's own concept of protection and enhancement of this hedgerow?
- Are you aware that **along** its length, this single track lane, currently used by some 12 private cars, service vehicles and farm machinery, there are three right-angle bends, no footpath and no designated passing places and that the proposed development of 3 or 4 bedroomed houses north and south of the lane would not only destroy segments of the hedgerow but would introduce **35-50** more cars and increase "peak hour flows" by **80-110** journeys (PFA's own traffic assessments for Chettiscombe Trust) Do you accept that new entrances separate from the proposed housing, for both farm and vehicles servicing the attenuation ponds and sewerage machinery would need to be constructed
- Did you know that an increasing numbers of people are using the lane for all manner of exercise; do you agree that if the result of the proposed housing development is a rise in traffic movements in the lane, with its lack of footpath and limited visibility there will be a significant effect on road safety issues?
- Therefore, would you not agree that by retaining the fields south of the lane as public open spaces and green infrastructure options, this would fit with MDDC's own stated environmentally friendly plans and would set the whole area in a more safe and rural setting.
- Finally, in their somewhat selective précis of our recent responses, are you aware that the planning officers make several incorrect attributions? Do you share our disappointment that after six years of reasoned argument, research and response, there is little to show for this in their current report.
- So, would you to consider removing development south of West Manley Lane from this outline planning application, with the *redistribution* of the affected 1% proposed housing stock in favour of access to a safe scenic and sustainable route for Tivertonians and their wildlife?

Mr McCreadie referring to item 3 on the Plans List (The Old Forge) stated:

Would it be possible for the Committee to take into account the fact that I do understand that the area is classified as open countryside, but this proposed development is within the hamlet of New Buildings which has 36 houses and would be surrounded by buildings on all sides, and knowing that there are very few exceptions regarding new builds I hope the proposed site could be regarded as one of those exceptions.

Are the Committee aware that the reason there is not much left of the building is because its partial demolition was overseen by M.D.D.C. and they decided that it had to be brought to this level for safety reasons and that not much notice was given by M.D.D.C. to Mr. John Short, the then owner, before it had to be partly demolished to make it safe.

Does the Committee not think that if perhaps more time could have been given to discuss other means of making it safe, while leaving it mostly intact (i.e. shoring it up and removing the slates) that more consideration could have been given to its future use.

Does the Committee agree that it can only be good to allow a smaller more affordable home to be built within the hamlet "boundaries" to allow perhaps a young couple to live in our pleasant surroundings and on an aesthetic point, remove the blot on an otherwise pleasing landscape which would be a far more in keeping setting for the Grade II listed Old Wheelwrights opposite than the eyesore the Old Forge has now become.

Would the Committee consider that if the development were allowed it would "knit" back together the original sites of Wheelwrights and Blacksmiths, the Wheelwrights having already been converted to a house, and afterwards the new development could be named "the Old Forge" to further show the original history of the site.

Mr Aspray speaking on behalf of Dr Bell and referring to Item 5 (Chettiscombe Trust) on the agenda stated I listened with interest to the audio record of the Planning Committee Meeting of 18th March.

In response to one Member's request for definitive assurance that traffic would be directed and controlled **before** any housing development would take place, Mr Guscott replied that no such development can take place in the EUE area until either traffic calming along Blundell's Road or the LILO were in place.

According to the resolution granting planning permission for the Waddeton Park development approved by this Committee on 21st May 2014 and repeated in the minutes of your meeting for 27th August 2014 the S106 agreement clause (xviii), suggests that there is an arrangement for a financial settlement that would allow Waddeton Park freedom to commence development without either the Blundell's Road traffic calming or LILO in place.

I ask this Committee to clarify this matter please and ensure that no such clause is allowed in any permission statements that may be made in relation to this current application.

Mrs Cluneis-Ross again referring to item 5 on the agenda asked how is it proposed to provide additional supplies of gas, water and electricity to the new development without ruining the road and pavement enhancements planning for Blundells Road through the school campus in particular?

The Chairman stated that answers to these questions would be given as part of the officer's presentation

Cllr Ursell (Willand Parish Council) referring to Item 9 on the agenda (Delegated List) Planning reference 14/01547/FULL asked: Do elected members consider that it would be more appropriate for an application to be brought before the planning committee for determination rather than being approved by an officer under delegated authority where the applicant has materially altered the layout of the site and the amended application has not been referred back to objectors and to the Parish Council who had recommended refusal?

Would it also be more appropriate for the application to be brought before this committee where standard MDDC planning policies are not to be followed?

The reasons for recommending refusal related to design and materials not being wholly in keeping with other properties in the area and the fact that the garages were smaller than the sizes set out in MDDC planning policy.

Would elected members be concerned that the reasons for recommending refusal were summarily dismissed in the officer's report and further that in that report reference is made to advice from the Tree Officer and Highways Officer which does not appear to be documented in the public domain on the MDDC website?

Cllr Warren (Willand Parish Council) referring to Item 9 on the agenda (Delegated List) planning reference 14/01675/FULL asked is it appropriate that delegated powers should be used where consultation has taken place on revised plans for a development where the reasons for change have not been declared but later found to be as the result of discussions between an officer and agent but not noted until the report? The officers report states that no letter of objection have been received to the amended design which is not true as the Parish Council objected to the amended design for a number of reasons and their letter is on the MDDC website. What are not on the website are the views of the Tree Officer as to removal of a tree and there is an email from Highways which is missing from the site. Is it MDDC policy to withhold such information from the public and elected representatives of the local community?

The Chairman stated that a written response would be provided to Willand Parish Council and circulated to Members of the Committee.

176 **MINUTES OF THE PREVIOUS MEETING (00-18-58)**

Subject to the substitution of Miss Coffin for Miss Coffey within the notes on page 13, the minutes of the special meeting held on 18 March 2015 were approved as a correct record and **SIGNED** by the Chairman.

177 **CHAIRMAN'S ANNOUNCEMENTS (00-20-00)**

The Chairman had the following announcements to make:

She informed those present that Item 11 on the agenda (an implications report for 11 Uplowman Road, Tiverton) had been deferred until the next meeting.

She informed the meeting that John Clarke (Enforcement Officer) was retiring and that this would be his last meeting, she was sorry to see him go, thanked him for all his hard work and wished him well for the future.

178 **APPLICATION 14/00881/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 700 DWELLINGS, 22,000 SQUARE METRES OF B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL AND NEIGHBOURHOOD CENTRE WITH ASSOCIATED ACCESS INCLUDING A LEFT IN LEFT OUT JUNCTION ON THE WESTBOUND A361 AND ACCESS AND EGRESS ONTO BLUNDELLS ROAD AT LAND EAST OF TIVERTON, SOUTH OF A361 AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD, TIVERTON. (00-24-00)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of presentation identifying the location plan, the master-plan area, the location of the left in and left out junction (LILO) and the full junction on the A361 (which had the benefit of planning permission), the indicative layout, the proposed buffer zone adjacent to Mayfair, the area of development to the south of West Manley Lane. It was confirmed that the application sought planning permission for a form and quantum of development which was in accordance with the adopted Development Plan and Eastern Urban Extension Masterplan, with all matters except means of access to be considered at the reserved matters stage.

Referring to the questions posed at public question time, he responded to that asked on behalf of Dr Bell by reference to Condition 10 in that no development would take place until the LILO was complete. Referring to other questions, he was satisfied with the responses of Natural England, the Environment Agency and South West Water, issues relating to the Green Infrastructure were referred to and addressed in Condition 2, the field adjacent to Glebelands was identified for allotments in addition to land already allocated for this use. With regard to the questions posed by Mrs Cluneis-Ross, Ian Sorenson advised that utility works would be considered as part of the design criteria and would take place at the same time as other works identified.

With regard to the resolution for the Waddeton Park scheme, the S106 agreement as drafted sets out that development would not commence until either the provision of the Blundell's Road traffic calming works or the provision of the left in left out A361 highway works together with the link road to Blundell's Road or following payment of £2.2 million for highway works.

Discussion followed with regard to:

- Issues with access to any development south of West Manley Lane, the road structure in this area and the highway mitigation measures that were proposed.
- Funding for the left in left out junction
- The protection of hedgerows on the site, this was referenced in Condition 5
- Concerns regarding the density within the indicative plans
- Sewerage capabilities
- The protection of Tidcombe Fen
- The buffer zone adjacent to Mayfair and green infrastructure elsewhere on the site
- The concerns of local residents with regard to the design of the left in, left out junction (LILO)

- Provision for district hearing network in the event that energy from waste scheme comes forward
- The type of roundabout proposed at the junction to Blundells Road
- Whether the principle of development of housing clusters south of West Manley Lane had already been established in the Masterplan and whether those proposed properties could be redistributed elsewhere on the development
- Possible discussions that could take place with the applicant with regard to the removal of development south of West Manley Lane.

It was therefore **RESOLVED** that:

This application be deferred for further consideration of the development approach to West Manley Lane in respect of access points, traffic and development on the southern side.

(Proposed by Cllr R L Stanley and seconded by Cllr A V G Griffiths)

FURTHER RESOLVED that a letter be written on behalf of the Planning Committee to Devon County Council (Highway Authority) seeking further consideration of local residents design submission with regard to the left in and left out junction.

(Proposed by Cllr D J Knowles and seconded by Cllr R L Stanley)

Notes:

Cllrs: Mrs F J Colthorpe, A V G Griffiths, D J Knowles M A Lucas, R L Stanley and K D Wilson declared personal interests as they knew either the applicant and/or objectors or local residents generally;

Cllrs: M D Binks, Mrs F J Colthorpe, J M Downes A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas, E G Luxton, R F Radford, Mrs M E Squires, R L Stanley and K D Wilson made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Cllr N V Davey, D J Knowles and K D Wilson spoke as Ward Members;

Sir Ian Amory (applicant) spoke;

Mr Sorenson (Devon County Council (Highway Authority) spoke;

The following late information was reported:

Amendments to description of proposal as described on page 21 as follows.

Outline application for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 (already permitted under LPA refs: 14/00667/MFUL and 14/01168/MFUL) and access and egress onto Blundells Road.

Updates from Planning Committee 18 March 2015 – see minute 171 pages 16-19 of the agenda for 1 April 2015 except Condition 2 amend (iii) as plans ‘A low emissions strategy together with details of proposed implementation of mitigation measures with associated timescale’

*Report previously circulated, copy attached to minutes.

179 **ENFORCEMENT LIST (2-09-02)**

Consideration was given to a case in the Enforcement List *.

Note: *List previously circulated; copy attached to signed Minutes.

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/14/00177/UDRU – unauthorised development namely the installation of a satellite dish on the front elevation facing New Street within the Conservation Area of Cullompton contrary to Section 171A(1) of the Town and Country Planning Act 1990 (as amended) 11 New Street, Cullompton***)

The Enforcement Officer outlined the contents of the report highlighting by way of presentation the satellite dish in question.

Consideration was given legislation with regard to satellite dishes in the conservation area and the fact that the Article 4 Direction was in place.

RESOLVED that delegated authority be given to the Legal Services Manager to take legal action to include the service of an Enforcement Notice or Notices which would require that the unauthorised satellite dish be removed. In the event of a failure to comply with any Enforcement Notice or Notices the consideration of prosecution proceedings, the issue of injunction proceedings or Direct Action.

(Proposed Cllr K D Wilson and seconded by Cllr Mrs L J Holloway)

180 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

181 **THE PLANS LIST**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

- (a) 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) No 5 on the Plans *List (15/00280/FULL – Erection of single storey side extension and veranda to front (Revised Scheme Thurlescombe East, Ash Thomas)* be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

(b) No 1 on the Plans *List (14/02116/FULL – Erection of retail store, formation of access, car parking and service area with landscaping and associated works – land at NGR 303843 111382 (Mid Devon Business Park), South View, Willand).*

The Area Planning Officer outlined the contents of the report stating that this application had been deferred from the previous meeting to allow for discussions to take place with the applicant with regard to the provision of a zebra crossing and/or illuminating the existing crossing point on South View Road. Following the previous meeting those discussions had taken place for the most appropriate location for a new crossing and Members were shown an indicative drawing of the proposed new crossing. The Officer reiterated the outline of the proposed development discussed at the previous meeting and explained the agreement that would have to take place between the applicant and the Highway Authority for any proposed crossing.

Consideration was given to:

- The trees on the site and the view of the Tree Officer
- Concern from an objector regarding other retail units in the area
- The support of the Parish Council following consideration of the road safety issues highlighted at the previous meeting
- Lighting on the proposed new crossing

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an addition condition (11) to read: Condition 11: The proposed retail store shall not be first open to the public until such time as the zebra crossing shall have been provided on the B3181 in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are in place to enable pedestrians attracted to the facility and to access the site safely.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr M D Binks)

Notes

Mr Ingram (Agent) spoke;

Mr Sheppard (Objector) spoke;

Cllr Warren (Willand Parish Council) spoke;

Mr Sorenson (Devon County Council – Highway Authority) spoke;

The following late information was reported: Following committee of 18th March, discussions have been taking place between the applicants and DCC Highways regarding the most appropriate location for the new crossing point which was requested by members at that earlier meeting.

Initially, Ian Sorenson (DCC Highways) went out on site to look at the possibilities. Whilst the committee's favoured location was a new crossing on South View Road, Ian has advised that 'for vehicles approaching from the North west along south view road the close boarded fence obstructs visibility to the crossing and is in the control of the resident so without their consent it will stop a zebra being installed.'

Consequently, other options have been investigated and Ian is happy that a safe crossing point can be provided on the Halfway house leg of the B3181, and an additional drawing has been provided to illustrate this.

Whilst we have this general scheme for the purposes of the planning permission, the finer details will need to be resolved via a s278 agreement between applicant and DCC post planning permission being granted and prior to installation.

A further condition requiring provision of the crossing before the first opening of the shop to the public is therefore recommended as follows:

Condition 11:

The proposed retail store shall not be first open to the public until such time as the zebra crossing shall have been provided on the B3181 in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason 11:

To ensure that adequate facilities are in place to enable pedestrians attracted to the facility and to access the site safely.

(c) No 2 on the Plans *List (14/02132/FULL – Conversion and extension of former public house into six dwellings – Former Hare & Hounds, 138 Chapel Street, Tiverton).*

The Head of Planning and Regeneration outlined the contents of the report by way of presentation highlighting the site in its present form and the proposed development explaining the proposed layout, the range of buildings at the rear of the site that would be demolished in part, the amenity outside space, parking spaces, the front and side elevations of the proposed development and photographs from various aspects of the site. She stated that the Environment Agency was now satisfied with the application following a flood risk assessment and proposed resilience measures. Discussion took place regarding:

- South West Water issues with regard to the sewerage system
- The possible reduction in vehicle movements to and from the site, although objections were raised as it was thought that there would be more movements especially in the mornings
- Possible poor visibility and the impact of children using the pavement on the way to school
- Whether the loss of the public house was significant

- Whether a site visit was required

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr R L Stanley and seconded by Cllr M D Binks)

Notes

Cllrs Mrs F J Colthorpe, A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas, R F Radford, Mrs M E Squires and K D Wilson declared personal interests as the objector was known to them;

Cllr N V Davey declared a personal interest as a member of the CAMRA Group

Cllr K D Wilson declared a personal interest as the Flood Warden for Tiverton Town Council

Mr Spurway (Agent) spoke;

Mrs Beard (Objector) spoke;

Cllrs N V Davey and D J Knowles spoke as Ward Members;

A proposal to defer the application so that a site visit could take place was not supported;

Cllrs D J Knowles and K D Wilson requested that their vote against the decision be recorded.

(d) No 3 on the Plans List (15/00015//FULL – *Erection of dwelling following demolition of existing partially demolished barns – The Old Forge (adjacent to Hill View Farm, New Buildings, Sandford).*

The Area Planning Officer outlined the contents of the report highlighting the history of the site and the demolition on safety grounds that had taken place. Members viewed existing and proposed site plans, the proposed site layout and floor plans, elevations and photographs from various aspects of the site.

With regard to questions raised earlier in the meeting and the demolition process, the officer stated that Building Control officers had tried to work with the former owner of the site regarding safety issues for over a year before the partial demolition had taken place (by the new owner).

Discussion took place regarding:

- The history of the demolition process
- The Conservation Officer's view
- Concerns of the neighbouring farmer with regard to access to his farm and road safety issues with regard to passing tractors and livestock
- The position of the proposed front door onto the road and possible alterations to the design
- New development in the countryside

- Policy DM12 and paragraph 55 of the National Planning Policy Framework

RESOLVED that the Committee wished to approve the application and that delegated authority be given to the Head of Planning and Regeneration in consultation with the Ward Member following negotiations to achieve revised plans to resolve issues with regard to the design of the front door and that a set of conditions be formulated. The reason given for granting permission was that the proposal achieved the improvement and enhancement of the area and that in this instance this was seen as outweighing the policy concerns.

(Proposed by Cllr K D Wilson and seconded by Cllr M D Binks)

Notes

Cllr Mrs M E Squires declared a Disclosable Pecuniary Interest in the application as she was a neighbouring farmer and that business transactions had taken place in the past and therefore left the meeting during the discussion thereon;

Cllrs M D Binks, Mrs F J Colthorpe, J M Downes, A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas, R F Radford, J D Squire, R L Stanley and K D Wilson made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application;

Mrs Sanders (Applicant) spoke;

Mr Petherick (Objector) spoke;

Cllr M R Lee spoke as Ward Member

A proposal to refuse the application was not supported;

The following late information was reported:

The Conservation Officer agrees that the lack of assessment of impact on the setting of various listed buildings and the street scene in general is a gap in the information provided. New buildings is not a conservation area but is an historic and picturesque village with various Grade II listed buildings. The dilapidated and partially demolished building is not contributing positively to the area but the proposed replacement building is poorly designed also and is a mock-conservation with little detailing to convince me that it would make a positive impact on the setting of the listed buildings. The Conservation Officer agrees therefore that the application should be refused.

Further letter of support received 16th March 2015 – summarised as follows:-

- Scheme will tidy up place
- The builder has just renovated a similar property nearby which has been tastefully done
- Hopes that the Council will look favourably on the application

Page 99 of report, last para: Correction – Sentence reading:

“The hamlet consists of a mix of some 21 traditional thatched cottages and modern properties, including bungalow to the north west of the site”

To read:

The hamlet consists of a mix of some 38 traditional thatched and slated cottages and modern properties, including bungalow to the north west of the site”

Page 103 of report, penultimate para: Correction – Sentence reading.

“It would previously have had a corrugated iron roof and the site also appears to have contained a well”

To read

“It would previously most likely have had a corrugated iron roof (subsequently converted to natural slate) and the site also appears to have contained a well”

Page 105-106 – Sentence reading

“At the time of this report , the further comments of the CEHO have yet to be received, and will be reported to the Committee, although such matters can normally be controlled by suitable conditions requiring remedial or other works as may be necessary”

To read

“The further comments of the CEHO have now been received with regards to a Phase 2 intrusive investigation and risk assessment, and which are as now reported under the ‘Consultations’ section of this report. The views of the CEHO are that the assessment of the works and procedures as set out in the submitted Ruddlesden Contamination Report must be completed and in accordance with an agreed remediation scheme. These conditions would need to attach to any grant of planning consent for this scheme.”

(e) No 4 on the Plans *List (14/00197/FULL – Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised Scheme) 52 Oak Close, Tiverton).*

The Head of Planning and Regeneration outlined the contents of the report highlighting the extensions to the dwelling that had previous planning permission and explaining that the application before the committee required an additional extension to the side of the dwelling. She highlighted by way of presentation the extension plans, the proposed ground floor and first floor plans and the existing and proposed elevations and presented photographs from various aspects of the site emphasising her concerns regarding the size of the proposed extension and the impact it would have on the neighbouring property.

Discussion took place regarding:

- The proposed roof level would be no higher than the ridge if viewed from the road;
- The neighbour had written a letter of support regarding the application;
- Possible amendments to the design to produce a hipped roof
- The height extension to a property to the rear of the dwelling concerned

RESOLVED that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to formulate a set of conditions for the extension of the property. The reason given for granting permission was that the proposal was not considered to have an adverse impact on neighbouring properties or the streetscene as the height of the roof did not exceed that of the existing bungalow and due to the pitched roof, the design was acceptable. Accordingly, the development was considered in compliance with the following policies: COR2, COR 13 Mid Devon Core Strategy (LP1) and DM2, DM13 Development Management Policies (LP3)

(Proposed by Cllr R L Stanley and seconded by Cllr M D Binks)

Notes

Cllr D J Knowles declared a personal interest as he had been on site to meet the applicant;

Cllrs Mrs F J Colthorpe, A V G Griffiths, Mrs L J Holloway, D J Knowles, E G Luxton and K D Wilson made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Cllr Mrs J R Rendle (Ward Member) spoke;

Cllrs Mrs F J Colthorpe, Mrs L J Holloway, J D Squire and Mrs M E Squires requested that their vote against the decision be recorded;

Cllr J M Downes requested that his abstention from voting be recorded;

The following late information was reported: One further letter of support was received on the 30/03/2015 - summarised below;

- The neighbouring dwelling fully supports the proposal as they do not think it will impact on their property.
- The applicants have consulted with their neighbours from the start of the process
- A large dormer window behind the neighbouring dwelling was permitted, which causes more harm than this scheme. (The dormer window was permitted development and the local planning authority has no control over this)

This proposal will allow the family to remain in their dwelling for a longer period of time.

182 **THE DELEGATED LIST (4-26-46)**

The Committee **NOTED** the decisions contained in the Delegated List *.

The questions raised at the beginning of the meeting regarding items on the list would receive a written response.

Note: *List previously circulated; copy attached to signed Minutes.

183 **MAJOR APPLICATIONS WITH NO DECISION (4-27-34)**

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

Application 15/00391/MOUT had already been called in by one of the Ward Member's and would be brought before the Committee for determination if minded to approve.

Information would be provided at the next meeting giving an overall view of the major list at the end of the administrative year.

Note: *List previously circulated; copy attached to the signed Minutes.

184 **APPLICATION 14/02077/FULL - ERECTION OF A DWELLING WITH PARKING AND ASSOCIATED ACCESS (REVISED SCHEME) AT 11 UPLOWMAN ROAD, TIVERTON**

This item had been deferred until the next meeting as reported earlier in the meeting.

Update Sheet

(The meeting ended at 7.02 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 1st April 2015

Applications of a non-delegated nature

UPDATES

<u>Item No.</u>	Description
1.	<p>14/02116/FULL - Erection of retail store, formation of access, car parking and service area, with landscaping and associated works at Land at NGR 303843 111382 (Mid Devon Business Park), South View Road, Willand.</p> <p>Following committee of 18th March, discussions have been taking place between the applicants and DCC Highways regarding the most appropriate location for the new crossing point which was requested by members at that earlier meeting.</p> <p>Initially, Ian Sorenson (DCC Highways) went out on site to look at the possibilities. Whilst the committee's favoured location was a new crossing on South View Road, Ian has advised that 'for vehicles approaching from the North west along south view road the close boarded fence obstructs visibility to the crossing and is in the control of the resident so without their consent it will stop a zebra being installed.'</p> <p>Consequently, other options have been investigated and Ian is happy that a safe crossing point can be provided on the Halfway house leg of the B3181, and an additional drawing has been provided to illustrate this.</p> <p>Whilst we have this general scheme for the purposes of the planning permission, the finer details will need to be resolved via a s278 agreement between applicant and DCC post planning permission being granted and prior to installation.</p> <p>A <u>further condition</u> requiring provision of the crossing before the first opening of the shop to the public is therefore recommended as follows: Condition 11: The proposed retail store shall not be first open to the public until such time as the zebra crossing shall have been provided on the B3181 in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. Reason 11: To ensure that adequate facilities are in place to enable pedestrians attracted to the facility and to access the site safely.</p>
2.	14/02132/FULL - Conversion and extension of former public house into six dwellings at Former Hare & Hounds, 138 Chapel Street, Tiverton.
3.	<p>15/00011/FULL - Erection of dwelling following demolition of existing partially demolished barns at The Old Forge, (Adjacent To Hill View Farm), New Buildings.</p> <p>Consultation response received from Conservation Officer – 24th March 2015</p> <p>The Conservation Officer agrees that the lack of assessment of impact on the setting of various listed buildings and the street scene in general is a gap in the information provided.</p>

PLANNING COMMITTEE AGENDA - 1st April 2015

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	<p>New buildings is not a conservation area but is an historic and picturesque village with various Grade II listed buildings. The dilapidated and partially demolished building is not contributing positively to the area but the proposed replacement building is poorly designed also and is a mock-conservation with little detailing to convince me that it would make a positive impact on the setting of the listed buildings. The Conservation Officer agrees therefore that the application should be refused.</p> <p>Further letter of support received 16th March 2015 – summarised as follows:-</p> <ul style="list-style-type: none">• Scheme will tidy up place• The builder has just renovated a similar property nearby which has been tastefully done• Hopes that the Council will look favourably on the application <p>Page 99 of report, last para: Correction – Sentence reading:</p> <p>“The hamlet consists of a mix of some 21 traditional thatched cottages and modern properties, including bungalow to the north west of the site”</p> <p><u>To read:</u></p> <p>The hamlet consists of a mix of some 38 traditional thatched and slated cottages and modern properties, including bungalow to the north west of the site”</p> <p>Page 103 of report, penultimate para: Correction – Sentence reading.</p> <p>“It would previously have had a corrugated iron roof and the site also appears to have contained a well”</p> <p><u>To read</u></p> <p>“It would previously most likely have had a corrugated iron roof (subsequently converted to natural slate) and the site also appears to have contained a well”</p> <p>Page 105-106 – Sentence reading</p> <p>“At the time of this report , the further comments of the CEHO have yet to be received, and will be reported to the Committee, although such matters can normally be controlled by suitable conditions requiring remedial or other works as may be necessary”</p> <p><u>To read</u></p> <p>“The further comments of the CEHO have now been received with regards to a Phase 2 intrusive investigation and risk assessment, and which are as now reported under the ‘Consultations’ section of this report. The views of the CEHO are that the assessment of the works and procedures as set out in the submitted Ruddlesden Contamination Report must be completed and in accordance with an agreed remediation scheme. These conditions would need to attach to any grant of planning consent for this scheme.”</p>
4.	15/00197/FULL - Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme) at 52 Oak Close, Tiverton, Devon.

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	<p>One further letter of support was received on the 30/03/2015 - summarised below;</p> <ul style="list-style-type: none"> • The neighbouring dwelling fully supports the proposal as they do not think it will impact on their property. • The applicants have consulted with their neighbours from the start of the process • A large dormer window behind the neighbouring dwelling was permitted, which causes more harm than this scheme. (The dormer window was permitted development and the local planning authority has no control over this) • This proposal will allow the family to remain in their dwelling for a longer period of time.
5.	15/00280/FULL - Erection of single storey side extension and veranda to front (Revised scheme) at Thurlescombe East, Ash Thomas, Devon.

Agenda Items

1.	<p>14/00881/MOUT - Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road at Land East of Tiverton, South of A361, and Both North and South of Blundells Road, Uplowman Road, Tiverton.</p> <p style="color: red;">Amendments to description of proposal as described on page 21 as follows.</p> <p style="color: red;">Outline application for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 (already permitted under LPA refs: 14/00667/MFUL and 14/01168/MFUL) and access and egress onto Blundells Road.</p> <p>Updates as Planning Committee 18th March 2015 – (See minute 171 pages 16-19 of Agenda 1st April 2015).</p> <p>Except: Condition 2: Amend iii) as plans 'A low emissions strategy together with details of proposed implementation of mitigation measures with associated timescale'.</p>
2.	<p>14/02077/FULL - Erection of a dwelling with parking and associated access (Revised scheme) at 11 Uplowman Road, Tiverton, Devon.</p> <p>Deferred until 22nd April 2015 Committee</p>

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Enforcement Item

1.	14/00177/UDUR – Unauthorised development satellite dish front elevation in a conservation area at 11, New Street, Cullompton, Devon, EX15 1HA
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